2022

The Power of One: Majority Leadership Power in the United States Senate

Andrew Taylor Ordentlich
Colby College

Andrew Ordentlich

The Power of One: Majority Leadership Power in the United States Senate

Honors Thesis

Colby College Government Department

To my parents, Jen and Peter, who have supported me throughout my academic career. I would not be at Colby without you, and I will always be appreciative for all that you have done.

Table of Contents

Abstract

The United States Senate has long been heralded as an institution known for its strong reliance upon procedural rules and the leadership that is able to use those rules to their advantage. Recent leaders including Senators Reid, McConnell, and Schumer have attempted to reform the rules of the Senate to its advantage. But why are we seeing this influx in reform now? This thesis utilizes the theory of Conditional Party Government (CPG) to explain the prevalence and lack of reform between 1900 and today. Using roll-call vote data and primary sources such as historical newspapers and the Congressional Record, this study is able to determine just exactly how powerful Senate leadership is in influencing reform and legislation more broadly. In line with predictions of CPG, procedural reform in the Senate has historically occurred during times of partisan divide and slim chamber majorities. Majority Leaders have amassed significant institutional power over time which has led in turn to more partisan legislative outcomes as supermajority barriers such as the filibuster are dismantled.

Introduction

"[Senate Rules] must be changed to reflect changed circumstances" – Senator Robert Byrd, 1979. 125 Cong. Rec 143 (1979)

The United States Senate has undergone a plethora of changes since its inception on March 4, 1789, changes that span from the institutional to the procedural. The Senate has long prided itself on its rules, most notably the filibuster as a means for ensuring supermajority action. Compared to the House of Representatives, the Senate has historically been slower moving and more deliberate, a tradition of unlimited debate ensuring that issues are thoroughly discussed before a vote is taken. But in its original state, the Senate is a body of disorganization and chaos. Each Senator comes to the Senate with different backgrounds, different priorities, and most importantly, representing different constituents. These goals often conflict with one another as a victory for one Senator is commonly seen as a defeat for another. In order to tame this chaos, party leadership emerged as a means by which groups of Senators could organize to pass like-minded policy more efficiently. The strength of these party institutions, and more specifically, party leaders has waxed and waned over time, responding to internal preference changes among party members. As has been seen in the modern Senate, strong leadership, empowered by procedural changes, is able to influence legislation in several ways and change the rules of the Senate in order to more effectively pass legislation.

With its smaller size, the Senate has been host to several influential leaders, remembered for their wit, influence, and ultimately their legacy on the Senate. These leaders have all amassed great amounts of power, but the question remains whether this power is a result of their personalities and innate leadership ability or if certain leaders are more powerful because of changes to the position of Majority Leader. As has been seen recently, the Majority Leader is

able to significantly influence the ability of the Senate to pass substantial pieces of legislation through both compromise and attack. Historically, however, the power of leadership was ebbed and flowed resulting in certain periods characterized by strong leadership and others by weak leadership. It is during these periods of strong leadership in which procedural change occurs, altering the rules to the game and making it easier to collectively advance policy agendas through the Senate. Understanding why leadership is strong in certain periods and weak in others is crucial to explaining the development of institutional rules that define how legislation is passed.

The Senate is unique in a number of ways stemming from the Founder's desire for a smaller, deliberative body that could act as a check on the House of Representatives. Unlike most other legislative bodies across the world, the Senate has had a long tradition of unlimited debate, beginning with the development of the filibuster. Because of the lack of a limit on debate, Senators have the ability to delay consideration of a bill through endless debate. A practice that originated in the early 1850s, the filibuster has gone through a number of changes since. The first major change was the creation of a cloture rule aimed at preventing endless debate. With support from two-thirds of the chamber, Senators had the ability to end debate on a particular subject and move to a final vote. Over time, this two-thirds requirement would be shrunk to three-fifths of the chamber in 1975 and finally removed entirely for certain nominations beginning in 2013.

There have been several attempts to explain efforts at reform in the Senate, beginning with David Mayhew's theory that because legislators are "single-minded seekers of reelection" (Mayhew 2004, 5), any effort at reform must stem from their desire to increase their reelection chances. However, Mayhew's theory fails to explain certain reforms, such as cloture, that

empower leadership to force Senators to take a stance on issues that might compromise their election chances. Stemming from this gap, John Aldrich and David Rohde proposed a theory of Conditional Party Government (CPG) in which reform occurs during periods in which the two parties are ideologically distinct, yet internally united. Because policy goals of individual members are similar, they are more willing to give up power to leadership in order to more efficiently pass these policy proposals and ensure legislative wins. CPG was developed with a focus on the House of Representatives as the House contains institutions such as the Rules Committee that operate under the purview of majority leadership. The literature discussing the applicability of CPG to the Senate remains undeveloped. This thesis attempts to extend the theory of CPG to the Senate, arguing that historically, procedural change *has* occurred during times when CPG would expect it to.

In a unique approach combining both empirical and qualitative methods, this thesis gains a more comprehensive understanding for why procedural reform occurs when it does, and what role if any Majority Leaders play in facilitating those changes. In the Literature Review, I discuss the competing narratives of legislative organization and how they related to the Senate. Specifically, I argue that CPG represents the best theory at explaining procedural reform and that it can be accurately applied to the Senate, despite major institutional differences between the Senate and the House. Next, using Keith Poole's DW-NOMINATE scores that map the ideologies of senators over time, I identify three periods that satisfy the conditions of CPG to different extents. The first period, the early 20th century, is defined by a sharp ideological divide between the two parties and relatively non-competitive elections. The second period, the mid 20th century, also features a low sense of electoral vulnerability among members, but a small ideological divide between the two parties. Finally, the last period, beginning in the late 20th

century and continuing through today, is characterized by its high polarization between the two parties and high level of electoral competition. Qualitative evidence taken from newspapers, the Congressional Record, and Senator Robert Byrd's collection of Senate history, is used to argue that in periods where reform is predicted, reform occurs. Qualitative evidence is combined with legislative win-rate data to make claims about the importance of majority leaders during these periods, and their role in catalyzing procedural reform.

This thesis finds multiple instances of evidence in support of the predictions offered by CPG and that procedural reform does occur in periods in which the two parties are sharply divided, yet united internally. The first period sees the development of cloture, a tool at the disposal of the majority to limit obstruction attempts by the minority. The second period, however, sees attempts at further reforming cloture defeated and an effort to decentralize committees, reducing the power of leadership. The final period provides multiple instances of reform, stemming from the invocation of the nuclear option by Majority Leader Harry Reid in 2013. Finally, I conclude that the role of the Majority Leader as it relates to procedural reform has increased throughout time and that the reforms undertaken do have a noticeable effect on legislative outcomes, meaning that Majority Leaders are able to exert a great deal of institutional power on legislation. These findings are especially pertinent today as the Senate finds itself more divided than ever and calls for eliminating the filibuster entirely intensify. Extending the implications of these findings, as long as the Senate continues to remain as polarized as it is now, additional procedural reform should be expected, but electoral forces might work to limit the extent of these reforms. In an additional extension, such measures, while increasing the power of the majority and allowing it to pass influential pieces of legislation, work to contribute to the

growing partisan divide by discouraging compromise in favor of eliminating incentives aimed at inducing bipartisanship such as the filibuster.

Literature Review

1. Theoretical Considerations

This section will introduce the workhorse theory for this paper: Conditional Party Government. It will consider existing empirical evidence in support of the theory while also acknowledging critiques centering around a more majoritarian theory of legislative behavior. Ultimately this section will argue that many of the assumptions that drive CPG can be applied to the Senate whereas previous literature has focused almost exclusively on the House.

Theories of Legislative Behavior

Mayhew:

Political scientists have long grappled with the puzzle of explaining and predicting decisions made by members of legislative institutions. Rational choice theories, such as the one proposed by Mayhew, attempt to explain behavior through the lens of motivation. In the case of Mayhew, he concludes that members of Congress are "Single-minded seekers of reelection" (Mayhew 2004, 5). Because many of the institutional features of the House and Senate are created by legislators themselves, the conclusion offered by Mayhew implies that these institutions should be built to serve the electoral interests of members. With their elections in mind, legislators gravitated towards taking the position that gave them the most electoral advantage rather than coming into office with a strong set of policy goals. While Mayhew's theory remained popular among scholarship, significant developments occurred within Congress that would otherwise be unexpected by Mayhew. Within the House specifically, the Democratic party underwent reforms

in the committee selection system, namely the removal of the formal seniority nomination

process in 1974 which worked against the election interest of senior members as they no longer

received the recognition that came along with committee chair positions (Shepsle 1989).

Additionally, in 1973 members of the House leadership were included on the Committee on

Committees, dramatically increasing the say of the party establishment on committee

assignments (Shepsle 1989). These developments challenged Mayhew's theory in several ways.

First, in his assessment of Congress, Mayhew implied an equilibrium in which members'

reelection interests would lead to an institution that maximized the chances of reelection. Thus,

any change in the institutional structure must be explained in terms of members trying to

maximize their reelection chances. However, the developments throughout the 1970s directly

countered the electoral interests of members. The empowerment of the party came at the expense

of instruments commonly used to perpetuate electoral success such as committee chairmanship.

Where Mayhew offered a single-goal of reelection, that aim cannot explain the reform efforts

mentioned, indicating that legislators possess other motivations beyond reelection.

Fenno

In contrast to Mayhew, Fenno adopted a multiple-goals perspective, arguing that

legislators are motivated factors as opposed to just one. Member behavior can be explained, "as

being oriented toward reelection, good public policy, or chamber influence" (Fenno 1978, 137).

Fenno and Mayhew are not entirely contradictory as both see reelection as playing a role in

decision making, with Mayhew concluding that reelection is proximate goal of all legislators, but

the difference is the exclusivity of reelection as a motivation. Fenno suggests that in order to be

reelected, legislators need to enact meaningful policy, meaning that they are held accountable not

only for their individual actions, but for the actions of the chamber as a whole (Fenno 1978).

Implicit in Fenno's emphasis on the desire of MCs to create meaningful public policy is the idea that policy preferences among legislators are exogenous to electoral pressures. Individuals who actively make the decision to run for political office tend to hold strong policy preferences that they bring with them into office. Mayhew, however, abstracts away from the quality of public policy, viewing it as a signpost for candidates to signal to constituents about their stance on a particular issue to support their reelection campaign. The goal of public policy offered by Fenno helps to explain reform efforts in a way that Mayhew could not. Campaigns are largely candidate-centered and individualistic in nature, as famously demonstrated by the low approval rating for Congress as a whole, yet high approval for individual legislators. However, if as Fenno suggests, MCs truly do care about the policy they enact, then Congress can be better explained as collective action problem rather than separate individuals. Passing any sort of policy requires at least a simple majority within a chamber, requiring cooperation among MCs. Desired policy outcomes can only be achieved through institutional arrangements that give a sense of structure to behavior. In the 1970s, a high level of ideological overlap between the two parties resulted in collective goals that were not at odds with one another. With cleavages stemming from geographical instead of ideological roots, institutions aimed at uniting individuals with similar policy preferences such as party leadership were weak because cleavages existed within each party and not between the two parties.

Krehbiel

Similar to Fenno, Krehbiel suggests that policy preferences govern legislative behavior though Krehbiel argues that the collective action problem that plagues legislatures is solved without the requirement of a party structure (Krehbiel, Pivotal Politics: A Theory of U.S. Lawmaking 1998). Krehbiel theorizes that in trying to obtain enough votes to pass a piece of

legislation, congressional leaders will try and gain the votes of members along a continuum from lowest to highest cost. At some point along this continuum, there exists a critical point that gives the majority just enough votes to pass a piece of legislation (Krehbiel 1995). In Krehbiel's model, points on the continuum are decided by preferences on a specific piece of legislation. Following from this, leaders should be indifferent between gaining the vote of a Democrat or Republican so long as winning their vote is relatively low cost. Akin to Mayhew, Krehbiel argues that the center of legislative behavior lies in individual actions rather than legislative institutions. Individuals are assigned equal power in effecting legislation and as a result, Krehbiel argues, the median voter theorem should apply, and legislative outcomes should largely be nonpartisan and reflective of the median preference of the chamber (Krehbiel 1998).

Outcomes

The implications that come from consideration of Krehbiel's minimize the role of the party and predict largely median outcomes, a prediction that is empirically testable. In a study examining the 1994 "A to Z" discharge petition, Krehbiel concludes that legislative ratings assigned by interest groups did a better job at predicting whether an individual votes in favor of the discharge petition than simple party affiliation (Krehbiel 1995). The finding provides support for Krehbiel's preferences over party hypothesis and his larger argument that legislative outcomes would remain similar without the existence of parties. In a direct response to Krehbiel, research by Binder reexamined Krehbiel's analysis of the "A to Z" discharge petition. Binder argues instead that the ultimate failure of the bill, despite a majority of the chamber signing on as a cosponsor, provides evidence *in favor* of party leadership as the final outcome was not reflective of the median voter in the chamber (Binder, Lawerence and Maltzman, Uncovering the

Hidden Effect of Party 1999). Following Binder, many scholars have reached similar conclusions about the presence of non-median legislative outcomes. Cox and McCubbins use roll-rates, or the frequency in which a member votes no on a measure that passes, to investigate whether outcomes are more reflective of the median of the chamber or the median of the majority party (Cox and McCubbins 2002). If Krehbiel is correct, the difference between the chamber median and majority party median should be inconsequential as both should be "rolled" at a similar frequency. Examining roll call data between the 84th and 94th Congresses, Cox and McCubbins determine that the median voter was rolled on average 10% of the time whereas the median of the majority party was rolled only 1.6% (Cox and McCubbins 2002). Considering legislation specifically, Sinclair focuses on the majority party's usage of procedure to affect legislative outcomes. Sinclair shows that through the packaging of bills, exclusion of alternatives, and providing cover to vulnerable members, party leadership achieves outcomes that otherwise would not have been possible (Sinclair 1998). In response to Krehbiel, Sinclair notes that a bipartisan majority of the House would have supported reducing the child tax credit income cap under Gingrich, thus constituting the median position of the chamber (Sinclair 1998). However, because an amendment aimed at lowering the cap was not allowed by the special rule under which the bill was being considered, the bill passed without the cap reduction provision, constituting a non-median outcome only possible given Gingrich's.

Unanswered Questions

With empirical evidence seeming to counter Krehbiel's theory, the question of what Krehbiel and Mayhew missed remains unanswered. The missing piece, ignored by Mayhew and dismissed by Krehbiel, is the role of the party. In understanding why parties matter, it is first

important to discuss the incentives that parties provide to individual legislators. Each legislator brings with him or her distinct policy preferences into the chamber. However, in order to pass legislation, an individual needs the support of a majority of the chamber, often requiring acquiring support from individuals with different policy preferences. What results is akin to a Prisoner's Dilemma in which if each actor chooses their optimal choice independently, they fail to achieve the highest level of utility (Aldrich 2011). Consider a legislator of two individuals, one supporting a $10 million budget and one supporting a $5 million budget. If acting independently, each will vote for their respective budget and neither will pass, resulting in both actors being made worse off. If the two cooperated and struck a deal in favor of a $7.5 million budget, then both would be made better off. Thus, this represents a collective action dilemma in that without compromise and cooperation, each person is made worse off. Continuing the above hypothetical, the two legislators might choose to overcome this dilemma through the creation of a political party. Together, the two of them could agree to vote in favor of any legislation that would make them both better off while voting against any legislation that makes the two of them worse off.

Both Krehbiel and Mayhew understood the resulting collective action problem within the legislature, with Krehbiel arguing that preferences alone could overcome the dilemma. However, what the two missed was the extension of the collective action problem to elections. As Krehbiel and Mayhew both argue, candidates want to win elections and in order to do so, they need to gather more votes than their opponents. In order to do so, candidates often will attempt to lower the cost of voting by organizing voter drives, providing information, and stressing the importance of individual votes (Aldrich 2011). One of the easiest means for candidates to succeed in these efforts is through the decision to join a political party. Political parties provide

labels to candidates that convey a great deal of information to voters at no cost to the candidates. For example, voters can make informed decisions on a candidates' stance on a particular issue based on whether they are a Democrat or Republican. Political parties also provide candidates with a core group of supporters that act as activists in supporting campaigns through financial donations and volunteering. A theory on legislative behavior and organization must consider the advantages that party affiliation provides both inside the legislature and during elections.

Conditional Party Government

Sensing that work completed by Mayhew and Krehbiel left questions surrounding institutional strength unanswered, Aldrich and Rohde combined both policy and electoral goals with rational choice in their theory of Conditional Party Government (CPG). Akin to Fenno, CPG places an emphasis on the policy preferences that members bring with them to Congress and hold them accountable for the goals of the collective (Aldrich and Rohde 2001). These preferences are revealed through actions taken such as voting, bill writing, and nominating officials. Member preferences are not entirely endogenous, that is to say, preferences are influenced by a number of forces including election pressures, fundraising and interest group activity, and the media. As a theory grounded in rational choice, CPG assumes that all actions taken by legislators work to maximize their utility, but unlike Mayhew, CPG defines utility as achieving policy outcomes, not just reelection. However, CPG still places a heavy emphasis on reelection for in order to enact policy, a member needs to be first elected into office.

Outside of the factors mentioned above, CPG adds that members' behavior is shaped in large part through the legislative party. The interaction between a party and an individual goes through one of two channels. The first occurs when a party is acting as an electoral institution.

Political parties are responsible for assisting with the election of their members through fundraising, providing staff, and advertising (Aldrich and Rohde 2001). These resources are incredibly valuable to campaigns and as such, much of these are conditional upon a candidate conforming with certain broader preferences. The second channel occurs through legislative behavior. As with any majoritarian form of government, being able to pass effective policy is contingent on a majority of legislators voting in favor of the said policy. Because each member brings with them a different set of policy goals, convincing a majority of the legislature to pursue a specific course of action is challenging. In the Senate specifically, with over 100 different individuals, policy preferences are wide-ranging and a central authority is needed to combine these different preferences into a piece of legislation. Small differences in policy preferences can be reconciled through compromise and results in policy that leaves the majority of the chamber satisfied. Instead, political parties take a pivotal role in streamlining legislative procedures and the majority party, specifically, is endowed with a swath of procedural tools it can use to nudge favorable legislation though both the amount of these tools available and the usage of these tools fluctuates over time (Aldrich and Rohde 2001). The two channels are interrelated as a party's success as an electoral institution determines its success in most part as a legislative institution. On an individual level, each MC desires to be in the majority because the majority is endowed with certain procedural tools that make it easier to pass legislation, resulting in increased utility as passing policy becomes easier. Once in the majority, MCs desire to remain in the majority in order to keep creating policy that reflects their preferences.

One of the main functions of parties as legislative institutions is encouraging individual senators to put aside their differences and pass effective policy by overcoming collective action barriers. One avenue by which they accomplish this is through party leadership within the

legislature. In the Senate, desires to overcome collective action problems have resulted in the Majority Leader being given the ability to determine the schedule of business for the Senate along with coordinating floor strategy through procedural devices such as cloture and reconciliation. In times when policy preferences align and there is a common understanding in favor of collective action, legislators might be willing to cede some of their individualism in favor of stronger leadership and greater procedural power. During other times, Senators might be skeptical of leadership and reserve certain powers to preserve open floor access.

The condition of CPG is derived from the array of policy preferences within a party at any given point in time in conjunction with the electoral climate of the time. On the preference side, two interactions -- intra-party and inter-party -- determine the amount of power that a majority is willing to cede to leadership. First, the more homogenous, or ideologically similar, a particular party becomes, the more powerful leadership should become (Aldrich and Rohde 2001). During these periods, legislators share common views on issues shaping party policy and because these views are so similar, they will place more power in the leadership in order to enact these preferences. While collective action problems are greatly reduced because of the similar preferences, time is still a limited commodity and empowering leadership can result in a more efficient allocation of time such that the chamber is able to consider more pieces of legislation. Second, the more heterogeneous the two parties become with respect to another, the stronger the party leadership becomes. When the two parties are ideologically very separated, the idea of giving the other party a "win" becomes so hard to bear those legislators will place trust in party leadership to ensure that the other side "wins" as little as possible (Aldrich and Rohde 2001).

On the electoral side, leadership power is a function of electoral safety. Taking a page from Mayhew, CPG posits that legislative preferences are influenced in large part by legislators'

desire to be reelected. While legislators do care about other goals, such as enacting meaningful public policy, such goals are impossible to achieve without first being elected into office. With that in mind, CPG hypothesizes that during times of electoral competitiveness, legislators will be less willing to grant new powers to party leadership because of the worry that these powers could be used to force them into taking a policy stance that puts them at increased risk of losing their next election (Aldrich and Rohde 2001). On the opposite side, during times of relative electoral safety, legislators will place less weight on protecting their electoral chances, for they are likely to be reelected largely regardless of policy preferences.

Empirical Support

As described by David Rohde, one of the most applicable empirical tests of the validity of CPG came with the 1994 elections which brought the Republicans a majority in the House for the first time in 40 years (Rohde 2013). On the electoral side, Republicans had replaced multiple moderate southern Democrats with strong conservatives in a surprising swing. The immense swing between moderate liberalism to strong conservatism is best interpreted to indicate that the two parties had clear cleavages between them, satisfying the condition of CPG. With the right set of ingredients, CPG would predict Republicans to increase the power of their leadership in order to attain preferential policy outcomes.

Indeed, the policies employed by newly elected Speaker, Newt Gingrich, more than supported the prediction of CPG. Speaker Gingrich and the Republicans implemented a slew of reforms aimed at reducing the influence of individual members in favor of stronger leadership. Committee autonomy was significantly hampered with the imposition of term limits for committee chairs and a reduction in the number of seats on each committee (Rohde 2013). The

party also focused efforts on the Appropriations Committee where the chair was chosen by none other than Gingrich himself and the Republicans were overrepresented within the committee when compared to their representation in the broader House. Gingrich required all subcommittee chairs to sign a letter of commitment, ensuring that party policy goals would be prioritized within the committee (Rohde 2013).

Applicability of CPG to the Senate

Institutional Differences

Much of the work conducted by Aldrich and Rohde in developing the theory of CPG centers around the House of Representatives. Focusing on the House offers several theoretical advantages but most importantly, legislation in the House is dominated by the Rules Committee as with 435 Representatives, increased structure is required to meet the larger collective action dilemma. The Rules Committee can offer special rules that not only limit the amount of time allotted for debate and the number of permissible amendments, but the committee can include self-executing amendments that can alter the substance of proposed bills (Dion and Huber 1996). The Speaker of the House is granted the power to nominate members to the Rules Committee, essentially making the committee an arm of party leadership. In the context of the CPG, the existence of the Rules Committee in the House provides a clear avenue by which outcomes can be examined. In times where the condition of CPG is met, the Rules Committee should be using special rules more frequently to limit the number of amendments and restrict floor proceedings, an outcome that is easily measurable (Aldrich and Rohde 2021). Other than Unanimous Consent

Agreements, no such mechanism exists in the Senate by which legislation enters the floor under a set of guidelines and rules.

In addition to the lack of rules governing debate, the Senate contains several structural barriers, such as the filibuster, that act to reduce the influence of partisan forces, possibly limiting the applicability of party-based theories such as CPG. Most notably, as suggested by Oppenheimer, the existence of cloture "creates a catch-22 for party leaders" (Oppenheimer and Hetherington 2008, 199). Since 1917, the Senate has maintained a voting threshold required to dismiss filibusters and move towards a final vote on a piece of legislation. Originally instituted at a two-thirds majority, in 1975 cloture was reduced to three-fifths of the chamber or 60 senators. Since threshold reduction, there have only been two instances where a party was able to capture at least 60 seats (94th and 95th Congresses). As a result, it is often required that party leaders must either offer up more moderate policies or cater to the requests of the opposition party. Under this context, legislation should be more reflective of the chamber median rather than the party coalition median position. Analyzing attempts at passing an energy bill between 2001-2005, Oppenheimer concluded that legislation *was* closer to the chamber median, suggesting that because of the existence of the filibuster, the partisan outcomes predicted as result of CPG might be more limited in the Senate than in the House (Oppenheimer and Hetherington 2008).

Oppenheimer continues by arguing that cloture is not the only thing hindering CPG in the Senate. Additionally, Oppenheimer notes that, unlike the House, the majority leader has relatively few ways of controlling committee assignments and that the seniority system for committee assignments is much stronger in the Senate than in the House (Oppenheimer and Hetherington 2008). Electorally, senators gain influence simply from being a senator whereas, in the House, committee assignments and chair positions often serve as status symbols. This is to

suggest that there might be a disconnect between chamber influence and electoral success within the Senate, meaning that committee assignments are less contentious. The existence of the filibuster along with the limited committees act as practical barriers against CPG. While there exists no reason to believe that the conditions of CPG would apply differently in the Senate, the filibuster might act as a barrier to procedural reform by requiring a super-majority instead of the simple majority in the House.

In response to the arguments offered by Oppenheimer, it is important to note that just because CPG might be less applicable to the Senate, that is not to suggest that it cannot be applied. As discussed above, CPG places a premium on procedural reform with the goal of fast-tracking the implementation of policy preferences. Senate-specific structural barriers such as the filibuster do inhibit the latter half of this goal, but as seen in 1975, the filibuster has been amended to better reflect majoritarian attitudes during certain periods in time. In contrast to House-based CPG studies, the applicability of CPG in the Senate lies primarily in agenda control other devices aimed at managing the Senate floor rather than the committee-based approach undertaken in the House. Additionally, the position of the Majority Leader has been given additional procedural power during certain periods in time, an outcome that is produced as a function of CPG. Because the same theoretical foundations hold in both the House and Senate, it remains a question of not whether CPG *is* applicable to the Senate, but just *how* applicable CPG is.

Majority Leader Power

Before launching into a detailed discussion surrounding procedural reform history in the Senate, it is crucial to understand what strategies are available for leadership to use in order to

exert influence. As previously discussed, institutional barriers embedded in the Senate result in "rules [that] empower the individual and make even fairly small sized minorities formidable antagonists to the majority party" (Cox and McCubbins 2002, 218). Many theories of senatorial leadership power rely on the ability of the majority's agenda control. Unlike in the House, once a bill makes it out of committee, it is automatically placed on the floor calendar and any senator may enter a motion to consider. However, since 1937 the right of first recognition has belonged to the majority leader, effectively giving them along with the minority leader, a degree of control over the agenda. Changes such as this are not without explanation and as will be discussed later, the electoral vulnerability felt by MCs during the time contributed to the creation of this power. Additionally, the lack of restrictions on amendments allows senators to enter any amendment they see fit on a bill, regardless of its germaneness. Studies focused on investigating agenda control power have primarily utilized the concept of "roll rates" or the number of times when a majority of a party opposes a bill or nomination, but it still passes. Cox and McCubbins found that on average, the majority and minority are rolled on 6.4% and 31.6% of votes (Cox and McCubbins 2002). The 24-point difference in roll rates suggests that the majority is able to block legislation that it otherwise would have opposed and is an effective tool under the majority leader's control.

Conclusion-CPG

While the degree to which CPG applies to the Senate is subject to debate and will be investigated throughout this thesis, reforms that occurred in the House and explained through CPG were often followed by similar reforms in the Senate. As CPG has been able to explain procedural from in

the House, it follows that because similar reforms also occur at the same time in the Senate, CPG can be applied as a explanatory tool.

Concepts and Methods

Hypotheses:

H1: Conditional Party Government: As policy preferences within a party become more similar to one another and as they become more distinct from the other party, members of the majority party will give the majority leader strong procedural power.

The literature and theory suggest that despite certain institutional differences between the House and Senate, CPG should provide value in predicting reform in the Senate. Support for this hypothesis would mean that in times where the condition of CPG is met, there should be strong evidence of senators entrusting majority leaders with stronger procedural power. On the contrary, evidence opposite this hypothesis would be in line with research offered by Oppenheimer that suggests structural barriers within the Senate limit the applicability of CPG in the Senate.

H2: Electoral Vulnerability: As members of a party become increasingly electorally vulnerable, procedural devices limiting individualism such as cloture reform will be opposed in order to prevent leadership from forcing members to take a particular policy stance.

If the electoral landscape changes in such a way that more senators are vulnerable to being voted out of office, I expect that senators become less inclined to empower majority leadership in fear of being tied to policy agendas. During times of vulnerability, attempts at procedural reform should either be opposed on the Senate floor or prevented from reaching the floor in the first place. On the other hand, a negative finding would give merit to the argument that the electoral

success of a senator is tied to their parties' legislative success. For example, if the Democrats fail to pass legislation on climate change and they are punished during the next cycle, it makes sense for them to empower leadership in hopes of streamlining policy goals.

H3: "Ratcheting Up Effect": As party leaders in the Senate gain more procedural power, that power will continue to stay in effect regardless of changing Senate dynamics.

In its most theoretical sense, CPG would predict a constant ebb and flow of leadership power as the conditions fluctuate. If the two parties move closer to each other on a policy spectrum, CPG would suggest that majority leaders should be stripped of their power as collective action problems are easier to solve without the need to rely on procedural devices. This question has thus far been left untouched by the literature, suggesting an avenue by which CPG can be further investigated.

H4: Leadership Power: Procedural reform originates organically among Senators rather than being promogulated by leadership themselves.

Much of the literature suggests that while the majority leader is powerful in a procedural sense when compared to the Speaker in the House, they are quite weaker. If support for this hypothesis is found, then the role of the majority leader is limited in the sense that they are unable to undertake reform that enhances their own power.

Methods:

This thesis' uniqueness stems from the unique measurement strategy for understanding periods of CPG in the United States Senate. As stated previously, essential variables for CPG include

those related to intra-party preference homogeneity, inter-party heterogeneity, and electoral competitiveness. To quantify and map legislator preferences, this paper will rely heavily on DW-NOMINATE.

DW-NOMINATE:

Engineered by Poole and Rosenthal, DW-NOMINATE operates under the assumption that issues can be bundled in such a way that a politician's stance on one issue can be used to predict their stance on a separate, unrelated one (Poole and Rosenthal, A Spatial Model for Legislative Roll Call Analysis 1985). In other words, there is a probability that any one legislator will vote with any other legislation on a given bill, given how they have voted with or against one another on previous bills. Taking this one step further, the wide universe of issue areas and positions can be summarized by a simple spatial model. DW-NOMINATE represents each legislator as a point in Euclidian space as determined by yes/no roll call voting (Poole and Rosenthal, A Spatial Model for Legislative Roll Call Analysis 1985). Poole and Rosenthal determined that between 80 and 95% of all roll call votes fall along two dimensions (Poole, Rosenthal and Koford 1991). The first dimension characterizes the differences between liberals and conservatives along economic lines and the second dimension focuses on regional differences, usually social issues such as race, between the two parties. The first dimension primarily reflects the broader economic conflict between the rich and poor while the second represented regional differences on the issue of slavery and later race. Since the 1960s and the passage of civil rights legislation, the second dimension has grown to include various social issues from gender to abortion rights (Poole and Rosenthal 1985). The end product scores every legislator on a spectrum from one being the most conservative, to negative one being the most

liberal. As an example, the most liberal senator in the 116th Congress, Elizabeth Warren of Massachusetts, had a DW-NOMINATE of -0.759, and the most conservative senator, Mike Lee of Utah, had a score of 0.897 (Lewis, 117th Congress: Senators 2022).

Limitations and Critiques

As with any form of measurement, DW-NOMINATE is not without its limitations and more importantly, critiques. Caughey and Schickler argue that using DW-NOMINATE in a historical context where party lines are blurred can lead to results that are not easily interpretable (Caughey and Schickler 2016). Citing results from the 1920s, they contend that while DW-NOMINATE suggests an ideologically divided Senate, anecdotal evidence suggests otherwise. The discrepancy results from an assumption by DW-NOMINATE that legislators' ideal points shift linearly over time, meaning that sudden shifts in ideologically are not captured as quickly as they occur. For example if a legislator becomes more fiscally liberal over the course of a few months, that change is mapped linearly over time as opposed to a sudden change in a particular point in time. Another area of critique addresses the idea that DW-NOMINATE simply assumes that legislator preferences are the only force at play when using roll call data. Lee argues that in the Gilded Age during the late 19th century, fights between the parties stemmed from disagreements over patronage rather than ideological differences, yet DW-NOMINATE attributes these fights to ideology (Lee 2016).

In response to these critiques, scholars have argued that DW-NOMINATE provides the easiest form of ideology mapping without *significant* shortcomings. First, addressing the concerns of Lee, McCarty argues that DW-NOMINATE is more than a measure of where the two parties lie, but is also capable of capturing disagreement *within* the parties (McCarty 2016). In the Gilded Age specifically, ideological cleavages remain stagnant for long periods of time,

suggesting that if patronization was the driving force between the divide, coalitions should be much more instable as politicians catered to whichever party was able to give them a better deal. In response to arguments attacking the linear-movement assumption of DW-NOMINATE, DW-NOMINATE was expanded by Nokken to allow for free movement with Nokken-Poole estimators. What is worth noting is that even when legislators are constrained to a single point throughout their career, the results produced are almost identical to when legislators are allowed to move freely, answering one of the questions posed by DW-NOMINATE critics (Nokken and Poole 2004). Put another way, the assumption that legislators move linearly throughout their career is well-founded and relaxation does not drastically alter results.

Independent Variables:

Intra-Party Homogeneity: CPG predicts that as legislator preferences become more aligned with one another, leadership should be empowered in order to facilitate the passing of a common agenda through the Senate. Previous studies investigating polarization within the parties such as (Yang, et al. 2020), (Choi 2017), and (Hirano, et al. 2010) have all relied on using the standard deviation of DW-NOMINATE scores to determine how ideologically "spread" a party is. DW-NOMINATE data was collected between 1913 and 2021 from www.voteview.com (Lewis, Voteview: Congressional Roll-Call Votes Database 2022). 1913 was chosen as the beginning of the data set in order to align with the ratification of the 17th Amendment allowing for the direct election of Senators. Following Aldrich and Rohde, standard deviation is reported in the form of a ratio of the Democratic party to the full Senate (Aldrich and Rohde 1998). The Democratic party was chosen as they were in the majority for a high proportion of the years

during this time. Including the standard deviation of the whole Senate allows for the inclusion of the Republicans during this time, giving a more complete picture of party polarization.

Inter-Party Heterogeneity: Again, following CPG, as the ideological distance between the two parties increases, senators should be expected to empower their leaders because a victory for the other party is more damaging than if the parties were closer aligned. Aldrich and Rohde propose measuring this as the difference between the location of the median Democrat and the median Republican (Aldrich and Rohde 1998). Poole and Rosenthal use a different approach in which they calculate the average distance between all pairs of members of opposing parties (Poole and Rosenthal 2001). The two measures are highly correlated and as such for simplicity, the distance between each parties' median legislator will be used. A second measure utilized by both authors is the overlap ratio, or how many Democrats are ideologically closer to Republicans and vice versa. Aldrich and Rodhe measure this as the minimum number of legislators that would have to be flipped in order to completely separate the two parties. For example, if 5 Democrats had ideal points that were more conservative than the most liberal Republican, the overlap ratio would be 0.05 in that 5% of the Senate would need to be relabeled in order to yield a complete separation of the parties along ideological lines. A high overlap ratio essentially means that the party label conveys little information about the policy preferences about an individual senator. If 20% of the Senate is overlapped, then there are several Democrats who have conservative policy preferences and several Republicans who have liberal policy preferences. This paper will follow in the steps of Aldrich and Rohde in determining the overlap ratio.

Electoral Competition: The final component of CPG, as the electoral climate becomes more competitive, senators should work to preserve floor access and limit leadership power. The

Clerk of the House has collected official election statistics beginning in 1920 and are available on the internet (History 2022). Conceptualizing exactly how electorally vulnerable a party is at any given point in time proved to be quite the endeavor. First, in the context of CPG, electoral vulnerability has two facets: the individual and the party. For a party to attain its ultimate goal of controlling the majority, it needs to have enough individual senators win their elections to control a majority of the seats. While how an individual senator fares in an election depends on several factors outside of the scope of this thesis, for the purposes of capturing individual vulnerability I will abstract away from these measures and instead focus on the margin of victory in an election. This assumes that when deciding whether a senator is vulnerable, they will look towards the electoral fortunes of their party. In the extreme case, if the average margin of victory within a party is 100%, then I would expect a senator to be extremely electorally safe. Second, I will assume that both parties and individual legislators care about being in the majority. This is in line with the multiple goals theory of Fenno and assumes that legislators are motivated in part by their ability to pass good public policy, something that is much more attainable if they are part of the majority. I will be using a measure of distance from winning the majority to track how closely divided the chamber is at any given time. On one extreme, if a party has huge margin of seats (say the Democrats in 1936), then from a public policy perspective the party is relatively safe for they can afford to lose several seats and still remain in the majority. On the other side, if the chamber is closely contested (the modern senate), then both parties should feel relatively vulnerable because their position in the majority is subject to change at any given time. The two independent variables, polarization and electoral vulnerability in theory should oppose each other and as such there is empirical value in separating the two to determine which, if any, is the dominant effect. Combining the two would make it impossible to disentangle whether legislators

are empowering leadership because they feel electorally vulnerable, or because of increased polarization.

Caveat:

It is crucial to note that the above variables represent *necessary* conditions for majority leaders becoming more powerful but are not to be misrepresented as individually *sufficient* conditions for the increase in leader power. That being said, taken together the above variables are jointly sufficient conditions for the empowerment of leadership.

Dependent Variables:

The dependent variables that this paper concerns are instances of procedural reform that increase majority leader power. Because this paper is considering power fluctuations over a large period, the type of procedural reform will change based on the specific time period. This indicates a departure from the literature that has long focused on relating changes in party composition to a single avenue of leadership power. For example, there is a wide body of work on the filibuster, committee composition, seniority system, reconciliation, and agenda control more broadly. In contrast, this paper will consider a collection of mechanisms used to increase power in order to account for the historical differences between periods. Certain procedural developments such as reconciliation were only available to recent majority leaders, whereas a broader collection of procedural devices can be used throughout the time period in question to establish patterns in the empowering of leaders. In order to identify the development and usage of these devices, this paper will rely extensively on accounts from the Congressional Record. Through a search function provided by GovInfo, it is possible to isolate specific debates and

speeches on the Senate floor surrounding procedural change and better understand why certain senators supported and opposed particular reforms.

In order to better empirically evaluate the role that majority leaders play in influencing legislation and roll-call outcomes, this thesis will make use of what will be referred to as legislative "win rates". As defined, a majority "wins" when they able to pass a bill that is favored by a majority of their caucus or defeat a bill that is opposed by a majority of their caucus. One caveat to this measure is that in its construction is that bipartisanship is punished in the construction of the measure. This draws from the assumption that political parties prioritize the policy goals of their caucus rather than that of the chamber and as such any successful attempt by the minority to influence legislation is considered a defeat of sorts. Win rates provide empirical evidence about the effectiveness of particular leaders as strong leaders should see higher win rates based on their ability to control the agenda and their caucus. On the other side, weak leaders should see lower win rates as the minority is better able to block majority action. Roll call data was collected from the archived version of Voteview.com[1] as prepared by Keith Poole.

Case Study Structure:

As has been alluded to throughout this section, the historical nature of this study lends itself to a case study-centered approach. First, because this paper is considering the Senate during many different periods, both historical and institutional context is required to understand the often-elusive mechanisms by which procedural power is changed. Second, because of the casual conditions identified, testing of hypothesis is streamlined by the consideration of cases in which a certain number of the necessary conditions are satisfied. Finally, usage of case studies allows

---

[1] Available at https://legacy.voteview.com/dwnl.htm

me to add a certain specificity that would otherwise be unable to reach through traditional empirical methods. Development of rule changes often requires a considerable amount of deliberation and strategizing that requires a more micro-level lens to capture.

The independent variables discussed above, indicating the necessary conditions for majority leader power combined with data through DW-NOMINATE guide the construction of cases. There are two types of variables: party polarization and electoral competition that suggest four cases. A simple diagram of proposed cases can be found below.

	High Electoral Competition	Low Electoral Competition
High Party Polarization (CPG)	Period 1 (Reform Possible)	Period 2 (Expected Reform)
Low Party Polarization (CPG)	Period 3 (No Reform)	Period 4 (Reform Possible)

Following the hypotheses that have been previously discussed, I would expect to find strong evidence of leaders being granted power in Period 2 and weak to no evidence in Period 4.

Case Study Selection:

With the above structure in mind, the next step is determining where certain periods fit. This will be done using a combination of polarization and electoral competition measures.

Party Polarization

Measures of CPG Between 1915 and 2021
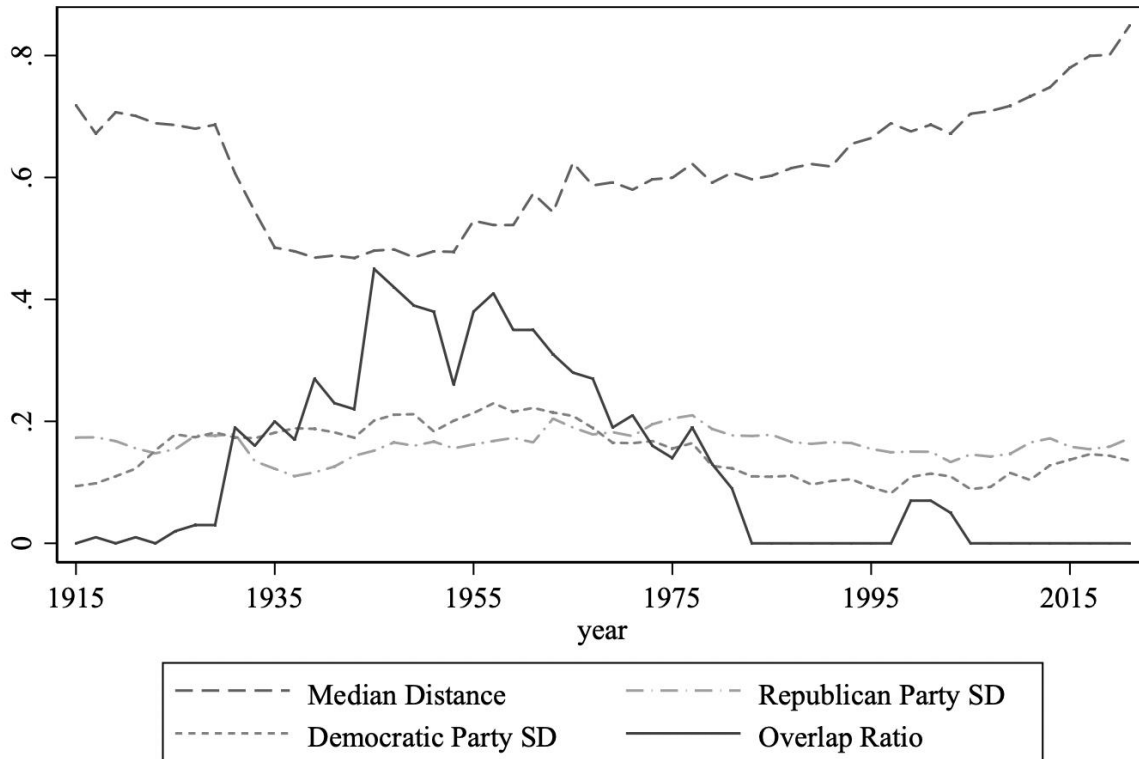

Several notable trends appear from graphically approaching these measures. The first period begins with the passage of the 17th Amendment allowing for popular elections in 1913 and continues up till around 1930. During this time, the median distance between the two parties is quite high, ranging from 0.6 to 0.8 and the overlap ratio is almost zero, indicating that the two parties were quite separate from each other ideologically. Within the two parties, the picture is slightly blurrier. Within the Democratic party, there is a sharp decline in the standard deviation during the progressive wave under President Woodrow Wilson from around 1913-1919. These few years were the only ones in which the Democrats held the majority. Prior to 1913, the Republicans had consistent control of the Senate and while not as extreme as the Democrats, still

had a relatively low standard deviation. All this to say, when either party was in the majority, they were compiled of ideologically similar senators, fitting the conditions of CPG.

The second noteworthy period is that from around 1950 up until around 1980. This 50-year period featured ideologically similar parties with a low median distance (ranging from around 0.5 to 0.6) and high overlap ratio (above 0.2 for most of the period). The overlap ratio demonstrates that at any given time during this period, around a fifth of the Senate was closer to the other party ideologically than their own party. Additionally, both parties had relatively high standard deviations during this time, representing the opposite of the prior period and one in which the conditions of CPG are not met.

The final period, representing the modern Senate begins around 1980 and continues through today. Similar to the first period, the modern Senate is characterized by increasing distance between the two parties and little to no overlap. Minus a few years around the late 90s and early 2000s, there is absolutely no overlap between the two parties during this time. Both parties also saw a sharp decrease in their standard deviations, indicating yet another period in which CPG is satisfied and procedural change is expected.

Electoral Vulnerability

Electoral Vulnerability Between 1920 and 2020
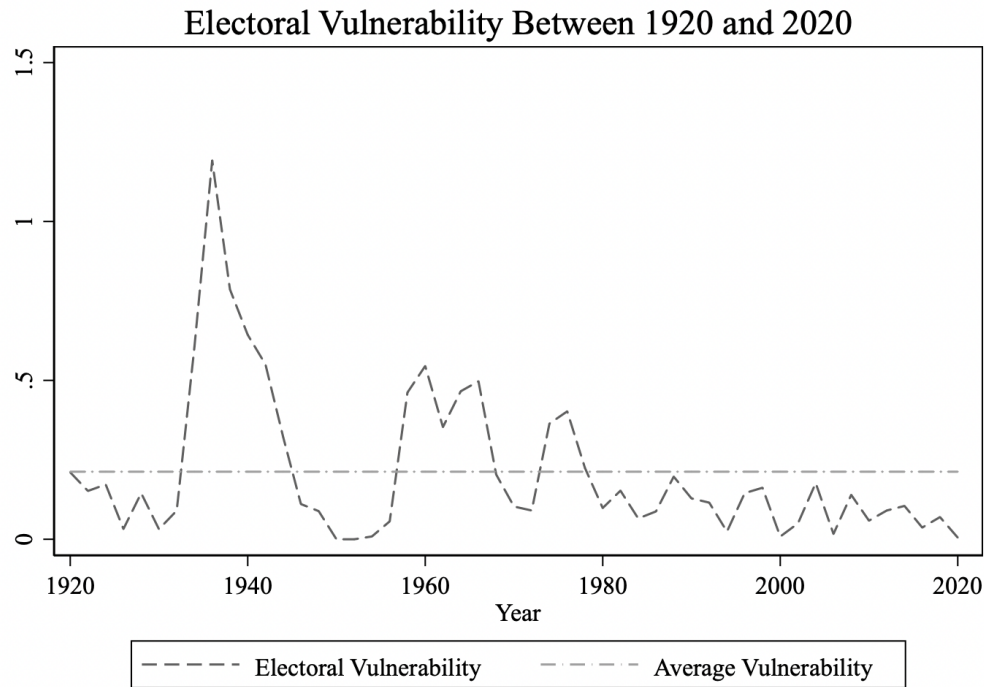
As conceptualized, the graph above demonstrates the electoral vulnerability for both parties

between 1920 and 2020 along with their respective average vulnerabilities. Vulnerability is

constructed by combining the average margin of victory in an election with the distance a party

is to majority control. The distance is normalized and represented as a z-score based on the mean

and standard deviation to yield the following equation: $Vul = ElectMargin * DistMaj$.

Vulnerability ranges from 0 to 1 where 0 represents the most vulnerable and 1 represents the

safest. At first glance, when comparing this measure with the broader electoral landscape, the

measure tracks quite well. In the late 1930s, the Democrats took resounding control of the Senate

with several seats above the majority cutoff. This time also coincided with relatively high

margins of victory for Democrats. Putting that together, we should expect that Democrats should

feel quite safe, and this is reflected in the measure. In comparison, the modern senate which is

characterized by its thin margins and electorally unstable coalitions should feature relatively

concerned parties. The proposed measure is in line with this as it proposes that the two parties should be at historically high levels of concern.

Several periods can be categorized as being vulnerable or safe. In terms of safety, the periods of 1930-1944 and 1958-1980 stand out. The latter period fits with the timeline of the "Textbook Senate" and indeed shows that the period was relatively stable. The most vulnerable period begins in 1980 and continues through today, capturing the modern senate. A period of note is the late 40s to early 50s in which this measure expects a relatively vulnerable environment, driven for the most part by the thin chamber control from 1946-1954.

Case Construction

	High Electoral Vulnerability	Low Electoral Competition
High Party Polarization (CPG)	Modern Senate (1980-Today)	Early Senate (1900-1945)
Low Party Polarization (CPG)	WW2 Senate: 1945-1955	Textbook Senate (1955-1980)

From examining these two variables over time, I am now able to fill in the table above with historical periods of time driven by empirical data. The first period, categorized by *high* party polarization and *high* competitiveness is akin to 1980 through today. The CPG measures all indicate that the conditions are ripe for reform as there is no overlap between the two parties and the distance between them is growing. The second period, with *high* party polarization and *low* electoral competitiveness can be thought of as the early senate, from around 1900 to 1930. Prior to passage of the 17th Amendment in 1913, senators were not subject to direct election, meaning

that electoral fortunes were relatively stable. After the passage, aside from two election cycles, the Republican party, who were in the majority for the duration of the 20s, hovered around an average level of vulnerability. All CPG measures indicate a relatively high degree of party polarization during this time. The third period, featuring low party polarization and high electoral competition is tough to pinpoint. There is roughly a 10-year period that fits these attributes, from the mid 1940s to late 1950s. Because of the short time frame of this period, it will be excluded from this thesis. The fourth and final period is identifiable based on *low* party polarization and *low* vulnerability. This describes the Textbook Senate from the late 1950s until 1980. With relatively high margins of victory and a strong Democratic majority in the Senate, this period also featured low levels of party polarization with frequent overlap and small distance between the two parties.

Chapter 1: The Early 20th Century (1900-1930)

Context

The United States Senate entering 1900 was in a period of relative stability with the Republican party controlling the majority for three sessions in a row and would continue to remain in the majority until 1913. While there were several influential senators during this time, including Senator William Allison who holds the record for the longest-serving committee chairman, having chaired the Appropriations Committee for 25 years, there was no formal leadership structure in place. The first Senate leader is subject to debate, the Senate website cites Oscar Underwood serving as the first Minority Leader in 1919 but other scholars make the argument that the honor belongs to John Kern in 1913 (Gamm and Smith 2015). The development of Senate leadership came as a direct result of collective action failures of both parties throughout the early 20th century. Many reforms of the period took place in the context

of World War I as the Democratic majority found itself stifled by, in the words of President

Woodrow Wilson, "a little group of willful men" ("Sharp Words By Wilson" 1917). Sensing the

need to reduce the amount of obstruction within the Senate, multiple proposals were entertained,

ultimately culminating in the creation of Rule XXII, cloture.

Polarization

  Crucial to the argument of this thesis, this period was also defined by its high polarization

and low electoral vulnerability. The two parties were split on major policy ideals, namely

surrounding foreign policy and trade. The Republican party believed strongly in American

protectionism as a means of protecting domestic industry. This culminated in the passing of the

Payne-Aldrich Tariff Act of 1909 which increased tariffs on cotton and paper, two of the largest

American industries at the time (G. M. Fisk 1910). On the other side, Democrats were angered

by these tariffs, arguing that the common man is left to bear the brunt of the economic impact

through price increases. On foreign policy, the Republicans had consistently supported a policy

of imperialism with the conclusion of the Spanish-American War and the annexation of Puerto

Rico, the Philippines, and Guam. Senator Beveridge, a prominent Republican, summarized

during a speech in 1898 that "the rule of liberty, that all just governments derive their authority

from the consent of the governed, applies only to those who are capable of self-government"

(Beveridge 1898). Democrats, led by William Jennings Bryan, took a staunch anti-imperialist

stance, arguing that colonial policies were antithetical to the founding values of the United States

and would lead to a decline in democracy domestically (Leuchtenburg 1952). Later in the period,

the foreign policy cleavage was redefined with the beginning of World War I. The two sides

splintered on the question of intervention with Democrats arguing in favor of supporting the war

effort and Republicans pushing an isolationist approach (Leuchtenburg 1952). Empirically, the

two parties had a very low percentage of overlap, indicating that coalitions were formed

primarily around ideology. The standard deviation of the two parties (as measured through DW-

NOMINATE), used as a measure for ideological homogeneity, was also relatively low,

especially among Democrats during the time of World War I, suggesting a united group of

senators with very similar policy preferences. Finally, the distance between the median position

in each party was historically high at a level that would not be reached again until the early

2000s.

Elections

Despite the high level of partisanship and large philosophical divides on domestic and

foreign issues, elections during this time were relatively uncompetitive. It is important to note

that prior to ratification of the 17th Amendment in 1913, the election of senators was left up to

the discretion of each individual state. By the final election pre-ratification, 29 of the 48 states

elected senators either through a primary or general election system (Landmark Legislation: The

Seventeenth Amendment to the Constitution 2022). During this time election vulnerability was

of relatively low concern to senators as Senate seats were often seen as prizes for the majority

party of the state legislature (Schiller, Stewart III and Xiong 2013). A senator's reelection

chances depended in part on what they were able to contribute to the legislature, but more

importantly on whether their political party retained a majority at the state level (Riker 1955).

Because terms in the Senate were six years and state legislatures frequently had shorter terms,

often an incumbent had to face an entirely new and unfamiliar group of state legislators come

election time. At the time, legislators often did not seek reelection, meaning that financial

incentives were commonly utilized to coerce votes. On one such occasion in 1899, a Montana state senator testified that he had personally overseen the distribution of $200,000 (worth $5.5 million in 2012) in favor of a senate candidate (Schiller, Stewart III and Xiong 2013). With such corruption at play and the power held by the state legislature, the pre 17th Amendment Senate does not fall neatly within the national measures of electoral vulnerability offered by this thesis and as such will be excluded.

Following the passage of the 17th Amendment, elections were at first somewhat competitive. The emergence of the Progressive Party as a viable political organization resulted in several elections in which neither the Republicans nor the Democrats were able to eclipse 50% of the vote. The 1912-1913 election also saw Democrats win the Senate majority for the first time since 1893. Throughout this period, the average margin of victory was also relatively high, hovering around 20%, aided in large part by the continued dominance of Democrats in the South, even after the passage of the 17th Amendment. Incumbents, especially Democrats, were also insulated during this period with only 17 Democratic incumbents losing an election between 1920 and 1930. While the Republicans maintained control of the Senate between 1920 and 1930, the number of seats above the majority dwindled, causing the uptick in vulnerability.

Consequences

Creation of Cloture

After a filibuster on President Wilson's armed ship bill aimed at giving American merchant ships the right to arm themselves before leaving port to protect against German U-Boat attacks, calls for filibuster reform intensified. In response, the Senate passed Rule 22 which allowed for two-thirds of the chamber to vote to end debate and force a vote on a particular

measure in a procedure referred to as cloture. As cloture inhibits the ability of the individual

senators to debate and delay legislation, the new rule gave majority leadership the ability to

organize floor activities more efficiently.

Background: Filibusters

The origins of the filibuster trace back to Article 1, Section 5 of the United States

Constitution which states that: "Each House may determine the Rules of its Proceedings" (U.S.

Const. art. I, §5, cl. 1). This clause effectively makes it the responsibility of each Senate to

decide on its own rules before entertaining legislation. With that in mind, in 1789 the first House

and Senate decided to invoke what is known as the "previous question motion". Owing to its

roots in Great Britain in the early 17th century, the previous question motion allows for debate to

be ended by a simple majority (Bomboy 2021). While this rule still remains in the House, in

1805 the Senate under Vice President Aaron Burr decided to remove the rule due to the lack of

usage as it was only invoked once during his term. Binder makes the argument that the Senate

removed the rule by mistake, blindly following the desires of Vice President Burr (Binder 2010).

Nonetheless, the deletion of the previous motion did not directly lead to an uptick in filibusters.

It would take until 1841 when a debate over a bill appointing publishers of the *Congressional*

Globe lasted over ten days before the bill was eventually passed (Fisk and Chemerinsky

1997) .Usage began to see an increase in the late 19th century as partisan divides over civil

rights, election law, nominations, and appointment of Senate officers resulted in obstructionism

by the minority.

As filibusters became more and more common, majority coalitions were forced to come

up with ways of circumventing them. In 1846 a filibuster on the Oregon territory and slavery

more broadly prompted the first use of a unanimous consent agreement under which a date for a vote on the matter was fixed in advance of the debate (Fisk and Chemerinsky 1997). However, as the century progressed the Senate took a favorable position toward unlimited debate. In one such decision in 1870, the Senate allowed a senator to read an irrelevant paper into the record during a debate, establishing the precedent germaneness is not required during debate. In total, between 1840 and 1900 there were a total of only sixteen filibusters, or around an average of one every four years (Klein, Is the filibuster unconstitutional? 2012).This would soon change, however, as the turn of the century saw a rapid increase in utilization.

As partisan divides between the Democrats and the Republicans deepened, increasingly over civil rights, the Democrats, often in the minority resorted frequently to the filibuster. In 1890 Southern Democrats filibustered over a bill preventing intimation of black voters at the voting booth and ultimately succeeded in killing the bill (Fisk and Chemerinsky 1997). One of the longer filibusters occurred in 1908 when Senator Robert LaFollette held the floor of the Senate for eighteen hours in protest over a currency bill. Midway through his speech, LaFollette drank a glass of eggnog that had been laced with poison, causing him to feel ill, yet he continued for eight hours more (Fisk and Chemerinsky 1997). By this time the American public had begun to become annoyed with the idea of the filibuster. In response to the currency bill, the New York Times published an editorial in which the author advocates strongly for a limit on debate for there "is no telling what might be said if some of those thinking about finance instead of the campaign were allowed to talk" ("The Currency Nostrum" 1908). Yet another editorial in 1903, published in response to a filibuster conducted by Senator Matthew Quay, relents that "if [Quay] succeeds he will bring the Senate not merely into odium, but into ridicule and contempt by showing that it is helpless in the face of a single Senator" and that if the Senate "stands Quay's imprudence, it will

stand anything" ("The Overshadowed Senate" 1903). With the increasing conflict in Europe by 1914, the need for swift action in the Senate put pressure on both Democrats and Republicans to act. This pressure brought with it the creation of new collective action dilemmas as without a way to limit debate, action on a particular issue required seemingly unanimous support. Thus, entering Wilson's second term, Democrats were faced with a crucial decision: attempt to overcome collective action through compromise or make it easier to avoid collective action problems in the first place.

65th Congress: Elections

The 1916 election featuring the incumbent president Woodrow Wilson and the Republican challenger Charles Hughes was a competitive affair with Wilson winning reelection by a mere 23 electoral votes. The competitiveness was also felt in the Senate with Democrats losing two seats, including then-Majority Leader John Kern (IN), and holding on to the remaining ones in tight races. The election featured nine races in which the victor had under a 5% margin of victory, illustrating the close nature of these races. Much of the Democrats' difficulties stemmed from their positions on foreign policy under Wilson. While both parties advocated vehemently that the United States remain neutral in the brewing World War, the Republicans argued that the United States should begin militarization in case of conflict whereas the Democrats emphasized complete neutrality. Entering the 65th Congress, the Democrats maintained a five-seat majority and as only the second election to occur under the 17th Amendment, there was a growing sense of danger within the Democratic caucus as the 1918 election would feature several states that Wilson either lost or just barely maintained.

Furthermore, the role that the war played in both campaigning and the election suggested that the Democrats' legacy going forward would be shaped by their navigation of the conflict.

65th Congress: Progressive Agenda

In his speech accepting the Democratic nomination, President Wilson hinted at a broader agenda that the next Congress would be tasked with. Mere months after the tragic sinking of the R.M.S. Lusitania and the loss of 128 American lives, Wilson reflected upon the neutral stance that his presidency had taken. Fiercely, Wilson remarked that "the loss of life is irreparable" and that a "nation that violates these essential rights must expect to be checked and called to account by direct challenge and resistance" (Wilson 1916).Wilson's statement broadly reflected the growing sense of nationalism among the American public and the desire to better prepare for conflict. As such Wilson and the Democrats adopted a policy of armed neutrality in which America would not attack any German forces, but upon being attacked, could defend itself. This marked a stark departure from the isolationist principles of the Republican party, contributing to the growing ideological divide between the two parties. Part of this policy was Wilson's Armed Ships Bill which would have given American merchant vessels the opportunity to request a naval gun and officer to accompany them on any journey across the Atlantic. Heeding the urges of Wilson, the House passed the bill 403-13 (54 Cong. Rec 5 4691 (1917)), suggesting a relatively nonpartisan issue that should make its way through the Senate without any hiccups. Despite the overwhelming bipartisan support in the House and Senate, dilatory tactics on the part of a group of isolationist Republican senators would delay the passage of the bill in the Senate.

1917 Filibuster

Mere weeks before the introduction of the Armed Ships Bill, the Senate Republican caucus had met to strategize regarding the end of the session. At the time, the legislative session of the Senate expired on March 3rd and the next Senate would begin on March 4th. If a bill was not passed by March 4th, then it would be up to President Wilson to call a special session of the Senate, a move that the Republicans had calculated would be politically damaging. As such on February 23, 1917, the caucus came to a unanimous decision that any piece of legislation introduced would be filibustered as to require an additional session (Fisk and Chemerinsky 1997). Following dilatory tactics on several other bills, when the Armed Ship Bill was introduced in the Senate on March 2, it had only 48 hours to pass the bill or be forced to call a special session. Fearing that passage of the bill would ultimately lead the country down a path toward war, a group of Senators led by George Norris (NE), Asle Gronna (ND), and Robert La Follette (WI) became determined to do everything they could to delay the bill. Beginning on March 2, debate on the bill continued for 26 hours until adjournment of the Senate on March 4th (Fisk and Chemerinsky 1997). As time continued to pass, the Senate became more and more impatient with Senator Joseph Robinson (AR) presenting a statement signed by 75 senators stating that they favored the bill and were ready to pass it but not for the 12 senators who continued to delay the bill. The filibuster included several direct jabs at President Wilson including one in which Senator Norris began quoting passages from Wilson's dissertation asserting that Wilson believed that thorough discussion of legislative matters was a hallmark of the Senate (Fisk and Chemerinsky 1997). With the expiration of the Senate, the Armed Ship Bill was killed, and the Senate faced massive criticism from the American public. The following day President Wilson uttered a stark rebut in which he argued that the "only remedy is that the rules of the Senate shall be so altered that it can act" and that the "Senate of the United States is the

only legislative body in the world which cannot act when its majority is ready for action"

("Sharp Words By Wilson" 1917). While Wilson would ultimately arm American ships through

executive action, thus bypassing the Senate, Senator Thomas Martin (VA), the Majority Leader,

was tasked with the implementation of a cloture rule that worked to the satisfaction of the

Democratic caucus.

Proposals for Cloture

Senator Martin's attempt at reaching for a cloture rule was to reintroduce a proposal from

May 1916 that lay dormant and was never voted on in the Senate. This proposal stated that if

two-thirds of the chamber voted to invoke cloture and end debate, each senator would be allotted

one additional hour to speak on the issue before moving to a vote on final passage. Immediately

debate began and concerns were heard. One camp of senators believed that the two-thirds

requirement was arbitrary and that a simple majority would be more effective at subduing

dilatory filibusters. In a long speech in front of the Senate on March 8, Senator Henry Hollis

(NH) remarked that he believed that "a debate for two weeks is ample for the discussion of any

measure in the Senate" and that "one hour is as much time as any Senator should debate any

subject anywhere at any time" (55 Cong. Rec. 26 (1917)). Senator Hollis continued to argue that

majority rule is ingrained in America: Congressmen are elected by a majority, laws are passed by

a majority, and electoral votes in the states are awarded by a plurality. At the conclusion of his

speech, Senator Hollis submitted an amendment replacing the two-thirds requirement with a

simple majority, though citing the request of Majority Leader Martin, he withdrew his

amendment (55 Cong. Rec. 27 (1917)). Ironically, the next Senator to speak on the issue was

Senator Norris, one of the few Senators who purposely delayed the Armed Ships Bill. Senator

Norris supported the bill, citing that the hour speech requirement was a compromise between the rights of the majority and the rights of the minority. While every measure in the Senate deserves the opportunity to be debated, he argued, the majority deserves some mechanism by which it can pass legislation. The tension between majority cloture and two-thirds cloture continued throughout the debate with Senator Thomas (CO) contending that "requiring a two-thirds vote for [cloture], cannot be obtained in most instances, perhaps in very few" (55 Cong. Rec. 33 (1917)). Finally, Senator La Follette, the leader of the previous filibuster came out ardently against the adoption of cloture. La Follette warned his fellow senators that "the time will come when the men who are clamoring for this change and who by their votes are imposing cloture upon the Senate will see that rule invoked to deprive them and their States of what they deem their rights" (55 Cong. Rec. 45 (1917)).

Following La Follette's speech, the Senate moved to consider Martin's proposal which ultimately passed by a vote of 76 to 3, with only Senators Gronna, La Follette, and Sherman voting against the measure. Senator Sherman retired before his next election, citing his declining ability to hear; Senator Gronna lost reelection in 1920 after failing to secure the support of a farming coalition in North Dakota; Senator La Follette would handily win reelection in 1922. Together, there is no evidence that the three were punished electorally for their vote on cloture. However, as the only senator of the three to continue to remain in the Senate, La Follette was heavily chastised by the Republicans, with a censure motion being filed against him, though no vote was ever taken on it. Following the conclusion of the war, La Follette continued to speak out against his party, running as a third-party candidate in the 1924 presidential election. Following his defeat and return to the Senate, the Republicans stripped La Follette of his committee assignments and refused to abide by the seniority system and appoint him as

committee chair (Byrd 1991). Despite its passage and the sense of urgency surrounding the war, cloture was not invoked until November 15, 1919, ending the 55-day debate on the Treaty of Versailles.

The development in cloture during this time is in line with the predictions offered by CPG. Specifically, the two parties were ideologically distinct, especially as it pertained to foreign affairs, and each party was comprised of like-minded individuals. Because individuals share policy goals and care about their party winning (for a win by the opposite party would be far from their policy ideal point), CPG predicts that party leadership should be empowered. In this example, the Senate was faced with a policy that was preferred by a supermajority of the chamber yet was blocked using procedural obstruction, specifically the filibuster. At first glance, this appears contradictory: the two parties are ideologically distinct yet agree on an issue as large as arming American ships. However, by this stage, the Republican party had lost the support of most of the American public in keeping with its isolationist policy. A search of major historical newspapers including the New York Times and Washington Post using ProQuest around the time that the bill was being debated found editorials only in support of the bill. With such strong support among the public, opposing the bill became politically infeasible for most Republicans with twenty signing on to the letter offered by Senator Robinson in favor of the bill. As the evolution of cloture during the early 1900s fits with the context of CPG, this case provides strong evidence in support of the first hypothesis.

Finally, the third hypothesis relates to the idea that once power is given, it cannot be taken away. Cloture provides strong support for this hypothesis as its usage has only increased as time has gone on. Cloture was rarely invoked between 1917 and 1970, however beginning in the early 1970s the usage of cloture saw a dramatic rise to the point that now it is not unheard of for

cloture to be invoked over 100 times in a session (Reynolds 2021). There have been no attempts to date to reinstitute the unlimited debate that characterized the Senate prior to 1917. As will be discussed further on, cloture has been amended several times in order to make it *easier* to invoke, suggesting that senators have become more willing to cede individual speaking time in order to process bills quicker and reduce obstructionism. Put together, in a time when CPG predicts that procedural reform should occur, it did, and the new power granted to leadership was never ceded, indicating a "ratcheting up" effect.

Majority Leaders:

John W. Kern

While there exists significant disagreement in the literature about when the office of majority leader was created, the first Senator whom the press referred to as "majority leader" was John Kern. Senator Kern's role as majority leader is noteworthy primarily for his limited stint in the Senate. Elected in 1910 as part of the growing Progressive movement, Kern would only serve one term in the Senate, failing to win reelection in his first popular election in 1916. Against the backdrop of the Democrats winning the Senate for the first time since 1893, Kern was tasked with seeing many of Wilson's policies through the Senate, adopting many functions of the modern leader. However, where Kern remained was distant was in his activities on the floor and in the press. As Gamm concludes, Kern was responsible for calling more caucus meetings than any other leader before him and more than most leaders after him (Gamm and Smith 2015). Kern did manage to pass an intra-party reform measure empowering a majority of the Democratic caucus to call a caucus meeting (previously only the party chairman had that authority), but overall Kern's influence on reform efforts was minimal.

Empirically, Kern appears to have been quite crafty at managing legislation and maintaining a strong coalition. In the 63rd Congress, the Democrats entered with a 7-seat majority and were fairly splintered along conservative and progressive lines. Despite these divisions, Kern was able to successfully pass much of President Wilson's legislative agenda including the Revenue Act of 1913 which dramatically reduced tariffs while also implementing a 1% income tax on earnings over $3,000. The bill was controversial among Southern Democrats with states involved in the tariff-protected cotton trade (Howard 1980). Despite the initial division, the bill ultimately passed with only one Democrat voting against it. This finding provides support for a party-based theory of legislative organization as the chamber median position would have opposed the tariff, yet it ultimately passed. Through the marshaling of his caucus, Kern was able to ensure a 53% win rate on roll call votes for his party. A "win" is defined as an instance in which a party is able to pass a vote supported by a majority of its caucus or vote down a measure opposed by a majority of its party. While 53% may not seem impressive at first glance, it was the Democrats' highest win rate until 1959 during which the Democrats enjoyed a 30-seat majority. Kern personally also enjoyed legislative success being on the winning side of 85.4% of all roll call votes taken. Importantly, there was also no overlap among personal win rates, with every Democratic member being on the winning side more frequently than their Republican counterparts. The average Democrat was on the winning side compared 81.4% of the time compared to 39.2% for the Republicans, indicating a skew towards non-partisan outcomes, the ultimate goal for any majority leader and political party. Finally, the Democrat on the winning side the least amount of time, Senator Thomas Hardwick (GA), still ended up being on the winning side 11% more often than the highest Republican. While Senator Kern was relatively reserved and did not contribute to the empowering of the majority leader

position, he was able to effectively guide his party and achieve many progressive platform goals in the Senate.

Thomas Martin

Senator Thomas Martin was a conservative Democrat who had served in the Confederate army during the Civil War before joining the Senate in 1894. Martin had originally opposed President Wilson and other Progressive forces, leading to his defeat at the hands of Kern in 1913. After Kern's defeat in 1916, the Democrats were without a clear leader in the Senate and Martin was once again thrust into the now formal role of majority leader and tasked with President Wilson's agenda. Martin would serve as Majority Leader up until his death in 1919. Of relevance to this chapter, Martin was the Majority Leader during the Armed Ship filibusters and the emergence of the cloture rule. Similar to Kern, however, Martin did not seek the limelight and tasked the writing of a cloture rule to Senator Robert Owen (OK). On December 1, 1915, years before cloture would be passed, the New York Times ran an article with the headline "Owen Outlines Fights for Cloture" outlining the proposal of Owen to institute a requirement that upon dilatory debate, a two-day limit on debate be instituted ("Owen Outlines Fight for Cloture" 1915). Between 1913 and 1919, there were only 18 newspaper articles that mentioned Senator Martin and cloture, a majority of them commenting upon the final vote in 1917. A separate New York Times article published on March 5, 1917, reports that half of the Senate had pledged to change the rules of the Senate "[u]nder the leadership of Senator Robert L. Owen" ("Thirty-three Senators Give Pledge to Mend Rules to Halt Filibustering" 1917). The only mention of Senator Martin in the article is one stating that he is in favor of changing the rules. Following in the steps of Kern, while Martin supported efforts at reform, he did not directly draft them, instead of

trusting them to other senators. This is to suggest that procedural change is the product of collective imperative and the role of the majority leader as a political entrepreneur is limited.

Conclusion

The early Senate was in equilibrium given the lack of ideological divide and electoral safety that characterized it prior to the 20th century. This all changed with the advent of the 17th Amendment, senators were thrown into an electoral situation that none of them had ever experienced prior, and as such, races were relatively competitive. This combined with stark differences between the two parties, and unity among party members provided ripe conditions for procedural reform to occur. Fitting with CPG, reform did occur in the form of cloture, a procedural invention that directly limited the power of the filibuster, making it easier for the majority to push along with their legislative program by limited debate and allowing for a greater number of policies to be considered on the floor. As this period shows, aside from intraparty homogeneity, there needs to be a significant piece of legislation that is stopped through the use of dilatory procedures. In this case, public anger at the initial defeat of the Armed Ship Bill spurred the need for some sort of limit on debate. As would become a recurring theme throughout Senate history, only soon after cloture was passed did Senators begin to try and reduce the threshold required to invoke it. A proposal that would have made it possible for a majority of senators to invoke cloture was defeated in 1918 demonstrating that reform is a slow and tedious process (Koger 2006). Cloture would remain largely symbolic as the two-thirds threshold was difficult to attain on any significant piece of legislation and as the next chapter will detail, disagreements between the North and South over civil rights began to form insurmountable coalitions within each party. It would not be until 1975 that the next major

cloture reform would occur, despite multiple attempts at reducing the threshold throughout the mid-20th century.

The two early majority leaders on the Democratic side: John Kern and Thomas Martin were influential in their development of the majority leader position, but in the broader context of Senate history were relatively weak leaders. Kern did not directly contribute to efforts at reform, instead choosing to entrust other senators within his party with the difficult task of drafting potential fixes. Kern was able to organize his party around a Progressive agenda, ensuring a high win rate for Democrats and keeping the more conservative side of his party satisfied. Similar to Kern, Martin mostly laid in the shadows, letting Senator Owen draft, introduce, and ultimately take credit for the eventual cloture rule. The two early leaders were also not able to maintain the majority for long as after Martin's death, the Republicans would flip the Senate. Under the Republicans, the Senate would see further attempts at refining the cloture rule, though these proposals were handily defeated. Likely the cloture rule would have been instituted with or without the assistance of Kern or Martin and evidence linking legislative outcomes directly to their efforts is slim, suggesting that either as an institution the majority leader was still weak, or that the two of them were personally weak individuals.

Chapter 2: The Textbook Senate (1955-1980)

Context

In the years before 1955, the Senate was in a relative state of turmoil with the Democrats and Republicans trading off majority control of the Senate. This would all change with the 1955 elections which brought with it the first of 13 consecutive Democratic majorities through the 1980 election. By this time, the office of the Majority Leader had been established for several

decades and with the emergence of Senator Lyndon B. Johnson as majority leader in 1955, the modern majority leader was born. Characterized by the Democratic majority, Congress during this time was often referred to as the "Textbook Congress" for some of the foundational work on the Congress, such as Mayhew's Electoral Connection, concluded that the stability during this time was a function of the institution itself. However, as the next chapter will describe, the low levels of partisanship during this time would soon begin to increase again, resulting in the modern Senate. The period featured both successful and unsuccessful procedural reforms and those that succeeded aimed at stripping power away from committees and decentralizing power away from leadership. Ultimately, as predicted by CPG, the low levels of polarization and low levels of electoral vulnerability resulted in the weakening of party leadership.

Polarization

Following the resolution of World War II, the post-war period was characterized internationally by the growing threat posed by communism in China and the Soviet Union. Domestically, civil rights proved to be a prominent issue in the legislature, hampering the Democratic party as the Northern and Southern factions splintered along this dimension. Abroad, both the Democrats and Republicans stood in staunch opposition to the spread of communism. Both parties opposed the admission of Communist China to the United Nations while arguing that defense spending must increase to meet the threat posed by the technologically advanced Chinese and Soviets (Peters and Woolley 1960). Domestically, under pressure from various civil rights groups, Democratic majorities eventually passed Civil Rights Acts in 1957 and 1960 before finally passing the landmark Civil Rights Act of 1964 which outlawed all forms of discrimination based on race, color, religion, sex, and national origin. The laws were passed with

largely bipartisan support with the Republicans voting in favor of the first two unanimously despite residing within the minority. On the flip side, Democrats struggled to unite in favor of the bills with a strong Southern contingent voting against all three acts. The Civil Rights Act of 1957 famously featured the longest single-person filibuster ever recorded as Senator Strong Thurmond (SC), who opposed the Democrat-authored bill, held the Senate floor for 24 hours and 18 minutes and delivered the final opposition of the South to increased equality for African Americans (Fisk and Chemerinsky 1997).

Empirically, the measures of polarization reflect the splintered nature of the Democratic party and high levels of bipartisanship. The two parties had a remarkably high level of overlap with some 30% of Senators being closer to the median ideal point of the opposite party between 1955 and 1970. The distance between the two median Senators of each party also reached a record low around 1955 after which it would gradually increase through 1980, though fail to reach the levels seen prior to 1935. Finally, while the Republican party was relatively united as shown by the low standard deviation of ideal points, the Democratic party was very diverse, split largely along North-South lines. The Democratic party would reach its largest standard deviation in 1958 and remain at similar levels until a gradual reduction beginning in 1980. With Democratic Senators sharing little in common, CPG would predict that they would be hesitant to cede power to party leaders in fear that increased power could force them into taking a position on a pertinent issue such as civil rights that would run contrary to their constituent interests.

Elections

Low levels of polarization empirically coincide with low levels of electoral competition and the same holds during this period. As the strength of the Democratic party in the South

remained, most of the elections in the South saw the Democratic incumbent win reelection with little opposition. Of note, the 1958 election saw the largest swing of seats in history with the Democrats increasing their majority by 15 seats as a result of labor union activity following the recession of 1958 which saw unemployment rates in large industrial states dramatically increase. Following the 1958 election, Democrats would retain double-digit majorities through 1968. As Ansolabehere found, beginning in the 1940s, the electoral advantage of incumbency grew steadily throughout this period, eventually peaking in the 1980s (Ansolabehere and Snyder Jr. 2002). While they are unable to conclude the exact mechanism behind the growing incumbency advantage, their model fits electoral returns during this period. On average during this period between four and five incumbents lost their seats every cycle. Between 1960 and 1974, this number drops to an average of just over three incumbents, indicating a remarkably low level of turnover. Additionally, several years had low levels of competition as defined by the margin of victory. In one such year, 1966, only two races contained a margin of victory that was under 5%, meaning that most races were uncompetitive and election concerns were limited. While several differences between the two periods remain, the electoral climate of this period is most similar to that of the early Senate. However, unlike in the first period, the forces of polarization and electoral vulnerability work in opposite directions. While CPG suggests that the lack of polarization should result in weak leaders, the relative safety of incumbents suggests that perhaps individuality would be sacrificed in favor of stronger leadership. This period provides an excellent example to determine the relative strength of both these metrics. Despite the relative electoral safety, the failure of pro-party reforms and the success of decentralization campaigns points towards the polarization effect dominating that of electoral vulnerability.

Consequences

Cloture Reform

Continuing from the last chapter attempts to reform cloture were prominent throughout the early part of this period with popular proposals aiming to reduce the threshold from two-thirds of the chamber down to three-fifths. Any effort made to reduce the cloture threshold directly benefits majority leadership as the coalition required to surpass a filibuster shrinks. Despite early opposition and difficulties, a resolution sponsored by Senators Mondale and Pearson passed in 1975 with a vote of 56 in favor and 27 against.

Filibuster History Continued

As the last chapter left it, the filibuster faced serious challenges in the face of a new cloture rule aiming to streamline legislation and limit debate. However, filibuster usage only increased in the mid to late 20th century in large part because of the increasing rift over civil rights. Between 1927 and 1962 there were no attempts to seek cloture on any piece of legislation and the triumph of the Wilson Senate seemed largely symbolic in hindsight (Fisk and Chemerinsky 1997). Filibusters increased in notoriety with the pressure of civil rights groups to enact legislation protecting African Americans primarily located in the South. Southern Democrats often resorted to the filibuster in an attempt to delay any bill that would give increased liberties to African Americans. Of the three civil rights acts passed by the Senate during this period, each one was subject to a filibuster, often stretching days on end. These three filibusters will be briefly discussed below. As was the case with the Armed Ship Bill, these civil rights acts had bipartisan support and were blocked by a small group of senators. As bipartisan

support mounts and obstruction continues, it is expected that efforts at procedural reform should occur in order to expedite legislation.

1. 1957 Civil Rights Act

The first of many bills addressing civil rights was passed in 1957 on the heels of the Supreme Court decision in *Brown v. Board of Education*[2]. The decision cast segregation and discrimination into the public eye and as a result, pressure for reform began to mount on Congress. As originally proposed by President Eisenhower, the bill would have provided federal protection at the voting booth for African Americans who had systematically been disenfranchised through intimidation, especially in the South. As written the bill would have alienated a large portion of Southern Democrats, worrying then-Majority Leader Lyndon B. Johnson. In response, a group of Senators offered an amendment that would take out the enforcement mechanisms of the act, significantly weakening it (Winquist 1958). However, as a result of the new amendment, the Southern senators met and agreed not to stage a filibuster, allowing for quick passage. Despite this agreement, on August 28, 1957, Senator Strom Thurmond began the longest filibuster in Senate history by reading the election laws of every state in the country and concluded 24 hours and 18 minutes later. Aside from setting a new record, the filibuster was completely ineffective as the bill passed just two hours after Thurmond concluded his speech (Fisk and Chemerinsky 1997).

2. 1960 Civil Rights Act

---

[2] Brown v. Board of Education of Topeka, 347 U.S. 483 (1954)

Towards the end of the Eisenhower presidency, it became evident that the largely symbolic 1957 Civil Rights Act had done very little to ensure the right to vote for African Americans. Continual segregation and discrimination on the part of the Southern states made it necessary for another civil rights act to be written. The 1960 Civil Rights Act enforced federal penalties on anyone who attempted to intimidate a person at a voting booth while also introducing criminal charges on individuals who defied court orders aimed at desegregation. In the early stages of drafting, Lyndon B. Johnson attempted to bypass the Southern-controlled Judicial Committee and introduce legislation directly onto the floor but was met with fierce opposition and an eventual filibuster (Byrd 1991). From February 29 through March 8, 1960, the Senate was held in continuous session including a single nonstop session lasting just over 82 hours. As Senator Robert Byrd recalled senators resorted to "chain-smoking and gulping down pots of coffee in the cloakrooms to stay alert, and everyone was showing signs of nervous exhaustion" (Byrd 1991, 622). It would take until April 8, 1960, for the Senate to pass the amended bill with a vote of 71 to 18.

3. 1964 Civil Rights Act

The most prominent of the three, the 1964 Civil Rights Act, originally proposed in 1963 by President Kennedy offered the greatest magnitude of reform, but as a result, faced the steepest opposition in the Senate. The landmark act contained provisions that prohibited discrimination based on race, color, sex, and many other characteristics in all public places including schools and employment. The act also prohibited unequal voter registration requirements, again attempting to enfranchise African American voters after years of intimidation in the South. Upon arrival in the Senate, Southern Democrats had organized to attempt to delay the bill as much as

possible. Majority Leader Mike Mansfield moved to take up the bill on March 9, 1964, though the motion was debated until March 26, 1964, when it was finally passed by the Senate. Next up was an attempt to invoke cloture which took the Senate until June 10th to finally agree on. Finally, on June 19th the bill moved to final passage and passed 73 to 27. Put together, southern senators were able to delay the bill 103 days from introduction until final passage (Fisk and Chemerinsky 1997). As was often the case during this time, the bill was opposed by a bipartisan group of senators for various reasons. Republicans largely based their opposition around issues of federal overreach into private businesses and personal lives while Democrats based their criticism on racial lines.

Three-Fifths Reform

Following the obstruction associated with the civil rights movement, the Senate again began to hear cries for reform. One of the most prominent reformers was Senator Clint Anderson of New Mexico who at the opening of the 85th Congress moved for the adoption of new rules in the Senate, a motion that was tabled at the request of Majority Leader Johnson by a vote of 55 to 38. Despite this initial tabling, a total of eight resolutions all offering some alternation to the cloture rule were introduced though none made any progress through the Senate. Undeterred, Anderson again pushed for reform at the beginning of the 87th Congress, suggesting that debate should be limited by three-fifths of the chamber instead of the current two-thirds threshold. Anderson's resolution would be tabled by a vote of 46 to 35 with Democratic leadership voting to table the motion. This vote requires further breakdown as before being tabled, the resolution failed to achieve cloture by a vote of 37 to 43. The resolution, sponsored by both majority and minority leadership succeeded in finding a bipartisan coalition in favor of reform but was

defeated by a stronger bipartisan coalition against the resolution. Cooperation between leaders in both the majority and minority suggests that even the minority leader has some sway in influencing legislation and procedure. The below figure illustrates the results of the vote with senators mapped along their DW-NOMINATE dimensions.

87th Congress Roll Call Vote 193
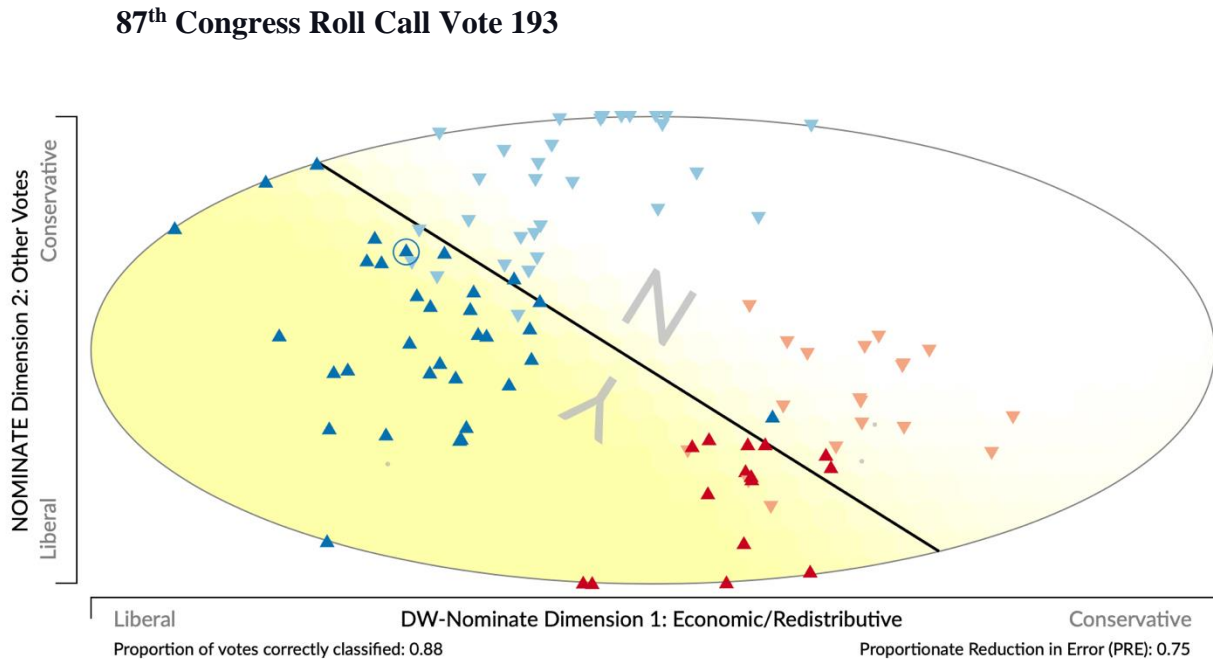
3

As illustrated, the vote does not fit neatly within the two dimensions identified by DW-NOMINATE. Specifically, many senators with similar ideal points and even belonging to similar parties reach different decisions on the cloture vote. Instead of a partisan vote, this one represents the North-South split that characterized many of the disagreements during this time. Much of the South, both Republicans and Democrats, voted against the cloture in motion in fear that their only tactic to fight against civil rights policies would be taken away from them. Taken together,

[3] Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet (2022). *Voteview: Congressional Roll-Call Votes Database* https://voteview.com/rollcall/RS0870193

the high level of overlap between the two parties on this vote in particular characterizes the weak parties that were present during this period.

Despite the failure of his resolution, Senator Anderson again attempted to reduce the threshold to three-fifths in the following 88th Congress. Following the last attempt, Majority Leader Mansfield filed for cloture, citing that if the resolution did not receive the support of 60 senators, he would table the resolution. On February 7, 1963, the Senate again voted on cloture, rejecting it to the tune of 54 votes in favor and 42 votes against. While the vote ultimately fell short of the 60-vote requirement instated by Mansfield, this marked the first time that the pro-reformers were able to convince a majority of the Senate to agree to a cloture reform. It would take until 1975 when the Senate invoked cloture on Senator Robert Byrd's resolution of three-fifths cloture. The Senate would eventually pass Senator Byrd's resolution by a vote of 56 to 27, lowering the limit required from cloture down to three-fifths almost 20 years after Senator Anderson first attempted to in 1957.

Analysis

As CPG would suggest, because polarization between parties was arguably at an all-time low, senators should be reluctant to embrace reform measures that bolstered the power of leadership. This period provides strong evidence in favor of CPG's predictions as attempts to cloture were defeated time and time again up until 1975, at which time the political climate had begun to swing back towards a more polarized Senate. On the electoral vulnerability side, due to strong majorities and a low risk of defeat, senators were feeling relatively stable and thus might have been more willing to cede power to leadership as seen in the previous period. When cloture was finally reformed in 1975, the Democrats maintained a large 11 seat majority in the Senate,

certainly fitting with the idea that electoral safety is needed during times of reform. However, this argument is weak in the sense that the Democrats maintained a large majority for much of the period, peaking with an 18-seat majority in 1965, yet no reform was enacted until much later. Potentially since the Democrats had 61 seats following the 1974 election, one more than the new three-fifths threshold, it was politically advantageous to lower the threshold. Prior to 1974, the Democrats last had over 60 seats in 1969. If anything can be said about the electoral climate in 1975, Senators were *more* vulnerable than any of the time during the period. Of the 34 seats up, nine races were decided by a margin of less than five percent and five races were decided by less than two percent. This vulnerability, combined with the acceptance of defeat by the Southern Democratic bloc, opened the door for reform.

94th Congress Roll Call Vote 55

[4]
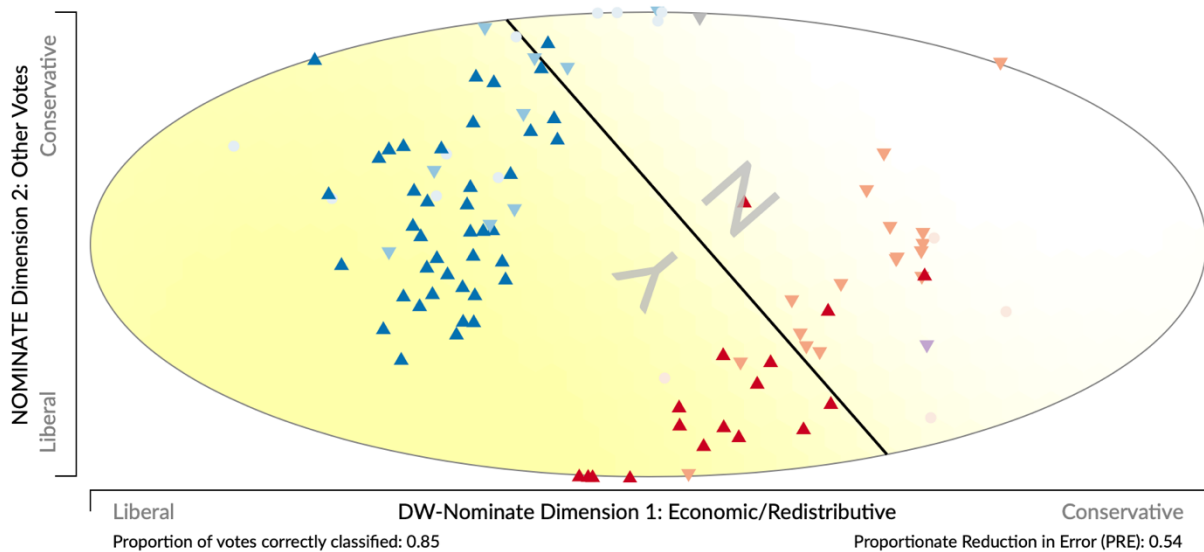
[4] Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet (2022). *Voteview: Congressional Roll-Call Votes Database* https://voteview.com/rollcall/RS0940055

Perhaps sensing upcoming electoral challenges, several Southern senators including Senators Byrd (WV), Ford (KY), Johnston (LA), and Long (LA) all voted in favor of the new limit. Comparing the DW-NOMINATE of this vote with that of the 1957 vote, the 1975 vote better represents a divide along the first dimension than the previous vote. This shift was only possible by moderates of both parties embracing reform efforts demonstrating that without moderate support, pro-party reform efforts face a difficult path.

Committee Decentralization

Following disagreements within the Democratic party between the Northern and Southern blocs, efforts were made at reforming the committee structure so that senior Southern senators would have less power within committees. While these reforms were implemented with the goal of streamlining specifically civil rights legislation, the weakening of the committee structure dramatically reduced the patronage system of committee placements that leadership had relied on in order to keep checks on their members.

Committee History

Prior to reform efforts enacted in the mid-20th century, the committee system within the Senate was one that promoted patronage and seniority. Senator La Follette, mentioned in the previous chapter, illustrated the power and the limitations of this committee approach throughout his career. With his experience in railroad regulation in Wisconsin, when first elected La Follette indicated a preference towards the Interstate Committee, yet instead was assigned to many lesser committees including the Census, Civil Service, and the select committee to Investigate the Condition of the Potomac River Front (Margulies 1976). La Follette would be given the

chairmanship of the last committee, a committee that prior to his arrival had never referred a single bill nor held a single meeting (Margulies 1976). La Follette, a staunch Progressive who ran into frequent headbutting with the Republican elite, would run for president in 1924 under the Progressive ticket. Following his defeat, Senate Republicans, seeking to punish him for breaking ranks, stripped La Follette of all committee assignments and prevented him from seeking the chairmanship of the Interstate Committee under seniority. As discussed in the previous chapter, this period was dominated by strong parties who embraced procedural reform that empowered leadership, and the parties' approach to committees certainly supported this goal. By awarding those senators who best represented party ideals important committee positions, the parties were able to maintain strong control over their members and even punish those who broke rank. However, with the weakening of centralization following the conclusion of this period, several attempts were made at decentralizing committees and reducing patronage, a direct attack on the party elite.

Legislative Reorganization Act of 1970

Passed by the Senate on October 6, 1970, the Legislative Reorganization Act of 1970[5] (LRA) contained several provisions that stripped party elites of power in favor of a greater degree of democratization within committees. In one notable change, a majority of a committee was now empowered to call a meeting if a request went ignored by the chairman for over ten days. The LRA also limited the committee placements of senators greatly with no Senator being able to sit on more than one of the Appropriations, Armed Services, Finance, and Foreign Relations committees. Equally as interesting as what was eventually included in the bill was

---

[5] 1970 Legislative Reorganization Act, H.R. 17654, 91st Cong. (1970).
https://www.govtrack.us/congress/bills/91/hr17654/text

what was not. In an amendment, Senator Robert Packwood (OR) suggested that the seniority system for the selection of committee chairs should be replaced by a simple majority selection. In his speech for the amendment, Senator Packwood noted that the current system discriminates "against the very talented men and women who are elected to this body at 53, 54, or 55, and just as they reach the place where they might rise to a committee chairmanship, they are playing hide and seek with the insurance mortality tables" (116 Cong. Rec. 35017, 1970).

One large challenge faced by the amendment attempt was that voting in favor of it ran against the interests of many senators present who had served in the Senate for multiple terms and thus would be entitled to chairmanship by seniority in the near future. In response, citing the increasing competitiveness throughout the country and in the South particularly, Senator Howard Baker (TN) noted that "forces are working in the country and in the Senate that make the seniority system in the Senate less onerous" and that "the evils of the seniority system will be less significant in the future than in the past" (116 Cong. Rec. 35019, 1970). Evidently many senators felt similar to Senator Baker and despite the support of Majority Leader Mansfield, the amendment was defeated by a vote of 22-46 (116 Cong. Rec. 35027, 1970). The support of Senator Mansfield is puzzling as if included in the Act, the amendment would have severely limited a strong mechanism of caucus discipline.

Analysis

It is no coincidence that efforts aimed at democratizing the committee system occurred during a period of immense ideological disagreement among both parties, but importantly within the Democratic majority. Following difficulties passing legislation on pressing topics such as civil rights, it was clear that the Democrats would need to find a way to limit the power of senior

committee chairs who largely originated from the South and would likely hold said chairmanships until their eventual retirement. Similar to cloture reform, efforts at democratization were not without limits, and in the end, the seniority system that benefitted the South remained despite efforts at removing it. However, the growing sense among senators that elections would become more competitive served as assurance that the seniority system would be less beneficial for the South as turnover among incumbents was thought to increase.

In summary, the two examples of procedural and structural reform provide strong evidence in favor of the first hypothesis in that as each party becomes more ideologically diverse, reform efforts should either be defeated or be engineered in such a way that strips party leadership of their power. The reform process for cloture was long and arduous, being defeated several times over before a change in the ideological and electoral landscapes opened the door to successful reform. The weakening of committees during this time also decreased the power of committee chairs in favor of individuality, ensuring that individual senators could work to bypass chairs with different ideological views. This period provides mixed evidence in support of electoral vulnerability driving reform as, despite long periods of electoral stability, little reform was enacted until elections became slightly more competitive. If anything, this period provides evidence in opposition to the second hypothesis as both reforms --cloture and decentralization-- occurred after an *increase* in electoral vulnerability, and in the case of decentralization, an increase in *perceived future* electoral vulnerability. While it can be argued that decentralization weakened leadership, in the grand scheme of reforms, the magnitude that decentralization had was small, and thus there is no evidence in conflict with the "ratcheting up" hypothesis.

Majority Leaders:

Lyndon B. Johnson

In an interview with the Library of Congress, Robert Caro, a historian who wrote several influential books on Lyndon B. Johnson noted that Senator Johnson "always found a way to get power for himself out of the conditions in some institution and make the institution work" (Caro 2013, 2). As majority leader, Senator Johnson was regarded for his role in the passage of the Civil Rights Act of 1957. As discussed above, the act was largely ineffective in accomplishing the goals it set out to realize, but it did mark the first of many civil rights bills passed during this period, an important accomplishment, nonetheless. Many scholars, including Caro, consider Senator Johnson to be perhaps the most influential majority leader in Senate history due to his ability to unite his faction-dominated party behind a significant legislative agenda (Caro 2013). Senator Johnson provides a perfect example of why assigning a label of influence to Senate leaders across different periods remains a difficult task. Because the two parties were ideologically similar during this time, Senator Johnson faced difficulties in protecting the Northern faction of his party from Republicans who had established a record of promoting civil rights. At the same time, Johnson also had to worry about pressure from the Southern faction who would oppose almost any civil rights legislation. His handling of these two different pressures, resulting in the eventual passage of the Civil Rights Act of 1957 was nothing short of incredible. An Associated Press canvas conducted on July 21, 1957, only one month before the act was passed, revealed that only 24 of the 95 senators polled were in favor of the act in its current state (White 1957). In an effort to satisfy all factions, Johnson championed two amendments: Senator Anderson's stripping of enforcement mechanisms and an amendment guaranteeing jury trials for any alleged infraction of the bill. Both amendments significantly

weakened the bill, allowing both Southern and Northern Democrats to vote in favor of the bill and maintain their strong reelection chances.

Empirically, the legislative and strategic prowess described by both the press and historians is supported by an examination of legislative win rates. In the first two terms of his stint as majority leader, Johnson faced a caucus that was immensely divided and as such, had difficulty in maintaining a high win rate. However, by his last term in the 86th Congress, Johnson was able to establish a win rate of 56%, higher than any prior leader in either party. This achievement is made even more remarkable by the fact that the 56%-win mark would not be surpassed until 1975 when the parties began drifting apart once again and internal rifts over civil rights were largely settled. Individually, Johnson was also able to marshal support from a diverse coalition on a variety of policy issues. In his first two terms as majority leader, Johnson found himself on the winning side of votes quite often. He ranked top three in winning side percentage and was on the winning side 85% of the time in the 84th Congress and 87% in the 85th Congress. Both the empirics and qualitative evidence establish Senator Johnson as one of the most successful majority leaders in history, and without his skillful negotiating on civil rights legislation, it is unlikely that any bill would have been passed during his tenure.

While Johnson's record on legislation as majority leader is impressive, his role in influencing procedural reform is much less clear. At the time of Johnson's tenure, cloture remained largely symbolic due to the high bar required to invoke it. A variety of proposals had been entertained including majority cloture, three-fifths cloture, and Johnson's own proposal for two-thirds of all senators *present and voting*. Besides a threshold disagreement, liberals argued that it was within the purview of the Senate to change its rules every two years as it sees fit while the moderates led by Johnson contended that preservation of Senate rules was essential. Debate

between the two sides grew fierce with Senator Thurmond fearing "that the Senate itself, as an institution, is at this moment under attack and in peril of destruction" (Albright 1959). The decision of Johnson to not support efforts at cloture reform likely stems from his attempted balancing of interests between the Northern and Southern blocs of his party. It was no secret that cloture reform was being pushed as a mechanism to advance another civil rights bill through the Senate and lowering the threshold required for cloture would likely put Southern Democrats in a challenging place. Johnson's compromise proposal would eventually pass but would remain largely ineffective in establishing real political reform. Despite the limited nature of the reform, the Boston Globe summarized that "the skillful majority leader confounded skeptics who predicted the rules struggle would take weeks of the Senate's time and cleave the Democratic party in two" (Evans Jr. 1959). Similar to his efforts in passing civil rights legislation, while Johnson played an active role in procedural reform, the resulting changes from his reform were minimal and would only last a few years until further reform efforts succeeded.

Mike Mansfield

Following Johnson's resignation in favor of the vice presidency, his whip at the time Mike Mansfield became the new majority leader. Similar to Johnson, Mansfield was tasked with organizing a party and a Senate that was increasingly divided over civil rights legislation. Mansfield rose to the task, becoming the longest-serving majority leader after his service of 16 years between 1961 and 1977. Mansfield's greatest legislation accomplishment would arguably be his championing of the 1964 Civil Rights Act prohibiting discrimination and segregation in schools and other public areas. Despite this success, at the time Mansfield was known for his humility and reluctance, as opposed to Johnson's aggressive negotiating tactics. In an article for

the Wall Street Journal, Jerry Landauer referred to Mansfield as a "reluctant leader" whose "gentle use of Senate power" was tested by civil rights. The stark rebuke continues to remark that "Mike Mansfield is surely the least assertive Congressional commander in memory" (Landauer 1964). Mansfield, however, was instrumental in formulating a procedural strategy to defeat the Southern filibuster of the civil rights act. As Southern Democrats continued to introduce amendments to the bill with the aim of delaying a final vote, Mansfield decided to keep the Senate in session late into the night, one day voting down 34 Southern amendments and preventing Southerners from using amendments as a form of obstructionism (Kenworthy 1964). Earlier in the procedural battle, Mansfield made the critical move to prevent Southern Democrats from sidetracking the bill through the Southern-controlled Judiciary Committee. Championing a slim majority of 54 votes, Mansfield was able to convince a bipartisan coalition that the bill must be acted on swiftly. Though he had to endure a stubborn filibuster, Mansfield was able to do what Johnson was not and pass a civil rights act that contained many substantive victories rather than symbolic ones.

As an individual, Mansfield was less effective than Johnson at ensuring that he remained on the winning side during a high percentage of votes. Mansfield still managed to keep his personal win rate above 75% throughout his term as leader with the exception of the 92nd Congress in which his win rate was 68%, placing him in the bottom ten within his own caucus and the bottom quarter of the chamber as a whole. What makes Mansfield remarkable as a leader was his ability to sustain a high win rate for his party throughout his tenure. Despite a constant influx of new Senators, Mansfield was able to keep his parties' win rate in the mid-40s, only dipping to a low of 31%, substantially higher than under Johnson. Another aspect of Mansfield's tenure that deserves recognition was his ability to maintain a majority up until his retirement.

Similarities aside, Mansfield worked to distinguish himself from Johnson in his handling of procedural reform, working in favor of reform efforts lowering the threshold for cloture. Mansfield became discontent with the current cloture rule after attempting to invoke cloture on his constitutional amendment aiming to disband the electoral college and directly elect presidents. However, tactful as he was, Mansfield repeatedly worked to delay efforts at cloture reform in fear that any effort at lowering the threshold for cloture would be filibustered by Southern Democrats, obstructing President Kennedy's legislative program. Early in 1975, cloture reform efforts had reached levels of serious consideration, yet the question remained if changing the Senate rules still required a two-thirds majority. Mansfield advocated heavily in favor of the two-thirds majority threshold, arguing that a simple majority would prove to be too unstable for the Senate to function. Finally, when the proposal came to a final vote, Mansfield advocated heavily on behalf of it, resulting in a 56 to 27 victory. In many ways, leadership throughout this period reflected the party median vote and as such, the decision to support or oppose particular reform efforts was influential in determining the final outcome.

Conclusion

Taken together, this period illustrated the challenges of leadership during times of ideological divide. Despite relative electoral safety for most Senators throughout the period, the intraparty factions proved to be insurmountable. Instead of working to strengthen leadership in order to better control divergent groups of senators, Democrats worked to stifle attempts to empower leadership for fear of alienating the Southern bloc. It may be the case that election vulnerability only works as a check on empowerment, rather than catalyzing it. Just because senators are electorally safe, they might fear that being entrapped through strong leadership

would lead directly to tougher reelection campaigns and possible defeat. Despite the defeat of reform attempts, leadership during this time was characterized by strong leaders and the emergence of the first real modern majority leaders in Senators Johnson and Mansfield. Together the two were able to pass compromises that attracted both sections of their party and ensure a high frequency of legislative wins. Especially in the case of civil rights legislation, it is evident that without strong leadership, compromises would have stalled, and the Democratic party would either be forced to alienate its Southern bloc or face difficult reelections in the North. However, while both leaders supported eventual procedural changes, neither were extremely passionate about the cause and waited until substantial support was present before moving on to it. Indeed, reform efforts were started by individual senators and supported by subsections of each party before being accepted by the majority. In their roles as leaders, both Johnson and Mansfield absorbed the role of reason, supporting procedural change but realizing that legislative agendas deserve priority over difficult fights to overrule changes.

Chapter 3: The Modern Senate (1980-2021)

Context

As the 20th century grew to a close, the parties began to diverge, catalyzing a trend that would result in levels of polarization and electoral competitiveness unlike anything prior in the Senate's history. Beginning in 1980, the Republican party became electorally competitive for the first time since the early 20th century and would tussle with the Democrats for control over the Senate throughout this period. Outside the Senate, polarization increased dramatically throughout the next several decades. Compared to 1994, the number of Americans that identified as either

liberal or conservative doubled from 10% to 21% in 2014 (Political Polarization in the American

Public 2014). Large social issues including abortion rights, drug policy, climate change, and gun

control combined with both foreign policy issues and economic recessions created an extremely

turbulent political atmosphere. This rapid increase in polarization put pressure on congressional

leaders to deliver on a variety of public policy goals, often requiring a procedural change in order

to bypass obstruction. Once again, following in the footsteps of CPG, this period of high

competitiveness and high polarization resulted in procedural changes that empower majority

leadership, resulting in powerful Senate leaders such as Harry Reid and Mitch McConnell.

Polarization

Following the passage of civil rights legislation, the two parties were tasked with

redefining their legislative programs to address other areas of need. The rise in polarization

began with the election of Ronald Reagan in 1980, bringing a new wave of conservatism with

him. As optimism in the New Deal subsided, Reagan offered an alternative that focused on the

role of small government, military strength, tax reduction, and a balanced budget. Socially,

Reagan attracted the support of evangelical protestants and conservatives with his opposition to

the Equal Rights Amendment and broader affirmative action programs. In direct contrast to

Reagan, the Democrats maintained their support for the Equal Rights Amendment citing the

struggles of women to find employment and the presence of sexism in the workplace. Following

their victories in the civil rights arena, Democrats decided to double down, advocating strongly

on behalf of affirmative action programs and in general increasing the number of opportunities

available to minorities within both the public and private sectors. Economically, Democrats

became motivated by the ideal of full employment and offered numerous spending proposals

aimed at job creation while citing the need for increased taxes to fund these social and economic programs. Congressional scholars have yet to decide on a single mechanism for the rise in polarization during this time, Bonica suggests that moments of ideological divide over hotly contested policies and attempted rule changes are the drivers of polarization since the disappearance of the Conservative Democratic South (Bonica 2014).

Supporting the narrative of rising polarization among the American electorate, likely catering to their constituents, Senators also become much more polarized during this period. Throughout this period the overlap between the two parties was low and for many years, there was no ideological overlap. Beginning with the 1980 elections, each party's DW-NOMINATE standard deviation dropped precipitously, suggesting that not only were the two parties drifting apart from one another but that each party was centralizing around a common ideology. These trends only accelerated with the turn of the century to the point where at the writing of this paper, the Senate is arguably at its most polarized state in history, equal to or higher than the levels experienced in the early 20th century. The two trends: inter-party separation and intra-party coalescence resulted in parties that wanted desperately to secure legislative wins over the other party and that these legislative wins would be supported by a vast majority of their party members. This is the exact scenario in which CPG predicts that procedural change should be enacted to allow each party to efficiently pass its legislative program with minimal opposition from the minority party.

Elections

The growing partisan divide in both the Senate and the country as a whole brought with it the likelihood of incumbents being more and more vulnerable than ever before. A central theme

of this period was the advancement of technology and social media which opened the door to more interactions between Senators and constituents. As the number of communication channels grew, so did political spending as campaigns found it strategic to run as many ads on as many different media channels as possible in order to bolster election chances. Political spending ballooned to unfathomable amounts with the 2020 election costing campaigns and outside groups a whopping total of $14.4 billion (Evers-Hillstrom 2021). The spending was justified largely by the slim majorities that were present in the Senate during this time. Both political parties and outside groups alike reasoned that they would only need to flip a small number of seats to gain the majority and as a result, the majority often flipped from party to party between elections. In the years following 1980, the Senate flipped a total of 5 times, the most in a 40-year span since 1853-1893.

Empirical measures of vulnerability track with the increased spending and competitive nature of these races. The average margin of victory, especially among Democrats, was incredibly low throughout the period, reaching an all-time low between 1994 and 1996 as Democrats won their races by a minimal 15% average. Importantly, and a decided shift from the previous period, neither party enjoyed especially large majorities during this time. The largest majority experienced by either party was a 7-seat majority that the Democrats carried with them in 1992. Between 1990 and 2020 the average number of elections decided by a margin of under 5% was just over 5 seats, suggesting that during this time it was very possible for a party to flip control of the Senate by focusing on a select number of important races. The small seat majorities combined with low margins of victory work to make this period the most vulnerable period in Senate history as each party has an equal chance at attaining the majority during any given election cycle.

Mechanisms

The Nuclear Option

Made famous by Senator and majority leader Harry Reid (NV), the nuclear option was offered as a solution to the 60-vote threshold required to break filibusters as they related to judicial nominees. With the rapid uptick in filibusters by the Republican minority during President Barrack Obama's term, Democrats found it almost impossible to nominate judges to all levels of the judicial system, frustrating leaders and party members. With the invocation of the nuclear option, Senator Reid eliminated the 60-vote threshold, instead of requiring a simple majority for non-Supreme Court nominations.

Modern Filibusters

With the growing partisan divide between the two parties in the late 1970s and early 1980s, the usage of the filibuster as a tool of obstruction increased dramatically as minority parties attempted to do everything in their power to delay the majority from passing their legislative agenda (Fisk and Chemerinsky 1997). From 1970-1980 there were an average of 11.2 filibusters per congressional session compared to 4.6 in 1960 and 1.0 in 1950 (Klein, The history of the filibuster, in one graph 2012). By the early 2000s, filibuster usage exploded with there being 52 filibusters between 2007 and 2008. The rise in filibusters resulted in large part from a policy employed by Senator Mansfield during his time as majority leader known as the two-track system. In response to repeated filibusters during the process of passing civil rights legislation, Mansfield attempted to streamline the legislative process by spending the morning on the filibuster and the afternoon on other legislative business. This way, Mansfield reasoned, the majority could continue to move on non-controversial legislation and the minority would not be

forced to hold the floor for long periods of time (Fisk and Chemerinsky 1997). However, as

partisan divides deepened, the Senate began to employ the "stealth" filibuster in which the

simple threat of a filibuster was enough to keep objectionable legislation off the floor unless the

majority could muster 60 votes (Lau 2021). With this change, filibusters could be conducted

without the need for long tedious speeches and often keeps the identities of the filibustering

group anonymous. These silent filibusters would come to dominate the Senate, slowing

everything from legislation to nominations and causing headaches for the majority party.

Judicial Filibusters

The controversy surrounding the filibuster as it relates to the nomination process was

stoked largely by Republicans during the presidency of George W. Bush. 10 of President Bush's

45 nominees underwent a filibuster by the Democrats as Democrats declared them to be too

conservative to sit on the court (Hulse 2005). In response, then majority leader Senator Bill Frist

(TN) attempted to invoke cloture a total of 20 times in order to try to force a vote on the

nominations, though he was unable to gain enough votes over the 60-vote requirement. When the

Republicans were eventually defeated and returned to the minority and the Democratic President

Barrack Obama in control of the White House, they vowed to make the Democrats' nomination

process as difficult as theirs was under Bush. Under President Obama, the Republicans

unleashed filibusters on any nominee that was unable to eclipse 60 votes, including those hailing

from conservative states and supported by Republican senators. In one such case, Republicans

blocked the nomination of Barbara Keenan to the 4th Circuit Court of Appeals for six months

before the Senate ultimately voted to confirm her 99-0. The Republicans also broke new ground

in expanding their obstructionism to all levels of the judicial system. Prior to 2011 only three

district judges had ever faced a cloture vote in the Senate. In 2011, however, Senator Reid threatened to invoke cloture on 17 district court nominees.

Frist Threatens to go Nuclear

Even prior to the explosion of judicial filibusters during the Obama Administration, Senators had attempted to create a fix in order to more efficiently confirm nominees. In response to mounting frustration within his party, Majority Leader Frist proposed invoking the "nuclear option" as proposed by Senator Trent Lott (MS). Citing language used by the Democrats in the mid-20th century, Lott's plan began with a ruling from then-Vice President Dick Cheney that a simple majority of the Senate could change the rules of the Senate (Safire 2005). Any such ruling is objectionable but can be tabled by a simple majority measure. Put simply, if the Republicans could convince their members to vote in favor of a rule change, then they would be able to change the rules without any input from the Democrats. As nominations continued to be delayed, Frist announced that he would invoke the nuclear option unless a compromise was reached.

While there was never a vote on the proposed nuclear option, examining press statements yields some information on where the Republicans lined up if there would have been a vote. It appears that at least nine Republicans were undecided on the nuclear option, with five declining to promise support in favor of it. Using DW-NOMINATE data, the vast majority of the opposition originated from the moderate part of the party, with seven of the twelve most moderate senators either opposing or declining to take a stance on the issue. The nuclear option was the first proposed reform in which support was dictated along strictly ideological lines. At first glance, it appears that these senators were motivated in large part by their own policy preferences as opposed to election pressures. Of those that opposed the change, only Senator

Lisa Murkowski (AK) faced an election with a margin under 10% and three senators came from incredibly safe states, being elected with over a 70% margin.

Leading up to the May deadline imposed by Frisk, a bipartisan coalition of 14 senators came together determined to hammer out a compromise and avoid usage of the nuclear option. The group was comprised of moderates from both parties who reached a deal to proceed on a select number of Bush's nominations while reserving the right to filibuster the others. The compromise also explicitly stated that Democrats would not filibuster any further nominees except under "extreme circumstances" (Gerhardt and Painter 2012). For a moment it seemed as though bipartisanship was still a viable option for procedure reform and that perhaps reform was not as partisan as the discussion surrounding the nuclear option suggested it was. However, following a reversal of roles, Democrats would soon be faced with Republican obstruction of their own nominees, triggering yet another debate over the nuclear option.

Following the elections of 2008, the Democrats were able to win control of both the House and the Senate along with the presidency. This would prove to be the first test of the power of the Gang of 14 and their ability to handle judicial nominations in an ordered and civil manner. While the "extreme circumstances" that would allow a Senator to object to a judicial nominee, Senator Lindsey Graham was quoted as describing his rationale as "it would have to be a character problem, an ethical problem, some allegation about the qualifications of a person, not an ideological bent" (Gerhardt and Painter 2012). Despite this, Obama's first term was characterized by a large amount of obstruction with only 71% of his judicial nominees being confirmed, the second-lowest in history only being surpassed by President G.W. Bush's first term (McMillion 2013). The extraordinary delay resulted in mounting pressure again among Democrats this time to pursue a more drastic strategy and invoke the nuclear option.

As Obama's second term arrived and the Democrats carried a slim majority of 55 seats, Majority Leader Harry Reid was determined to ensure that nominees would be voted on in a timely manner no matter what. As early as January 2, 2013, Harry Reid was engaged in discussions with Minority Leader McConnell over a possible filibuster compromise while threatening the nuclear option (Raju 2013). Compromises over individual candidates were continued to be made but by late October Republicans once again blocked the nominations of two high profile Obama nominees, triggering Reid to invoke the nuclear option on November 21, 2013. The response from the Republicans was drastic with Senator McCain remarking that "[the nuclear option] puts a chill on the entire United States Senate" and "on everything that requires bipartisanship" (Hook 2013). In a moment of foreshadowing, interest groups on both sides of the aisle welcomed the change with Carrie Severino, the chief counsel at the Judicial Crisis Network, a Republican judicial organization, mentioning that there's "a lot of Scalias and Thomases that we'd like to have on the bench. It will make that much easier" (Hook 2013).

The vote marked an exact reversal among the two parties with a large majority of Democrats supporting the procedure change and most Republicans objecting to it. The below diagram charts the DW-NOMINATE scores on the vote to sustain the decision of the chair that a simple majority cloture is required to change the rules of the United States Senate.

113th Congress Roll Call Vote 243
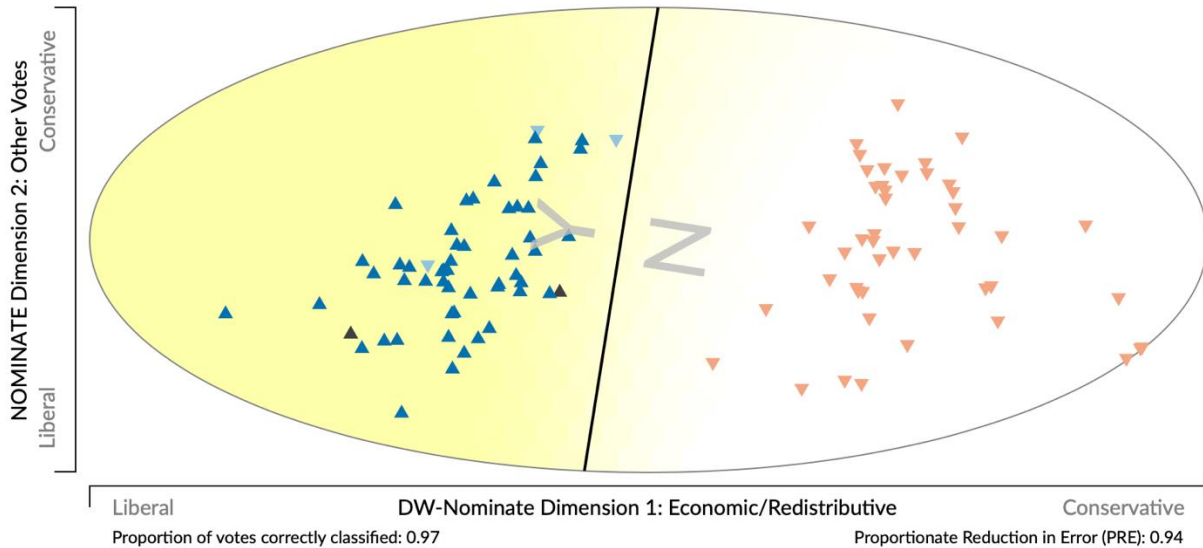
6

Comparing this to the charts provided in Chapter 2 in reference to the vote to lower the

cloture threshold to 60 votes, this chart demonstrates the strict partisan divide on the issue with

97% of all votes being correctly identified along the first, horizontal dimension. With every

Republican voting against the decision, the only act of party disloyalty was exhibited by the three

Democrats who voted with the Republicans: Senators Carl Levin (MI), Joe Manchin (WV), and

Mark Pryor (AR), demonstrated by the lighter blue triangles. The furthest to the right, Senator

Manchin, was the most conservative Democrat in the Senate at the time, likely basing his vote on

partisan lines. The other two senators were roughly in the middle of the party in terms of

ideology. Two senators, Pryor and Manchin, were also likely feeling some sort of electoral

vulnerability in midst of deciding. Pryor and Manchin both represented states that President

Obama lost in the 2012 elections, suggesting that their constituents disagreed with Obama's

[6] Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet
(2022). *Voteview: Congressional Roll-Call Votes Database* https://voteview.com/rollcall/RS1130243

policies and likely his judicial appointments. Despite his effort to remain somewhat Conservative, Senator Pryor was defeated handily in 2014. Finally, Senator Levin's vote can best be explained by his longevity in the Senate, being one of three Democrats at the time elected prior to 1984 and likely concerned about rapid institutional change. Thus, with the inclusion of the Democratic "no" votes, every vote besides Levin's could be explained either through party polarization or electoral concerns, demonstrating the applicability of CPG to the modern Senate.
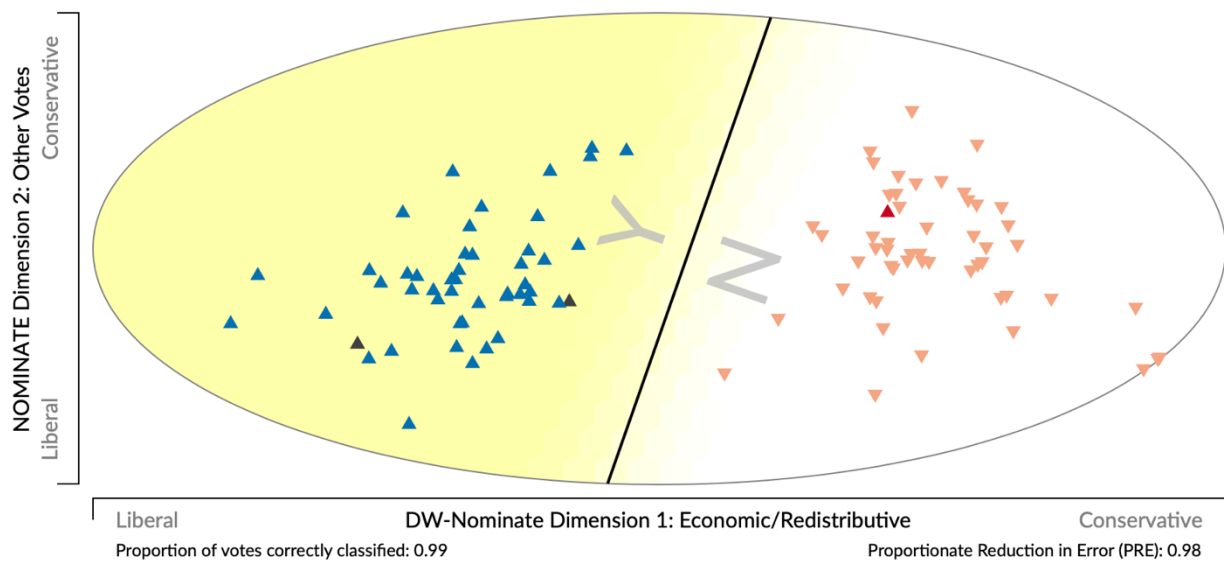
McConnell Strikes Back

Soon after the invocation of the nuclear option, Senator McConnell told his Democratic colleagues that "you'll regret this, and you may regret this a lot sooner than you think" (R. Cox 2013). Sure enough, he was right and in 2016 President Donald Trump was elected alongside a majority in both the House and the Senate, paving the way for Republicans to take advantage of the Democrats' rule change. Following a similar trend in nomination struggles, President Trump faced a Democratic minority that was unwavering in their opposition to many of his nominees. Early on in his administration, President Trump began to place pressure on Senator McConnell to invoke the nuclear option as it involved Supreme Court nominations in order to push through his choice of Neil Gorsuch. In a politically calculated move, Minority Leader Chuck Schumer (NY) announced his intentions on beginning a filibuster against Gorsuch in March of 2017 (Strassel 2017), setting the stage once again for a bitter partisan fight over senate procedures. With eight Democrats needed for the Republicans to break the 60-vote threshold, Senator Manchin became the first to publicly declare his intention of voting in favor of cloture (Lesniewski 2017), in line with his previous vote against the nuclear option. Additional support

from fellow Democratic senators Joe Donnelly (IN) and Heidi Heitkamp (ND) would prove to be too little too late and on April 6, 2017, Majority Leader McConnell invoked the nuclear option and with a vote of 52-48, removed the 60-vote threshold for Supreme Court nominations. The following diagram plots the votes of senators on McConnell's nuclear option along with their DW-NOMINATE scores. The chart contains an error as President Trump is represented as a "yes" vote when in actuality he had no ability to vote on the manner.

115th Congress Roll Call Vote 109

7

NOMINATE Dimension 2: Other Votes
Conservative — Liberal

Y Z

Liberal — DW-Nominate Dimension 1: Economic/Redistributive — Conservative

Proportion of votes correctly classified: 0.99   Proportionate Reduction in Error (PRE): 0.98

On this question, there were no divergent votes from either party, and the hyper-partisanship that has come to dominate the recent Senate had taken hold. The transition between the 1975 cloture change and the votes involving the nuclear option is remarkable in that procedural votes had become a partisan issue for the first time. The nuclear option also proved to be the first procedural reform that was necessitated not by legislative obstruction, but by obstruction in the nomination process. Additionally, considering the two prior instances of

---

[7] Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet (2022). *Voteview: Congressional Roll-Call Votes Database* https://voteview.com/rollcall/RS1150109

cloture reform involving decisions about World War I involvement and action on civil rights, the recent procedural fight has occurred largely over minor issues that have been amplified by partisan voices in both parties. At the time of writing, Democrats have once again taken control over the Senate, and calls for the complete dismantling of the filibuster have intensified suggesting the possibility of yet another partisan-fueled procedural change with great consequences for the Senate. With no signs of a reduction in partisanship and intensification of political rhetoric on both sides of the aisle, CPG suggests that this trend of leadership empowerment should continue and both parties should coalesce around their leaders to streamline not only legislation but nominations as well.

 Reconciliation

While the nuclear option fundamentally changed the nomination procedure in the Senate, it largely left legislative procedure untouched. The primary weapon of the majority when it comes to legislation is contained within the reconciliation process. During the discussion of budget resolutions, debate is limited to twenty hours, effectively preventing the minority from filibustering the resolution resulting in a simple majority required for passage. Reconciliation came to the forefront during the Reagan Administration as a result of budget resolutions that contained clauses with little relation to the budget. In response, the first limit to reconciliation was considered by the Senate through Senator Byrd's proposed rules. Eventually passing, the Byrd Rules, proposed by the minority, were a check on leadership power, and thus require additional investigation

Byrd Rules

The inclusion of nongermane clauses in reconciliation bills provided leadership with an effective means of circumventing the filibuster and streamlining legislation. The most egregious example occurred in 1983 when reconciliation reduced the number of members of the Federal Communications Commission and the Interstate Commerce Commission. Sensing their protections eroding away, Senator Byrd along with other minority Democrats attempted to amend the 1985 reconciliation bill (Heniff Jr. 2016). The bill contained numerous amendments that would have been filibustered, but the current system of reconciliation left Democrats without a weapon to fight back against them. In an amendment, Senator Byrd suggested that any "extraneous" amendment be stricken from the bill, defining extraneous as any amendment that did not contribute to reducing the deficit and balancing the budget. Byrd's amendment passed 96-0 in the Senate, suggesting a rare moment of bipartisan agreement over procedural reform (Heniff Jr. 2016). In contrast to movements made to reduce the power of the filibuster, the Byrd Rules acted to preserve the filibuster and to date, no major amendments have been offered to reduce their power.

Obamacare

Despite the inclusion of the Byrd Rules as a limit on the effectiveness of reconciliation, many major pieces of legislation have been passed using it in recent years, suggesting the desire by majorities to bypass the filibuster. One of the most important parts of President Obama's legislative agenda was Obamacare, a major reform of the American healthcare system that greatly expanded access and affordability. While the Affordable Care Act was passed through traditional means given the Democrats' 60-seat majority at the time, differences remained between the House and Senate versions of the bill. Following the death of Senator Ted Kennedy

(MA), Democrats no longer had the 60 votes required to overcome a filibuster and instead turned towards reconciliation.

Majority Leader Reid's decision to essentially pass healthcare reform through reconciliation marked the first usage of reconciliation as a means of directly circumventing obstruction. With Republicans not being able to filibuster, they attempted to raise a challenge under the Byrd Rules, though the Senate parliamentarian ruled against them. Without reconciliation, it is unlikely that the bill would have passed in its current state as Republicans had the votes to sustain a filibuster and force Democrats to compromise in favor of a more moderate bill. The evolution in reconciliation usage also provides evidence in support of another hypothesis of CPG. Besides predicting procedural reform during times of partisan conflict, CPG also suggests that leadership should be more willing to turn to those procedural powers in order to pass legislation. In passing one of President Obama's defining laws through procedure in order to prevent a filibuster, Majority Leader Reid certainly made use of Senate rules to ensure his party a major legislative victory.

Amendment Trees

Between his use of reconciliation and his invocation of the nuclear option, Majority Leader Reid's legacy of both altering Senate rules and taking advantage of existing ones is cemented in history. However, Reid's tactfulness as a leader extended past that as he also pioneered the strategy of "filling the amendment tree". A key component of Senate procedure is that when a bill is brought to the floor there is no restriction on the number of proposed amendments nor a limit on the germaneness of those amendments. Amendments have long been a weapon of the minority, allowing them not only to fundamentally alter the substance of bills

but also to kill them entirely. In passing President Obama's legislative agenda, Reid chose to

often fill all the possible amendment slots through his right of first recognition, preventing

Republicans from offering amendments on multiple bills. While Reid was not the first to take

advantage of this strategy, he did so more often than any other leader in Senate history. During

his time as Majority Leader, Reid used the tactic a total of 95 times while his predecessor,

Senator Frist only used it a total of 12 times during his term (Chaturvedi 2017).

This tactic of preventing amendments from coming to the floor exemplifies one of the most

important powers entrusted with majority leaders: agenda control. By filling the amendment tree,

majority leaders can ensure that any amendment that does reach the floor is likely supported by a

majority of their caucus, demonstrating positive agenda control. At the same time, leaders are

also able to prevent opposition amendments from reaching the floor, demonstrating negative

agenda control. With win-rate data available, it is clear that these attempts at increasing majority

leader power were largely successful in benefitting the legislative success of the party. As

Majority Leader, Reid was able to secure a historically high win percentage. Peaking in the

113th Congress, under Reid Democrats were on the winning side of roll calls 80% of the time

with certain partisans including Senators Corey Booker (NJ) and Ed Markey (MA) being on the

winning side 98% and 97% of the time respectively. The success of two parties under increased

leadership suggests that it is in the best interests of the two parties to continue to empower

leadership, though at the cost of rising partisanship. The recent feedback loop of extreme

nonpartisan outcomes results in each party taking desperate measures to pass legislation during

its time in the majority due to the exaggerated imbalanced divide in power.

Majority Leaders

Harry Reid

As has been covered in the above section, during his time as Majority Leader, Senator Reid was able to both catalyze procedural change and use agenda control to its fullest. Through his tactful use of Senate procedures, Reid was able to successfully pass many elements of the Obama Administration's legislative program including Obamacare. Without the use of reconciliation, Republicans likely would have been able to filibuster the reform, fundamentally changing many of the proposals contained within it. Instead, with minimal compromise, Reid was able to pass a bill that appealed broadly to Democrats, delivering the Obama Administration a massive win. While the long-term magnitude of his usage of the nuclear option remains debatable, in the short-term Reid was able to deliver on many Obama nominees. Under Reid, the Democrats enjoyed the highest win percentage in Senate history, a feat that goes directly to Reid's skills at ensuring nonpartisan outcomes despite the slim majority that was given to him. Essentially, Reid marked the first hyper-modern majority leader as the role had shifted from compromise to delivering on partisan objectives. While his reforms and tactics did yield many wins for the Democrats at the time, Reid's legacy is also defined as the start of the hyper-partisanship that has come to dominate the Senate in recent years. While such a high win rate for Democrats is arguably a great outcome, Reid's tenure set the precedent of using time in the majority to enact as much change as possible, without much concern for the minority or the long-term health of the Senate.

Mitch McConnell

Following in the footsteps of a leader so influential as Harry Reid was no easy task, but after being steamrolled by the Democrats under Reid, Majority Leader McConnell was

determined to continue down the path that Reid had set out on. As Democrats threatened to filibuster President Trump's Supreme Court nominee, McConnell, seeing his opportunity invoked the nuclear option, lowering the threshold to 60 votes. Again, in the short term, this move proved to yield massive returns for Republicans as they were able to successfully place two Supreme Court justices on the court during a single presidential term. McConnell's tenure will probably best be remembered for his success in delivering on Republican nominees at all levels of the judicial system. During President Trump's first year in office, McConnell confirmed 12 of his appeals court picks, the most for any president's first year in office (Zengerle 2018). By the end of President Trump's term, McConnell had confirmed a total of 54 federal judges, one less than President Obama appointed over the course of his two terms. In total, more than a quarter of all active federal judges were nominated by President Trump and confirmed by McConnell (Gramlich 2021). These victories ensured that for the foreseeable future the judicial system would have a noticeable conservative-leaning, a victory that would persist following the Republicans' return to the minority. However, despite his successes in streamlining the nomination process, McConnell faced significantly more challenges on the legislative front.

Similar to the Obama Administration, one of the defining legislative action items for the Trump Administration was healthcare, specifically, the repeal of Obamacare. Facing a likely filibuster over any effort to touch Obamacare, McConnell turned to reconciliation as an avenue of repealing many of the provisions, a strategy that worked for the Democrats in passing the act. As part of the decision, McConnell needed to pass a reconciliation bill before the expiration of the fiscal year on September 30, 2017. Even with only needing 51 votes to successfully repeal Obamacare, disagreement within the Republican caucus about what healthcare reform should constitute prevented McConnell from ever achieving 51 votes. Without the necessary votes,

Republicans were unable to pass any significant reform to Obamacare, failing to deliver on a key campaign promise in the process. The endeavor showed that even without the threat of a filibuster, legislating still required compromise that McConnell was unable to deliver on in the short amount of time he was allowed. Comparing McConnell to Reed, both were eager and willing to bend Senate rules in order to achieve highly partisan victories, though Reed was able to navigate his slim majority to carry through on victories while McConnell was faced with significant internal disagreement leading to gridlock.

Chuck Schumer

The most recent Majority Leader, Senator Schumer, has been faced with increasingly similar difficulties as his predecessors in passing legislation and controlling his slim majority. Tasked firstly with delivering on President Joe Biden's promise for another round of COVID-19 relief, Schumer, like Reid and McConnell, turned to reconciliation in order to circumvent the filibuster. Schumer, after negotiations, was able to pass the relief bill was a vote of 50-49, delivering Democrats their first major win under President Biden. The passage of this bill under reconciliation marked the third time in recent memory that the Senate had turned to reconciliation in order to pass a highly partisan piece of legislation. Obamacare, the Trump tax cuts, and now Biden's COVID-19 relief, all marked defining legislative victories for their respective administrations that were passed in a manner that required no bipartisanship support. Despite his early victory, however, Schumer has faced similar difficulties as McConnell in wrangling the moderate senators of his coalition, namely Senators Kyrsten Sinema (AZ) and Joe Manchin (WV).

Facing filibusters on many substantial pieces of legislation including election reform, jobs and employment legislation, and police reform, Democrats have once again found themselves in the position of being forced to bend Senate rules in order to pass most of their legislative agenda. From the very start of the 117th Congress, prominent Democrats began calls for filibuster reform with Senator Richard Blumenthal (CT) remarking that "we ought to end the filibuster, unquestionably. It is an obstacle to conquering the pandemic and reviving the economy, getting stuff done" (Barrett, Raju and Zaslav 2021). Calls for filibuster reform intensified and refusal to compromise on the part of the Republicans resulted in Schumer ultimately attempting to invoke the nuclear option and remove the 60-vote threshold for legislative filibusters. Despite vast support from his caucus, Schumer fell two votes short as both Sinema and Manchin, arguably the two most electorally vulnerable Democrats voted with all the Republicans and defeated the attempt 52-48. While Schumer failed in essentially killing the filibuster, his attempt opened the door for stronger majorities down the line to strongly consider the option.

Conclusion

The modern Senate has seen many changes, each more drastic than the last, all aiming to make it easier for the majority party leadership to implement their legislative platform more efficiently. With senators being more polarized individually and more aligned with one another, CPG predicts that leadership should be entrusted with greater powers and in turn take advantage of those powers more frequently. The modern Senate certainly fits the prediction through its eager use of the nuclear option to eliminate supermajority requirements in favor of 50 votes. What started with a simple alteration for judicial nominees has turned into much more with the

60-vote threshold being eliminated for Supreme Court nominees and non-Cabinet level executive branch positions. Reform is not done, however, as calls from both within the Democratic caucus and Progressive interest groups to eliminate the filibuster on legislation have grown in magnitude. Despite these calls, reform efforts throughout this period have faced difficulty in convincing senators who are electorally vulnerable. Senator Manchin's West Virginia was won by Trump in 2020 by a margin of 39%, demonstrating the strong Republican-lean of the state, putting his seat in jeopardy. Sinema's Arizona was won by President Biden in 2020, becoming the first Democrat since President Bill Clinton to win the state. Despite the victory, Biden only won the state by just under 4%, solidifying the state's status as a toss-up for future elections. Manchin's and Sinema's electoral vulnerability, combined with their moderate ideology, provides ample incentive to oppose reform efforts that could be seen by the electorate as avoiding bipartisan compromise.

Along the predictions provided by CPG, because of the strong partisan coalitions that dominated the period, it is expected that majority leaders take advantage of these powers. Indeed, this period saw some of the most influential reforms undertaken by Senate leadership in history. Majority Leader Reid was the first Majority Leader to invoke the nuclear option, confirming many of President Obama's nominees in the process. Reid also delivered on the legislative front as well, passing Obamacare through the use of reconciliation, avoiding a near-certain Republican filibuster. Majority Leader McConnell built upon the foundation of Reid and eliminated the filibuster for Supreme Court and non-Cabinet level nominees, though was unable to successfully use reconciliation to repeal Obamacare. Finally, early into his tenure as Majority Leader, Schumer has made it abundantly clear that he, and a vast majority of the Democratic party, support eliminating the filibuster for legislation as well. The three men have each played a

pivotal role in catalyzing procedural change, all empowering the leadership with no attempt to remove already attributed powers.

Conclusion

Although the powers attributed to the office of the Majority Leader are significantly reduced when compared to those of the Speaker in the House, the office's institutional powers still provide ample opportunity to influence legislation and procedural reform. The three cases presented in this thesis: the early 20th century, mid 20th century, and late 20th to early 21st century illustrate the power of Conditional Party Government in predicting procedural reform. As CPG predicts, the periods characterized by high inter-party heterogeneity and high intra-party homogeneity saw several instances of procedural reform.

In the early 20th century, mounting pressure over the Armed Ship Bill filibuster resulted in bipartisan support for a limit on debate. The resulting cloture rule, while largely symbolic in nature, represented the first attempt at curbing individualism within the Senate. No longer could a group of 12 senators kill a bill by sustaining a perpetual filibuster. This period also saw the development of the Majority Leader, though the first leaders were relatively weak by today's standards and played little to no role in the advancement of legislation and development of reform. Though the passage of the 17th Amendment occurred in 1913, popular elections were still relatively new at the time of cloture reform, meaning that incumbents were largely protected from election concerns. Tensions over foreign policy split the two parties ideologically, making the bipartisan reform effort at cloture even more impressive.

The next period, the mid-20th century, represented a complete foil to the decades preceding it. By this time the ideological line between the two parties had grown murky as

positions on civil rights developed into a North-South divide within each party. Election vulnerability remained low, especially among Southern Democrats who often ran unopposed until retirement. With the two parties overlapping along ideological lines, CPG posits that reform should not occur because individual senators would be worried about being forced by their party to a position on policy contrary to their interests. Again, CPG was proven to be correct as, despite efforts undertaken by the Democrats to lower the cloture threshold to better pass civil rights legislation, Southern Democrats held strong, preventing any change from occurring through 1975, at which the Senate had begun its return to a more polarized state. The only reforms that did occur were those decentralizing the committees from the leadership through the removal of the seniority system and restricting the power of committee chairs. The effect that electoral vulnerability had on reform is ambiguous as the only pro-party reform to take place, the 1975 cloture reform, took place during a period of increased electoral vulnerability.

The final period, the late 20th to early 21st century, reflected in many ways the first period, albeit with increased electoral vulnerability. Internal party cleavages had largely been resolved and in need of a new identity, Republicans turned to President Reagan's new wave of socially conservative policies to band behind. Democrats, equally concerned about social causes such as abortion and immigration, largely organized behind a platform of increased equality for all, regardless of sexual orientation, gender, or race. This period also marked a staunch departure from the large majorities that the Democratic party enjoyed throughout the mid-20th century. Recently, the Senate has flipped between the two parties frequently and any majority has been slim, well under the 60-vote threshold required to circumvent the filibuster. This slim majority has led both parties to feel especially vulnerable during their time in the majority for losing only a few seats could result in losing the majority. As CPG predicted, due to the deep ideological

divide between the parties and unity within each party, reform efforts were attempted and successful. Most impactful, Senator Reid's invocation of the nuclear option for judicial nominees set off a cycle of the majority resorting to procedural change in order to avoid a filibuster. Senator McConnell followed in Reid's footsteps and removed the 60-vote requirement for Supreme Court nominees and non-Cabinet-level executives. Finally, and most recently, Senator Schumer has attempted, and for the time being, failed at removing the filibuster for legislation. At the same time, the majority has increasingly turned to procedural tools such as reconciliation as a means of avoiding legislative filibusters and ensuring the passage of highly partisan legislation such as Obamacare, tax cuts, and COVID-19 relief. Electoral vulnerability continues to remain a barrier to change as seen with Schumer's attempts. Despite overwhelming support from his own party, Schumer was unable to convince the arguably two most vulnerable Democrats, Senators Manchin, and Sinema, to support filibuster reform efforts, tanking the movement for the time being. These three case studies all provide evidence in support of the first hypothesis that CPG can be applied to the Senate and both the conditions and the predictions stemming from the conditions are indeed found throughout Senate history.

Evidence relating to the second hypothesis suggesting that in times of electoral vulnerability, Senators should work to keep their individualism and oppose giving power to leadership remains more ambiguous. The only period with a high level of electoral vulnerability, the modern Senate, was host to several procedural reforms that vastly empowered leadership at the expense of individualism. One possible explanation for this occurrence is that increasingly the success of Senators is largely tied to the success of their party's broader national platform. When President Trump was elected in 2016, he ran on the promise of delivering a conservative Supreme Court nominee, and in order to deliver on that promise, McConnell had to invoke the

nuclear option or risk failure and electoral blowback directed at the Republican party. While this evidence seems to work against the hypothesis, the actions of individual senators suggest otherwise. In the original vote to go nuclear, two senators hailing from states in which then-President Obama lost in 2016 represented two of three votes against the motion, suggesting their desire to cater to their conservative-leaning constituents and avoid electoral defeat. This continues to be true recently as Sinema and Manchin have both pledged to refuse any effort to remove the filibuster. Reconciling these two pieces of evidence, in modern times polarization within the Senate has extended to the electorate as well, meaning that in order to remain relatively electorally safe, senators increasingly need to cater to their now polarized constituents in both opposing and supporting reform. Polarization has entered a feedback loop in which decisions aimed at avoiding obstruction in order to achieve partisan victories result in a polarized electorate that in turn demands even more procedural reform to carry out campaign promises, resulting in a more polarized Senate and so on.

The third hypothesis, suggesting that once power is given to the majority it cannot be removed has historically held true, though evidence in support is lacking. Considering the evidence collected as part of this thesis, there have been no identifiable attempts at undoing a reform that was previously instituted. All efforts in reforming the filibuster have continued along a path of empowerment with no attempt having been made to raise the number of votes required for cloture. Despite strong and fervent Republican criticism directed at Senator Reid's decision to turn to the nuclear option, when given the opportunity to revert the Senate back to its pre-nuclear days, Senator McConnell declined and instead continued to use the nuclear option to benefit his party's platform. Any evidence of undoing reform would probably be found during the middle period in which leadership was deliberately weak as internal party conflict raged.

Despite the steadfast blocking of cloture reform during this period, there were no efforts made at strengthening the filibuster, suggesting that once change is enacted in the Senate, it is here to stay. If in the future, the Senate returns to a state of weak parties, it will be interesting to see if recent changes such as the nuclear option are reconsidered.

The fourth and final hypothesis, suggesting that change comes from regular senators as opposed to leadership is also a more complicated story. In the first two periods, reform did originate from senators and not leadership. The original cloture rule was created and championed by Senator Owen, who also took credit for its passage. Similarly, the multiple attempted reforms during Senator Johnson's tenure as Majority Leader largely were written and advanced by Northern Democrats. While Johnson's proposal changing the requirement from two-thirds to two-thirds of those present and voting did pass, Johnson's role as Majority Leader was much more peacekeeper than a reformer. Facing two ideologically divided factions, Johnson worked tirelessly to make sure both sides were satisfied, refusing to throw his support behind any of the Northern reform attempts. After Johnson, however, leadership began to take a much more active role in reform. Mansfield, following his inability to invoke cloture on his constitutional amendment, embraced reform, both voting for and openly advocating on behalf of change. In the modern Senate, almost all reform has been enacted by leadership in consultation with party caucuses, demonstrating the increased influent that leaders have over reform decisions. In each of its usages, the nuclear option was invoked by leadership and not a regular member of the Senate. Throughout each of these three periods, the powers attributed to the majority leader have increased, suggesting that modern leaders are institutionally more powerful today than in prior periods. As a result, caucuses are increasingly turning to leadership to champion both legislation and procedural reform. Win-rate data from Reid's tenure shows that the decision to turn to

leadership has been beneficial to all as the modern Senate boasts historically high win rates,

ensuring that legislative outcomes are more partisan than ever.

These findings have important implications for current discussions surrounding

procedural reform in the Senate. As has been mentioned, Democrats have faced both external

and internal pressure to eliminate the filibuster for legislation as several pieces of President

Biden's legislative platform have stalled in the face of Republican filibusters. Americans'

confidence in Congress has bottomed out and has been hovering around 12% for the last several

years (Brenan 2021), illustrating the frustration that Americans have with the current system of

legislation. This discontent ranges from the average American up to the Senate itself. In his

farewell speech in 2020, Senator Tom Udall (NM) observed that "the Senate is broken. And it's

not working for the American people" (Chamberlain 2020). The Senate has been the subject of

multiple attacks on the speed at which it considers and passes legislation. Facing these

comments, multiple interest groups have adopted the position that the removal of the filibuster

would help to reduce obstructionism and return the Senate to a state of functioning. If the

filibuster ever has a credible chance of being removed, it is certainly in the near-term future.

Under Schumer the Democrats have tried and failed, to remove the filibuster, suggesting that

unless they win more seats in 2022 any reform effort will have to wait. This period exemplifies

the conditions that CPG identifies as catalyzing change and an enormous amount of change has

already been enacted. If the recent tradition continues, minorities continue to obstruct majorities

at the rate they have been, the majority will almost be forced to invoke the nuclear option and

eliminate the filibuster entirely or face electoral difficulty.

Without diving too much into the merits of filibuster reform, one consideration to be

made is the tradeoff between win rate and polarization. Recently, strong leadership has been able

to succeed in sustaining a high win rate on roll call votes in the Senate through the use of procedural power to both advance majority interests and prevent minority influence. Filibuster reform would certainly continue this trend and would likely reduce obstruction, though in doing so would almost certainly contribute to the already growing polarization problem. The filibuster works as a supermajority requirement to incentivize bipartisanship and moderation on legislation. The feedback loop discussed above by which chamber polarization is reflected onto the public would only be exacerbated and the divide between Democrats and Republicans would only worsen. In making a decision to remove the filibuster, Senate leadership must consider this tradeoff and determine whether short-term legislative victories are worth the long-term damage to bipartisanship. Alternatively, a proposal without such drastic consequences is to undo the two-track system developed by Senator Mansfield and force senators to physically filibuster. As was the case with the civil rights filibusters in the mid-20th century, even while contributing to obstruction, filibusters that require speaking on the part of senators usually are defeated with time. However, as this thesis has shown, once a change is enacted in the Senate it is rarely reconsidered and as such, it would be surprising for the Senate to return to the pre-Mansfield system of filibusters.

List of References

Albright, Robert C. 1959. "Lawmakers Argue Filibuster Curb for a Second Day." *The Washington Post and Times Hearld*, January 9: https://www.proquest.com/docview/149288442/5D33B34276E54065PQ/10?accountid=10198.

Aldrich, John H. 2011. *Why Parties?* Chicago: The University of Chicago Press.

Aldrich, John H., and David W. Rohde. 2021. "Lending and Reclaiming Power: Majority Leadership in the House Since the 1950s." In *Congress Reconsidered*, edited by C. Lawrence Dodd and Bruce I. Oppenheimer, 33-67. CQ Press.

—. 1998. "Measuring Conditional Party Government." *Annaul Meeting of the Midwest Political Science Association.* Chicago.

Aldrich, John H., and David W. Rohde. 2001. "The Logic of Conditional Party Government: Revisiting the Electoral Connection." In *Congress Reconsidered*, edited by Lawrence C. Dodd and Bruce I. Oppenheimer. CQ Press.

Ansolabehere, Stephen, and James M. Snyder Jr. 2002. "The Incumbency Advantage in U.S. Elections: An Analysis of State and Federal Offices, 1942–2000." *Election Law Journal: Rules, Politics, and Policy* 1 (3): 315-338.

Barrett, Ted, Manu Raju, and Ali Zaslav. 2021. "Democrats frustrated as fight over filibuster stalls power-sharing agreement in Senate." *CNN Politics.* January 21. Accessed April 14, 2022. https://www.cnn.com/2021/01/21/politics/senate-filibuster-democrats-republicans-power-sharing/index.html.

Beveridge, Albert J. 1898. *March of the Flag.* Indiana Republican Meeting, Indianapolis. September 16.

Binder, Sarah A. 2010. "The History of the Filibuster." *Brookings.* April 22. Accessed April 14, 2022. https://www.brookings.edu/testimonies/the-history-of-the-filibuster/.

Binder, Sarah A., Eric D. Lawerence, and Forrest Maltzman. 1999. "Uncovering the Hidden Effect of Party." *The Journal of Politics* 61 (3): 815-831.

Bomboy, Scott. 2021. "The Previous Question: The Filibuster's Early Murky History." *National Constitution Center.* December 7. Accessed April 14, 2022. https://constitutioncenter.org/blog/the-previous-question-the-filibusters-early-murky-history.

Bonica, Adam. 2014. "The Punctuated Origins of Senate Polarization." *Legislative Studies Quarterly* XXXIX (1): 5-25.

Brenan, Megan. 2021. "Americans' Confidence in Major U.S. Institutions Dips." *Gallup.* July 14. Accessed April 14, 2022. https://news.gallup.com/poll/352316/americans-confidence-major-institutions-dips.aspx.

Byrd, Robert C. 1991. *The Senate: 1789-1989 Addresses on the History of the United States Senate.* Washington: U.S. Government Printing Office.

Caro, Robert, interview by Sheryl Cannady. 2013. *Biographer Robert Caro on Lyndon B. Johnson* https://www.loc.gov/podcasts/qalcm/podcast_caro.html.

Caughey, Devin, and Eric Schickler. 2016. "Substance and Change in Congressional Ideology: NOMINATE and Its Alternatives." *Studies in American Political Development* (30): 128-146.

Chamberlain, Kendra. 2020. "Udall in farewell to the Senate: 'The Senate is broken. And it's not working for the American people'." *NM Political Report*, December 9: https://nmpoliticalreport.com/2020/12/09/udall-in-farewell-to-the-senate-the-senate-is-broken-and-its-not-working-for-the-american-people/.

Chaturvedi, Neilan S. 2017. "Filling the Amendment Tree: Majority Party Control, Procedures, and Polarization in the U.S. Senat." *American Politics Research* 46 (4): 724-747.

Choi, Sungmun. 2017. "Politician's ideology and campaign contributions from interest groups." *Emperical Economics* (53): 1733-1746.

Cox, Gary W., and Mathew D. McCubbins. 2002. "Agenda Power in the U.S. House of Representatives, 1877 to 1986." In *Parties, Procedure and Policy: Essays on the History of Congress*, by David W. Brady and Mathew D. McCubbins, 150-219. Stanford University Press.

Cox, Ramsey. 2013. "McConnell: 'You'll regret this'." *The Hill*, November 21: https://thehill.com/blogs/floor-action/senate/191057-mcconnell-youll-regret-this/.

Dion, Douglas, and John D. Huber. 1996. "Procedural Choice and the House Committee on Rules." *The Journal of Politics* 58 (1): 25-53.

Evans Jr., Rowland. 1959. "Senate, 72-22, Votes New Filibuster Rule." *Daily Boston Globe*, January 13: https://www.proquest.com/docview/504802139/5D33B34276E54065PQ/12?accountid=10198.

Evers-Hillstrom, Karl. 2021. "Most expensive ever: 2020 election cost $14.4 billion." *OpenSecrets.* February 11. Accessed April 14, 2022. https://www.opensecrets.org/news/2021/02/2020-cycle-cost-14p4-billion-doubling-16/.

Fenno, Richard F. 1978. *Home Style: House Members in Their Districts.* Boston: Little Brown.

Fisk, Catherine, and Erwin Chemerinsky. 1997. "The Filibuster." *Stanford Law Review* 49: 181-254.

Fisk, George M. 1910. "The Payne-Aldrich Tariff." *Political Science Quarterly* 25 (1): 35-68.

Gamm, Gerald, and Steven S. Smith. 2015. "The Emergence of Senate Party Leadership, 1913-1937: The Case of the Democrats." *Congress and History Workshop.* Vanderbuilt University.

Gerhardt, Michael, and Richard Painter. 2012. ""Extraordinary Circumstances": The Legacy of the Gang of 14 and a Proposal for Judicial Nominations Reform." *University of Richmond Law Review* 46 (4): 969-983.

Gramlich, John. 2021. "How Trump compares with other recent presidents in appointing federal judges." *Pew Research Center.* January 13. Accessed April 14, 2022. https://www.pewresearch.org/fact-tank/2021/01/13/how-trump-compares-with-other-recent-presidents-in-appointing-federal-judges/.

Heniff Jr., Bill. 2016. "The Budget Reconciliation Process: The Senate's "Byrd Rule"." *Congressional Research Service.* November 22. Accessed April 2022, 14. http://fedtaxportal.com/wp-content/uploads/2018/10/Budget-Reconciliation-and-the-Senate-Byrd-Rule.pdf.

Hirano, Shigeo, James M. Snyder Jr., Stephen Daniel Ansolabehere, and John Mark Hansen. 2010. "Primary Elections and Partisan Polarization in the U.S. Congress." *Quarterly Journal of Political Science* 5 (2): 169-191.

History, Art & Archives, U.S. House of Representatives. 2022. *Election Statistics: 1920 to Present.* Accessed April 14, 2022. https://history.house.gov/Institution/Election-Statistics/.

Hook, Janet. 2013. "Democrats Rein In Senate Filibusters." *Wall Street Journal*, November 21: https://www.proquest.com/docview/1460183473/560EFE6B17734A05PQ/414?accountid=10198.

Howard, Vincent W. 1980. "Woodrow Wilson, The Press, and Presidential Leadership: Another Look at the Passage of the Underwood Tariff, 1913." *The Centennial Review* 24 (2): 167-184.

Hulse, Carl. 2005. "Fight on Judges and Filibusters Opens in Senate." *The New York Times*, May 19: https://www.nytimes.com/2005/05/19/politics/fight-on-judges-and-filibusters-opens-in-senate.html.

Kenworthy, E.W. 1964. "Senate Speed-Up Puts Rights Bill Near Final Vote." *The New York Times*, June 17:

https://www.proquest.com/docview/115825191/589E72D21A1F4E95PQ/17?accountid=
10198.

Klein, Ezra. 2012. "Is the filibuster unconstitutional?" *The Washington Post*, May 15:
https://www.washingtonpost.com/blogs/ezra-klein/post/is-the-filibuster-
unconstitutional/2012/05/15/gIQAYLp7QU_blog.html.

—. 2012. "The history of the filibuster, in one graph." *The Washington Post*, May 15:
https://www.washingtonpost.com/blogs/ezra-klein/post/the-history-of-the-filibuster-in-
one-graph/2012/05/15/gIQAVHf0RU_blog.html.

Koger, Gregory. 2006. "Cloture Reform and Party Government in the Senate, 1918–1925." *The
Journal of Politics* 68 (3): 708-719.

Krehbiel, Keith. 1995. "Cosponsors and Wafflers from A to Z." *American Journal of Political
Science* 39 (4): 902-923.

—. 1998. *Pivotal Politics: A Theory of U.S. Lawmaking.* Chicago: University of Chicago Press.

Landauer, Jerry. 1964. "Reluctant Leader: Civil Rights Issue Tests Mile Mansfield And His
Gentle Use of His Senate Power." *Wall Street Journal*, June 5:
https://www.proquest.com/docview/132938945/589E72D21A1F4E95PQ/8?accountid=1
0198.

2022. "Landmark Legislation: The Seventeenth Amendment to the Constitution." *Senate
Historical Office.* March 8. Accessed April 14, 2022.
https://www.senate.gov/about/origins-foundations/senate-and-constitution/seventeenth-
amendment.htm.

Lau, Tim. 2021. "The Filibuster, Explained." *Brennan Center for Justice.* April 26. Accessed
April 14, 2022. https://www.brennancenter.org/our-work/research-reports/filibuster-
explained.

Lee, Francis E. 2016. "Patronage, Logrolls, and "Polarization": Congressional Parties of the
Gilded Age, 1876–1896." *Studies in American Political Development* (30): 116-127.

Lesniewski, Niels. 2017. "Joe Manchin Opposes Filibuster of Neil Gorsuch." *Roll Call*, March
27:
https://www.proquest.com/docview/1881426820/CA1B2DC59BA04ADBPQ/146?accou
ntid=10198.

Leuchtenburg, William E. 1952. "Progressivism and Imperialism: The Progressive Movement
and American Foreign Policy, 1898-1916." *The Mississippi Valley Historical Review* 39
(3): 483-504.

Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet. 2022. *117th Congress: Senators.* https://voteview.com/congress/senate.

—. 2022. *Voteview: Congressional Roll-Call Votes Database.* Accessed April 14, 2022. https://voteview.com/.

Margulies, Herbert F. 1976. "Robert M. La Follette Goes to the Senate, 1905." *The Wisconsin Magazine of History* 59 (3): 214-225.

Mayhew, David. 2004. *Congress: The Electoral Connection.* New Haven and London: Yale University Press.

McCarty, Nolan. 2016. "In Defense of DW-NOMINATE." *Studies in American Political Development* (30): 172-184.

McMillion, Barry J. 2013. "President Obama's First-Term U.S. Circuit and District Court Nominations: An Analysis and Comparison with Presidents Since Reagan." *Congressional Research Service.* May 2. Accessed April 14, 2022. https://sgp.fas.org/crs/misc/R43058.pdf.

Nokken, Timothy P., and Keith T. Poole. 2004. "Congressional Party Defection in American History." *Legislative Studies Quarterly* 29 (4): 545-568.

Oppenheimer, Bruce I., and Marc J. Hetherington. 2008. "Catch 22: Cloture, Energy Policy, and the Limits of Conditional Party Government." In *Why Not Parties: Party Effects in the United States Senate*, edited by Nathan W. Monroe, Jason M. Roberts and David W. Rohde, 198-228. Chicago: University of Chicago Press.

Peters, Gerhard, and John T. Woolley. 1960. "1960 Democratic Party Platform." *The American Presidency Project.* July 11. Accessed April 15, 2022. https://www.presidency.ucsb.edu/documents/1960-democratic-party-platform.

2014. "Political Polarization in the American Public." *Pew Research Center.* June 12. Accessed April 14, 2022. https://www.pewresearch.org/politics/2014/06/12/political-polarization-in-the-american-public/.

Poole, Keith T., and Howard Rosenthal. 1985. "A Spatial Model for Legislative Roll Call Analysis." *American Journal of Political Science* 29 (2): 357-384.

Poole, Keith T., and Howard Rosenthal. 2001. "D-Nominate after 10 Years: A Comparative Update to Congress: A Political-Economic History of Roll-Call Voting." *Legislative Studies Quarterly* 26 (1): 5-29.

Poole, Keith T., Howard Rosenthal, and Kenneth Koford. 1991. "On Dimensionalizing Roll Call Votes in the U.S. Congress." *The American Political Science Review* 85 (3): 955-976.

Raju, Manu. 2013. "Reid delays call on filibuster overhaul." *Politico*, January 2: https://www.proquest.com/docview/2046159206/11BC4141DF404E48PQ/5?accountid= 10198.

Reynolds, Molly E. 2021. *What is the Senate filibuster, and what would it take to eliminate it?* January 29. Accessed April 14, 2022. https://www.brookings.edu/policy2020/votervital/what-is-the-senate-filibuster-and-what- would-it-take-to-eliminate-it/.

Riker, William H. 1955. "The Senate and American Federalism." *The American Political Science Review* 49 (2): 452-469.

Rohde, David W. 2013. "Reflections on the Practice of Theorizing: Conditional Party Government in the Twenty- First Century." *The Journal of Politics* 75 (4): 849-864.

Safire, William. 2005. "Nuclear Options." *The New York Times*, March 20: https://www.nytimes.com/2005/03/20/magazine/nuclear-options.html.

Schiller, Wendy J., Charles Stewart III, and Benjamin Xiong. 2013. "U.S. Senate Elections before the 17th Amendment: Political Party Cohesion and Conflict 1871–1913." *The Journal of Politics* 75 (3): 835-847.

Shepsle, Kenneth A. 1989. "The Changing Text Book Congress." In *Can the Government Govern?*, by John E. Chubb and Paul Peterson, 355-368. Washington, D.C.: The Brookings Institution.

Sinclair, Barbara. 1998. "Do Parties Matter?" *UC Irvine: Center for the Study of Democracy.* July 15. https://escholarship.org/uc/item/3gc9j43c.

Strassel, Kimberly. 2017. "Chuck Schumer Breaks the Senate." *Wall Street Journal*, March 24: https://www.proquest.com/docview/1880283044/CA1B2DC59BA04ADBPQ/140?accou ntid=10198.

The New York Times. 1915. ""Owen Outlines Fight for Cloture"." December 1 1915: https://timesmachine.nytimes.com/timesmachine/1915/12/01/104658154.html?pageNum ber=7.

The New York Times. 1917. ""Sharp Words By Wilson"." March 4: https://timesmachine.nytimes.com/timesmachine/1917/03/05/102320385.html?pageNum ber=1.

The New York Times. 1908. ""The Currency Nostrum"." May 28: https://www.proquest.com/cv_687827/docview/96845010/48A7E100E3744258PQ/1?acc ountid=10198&parentSessionId=QtgYF8bNoNz00JKX4lZu4YE0EzHg9tCq6cjy59imty U%3D.

The New York Times. 1903. ""The Overshadowed Senate"." February 21:
https://www.proquest.com/docview/96323865/2AAEB73791A94BD5PQ/5?accountid=1
0198.

The New York Times. 1917. ""Thirty-three Senators Give Pledge to Mend Rules to Halt
Filibustering"." March 5:
https://www.proquest.com/docview/99943291/D99EF5581B62408APQ/3?accountid=10
198.

White, William S. 1957. "Civil Rights Bloc Striving to Save Integration Plan." *The New York
Times*, July 21:
https://www.proquest.com/docview/114129788/BD137A7FBB74831PQ/13?accountid=1
0198.

Wilson, Woodrow. 1916. *Accepting the Democratic Nomination for President.* Sea Girt.
September 2.

Winquist, Thomas R. 1958. "Civil Rights: Legislation: The Civil Rights Act of 1957." *Michigan
Law Review* 56 (4): 619-630.

Yang, Vicky Chuqiao, Daniel M. Abrams, Georgia Kernell, and Adilson E. Motter. 2020. "Why
are U.S. Parties So Polarized? A "Satisficing" Dynamical Model." *Society for Industrial
and Applied Mathmatics* 62 (3).

Zengerle, Jason. 2018. "How the Trump Administration Is Remaking the Courts." *The New York
Times*, August 22: https://www.nytimes.com/2018/08/22/magazine/trump-remaking-
courts-judiciary.html.