



The Partisan Basis of Procedural Choice: Allocating Parliamentary Rights in the House, 1789-1990

Author(s): Sarah A. Binder

Reviewed work(s):

Source: *The American Political Science Review*, Vol. 90, No. 1 (Mar., 1996), pp. 8-20

Published by: [American Political Science Association](#)

Stable URL: <http://www.jstor.org/stable/2082794>

Accessed: 20/11/2012 21:55

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



American Political Science Association is collaborating with JSTOR to digitize, preserve and extend access to *The American Political Science Review*.

<http://www.jstor.org>

The Partisan Basis of Procedural Choice: Allocating Parliamentary Rights in the House, 1789–1990

SARAH A. BINDER *The Brookings Institution*

Conventional accounts of the institutional development of Congress suggest that expansion of the size and workload of the House led members to distribute parliamentary rights narrowly: Majority party leaders accrued strong procedural powers while minority parties lost many of their parliamentary rights. I offer an alternative, partisan basis of procedural choice. Using an original data set of changes in House rules, I present a statistical model to assess the influence of partisan and nonpartisan factors on changes in minority procedural rights in the House between 1789 and 1990. I find that short-term partisan goals—constrained by inherited rules—shape both the creation and suppression of rights for partisan and political minorities. Collective institutional concerns and longer-term calculations about future parliamentary needs have little impact on changes in minority rights. The findings have important theoretical implications for explaining both the development of Congress and the nature of institutional change more generally.

As it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding.

—Thomas Jefferson, 1801

It is but too evident, that when the right of debate is taken away—when a majority can . . . screen themselves from exposure (however weak, arbitrary or wicked their measures may be) by sealing the lips of a minority on the floor of congress, we may soon bid adieu to our best and dearest rights. It is laying the axe at the very root of the tree of liberty.

—Rep. Archibald McBryde to constituents, 1810

Compiling a manual of parliamentary practice in 1801, Thomas Jefferson emphatically recognized the importance of procedure in securing the rights of minority party members in the U.S. Congress. In a democratic political institution, majority parties would achieve their favored outcomes by taking advantage of their superior size, and minority parties would resist by availing themselves of protective rules to amend, delay, or obstruct the majority's agenda. Yet, as suggested by Archibald McBryde (Federalist-North Carolina) just a few years later, the portrait of congressional rules as stable guarantors of the minority's right to participate meaningfully in the legislative process is deceptive. Far from rigidly securing the rights of the opposition, congressional rules are themselves the object of choice (Riker 1980). Just as policy outcomes are contested by coalitions within each chamber, so too are the formal rules of the legislative game.

What leads members of Congress—in theory entitled to full and equal participation as members of a demo-

cratic legislature—to alter the procedural rights afforded members of the minority party? I shall articulate and test several competing explanations to account for formal changes in the rules of the House of Representatives that have created or suppressed minority rights from 1789 to 1990. Although conventional accounts suggest that changes in the size and complexity of the House and its agenda necessitated the development of firm majority rule and restrictions on minority rights (Cooper 1977; Stewart 1992), my findings indicate otherwise. The results, I argue, suggest the power of a partisan theory of procedural choice to explain the timing and direction of formal change in House rules. The distribution of parliamentary rights in the House is conditional on the shape of partisan forces in the chamber. In allocating rights to the minority, partisan advantage rather than collective institutional concerns drives members' procedural choices.

Although this study focuses on a narrow category of congressional rules, the evolution of minority rights has broad theoretical implications. First, explaining the politics of minority rights is necessary for modeling the course of congressional development. Although it is well known that the House had become, by the late nineteenth century, a highly partisan and majoritarian institution (and remains so today), we know little as yet about why the House chose that particular historical path and the Senate did not. Second, understanding the politics of procedural choice will help both formal and empirical students of institutions to answer a more general question: What leads members of an institution to agree to new organizational arrangements? The evolution of minority rights will suggest that a theory of institutional change should start with a simple premise: Institutions reflect purposive behavior. Political bodies are designed and altered, in other words, to secure their members' preferred outcomes. Importantly, however, past procedural choices are inherited by subsequent majorities, thereby constraining their own future choices over rules. Any theory of institutional change arguably must integrate such inherited institutional arrangements with the array of contemporary political preferences.

Sarah A. Binder is Research Associate in Governmental Studies, The Brookings Institution, Washington, DC 20036.

The author is grateful for the advice and comments of Michael Alvarez, Katherine Harris, Eric Lawrence, Forrest Maltzman, Jim Stimson, Paul Wahlbeck, Garry Young, and especially Steven Smith. Funding for this project was provided by a doctoral dissertation fellowship from the University of Minnesota and a Robert Hartley Fellowship in Governmental Studies from the Brookings Institution; I thank them both for their generous support.

CONGRESSIONAL DEVELOPMENT AND THEORIES OF CHANGE

Traditional works on congressional development—including studies of committees (McConachie 1898), early legislative methods (Harlow 1917), and party government (Hasbrouck 1927)—charted institutional change in rich detail but fell short in identifying and explaining patterns of change in Congress's past. Indeed, congressional scholars have produced little theory about institutional change (Shepsle 1989). Even with the emergence of "new institutionalism" studies in the late 1970s, rules have generally remained exogenous to the study of congressional decision making (Shepsle 1979; Shepsle and Weingast 1987).

Although formal theorists are now elaborating how institutional features structure policy outcomes, their models generally depict institutions as *ex ante* bargains struck prior to the legislative game.¹ Moreover, these models generally assume that legislators hold fixed sets of preferences. But when preferences and contexts change, an institution's rules are often no longer satisfactory to a majority of its members.² Although we know that both policy preferences and environmental change appear to drive institutional change (Cooper and Brady 1981; Cooper and Young 1989; Sinclair 1989; Smith 1989), theoretical work that predicts the timing and direction of such change is limited.

A growing number of scholars are now turning to the historical record to explain change in legislative institutions. Several of these studies focus on specific aspects of congressional development, including the emergence of standing committees (Gamm and Shepsle 1989), the development of bill introduction rules (Cooper and Young 1989), and the development of committee seniority norms (Katz and Sala 1996). Such studies often draw distinctions between macro (contextual) and micro (individual) levels of explanation. The macro approach argues that changes in external demands and institutional norms shape institutional arrangements. For example, Cooper and Young (1989) argue that House majorities gradually changed bill introduction rules in the nineteenth century largely in response to changes in the size and complexity of the House's agenda. In contrast, the micro approach posits the rational choice of rules to secure legislators' preferences, with institutional changes reflecting the aggregate outcome of members' calculations. For example, in explaining changes in congressional budgetary structures at the turn of the century, Stewart (1989) argues that members' demand for localistic policy induced preferences for a decentralized appropriations process, although preexisting economic and institutional forces constrained members' pursuit of such goals.

These contrasting micro and macro perspectives pro-

vide the basis for several alternative explanations of change in congressional minority rights. I shall now elaborate these competing explanations and draw out testable propositions for further study.

External Demands and Procedural Choice

The macro perspective on institutional change—linking external pressures and internal change—is not new to the study of Congress. Indeed, in his seminal article on the institutionalization of the House, Polsby (1968) argued that as the responsibilities of the national government increased and as career paths led to longer terms of service within the chamber, the House developed an organizational structure that emphasized a division of labor and more routinized modes of procedure. Isolating size and increasing workload, Polsby argued that relating the size of the House to the amount of work it performs would likely explain much of the institutionalization of the House (pp. 164–65).

Such an organizational theory approach roots conventional accounts of the development of House procedure (see Cooper 1977). The logic of the argument is relatively simple: The rapid early growth of the House and its leading role in the new national government led to the swift introduction of limits on individual rights. Institutional strains, in short, are said to have made "legislative egalitarianism impossible" (Stewart 1992, 86). Because every member's ability to achieve his or her political goals is in theory equally and adversely affected by expansion of the chamber's agenda, it would be in the collective interest of members under conditions of increasing House size and legislative activity to support new rules aimed at better management of chamber activity. Such procedural changes would increase the likelihood that both majority and minority party coalitions would gain the time necessary to pursue legislative goals important to their respective coalitions, increasing individual members' support for such change.

Of course, because rules changes in the House are adopted by simple majority vote, majority party leaders in practice only need to convince their own party members of the need for such restrictive procedural change. Thus, drawing from Binder (1995a), a workload/size theory of procedural change leads to the following expectation:

WORKLOAD HYPOTHESIS (SUPPRESSION). *The majority party is more likely to suppress minority rights when increases in the level of demands on the chamber increase the value of time for the majority.*

A second expectation drawn from such an institutional logic would connect changes in workload and size to efforts to reinforce minority rights. If increases in the size and workload of the chamber lead to restrictions on minority rights, then lessening of external demands ought to increase members' incentives to expand minority rights. On those occasions on which majority parties have responded to minority party demands for new procedural rights, we would expect to find a relationship between workload and procedural rights again:

¹ See, e.g., Shepsle and Weingast 1987 and Shepsle's 1989 critique. An alternative rational choice approach models institutions as endogenous outcomes of noncooperative games (Calvert 1992).

² Aldrich (1989) develops an argument about "frustrated majorities" and institutional failure. From an ecological perspective, Kaufman (1985) also details the ways in which organizations often fail to meet the demands of their changing environments.

WORKLOAD HYPOTHESIS (CREATION). *The majority party is more likely to create minority rights when workload and resulting time pressures on the chamber decrease.*

There is reason to be cautious, however, in arguing that changes in legislative activity will elicit calls for changes in minority rights. Although many structural arrangements clearly are not partisan matters, there is arguably a direct link between procedural rules and the balance of power within an institution (Knight 1992). By setting the bounds of permissible action and thereby limiting choices of an institution's members, rules distribute power among decision makers (Levi 1990; Schauer 1991). Rules, in other words, may be said to reflect the prevailing balance of forces within an institution. Because the balance of power in Congress is generally measured along a partisan dimension and because rules governing minority rights affect the allocation of power within each chamber, we should expect conflict over minority rights to engage partisan considerations directly. Change in parliamentary rights, in other words, is likely to have partisan implications, making it unlikely that majority party members would suppress rights simply in response to increasing chamber activity. Alternative explanations of change in minority rights thus draw on the politics of partisan advantage, rather than collective institutional concerns, to account for procedural change.

Party Competition and Procedural Choice

In assessing the modern House—in which minority rights to offer amendments are routinely limited by the majority party and many committees are disproportionately stacked in the majority party's favor (Bach and Smith 1988; Smith 1989)—many observers have speculated about the impact of the near-permanent Democratic majority and near-permanent Republican minority on procedural choice. Because the majority often limited minority party rights when the Democrats controlled the House from 1955 to 1994—the longest period of uninterrupted party control of either chamber in American history—many scholars have argued that the majority was simply incapable of understanding what it was like to be in the minority. As argued by Mann and Ornstein before Republicans took control of the House in the 1994 midterm congressional elections. "What may be missing today is any sense on the part of the minority of the demands and responsibilities of government, and any appreciation on the part of the majority of the frustrations and constraints of assuming the role of the opposition. The majority seems to view its power as an entitlement and has set up a structure of patronage that pervades the institution" (1993, 55). In contrast, Democratic and Republican parties in the modern Senate have experienced legislative life in both the majority and minority, and "partisan tensions and their effects have been much more subdued" (p. 55). Without a doubt, they conclude, with more frequent party turnover in the House, each side would develop an institutional memory of life in both positions.

An implication of this perspective is that members

choose procedural arrangements based on their calculations about future parliamentary needs. Recognizing the partisan impact of procedural rights, majority party members seek those procedural rights that would best serve their longer-term partisan interests. Assuming that both majority and minority party members can make a reasonable calculation about their future status in the institution, each side would make procedural choices about minority party rights accordingly. Majority parties anticipating defeat in the coming election would create minority rights to prepare for their parliamentary future; majority parties anticipating continued control of the chamber would suppress minority rights knowing that such changes would make it easier for them to control the House agenda in the future. Linking longer-term electoral calculations with short-term preferences about rules leads to two testable propositions:

PARTY COMPETITION HYPOTHESIS (SUPPRESSION). *The majority party is more likely to suppress minority rights when it discounts its chances of losing majority control.*

PARTY COMPETITION HYPOTHESIS (CREATION). *The majority party is more likely to create minority rights when it anticipates losing control of the chamber.*

A scenario at the close of the Forty-Third Congress in 1875, however, raises questions about the relevance of future parliamentary needs to procedural choice. In 1875, majority party Republicans brought the House back into a lame-duck session, the November 1874 elections having cost them control of the coming Congress for the first time in nearly 20 years. Facing persistent obstructionism by the Democratic minority and anxious to ensure passage of what would be the last Reconstruction-era civil rights bill before losing control of the House, Republicans changed the rules to limit minority obstructionism (see Foner 1988; Kelly 1959; Wyatt-Brown 1965). Instead of expanding minority rights to prepare for their impending minority status, the majority altered chamber rules to secure its immediate policy goals. The 1875 case suggests that short-term, rather than long-term, partisan calculations might motivate members' procedural choices—a possibility I explore next.

Partisan Preferences and Procedural Choice

Large and cohesive majorities can set legislative agendas, assemble policy coalitions, and secure legislative victories with relative ease (Brady 1988; Clubb, Flanagan, and Zingale 1990; Hurley, Brady, and Cooper 1977). Unlikely to face factional disputes among their members, such majorities can also easily defeat most minority obstructionism. Given a strong enough coalition, such majorities will rarely be constrained by decision rules requiring either a bare majority or supermajority vote for passage. Indeed, when a majority party so dominates the chamber, there should be little debate over the set of chamber rules: Given the similarity of members' views, nearly any set of rules would produce similar legislative results.

It is fairly unusual, however, for the majority party to

enjoy such unchallenged power within Congress.³ As majority party strength declines, it becomes tougher for a majority to successfully pursue its policy agenda. Given the difficulties of assembling and maintaining a majority coalition under such conditions, the advantages and disadvantages conferred by existing rules become far more salient to members (Fink and Humes 1992). Because legislative rules determine, for example, which proposals may be advanced, who may propose them, and how the proposals will be pitted against each other, chamber rules have a much larger effect in determining the winning legislative coalition when party members' preferences begin to diverge.

It follows then that members' procedural choices should closely reflect their views about policy. Indeed, as suggested by the 1875 case (as well as by Binder 1995 and Fink 1994 for the early Congresses and Dion 1991 for part of the nineteenth century), majority parties are likely to try to change the rules in their favor if they believe such changes will increase their chances of legislative success. Unless such changes are deemed necessary for securing policy goals, a majority party would not necessarily invest in efforts to alter chamber rules in its interests. Instead, efforts to change House rules are more likely when the achievement of majority party legislative goals is hampered by minority obstructionism. Thus linking partisan preferences to procedural choice yields an expectation about the partisan conditions leading to suppression:

PARTISAN NEEDS HYPOTHESIS (SUPPRESSION). *The higher the level of minority obstructionism, the more likely the majority party will suppress minority rights.*

Partisan need alone, however, is arguably insufficient to produce restrictive procedural change. Instead, a majority party must also be sufficiently stronger than the minority to succeed in its procedural effort. Because suppressing minority rights, by definition, limits the minority's ability to amend, debate, or obstruct the majority's agenda, we should expect the minority party to oppose any effort to limit its parliamentary rights. Further, because rules protecting the minority party rarely preclude dissident majority party members from taking advantage of the rule (see Appendix), the majority party must be sufficiently united over its legislative goals in order successfully to limit minority rights. Minority obstructionism is unlikely to impel support for restrictions on minority rights if the majority party itself is factionalized over policy. Thus sufficient partisan capacity, as well as partisan need, is necessary for suppressing minority rights, which leads to the following expectation:

PARTISAN CAPACITY HYPOTHESIS (SUPPRESSION). *The stronger the majority party relative to the minority party, the more likely the majority party will suppress minority rights.*

A reverse logic holds for the creation of minority rights. The weaker the majority party, the more likely a

faction of the majority will join a cross-party coalition in favor of expanding minority rights. Under such conditions, extending minority rights would serve the policy interests of both minority party members and those majority party members desiring to challenge the majority party's control of the agenda. If cross-party coalitions are necessary to extract procedural rights from the majority, then strong minority parties are essential to the creation of new rights: the stronger the minority party, the fewer the number of majority party defectors necessary to form a winning coalition in favor of extending minority rights. Thus the alignment of partisan policy preferences also leads to a testable proposition:

PARTISAN CAPACITY HYPOTHESIS (CREATION). *The weaker the majority party relative to the minority party, the more likely a cross-party coalition will create new minority rights.*

Immediate short-term policy preferences, rather than longer-term calculations about party control or broader institutional concerns about managing the legislative agenda, would thus motivate members either to suppress or to create minority party rights.

Preference alignments, external demands, and party competition, of course, might vary independently. Variation across all three factors might influence the probability of changes in House minority rights. My goal is to assess the relative influence of each of these variables in explaining the suppression and creation of minority rights across the history of the House. Contrary to conventional expectations about the impact of workload and changing party control on procedural change, the findings here will suggest the influence of partisan alignments and inherited rules in structuring change in procedural rights.

DATA AND METHODS

I define a minority right as a *procedural advantage protected from arbitrary change that enables the minority party to amend, debate, or obstruct the majority's agenda*. To test the suppression and creation hypotheses, I assemble a data set of all minority rights that have existed at any point during the history of the House between 1789 and 1990.⁴ I then determine when each minority right was formally created and/or suppressed as part of House rules. This yields two dichotomous dependent variables—one indicating when minority rights have been suppressed and the other indicating when they have been created (see appendix).

Changes in the procedural context, however, make it inappropriate to model the entire span of House history in the same way. Because minority parties alter their procedural strategies to take advantage of changing rules and political conditions, the particular form of minority obstructionism changes over time as well. Inherited rules, in other words, make possible certain types of obstructive activity while foreclosing others. To assess appropriately the influence of minority obstructionism and other factors on rights suppression, I divide House

³ Indeed, according to Brady (1988), the dominant majorities associated with realignment periods have emerged only three times in the nation's political past.

⁴ Selection of minority rights is addressed in the appendix.

history into two periods intended to capture a major shift in ways of conducting chamber business.

The first period lasts from 1789 through the readoption of Reed's rules in 1894 (1st–53d Congresses), the second, from 1895 to 1990 (54th–101st Congresses).⁵ During the first period, House majority parties gradually accrued a set of rules ensuring majority party control of the legislative process. Indeed, throughout much of the period, House rules served the minority party's interests. Majority parties generally needed a two-thirds majority to obtain consideration of favored bills; and minority parties persistently exploited traditional individual rights to offer dilatory motions and often refused to vote, thereby preventing action on legislation preferred by the majority (Bach 1990; Dion 1991; Garfield 1981, 3:17–18). By the beginning of the second period in 1895, the majority party had gained firm procedural control over the chamber's legislative agenda—control rarely challenged in the twentieth century.

To test the hypotheses of rights creation and suppression, I construct several independent variables to tap the conditions underlying changes in minority rights and then use bivariate statistical tests and multivariate maximum likelihood logit models to assess the factors influencing changes in minority rights over time. I shall describe measures used to tap the workload, party competition, and partisan factors shaping procedural change.

Workload

Tapping workload over the history of the House poses several measurement problems. First, although the current *Congressional Record* chronicles levels of legislative activity down to minutes in session for each chamber, no such records are available for the period prior to 1945. Second, no single measure of legislative activity fully captures the scope of legislative demands. Given these difficulties, I instead assemble several proximate and correlated measures of workload and perform a principal-components analysis to extract a general "workload" factor from the variables for each period.

For the first period (1789–1894), I use the number of House members, the number of public laws enacted, and the length of each Congress in days—measures that arguably tap the level of demands generated by the membership, the scope of the congressional agenda, and the amount of time consumed by that agenda.⁶ For the second period, I include only laws enacted and days in session, because the increase in membership is flat after 1915. In each period, the principal components analysis

⁵ Reed's rules, originally adopted under Speaker Thomas Reed (R-Maine) by the Fifty-First Congress (1889–91) and readopted by a Democratic majority in the Fifty-Third Congress (1893–95), ended a century of minority obstructionism (Chiu 1928; Dion 1991; Follett 1902). Reed's rules also capped a century of incremental restrictions on minority rights (appendix). Cooper and Young (1989) and Bach (1990) both note the significance of Reed's rules as a turning point in the procedural development of the House.

⁶ *Size of the House* is taken from Martis (1989), *laws enacted* is from U.S. Bureau of the Census (1975, 1987, 1993), and *days in session* appears in U.S. Congress 1993a.

produces a single workload factor. I then generate a factor score for each Congress that represents the level of "workload" in that Congress.⁷ Based on the workload hypotheses, I would expect increases in workload to increase the chances of suppression and decrease the likelihood of creation.

Change in Party Control

The hypotheses of future needs assume that members of the majority party are reasonably able to calculate their electoral prospects in the coming election.⁸ Thus, to test the effects of expected change in party control on procedural change, I code for each Congress whether the majority party lost control of the House in the following election.⁹ I would expect change in party control to increase the chances of creation and to dampen the probability of suppression.

Partisan Needs

To tap a majority party's need for a procedural fix to its legislative problems, I need a measure of minority party obstructionism. No single measure, however, captures minority obstructionism across House history. Instead, I use several different variables to measure obstructive activity within the two periods described above.

For the period 1789 to 1894, minority parties persistently used dilatory motions to obstruct the majority's efforts to pass its favored legislation. In particular, minority parties resorted to using motions to adjourn to delay and frustrate the majority. Thus, I use the percentage of floor votes in each Congress consumed by motions to adjourn to tap levels of minority obstructionism.¹⁰ Because over a third of the suppression cases occurred at the opening of a new Congress, I lag the level of obstructive motions by one Congress. The use of a lagged measure then tests for whether the majority party acts to redress obstructionism experienced in the previous Congress.¹¹ Even if a rule change does not occur at the start of a new Congress, lagged obstruction

⁷ I use the regression method of the *SPSS 6.01 for Windows* factor analysis module to estimate factor score coefficients for each variable. Factor scores for each Congress are then obtained by multiplying the standardized value of each variable by its factor score coefficient.

⁸ There is arguably no easy way to measure whether or not a party anticipates retaining control of the chamber in the following Congress. Of course, if a Congress meets in a lame-duck session after the November elections (as it routinely did before ratification of the Twentieth Amendment in 1933), the two parties already know their respective positions in the coming Congress.

⁹ Change in party control is coded as 1, 0 otherwise.

¹⁰ Motions to adjourn were routinely used by the minority party to prevent the majority from taking further action on its agenda (see, e.g., Garfield 1981, 3:18). Numbers of motions to adjourn appear in Inter-University Consortium for Political and Social Research (ICPSR) Congressional Voting Records, 1st to 53d Congresses (File 0004). In counting motions to adjourn from ICPSR codebooks, I exclude motions to set a future time of adjournment, because these motions were often used by the majority party as a scheduling tool.

¹¹ Even if party control of the chamber has switched between the two Congresses, the lagged obstruction measure still taps the extent to which the new majority party is likely to face obstruction by the new minority party.

still taps recent minority party floor tactics and the array of existing rules. The higher the percentage of obstructive floor motions, the more likely the majority party will suppress rights in the following Congress.

No single measure accurately taps minority obstructionism in the period after 1895. Instead, I construct several measures to tap reported sources of minority obstructionism. As suggested by the incidence of changes in the discharge rule in the early twentieth century (see appendix), minority party use of the discharge rule motivated majority members repeatedly to revise the discharge rule in that period in an effort to limit its use by the minority party (Beth 1990; Hasbrouck 1927).¹² Indeed, after a century of restrictive rules changes, the majority party had all but sealed access to the floor agenda from the minority party, leaving the committee discharge process as one of the few means available to the minority to challenge majority agenda control. Thus, to measure activity by the minority deemed noisome by the majority, I use the total number of discharge petitions filed in the House, lagged by one Congress.¹³ The higher the level of discharge efforts, the more likely minority rights will be suppressed.

As another proximate measure of minority obstructionism, I use the total number of recorded floor votes in each Congress, again lagged by one Congress. Limits on members' rights to request recorded votes and to offer amendments were clearly motivated by majority party frustration with the increase and type of minority-sponsored amendments in the 1970s (Bach and Smith 1989; Smith 1989). The higher the number of recorded votes, the more likely minority rights will be suppressed.

Because accounts of the modern period also suggest that newly created minority rights were often retracted in the following Congress (see Davidson and Oleszek 1977; Hasbrouck 1927), I use a dummy variable to indicate whether or not a minority right was created in the prior Congress.¹⁴ If a minority right has just been created, the majority party's motivation to retract the concession is arguably highest when it seeks to change the rules at the opening of the next Congress.

Partisan Capacity

Party capacity for assembling a winning coalition (i.e., party strength) can be considered a function of a party's relative size and its cohesiveness across all roll-call votes. A large party that is incohesive may be no stronger than a small party that is tightly cohesive. Thus, to measure majority and minority party strength over time, I interact

¹² But Hasbrouck notes some majority abuse of the discharge rule in 1910 in an effort to prevent the minority from using its newly acquired procedural right (1927, 142–45).

¹³ Data appear in Beth 1990. Prior to the creation of the discharge rule in the Sixty-First Congress (1910), I code each Congress as 0. For the Sixty-First through Sixty-Seventh Congresses, I use the number of discharge *motions* (rather than *petitions*) filed because the discharge petition was not created until the Sixty-Eighth Congress. Although early changes in the discharge rule affected the ease with which members could file discharge motions and petitions, the number of discharge motions and petitions filed is still a reasonable method of tapping efforts to discharge committees.

¹⁴ The variable is coded 1 if a right was created, 0 otherwise.

each party's percentage share of chamber seats with its Rice cohesion score.¹⁵ To relate majority and minority party strength in each Congress, I use the difference in majority and minority party strength.¹⁶ The larger the difference in party strength, the more likely minority rights will be suppressed; the smaller the difference, the more likely rights will be created.

PATTERNS OF SUPPRESSION IN THE HOUSE

Looking first at simple bivariate relationships during the first period (1789–1894), the conditions fostering suppression of rights lend initial support for both workload and partisan preference hypotheses (Table 1). Minority rights are more likely to be suppressed under conditions of higher workload, higher majority party advantage in strength over the minority, and higher levels of minority party obstructionism.¹⁷ Contrary to the party competition hypothesis, however, subsequent change in party control does not dampen the suppression of minority rights. In fact, although the difference is statistically insignificant, minority rights are more likely to be suppressed prior to a switch in party control than when the majority retains its control of the chamber. Thus, a rise in legislative activity, as well as increases in the majority party's perceived need and actual capacity for procedural change, appear to have statistically significant effects on the likelihood of suppression.

Judging from bivariate tests, suppression in the second period appears to occur under slightly different conditions (Table 2). High partisan capacity and partisan need are still strongly related to the suppression of minority rights. The relationship between legislative activity and suppression, however, is weaker than in the first period: workload is not statistically higher in Congresses with restrictive rules changes than in those without. There is, however, some support for the party competition hypothesis: majority parties retaining control of the chamber in the second period are more likely to suppress minority rights. To make sense of the relative influence of these partisan and nonpartisan

¹⁵ Rice cohesion scores are calculated for each party as the mean absolute difference of the percentage voting *aye* and the percentage voting *nay* over all roll-call votes for each Congress. In measuring party size, I use each party's share of chamber seats, rather than the share of seats held by the majority and minority parties, to account for the presence of minor parties in several mid-nineteenth-century Congresses. House cohesion data provided by Garry Young and are based on roll-call data from ICPSR, File 0004. Members' party affiliations and party sizes are those reported in Martis 1989.

¹⁶ An identical measure is used by Hurley, Brady, and Cooper (1977) to measure the majority party's capacity for major policy change. Alternative measures of party strength narrow their focus to party votes (a majority of one party opposing a majority of the other) on the grounds that party strength should only be relevant on votes showing interparty disagreement (Brady, Cooper, and Hurley 1979; Hurley 1979). Arguably, however, a party's capacity to muster a majority for procedural change will be grounded on its performance across all roll-call votes in a Congress. Moreover, variation in interparty disagreement can be captured more directly by measures of minority party obstructionism as discussed.

¹⁷ I report one-tailed significance tests throughout because there are clear expectations about the direction of effects.

TABLE 1. Conditions Fostering Suppression of Minority Rights, 1789–1894

Hypothesis	Variable	Mean		Difference
		Suppression Congresses (n = 10)	Nonsuppression Congresses (n = 41)	
Partisan capacity	Difference in majority and minority party strength	15.45	8.70	6.75**
Partisan need	% obstructive floor motions (lagged)	13.30	6.10 ^a	7.20***
Workload	Workload factor score	.70	-.20	.90***
Party competition	Change in party control in following Congress	.50	.25 ^b	.25

^an = 40 (excludes 1st Congress).

^bn = 40 (excludes 18th Congress due to discontinuity in chamber parties; see Martis 1989).

**p < .01, one-tailed test.

***p < .001, one-tailed test.

TABLE 2. Conditions Fostering Suppression of Minority Rights, 1895–1990

Hypothesis	Variable	Mean		Difference
		Suppression Congresses (n = 9)	Nonsuppression Congresses (n = 37)	
Partisan capacity	Difference in majority and minority party strength	19.50	13.00	6.50*
Partisan need	Number of recorded votes (lagged)	656.00	290.00	366.00*
	Discharge motions filed (lagged)	37.00	17.00 ^a	20.00
	Newly acquired minority right	.44	.08	.36*
Workload	Workload factor score	.22	-.10	.32
Party competition	Change in party control in following Congress	0.00	.19	.19**

^an = 36 (missing data for 101st Congress).

*p < .05, one-tailed test.

**p < .01, one-tailed test.

factors on rules changes in both periods, I turn to multivariate tests of the politics of rights suppression.

Predicting Suppression, 1789–1894

A maximum likelihood logit model of suppression in the eighteenth and nineteenth centuries confirms the importance of partisan need and capacity in shaping procedural choice (Table 3).¹⁸ In a model assessing the impact of minority obstructionism, the difference in majority and minority party strength, subsequent change in party control of the chamber, and levels of legislative activity, the coefficients for lagged obstruction and party strength difference are both significant and in the predicted (positive) direction. Coefficients for changes in workload and change in party control are both insignificant.

¹⁸ Because the dependent variable is dichotomous, ordinary least squares regression is inappropriate (Aldrich and Nelson 1984). Coefficients in a logit model are estimated using a maximum-likelihood method: The coefficients making the observed results most likely are chosen.

Overall, the model correctly classifies 90% of the cases and reduces error by 50%.¹⁹

Unlike ordinary least squares regression, the impact of each independent variable in a logit model depends on the values of each of the other variables. Thus, to interpret the model's coefficients, I assess the impact of each independent variable over a specified range, hold-

¹⁹ The model fails to predict suppression when it was observed in the Seventeenth (1822), Twenty-Fifth (1837), Thirty-Sixth (1860), and Fortieth (1868) Congresses. Dion (1991), however, shows that majority parties in both 1837 and 1860 restricted minority rights in an effort to redress prior obstructive activity. Both floor debates and voting alignments on the rules changes provoked sharp partisan divisions. For the 1868 case, the model yields a 47% probability of suppression. In that year, facing persistent minority obstructionism from Democrats opposed to impeaching Andrew Johnson, majority Republicans in a party-line vote during consideration of the articles of impeachment suppressed the right to offer dilatory motions (Hinds 1907, 5:925). The 1822 case, occurring during an era of diminished partisan conflict under one-party rule by the Republicans, clearly is an outlier, although at least one minority party Federalist protested the rule change as a restriction on individual rights (see *Annals*, 17th Cong. 1st sess. 1299, 13 March 1822; U.S. Congress 1983).

TABLE 3. Minority Rights Suppression, 1789–1894 (Maximum Likelihood Logit Models)

Hypothesis	Variable	Coefficient	Change in X (from, to)	Impact ^a (%)
Partisan capacity	Difference in majority and minority party strength	.16* (.07)	(1.95, 18.09)	26
Partisan need	% obstructive motions (lagged)	23.46* (11.33)	(.02, .14)	31
Workload	Workload factor score	.04 (.59)	(-1.03, .97)	1
Party competition	Change in party control in following Congress	1.06 (1.14)	(0, 1)	12
	Constant	-5.92*** (1.9)	—	—

Note: Entries are unstandardized coefficients (standard errors in parentheses). -2 log likelihood = 30.68; model chi-squared 18.9, $p < .001$; correctly predicted = 90%; reduction in error = 50%; $N = 49$.

^aFor explanation of "impact," see n. 20.

* $p < .05$.

*** $p < .001$.

ing the other variables constant at their means.²⁰ Contrary to the conventional wisdom, increases in workload do not increase the probability of suppression. In fact, increased legislative activity has virtually no effect on the choice of restrictive rules.²¹ Instead, suppression is 31% more likely when obstructionism increases from 2% to 14% of all floor motions and 26% more likely when the majority party's advantage in strength over the minority climbs sixfold. Although the party competition hypothesis predicts that suppression is more likely when the majority anticipates retaining control of the House, the results suggest that suppression is actually more likely (but only nominally so) when the majority party loses control.

Predicting Suppression, 1895–1990

By 1894, when Reed's rules had been readopted by the majority party, the role of party had been formalized in House rules, granting the majority party almost unfettered control over the floor agenda. Under this different procedural context, however, minority parties still devised procedural strategies intended to limit the majority's control of the agenda. Unlike the earlier period, however, there has been no single form of minority obstructionism in the latter period. Thus, in modeling the pattern of suppression after 1895, I try several

alternatives to tap the procedural difficulties encountered by majority parties.

One method of capturing the increased incidence of minority obstructionism is to use a dummy variable that indicates whether a minority right was created in the previous Congress. By extending new rights to the minority, the majority party potentially makes itself vulnerable to nettlesome activity by the minority. Testing for the effects of changes in party strength difference, workload, party control of the chamber, and newly created minority rights, the first model in Table 4 suggests moderate support for the partisan preference hypotheses. The coefficient for a newly created minority right is statistically significant and in the predicted (positive) direction. The coefficients for the difference in party strength and workload variables are also significant in the predicted (positive) direction. As expected, the coefficient for the change in party control variable is not. The model, however, provides only a 25% reduction in error over the modal category.

As noted, however, changes in the discharge process and floor voting rules opened the majority party to periodic procedural threats from the minority party. The second model in Table 4 begins to test for the effects of these rules changes by adding a variable to tap the number of recorded votes cast in the previous Congress. Nearly doubling the model's reduction in error, the addition of the variable lends further support for the partisan preference and workload hypotheses. Majority parties are more likely to suppress minority rights when their perceived capacity and need for change increases and when legislative activity is increasing as well. The expectation of retaining control of the House, in contrast, does not have a measurable effect on the likelihood of suppression.

In the third model in Table 4, I add a variable to tap the introduction and use of the discharge rule—a rule change that provides minority members a chance to shape the legislative agenda. Although the discharge variable does not reach statistical significance, its intro-

²⁰ The effect of each independent variable is calculated as P (suppression) = $1/(1 + e^{-z})$, where $z = b_0 + b_1$ (difference) + b_2 (obstruction) + b_3 (change in party control) + b_4 (workload). "Impact" is the change in the probability of suppression as X varies from one standard deviation below to one standard deviation above the mean value for the continuous variables. For the dichotomous variable (change in party control), the impact of the variable is shown as it changes from 0 to 1.

²¹ Although workload increases over time, it is not a simple monotonic trend; there is enough variation in the series not to think that it is a simple linear trend. To control for the possible effects of increases in workload over time, I reran the model to include a "Congress" variable—in effect, controlling for "time." The estimated coefficient for Congress is statistically insignificant and there is no appreciable change in the model. The same holds for the twentieth-century models.

TABLE 4. Minority Rights Suppression, 1895–1990 (Maximum Likelihood Logit Models)

Hypothesis	Variable	Model			Change in X (from, to)	Impact (%) (model 3)
		1	2	3		
Partisan capacity	Difference in majority and minority party strength	.13* (.07)	.240* (.120)	.320* (.150)	(5.45, 23.11)	2
Partisan need	Number of recorded votes (lagged)	—	.005* (.002)	.006* (.003)	(12, 740)	1
	Discharge motions filed (lagged)	—	—	.030 (.030)	(0, 57)	0
	Newly acquired minority right	4.40** (1.80)	9.430* (4.400)	9.800** (4.400)	(0, 1)	79
Workload	Workload factor score	1.80* (.95)	3.900* (2.100)	4.400* (2.100)	(-1.04, .97)	7
Party competition	Change in party control in following Congress	-8.80 (53.80)	-8.600 (52.200)	-8.400 (48.800)	(0, 1)	0
	Constant	-4.80** (1.60)	-11.100** (4.900)	-14.500** (6.300)	—	—
	-2 Log likelihood	27.47	19.030	16.310	—	—
	Model chi-squared	18.01**	26.000***	28.720***	—	—
	correctly predicted (%)	84.80	88.900	90.100	—	—
	reduction in error (%)	25.00	45.000	56.000	—	—
	N	46.00	45.000	44.000	—	—

Note: Entries are unstandardized coefficients (standard errors in parentheses).

* $p < .05$, one-tailed test.

** $p < .01$, one-tailed test.

*** $p < .001$, one-tailed test.

duction improves the overall fit of the model, increasing the reduction in error to 56%. All three models suggest that accounting for levels of partisan capacity and partisan need, as well as the level of workload, is essential for predicting patterns of rights suppression, even after implementation of Reed's rules.²² Moreover, in the most robust of the three models, change in party control is unrelated to the probability of suppression.

Assessing the impact of each variable from the third model (Table 4, column 5), partisan need again has the largest influence on the likelihood of suppression, with newly created minority rights all but certain to be suppressed in the following Congress. In contrast, a switch in party control has no effect on restrictive procedural change. The rest of the findings, however, show some interesting changes in the post-Reed era. First, an increase in workload has a very weak but

positive effect on the likelihood of suppression. Second, although an increase in partisan capacity bolsters the probability of suppression, the relative impact is highly diminished in comparison to the earlier period.²³ Such a finding is consistent with the general change in House politics after the adoption of Reed's rules. Because of rules changes secured in the nineteenth century, the role of the majority party in structuring the chamber agenda was formalized in House rules by the end of the 1890s. By ensuring the power of a simple majority to control the content of the agenda, as well as floor debate and amending opportunities, nineteenth-century rules changes endowed twentieth-century majority parties with an inherent advantage over the minority. That development appears to have reduced the majority party's reliance on coalition strength to suppress new minority obstructionism in the modern House.²⁴

²² The third model only fails to predict suppression of minority rights that occurred in 1965 and 1983 (Eighty-Ninth and Ninety-Eighth Congresses, respectively). Both cases are consistent, however, with the finding that restrictive rules changes are motivated by high partisan capacity and partisan need. Democrats in 1965, bolstered by the 1964 Johnson landslide, eliminated the privilege of demanding an engrossed copy of a bill—a move intended to prevent the obstructive tactics of minority Republicans such as H. R. Gross (R-Iowa) (Davidson, Kovenock, and O'Leary 1966, 138). A similar dynamic recurred in 1983. Majority Democrats, whose ranks increased in the 1982 midterm elections, made it more difficult in 1983 for members to offer certain types of riders to appropriations bill, a practice that had been used disproportionately by Republicans and Democratic conservatives (Smith 1989, 60–61).

²³ To ensure that such an interpretation is not an artifact of the introduction of the dummy variable measuring a newly acquired minority right, I reran the nineteenth-century model adding an identical variable. There was only a negligible and statistically insignificant change in the overall fit of the model and in the impact of the party strength variable in the first period.

²⁴ A final word on the robustness of the logit models is in order here. Despite the use of over-time data, there are no theoretical reasons to expect the presence of autocorrelation or heteroscedasticity in the data and hence no reason to model such variation directly. The historical record lends no evidence that past reforms have been mimicked by subsequent majorities or that there have been any learning effects from one Congress to another. Even with the clustering of suppression in

TABLE 5. Conditions Fostering Creation of Minority Rights, 1789–1990

Hypothesis	Variable	Mean		Difference
		Creation Congresses (n = 7)	Noncreation Congresses (n = 89)	
Partisan capacity	Difference in majority and minority party strength	6.72	12.39	5.67*
	Minority party strength	31.47	24.47	7.00***
Workload	Workload factor score	.05	-.03	.08
Party competition	Change in party control in following Congress	.43	.23	.20

* $p < .05$.*** $p < .001$.

PATTERNS OF CREATION IN THE HOUSE

The politics of suppression suggests that immediate partisan goals have historically motivated majority parties to alter the distribution of minority rights. The politics of creation leads to a similar conclusion. Because the distribution of cases makes inappropriate a multivariate test of the influence of partisan and nonpartisan factors on creation, I use bivariate tests to study the creation pattern.²⁵

The size of the majority party's advantage in strength over the minority is statistically smaller in Congresses when rights are created than in Congresses with no new minority rights (Table 5). Thus, as suggested in the partisan capacity hypothesis, the weaker the majority party relative to the minority, the more likely a right will be created. Indeed, minority parties gaining new rights are statistically stronger than minority parties that fail to procure new rights. Under these conditions, a cross-party coalition in favor of extending minority rights is most likely to form. With such a strong minority, only a few majority defectors are necessary to form a winning coalition in favor of reallocating parliamentary rights. In contrast, there is no evidence that declining workload or anticipation of minority status leads majority parties to extend minority rights.

The requirement of a cross-party coalition to procure new rights is consistent with historical circumstances under which rights have been created. The extension of

the 1970s, there is no evidence that reforms directly "fed" on each other. Majority party Democrats in those years successfully sought to deal with a host of both recurring and new sources of minority obstructionism. A successful rule change in any given Congress did not make it more or less likely that a subsequent majority would also suppress rights.

²⁵ Minority rights were created once in the first period, and in only 7% of the second-period Congresses. Given such a distribution of cases, I consider the 1789–1990 span as a single period. I drop from the analysis Congresses with rights created and suppressed simultaneously (1847 and 1880), because I would not expect similar conditions to prevail when rights are created and when a compromise produces both creation and suppression in a single procedural package. I have also dropped the 1822 case, as it is a clear outlier. In short, the minority right created in 1822 (requiring a two-thirds vote to suspend the rules) was an inadvertent byproduct of the majority party's attempt to suppress minority rights. Although the rule today protects minorities, there was no such intent when it was adopted in 1822—precisely the opposite. The politics of the 1822 rule change are treated in detail in Binder 1995.

new minority rights has historically occurred when a faction of the majority party agrees with members of a strong minority party that reinforcing minority rights would serve both coalitions' interests. Cross-party coalitions of Progressive "insurgent" Republicans and minority party Democrats in 1910, 1924, and 1931 were driving forces behind the extension of new minority rights. For example, a coalition of Progressive Republicans and minority Democrats in 1924 forced the Republican leadership to alter the discharge rule in its favor, earning the right for 150 members to call up a discharge motion on the floor and defeating an effort to increase the required number to 218 (Hasbrouck 1927). In the 1970s as well, cross-party coalitions were responsible for procuring new minority rights. For example, Democrats offered increases in minority staff and a ban on proxy voting to entice Republican support for broader institutional reforms, many opposed by senior majority party Democrats (Davidson and Oleszek 1977).

DISCUSSION AND CONCLUSIONS

Contrary to conventional themes about the development of the House, the emergence of a partisan, majoritarian institution was not inevitable. Far from being the inescapable consequence of secular trends, restrictive procedural choices in the House appear to reflect short-term partisan goals of the majority party, rather than longer-term partisan considerations or broader collective concerns about increasing efficiency of the chamber. When increased partisan capacity and need for procedural change coincide, majority parties have been most successful in limiting minority rights and moving the House toward a more partisan and majoritarian chamber. But when minority parties strengthen and attract the support of a majority faction, the process stalls and minority rights are reinforced. There is, in other words, a partisan basis to procedural choice in the House. Across the history of the House, crucial procedural choices have been shaped not by members' collective concerns about the institution but by narrow calculations about partisan advantage.

To be sure, students of congressional development recognize that rules battles have at times been fought along a partisan dimension. In fact, most studies of

congressional change highlight the role of Speaker Reed in silencing minority party obstructionism in 1890 (Davidson and Oleszek 1977; Follett 1902; Galloway 1976). Reed's innovations are generally cited as a significant turning point in House procedure, because the majority party claimed the right to strictly limit the procedural role of the minority in making policy. By taking a longer-term perspective, however, this study suggests that Reed's actions were but part of a more gradual course of institutional change. Indeed, rules changes in the 1890s both followed and preceded a century of strategic partisan calculations by the majority party about favored policy outcomes and the rules necessary to achieve them.

Such an emphasis on the evolution of minority rights, rather than simply on major institutional reforms such as Reed's rules, arguably provides a unique theoretical route to explaining institutional change. As suggested by Aldrich, "the dynamic path, that is to say, the political history, is the central object of our theoretical inquiry" (1994, 223). What the historical path of House minority rights suggests is that both partisan preferences and inherited rules shape future institutional choices. The influence of members' goals on institutional choice is seen clearly in the relationship of party strength and change in minority rights. As the electoral strength of the major parties shifts over time, so, too, does the distribution of parliamentary rights: stronger majority parties succeed in limiting minority rights, and stronger minority parties attract majority party defectors to reinforce minority rights.

Still, the evolution of minority rights suggests that members' goals are themselves both shaped and constrained by the inherited institutional context. First, members' procedural choices depend in large part on existing rules. When minority parties devise new ways of obstructing the majority, the preferences of the majority party about desired institutional arrangements shift as well. If inherited rules did not affect procedural choice, then change in partisan capacity alone would account for most of the variation in minority rights—which it does not.²⁶ Instead, minority exploitation of inherited rules has a substantial impact on change in minority rights, as majority parties realize a partisan need for changing the rules of the game.

Second, and relatedly, members' procedural choices depend on past procedural choices. Once majority rule is firmly entrenched at the end of the nineteenth century, there should be little reason for subsequent majority parties newly to suppress minority rights. But when minority parties procure and then exploit parliamentary rights after 1900, majority parties once again perceive that their party goals are threatened, and they proceed to adjust the procedural score accordingly. Changes in the political landscape, in conclusion, often make past

²⁶ The impact of inherited rules on procedural choice is equally dramatic in the case of the Senate. Early procedural decisions that inadvertently created the filibuster in 1806 had lasting procedural consequences: partisan majorities seeking to alter Senate rules in their favor were unable to overcome procedural hurdles inherited from the past. (On the politics of Senate reform, see Binder 1995b and Smith 1989.)

decisions about procedural arrangements untenable (Aldrich 1995). As goal-seeking actors, politicians will continue to try to alter institutional arrangements in response to a shifting historical context.

APPENDIX

No single concept accurately captures the nature of congressional minority rights. At one end of a spectrum are party-based or *partisan* minority rights—procedural privileges allocated narrowly and explicitly to the minority party (e.g., the right of the minority party to call witnesses at committee hearings). At the other end are nonparty or *political* minority rights—rules writ broadly enough to guarantee procedural protection to any individual or minority dissenting from the majority party or its leadership (e.g., guaranteeing debate time for opponents of a conference report).

To develop a data set of the full range of minority rights, I start with a definition of minority rights and two criteria for determining what "counts" as such a right. I define a minority right as a procedural advantage protected from arbitrary change that enables the minority party to amend, debate, or obstruct the majority's agenda. Rules meeting either or both of the following criteria are counted as minority rights:

1. *Minority identification standard.* Rules advocated by the minority party to provide procedural advantages for members of the minority party qualify as minority rights.

Under the identification standard, any rule considered by the minority party to be a minority right is counted as such, allowing me to count as minority rights rules that do not explicitly mention the minority party and that might therefore also benefit a faction of the majority party. The second criterion concerns the effects of chamber rules, rather than simply intent:

2. *Effects standard.* Rules that have the effect of helping the minority party to challenge the majority qualify as minority rights, regardless of the original purpose or supporting coalition of the rule.

Under the effects standard, a rule qualifies as a minority right if over time the minority party takes advantage of the rule and uses it to challenge or influence majority control of the agenda. The effects standard is essential for identifying minority rights because rules often develop uses contrary to their original purpose. In using these two criteria, I err on the side of liberally selecting rules that protect minority rights.

With these guidelines, I then use several sources to identify all minority rights in House history, including the House rules manual (U.S. Congress 1993b), histories of the House (Alexander 1916; Galloway 1976; Hasbrouck 1927; McConachie 1898), primary accounts of rules changes in the *Annals of Congress*, the *Congressional Globe*, and the *Congressional Record*, secondary accounts of rules debates such as those appearing in *Congressional Quarterly Almanac*, and diaries and biographies of members such as James Garfield (1981), Thomas Reed (Robinson 1930), and Champ Clark (1920). After identifying the universe of minority rights, I determine from these sources the dates of their creation or suppression by a formal rule change in the House for the period 1789–1990:

Congress (Year)	Rule Change Creating Minority Rights
17th (1822)	2/3 vote required to suspend the rules
26th (1840)	Previous question motion altered to guarantee votes on pending amendments
30th (1847)	Guaranteed 5 minutes to debate amendments
46th (1880)	Required debate on suspensions and previous question
60th (1909)	Calendar Wednesday created
61st (1909)	2/3 vote to suspend Calendar Wednesday; motion-to-recommit secured for the minority
61st (1910)	Discharge petition created
65th (1917)	Party committee slates not divisible
68th (1924)	Discharge signatures reduced to 150; Rules's pocket veto banned; 2/3 to waive layover rules

Congress (Year)	Rule Change Creating Minority Rights
72d (1931)	Discharge signatures reduced to 145
90th (1967)	Equal majority/minority representation on ethics committee
91st (1970)	1970 legislative reorganization: minority party guaranteed right to call witnesses; minority party committee statutory staff increased; guarantee of 1/3 investigatory staff funds; protect minority reports; guaranteed debate time for opposition on amendments, motion to recommit, and conference reports; 7-day notice for committee hearings
93d (1974)	1974 legislative reorganization: minority party guaranteed 1/3 committee statutory staff and investigatory staff funds; proxy voting banned
<i>Rule Change Suppressing Minority Rights</i>	
12th (1811)	Adoption of the previous question (PQ) motion brings the House to an immediate vote on the pending question without debate
17th (1822)	Motion to postpone indefinitely given least precedence; only one motion to postpone (indefinitely) per day per member
25th (1837)	Only one call of the House after PQ called for; questions of order stemming from PQ motion to be decided without debate
27th (1841)	One-hour limit per member for floor debate; majority vote can discharge bill with pending amendments from Committee of the Whole (COW) at any time
30th (1847)	Suspensions restricted to Mondays and session's end
36th (1860)	Limits on quorum calls after PQ ordered; alter effect of PQ on motions to postpone and amendments; alter effect of negative outcome of PQ motion
40th (1868)	One dilatory motion only pending a vote on motion to suspend the rules (dropped in next Congress)
43d (1874)	Motions to suspend must be seconded by a majority (dropped in next Congress)
43d (1875)	Dilatory motions limited to one motion to adjourn and one motion to set a date/time of adjournment (dropped in next Congress)
46th (1880)	Suspensions restricted to 1st and 3d Mondays and session's end; seconding of suspensions motions reinstated
47th (1882)	Dilatory motions limited to one motion to adjourn before or after PQ ordered on election cases
47th (1883)	Required votes to suspend the rules reduced from 2/3 to simple majority for specified bills
51st (1890)	Reed's rules: disappearing quorum prohibited (all members present counted in a quorum); dilatory motions not to be recognized; quorum size in COW reduced from House majority to 100 (dropped in 52d Congress)
53d (1894)	Reed's rules readopted
62d (1911)	Discharge petition rule tightened: prohibited before 15 days after referral; bills read by title, two motions on calendar per member
62d (1912)	Discharge Calendar delayed in order of business
69th (1925)	Discharge petition rule tightened: 218 signatures required; majority of membership vote required to pass and second a motion to discharge; restricted to once a month in the order of business
74th (1935)	Discharge petition signatures raised to 218
89th (1965)	Demanding engrossed bills prohibited
91st (1970)	Reading of Journal dispensed with, unless ordered by a majority
92d (1971)	Minority party guarantee of 1/3 funds for committee investigatory staff eliminated
93d (1973)	Number of suspension days increased
93d (1974)	Quorum calls prohibited: once quorum established, until additional business transacted, and other situations; chair may end call once quorum reached; cluster voting on suspensions

Congress (Year)	Rule Change Suppressing Minority Rights
94th (1975)	Proxy voting ban in committee eliminated; minority party guarantee of 1/3 funds for committee investigatory staff eliminated
94th (1976)	Rules Committee can report resolution waiving two-hour availability of conference reports
95th (1977)	Increase number of suspension days; quorum calls prohibited during debate, permitted only when vote pending; committee markup quorums reduced to 1/3 of the committee
96th (1979)	Increase threshold for demanding a recorded vote; eliminate seconding of suspensions; no quorum necessary prior to approving Journal; one vote only on approving the Journal
98th (1983)	Motion to rise must be defeated to offer limitation amendment

REFERENCES

- Aldrich, John H. 1989. "Power and Order in Congress." In *Home Style and Washington Work*, ed. Morris Fiorina and David Rohde. Ann Arbor: University of Michigan Press.
- Aldrich, John H. 1994. "Rational Choice Theory and the Study of American Politics." In *The Dynamics of American Politics*, ed. Lawrence C. Dodd and Calvin Jillson. Boulder: Westview.
- Aldrich, John H. 1995. *Why Parties? The Origin and Transformation of Party Politics in America*. Chicago: University of Chicago Press.
- Aldrich, John H., and Forrest D. Nelson. 1984. *Linear Probability, Logit, and Probit Models*. Beverly Hills: Sage.
- Alexander, DeAlva Stanwood. 1916. *History and Procedure of the House of Representatives*. Boston: Houghton Mifflin.
- Bach, Stanley. 1990. "Suspension of the Rules, the Order of Business, and the Development of Congressional Procedure." *Legislative Studies Quarterly* 15:49-63.
- Bach, Stanley, and Steven S. Smith. 1988. *Managing Uncertainty in the House of Representatives*. Washington: Brookings Institution.
- Beth, Richard S. 1990. *The Discharge Rule in the House of Representatives: Procedure, History, and Statistics*. R. 90-84 GOV Library of Congress Congressional Research Service.
- Binder, Sarah A. 1995a. "Partisanship and Procedural Choice: Institutional Change in the Early Congress, 1789-1823." *Journal of Politics* 57:1093-1117.
- Binder, Sarah A. 1995b. *Minority Rights and Majority Rule: The Partisan Basis of Procedural Choice in Congress, 1789-1994*. Ph.D. diss., University of Minnesota.
- Brady, David. 1988. *Congressional Elections and Congressional Policy Making*. Stanford: Stanford University Press.
- Brady, David, Joseph Cooper, and Patricia A. Hurley. 1979. "The Decline of Party in the U.S. House of Representatives." *Legislative Studies Quarterly* 4:381-407.
- Calvert, Randall. 1992. "The Rational Choice Theory of Social Institutions: Cooperation, Coordination, and Communications." Presented at the conference of the Wallis Institute for Political Economy, University of Rochester.
- Chiu, Chang-wei. 1928. *The Speaker of the House of Representatives since 1896*. New York: Columbia University Press.
- Clark, Champ. 1920. *My Quarter Century of American Politics*. New York: Harper & Brothers.
- Clubb, Jerome M., William H. Flanigan, and Nancy H. Zingale. 1990. *Partisan Realignment*. Boulder: Westview.
- Cooper, Joseph. 1977. "Congress in Organizational Perspective." In *Congress Reconsidered*, ed. Lawrence C. Dodd and Bruce I. Oppenheimer. New York: Praeger.
- Cooper, Joseph, and David Brady. 1981. "Institutional Context and Leadership Style." *American Political Science Review* 75:411-25.
- Cooper, Joseph, and Cheryl D. Young. 1989. "Bill Introduction in the Nineteenth Century: A Study of Institutional Change." *Legislative Studies Quarterly* 14:67-105.
- Davidson, Roger, David Kovenock, and Michael O'Leary. 1966. *Congress in Crisis: Politics and Congressional Reform*. Belmont, CA: Wadsworth.
- Davidson, Roger, and Walter J. Oleszek. 1977. *Congress against Itself*. Bloomington: Indiana University Press.

- Dion, George Douglas. 1991. *Removing the Obstructions: Minority Rights and the Politics of Procedural Change in the Nineteenth Century House of Representatives*. Ph.D. diss., University of Michigan.
- Fink, Evelyn C. 1994. "Representation by Deliberation: Changes in the Rules of Debate in the U.S. House of Representatives, 1789–1838." Presented at the annual meeting of the American Political Science Association, New York.
- Fink, Evelyn C., and Brian D. Humes. 1992. "Electoral Forces and Institutional Change in the United States House of Representatives, 1860–1894." Presented at the annual meeting of the Midwest Political Science Association, Chicago.
- Follett, Mary. 1902. *The Speaker of the House of Representatives*. New York: Longmans, Green.
- Foner, Eric. 1988. *Reconstruction: America's Unfinished Revolution, 1863–1877*. New York: Harper & Row.
- Gamm, Gerald, and Kenneth Shepsle. 1989. "Emergence of Legislative Institutions: Standing Committees in the House and Senate, 1810–1825." *Legislative Studies Quarterly* 14:39–66.
- Galloway, George. 1976. *History of the House of Representatives*. 2d ed. New York: Crowell.
- Garfield, James A. 1981. *The Diary of James A. Garfield*. 4 vol. Ed. H. J. Brown and H. D. Williams. East Lansing: Michigan State University Press.
- Harlow, Ralph V. 1917. *The History of Legislative Methods in the Period before 1825*. New Haven: Yale University Press.
- Hasbrouck, Paul. 1927. *Party Government in the House of Representatives*. New York: Macmillan.
- Hinds, Asher. 1907. *Hinds' Precedents of the House of Representatives*. 8 vol. Washington: GPO.
- Hurley, Patricia A. 1979. "Assessing the Potential for Significant Legislative Output in the House of Representatives." *Western Political Quarterly* 32:45–58.
- Hurley, Patricia A., David Brady, and Joseph Cooper. 1977. "Measuring Legislative Potential for Policy Change." *Legislative Studies Quarterly* 2:385–97.
- Katz, Jonathan N., and Brian R. Sala. 1996. "Careerism, Committee Assignments, and the Electoral Connection." *American Political Science Review* 90:21–33.
- Kaufman, Herbert. 1985. *Time, Chance, and Organizations*. Chatham, NJ: Chatham House.
- Kelly, Alfred H. 1959. "The Congressional Controversy over School Segregation, 1867–1875." *American Historical Review* 65 (3):537–63.
- Knight, Jack. 1992. *Institutions and Social Conflict*. Cambridge: Cambridge University Press.
- Levi, Margaret. 1990. "A Logic of Institutional Change." In *The Limits of Rationality*, ed. Karen Schweers Cook and Margaret Levi. Chicago: University of Chicago Press.
- Mann, Thomas E., and Norman J. Ornstein. 1993. *Renewing Congress: A First Report*. Washington: Brookings Institution.
- Martis, Kenneth. 1989. *Historical Atlas of Political Parties in the United States Congress, 1789–1989*. New York: Macmillan.
- McConachie, Lauros. 1898. *Congressional Committees*. New York: Crowell.
- Polsby, Nelson W. 1968. "The Institutionalization of the U.S. House of Representatives." *American Political Science Review* 62:144–68.
- Riker, William. 1980. "Implications from the Disequilibrium of Majority Rule for the Study of Institutions." *American Political Science Review* 74:432–46.
- Robinson, William A. 1930. *Thomas B. Reed, Parliamentarian*. New York: Dodd, Mead.
- Schauer, Frederick. 1991. *Playing by the Rules: A Philosophical Examination of Rule-based Decision Making in Law and in Life*. Oxford: Oxford University Press.
- Shepsle, Kenneth. 1979. "Institutional Arrangements and Equilibrium in Multidimensional Voting." *American Journal of Political Science* 23:27–60.
- Shepsle, Kenneth. 1989. "Studying Institutions: Some Lessons from the Rational Choice Perspective." *Journal of Theoretical Politics* 2:131–47.
- Shepsle, Kenneth, and Barry Weingast. 1987. "The Institutional Foundations of Committee Power." *American Political Science Review* 81:85–104.
- Sinclair, Barbara. 1989. *The Transformation of the U.S. Senate*. Baltimore: Johns Hopkins University Press.
- Smith, Steven S. 1989. *Call to Order*. Washington: Brookings Institution.
- Stewart, Charles. 1989. *Budget Reform Politics: The Design of the Appropriations Process in the House of Representatives, 1865–1921*. Cambridge: Cambridge University Press.
- Stewart, Charles. 1992. "Responsiveness in the Upper Chamber: The Constitution and the Institutional Development of the Senate." In *The Constitution and American Political Development*, ed. Peter F. Nardulli. Urbana: University of Illinois Press.
- U.S. Bureau of the Census. 1975. *Historical Statistics of the U.S.: Colonial Times to 1970*. Washington: GPO.
- U.S. Bureau of the Census. 1987. *Statistical Abstract*. Washington: GPO.
- U.S. Bureau of the Census. 1993. *Statistical Abstract*. Washington: GPO.
- U.S. Congress. 1983. *A History of the Committee on Rules*. Washington: GPO.
- U.S. Congress. 1993a. *Congressional Directory, 103d Congress*. Washington: GPO.
- U.S. Congress. 1993b. *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the 103d Congress*. 102d Cong., 2d sess. H. Doc. 102–405.
- Wyatt-Brown, Bertram. 1965. "The Civil Rights Act of 1875." *Western Political Quarterly* 18:763–75.