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Political Goals and Procedural Choice in the Senate

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Recent scholarship on the U.S. Senate attributes the protection of extended debate to senators' principled commitment to quality deliberation and free speech. The persistence of rules protecting nearly unlimited debate is said to reflect senators' collective interests in maintaining an institution that protects free speech and minority rights. Such an explanation, we argue, understates the influence of political objectives in shaping senators' procedural choices. In this paper, we examine a sample of choices made about extended debate over the course of Senate history to test a more general theory about the politics of institutional change in the Senate. Both qualitative evidence about the development of extended debate and a multivariate model of senators' votes on procedural reform lead us to conclude that political interests—not collective concerns about protecting the role of the Senate—underpin senators' choices over institutional arrangements.

Observing the Senate in the 1950s, *New York Times* chief correspondent William White argued that the Senate was an institution impervious to change: “This is a body that never wholly changes and never quite dies, where the national past and the national future meet and soundlessly merge” (1957, 12). Indeed, although students of Congress have since then detailed quite substantial change in the nature of the Senate (Harris 1993; Sinclair 1989; Smith 1989), at least one key attribute of the Senate remains unchanged: the ability of a minority to filibuster, or obstruct, the actions of a determined majority. Despite changing political conditions, the Senate retains rules that make it impossible for simple majorities to move legislation in face of determined opposition.

How can we account for the resilience of Senate rules protecting nearly unlimited debate? Some argue that senators make procedural choices with the collective interests of the institution and the American polity in mind (Swift 1996). Principled commitments to free speech and procedural equality are claimed to have produced a chamber where parliamentary rules shield the inter-

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ests of political and partisan minorities. We argue instead that the Senate—like most political institutions—has evolved out of pragmatic, short-term choices made by its members over the course of its history, choices more often than not shaped by senators' political interests and constrained by the inherited institutional context. Freedom of speech and protection of minority and state interests, to be sure, are desired and valued by most senators—some of whom may actually vote on reform proposals with such principles in mind—but such institutional commitments alone cannot account for either the Senate's moments of stability or instances of change. In this paper, we examine choices made by senators about rules permitting extended debate, and use the empirical regularities we uncover to test a more general theoretical perspective about the dynamics of institutional change in the Senate.

Interests and Procedural Choice

In exploring the politics of procedural choice in the Senate, we ask a question of general concern to students of institutional change. What explains the choices that the players make about procedural rules under which they will collectively forge public policy? Although this is a question of recent interest to students of the House (see Aldrich and Rohde 1997; Binder 1996, 1997; Dion 1997), relatively few studies have tackled the politics of institutional change in the Senate (but see Binder and Smith 1997; Brady, Brody, and Epstein 1989; Gamm and Shepsle 1989; Sinclair 1989; Smith 1989).

We are interested in individuals' motivations for altering institutional arrangements. We assume that institutional changes are motivated by the players' calculations about the costs and benefits of those changes. There are varying perspectives on the nature of those costs and benefits. One perspective suggests that institutions are altered with an eye to the impact of such change on the *collective* interests or general welfare of the institution. In designing and maintaining an institution, individuals would choose those rules deemed best for securing shared, collective goals. An alternative perspective suggests that institutional choices are shaped by calculations about how such change will affect individual or group interests within the institution. Changes, in other words, would be made with an eye to how advantages and disadvantages would be *redistributed* within the institution.¹ Rules and practices would be preferred if they secured outcomes favoring some particular interests over others.

Changes designed to secure collective interests may take different forms. Some changes are said to maximize the welfare of the community affected by the institution: rules are chosen to ensure that the greatest gains for all are protected by the institution. Other changes are said to be *pareto optimal*: in making

¹The potential roles of collective interests (often referred to as "social efficiency") and redistributive interests in shaping institutional choices are explored in Moe (1990), Tsebelis (1990), and Knight (1992).

a change in the institution, the welfare of at least one member or faction is increased without hurting any other member or faction. In some contexts, collective interests might be secured by opposing any change at all. If the institution adequately serves shared principles or goals, few would have an incentive to violate the rules and no change might be preferred. In this case, a stable institution would be expected.

In contrast, change designed to redistribute advantages and disadvantages within the institution reflects political competition between groups or factions. Institutional change would reflect individuals' or groups' own self-interested view of the rules necessary to secure their respective goals. Rules, in short, would be chosen because they protect the winning coalition's most preferred outcomes. Any one institution, of course, might be a product of both types of change. Particularly in a legislative environment, where political fights often focus on which version of change will best help the collective interests of the institution, institutional change will often still disproportionately advantage one set of chamber interests over another. Indeed, in the world of politics, meaningful change will seldom produce *pareto optimal* outcomes: it is rare that everyone can be made better off and no one worse off by changing the rules of the game.

Most recently, Swift (1996) has argued that senators' institutional values have been of paramount importance in accounting for the choice of institutional arrangements in the Senate: "institutional vision . . . to a large degree contributed to marked shifts in committees, rules, members, and leaders" (153). Indeed, Swift suggests that rules ensuring freedom of debate were created "to better serve the people," who expected the free exchange of ideas and opinions (154). Swift's account endorses an argument commonly made by senators themselves. Senator Russell Long in 1982, for example, fought a proposal to televise the Senate, arguing that extended debate is essential for preserving the ability of the Senate to "think in the long term best interest of the United States" (as cited in Fenno 1989, 327).² We argue instead that there is little empirical support for such claims about the role of collective interests in maintaining Senate rules of debate. In fact, there is much evidence to suggest that senators are well aware of how changes in the rules of debate affect their preferred political and ideological outcomes. Even when senators are concerned about the consequences of institutional change for the collective interests of the Senate, they never lose sight of the consequences for their own political and often partisan agendas.

To make our case about the strategic nature of senators' choices, we take two approaches. First, we evaluate two major claims made about the evolution of extended debate that purport to show the dominance of collective interests in structuring senators' choices about the rules. Second, we test more explicitly our expectations about the influence of group interests by modeling senators' votes on reforming the cloture rule (Senate Rule 22) which requires a supermajority

²See also arguments by Rogers (1926), White (1957), and Harris (1993).

vote to end debate. Both sets of evidence suggest that senators historically have been motivated by strategic concerns in making decisions about the rules of their institution.

Collective Interests and the Development of Extended Debate

We start by reassessing two common claims about the development of extended debate in the Senate, claims that suggest senators look toward the larger interests of the Senate in choosing and exploiting chamber rules of debate. The claims can be summarized as follows:

Intentional design: The framers of the Constitution and the first senators explicitly designed the Senate to secure the rights of minorities to debate and block even determined majorities. (Rogers 1926; White 1957)

Maintenance of inherited rules: Senators' institutional commitments to protecting minority rights and free speech best account for the maintenance of rules protecting extended debate in the nineteenth-century Senate. (Harris 1993; Swift 1996)

To conclusively test these claims, much more evidence would be required than is offered by existing historical data: votes on reform were either often not recorded or more often blocked by a filibustering minority. We proceed instead in this section by evaluating a range of alternative evidence about the politics of choosing Senate rules of debate. The evidence we muster provides little empirical support for the argument that senators have been motivated by collective institutional goals in making procedural choices.

Designing the Senate

Perhaps the strongest argument that senators have designed their institution with an eye to procedural equality is rooted in assumptions about the origins and initial development of the Senate. As noted by Senator Royal Copeland (D-NY) in 1926: "The purpose of the Senate is entirely different from the purpose of the House of Representatives. From the very beginning it was intended to be a deliberative body where the expenditure of time and the exchange of views should determine judgment in any pending matter."³ The right of extended debate is taken to be an original feature of the Senate and said to be critical to preserving the essential differences between the House (where simple majorities can rule) and the Senate (where a minority can trump the majority).

But were the initial procedural choices of the framers and first senators shaped by such concerns about the interests of the Senate? If so, the framers of the Constitution should have debated and approved procedural safeguards for Senate minorities; the first senators should have adopted a set of rules distinctive from

³As cited in "The Question of 'Cloture' in the United States Senate," *Congressional Digest* 32 (February 1953): 61.

those of the House; and early procedural decisions in the Senate should have reflected senators' preoccupation with protecting free speech and minority rights. The historical record, however, yields no support for such propositions about the design and early politics of the Senate: a desire to create an institution that protected the role of the Senate seems remarkably absent in the earliest choices regarding the Senate's procedural arrangements.

The framers of the Constitution certainly conceptualized the Senate as a chamber that would provide some restraint on legislative proposals from the more popular and populous House: "The use of the Senate," noted James Madison during the convention in 1787, "is to consist in its proceedings with more coolness, with more system, & with more wisdom, than the popular branch" (Farrand 1966, 151). Their solution, however, did not include any procedural safeguards for individual senators or Senate minorities. Instead, they structured the composition of the Senate to ensure that senators would be insulated from popular and electoral pressures: its members would be older, would serve longer and staggered terms, and would be elected by state legislatures. To the extent that the delegates might have sought to protect minority interests, equal representation of small and large states distinguished the Senate from the lower body.⁴ Not surprisingly then, the delegates allowed each chamber to set its own rules. In short, there is no evidence that the framers thought explicit procedural safeguards would be necessary to ensure that the Senate could fulfill its role as the more temperate of the two legislative bodies.

Nor should we be surprised that the delegates refrained from addressing such procedural matters. The framers had plenty of experience with supermajority requirements under the Articles of Confederation, and they disliked how that experiment had turned out. Supermajority requirements in the Continental Congress quite often resulted in gridlock as a majority of the states found themselves unable to muster the two-thirds majority required to pass major legislation (Jillson and Wilson 1994). Indeed, both Madison and Hamilton warned in the *Federalist Papers* that protecting legislative minorities was an undesirable feature of any political body. In addition to Madison's attack on supermajority requirements in *Federalist* No. 58, consider Hamilton's views on the same:

To give a minority a negative upon the majority (which is always the case where more than a majority is requisite to a decision) is in its tendency to subject the sense of the greater number to that of the lesser number. . . . The necessity of unanimity in public bodies, or of something approaching towards it, has been founded upon a supposition that it would contribute to security. But its real operation is to embarrass the administration, to destroy the energy of government, and to substitute the pleasure, caprice or artifices of an insignificant, turbulent or corrupt junto, to the regular deliberations and decisions of a respectable majority. (*Federalist* No. 22)

⁴But see Wood's (1969, 558) argument that the adoption of the Connecticut Compromise providing for two senators from each state actually gave Madison and the Federalists "a justification for the upper house that they had not anticipated"—protection of state sovereignty.

In other words, Madison and Hamilton both sought to construct an upper chamber in which the majority could prevail: competing minorities would not be empowered to alter the designs of an interested majority. What we know about the framers' intentions from the records of the convention and from the *Federalist Papers* gives us little reason to believe that the framers either anticipated or desired procedural protections for Senate minorities. We simply cannot attribute the vision of the Senate as a body of unrestrained debate and amendment to the framers of the Constitution. Protection of the status quo was to result from the composition of the Senate, not the Senate's rules and practices.

Neither did the first senators appear to harbor any unique conception of Senate procedure. In choosing its first set of rules, the Senate adopted a relatively similar slate of rules to that adopted by the first House. Contrary to the conventional wisdom, early senators did not create a legislative chamber in which individuals and minorities were empowered to thwart the designs of a majority. Indeed, there is little evidence senators envisioned that anything more than a simple majority would be required to close debate, and there is every reason to believe they thought bills would come to a vote as a matter of course.⁵ Finally, there is no evidence that principles of free speech were at stake in senators' decision in 1806 to eliminate the previous question motion from the Senate rulebook—a motion that potentially could have been used by a Senate majority to cut off debate.⁶ In fact, the rule was dropped on the advice of Vice President Aaron Burr, who noted that other Senate rules might serve the same purpose. Indeed, at the same time that the previous question motion was dropped in 1806, another rule was added that prevented debate on motions to adjourn—a sure sign that, far from endeavoring to protect unlimited debate, senators felt that new limits on debate were already necessary to help manage the flow of legislation on the chamber floor.⁷ Arguably, the most critical procedural choice in the history of

⁵On the original set of Senate rules, see Swanstrom (1988, 313).

⁶The previous question motion is the key rule distinguishing the control of debate in the House and Senate, because the motion allows a majority to vote to cut off debate and to move to a vote on the pending matter. The House today has a previous question motion and the Senate does not. Without a previous question motion, simple majorities are powerless to control debate and unable to force votes on additional rules further empowering the majority. The rules adopted by the First Senate included a previous question motion, but the rule was dropped in 1806 (Cooper 1962). Thereafter, until the Senate's cloture rule was adopted in 1917, there was no means for a majority to cut off debate if any senator desired to keep talking. On the early politics of the previous question motion, see Binder (1997).

⁷Unfortunately, no recorded vote was cast on any of the rules changes in 1806, making it impossible to measure the distribution of senators' preferences on that issue. A recorded vote was, however, cast the following year on a proposal to allow the majority on the final day of the session to suspend the rule requiring three readings of every bill. That vote produced a near party-line split, with 83% of the majority Democratic-Republicans voting yes and every Federalist voting no (ICPSR File 00004, 9th Senate, variable 97, March 3, 1807)—suggesting that both parties believed that the rule change would disproportionately serve the interests of the majority party. (Party affiliations are drawn from Martis 1989.)

the Senate was made without reflecting on its potential effects on the deliberative character of the chamber. An effort to protect the collective interests of the Senate and its members clearly played no role in shaping senators' earliest procedural choices.

Maintenance of Inherited Rules

The nineteenth-century Senate is often glorified as the "golden age of the Senate"—an era in which filibusters were reserved for the great issues of the day and senators of all political stripes cherished the tradition of extended debate (Byrd 1991; Harris 1993; Peterson 1987). Indeed, both recent research and the conventional wisdom suggest that senators' commitments to free speech and minority rights prevented changes in the rules of debate (see Swift 1996). We suggest instead that although most senators likely valued the freedom of debate, it was their pragmatic interests—not institutional visions or normative principles—that prevented the adoption of rules limiting debate. Throughout the nineteenth century, noted Senate leaders sought rule changes that would empower majorities over minorities—but found themselves unable to counter obstructionist uses of the filibuster that allowed a minority to block changes in the rules.

Most proposals in the nineteenth century to impose limits on debate never made it to the Senate floor (Kerr 1895). The few reform proposals that did reach the floor tended to be withdrawn before a final vote in face of a manifest or threatened filibuster. The lack of votes in the nineteenth century, of course, makes it difficult to directly evaluate whether political interests shaped senators' procedural preferences. We can, however, assess the views of selected senators who should have been most likely to oppose reform based on their commitment to the long-term interests of the Senate: those who served as chamber leaders or whose reputations were most closely linked to the great debates of the nineteenth century—for example, the "Great Triumvirate" of Henry Clay (W-KY), John C. Calhoun (D-SC), and Daniel Webster (W-MA).⁸ Even if such senators were to prove to be outliers from their colleagues, their procedural preferences provide a good first indicator of how institutional giants perceived the rules under which they forged legislation. If there is evidence that such senators preferred rules that would have made it easier to limit debate, it seems reasonable to conclude that something besides institutional commitments to protecting minority rights helped to structure their views about procedural arrangements.

Because there were no formal leadership positions until late in the nineteenth century and no formal party leadership posts before the early twentieth it is difficult to cull a representative sample of nineteenth-century Senate leaders. Thus, we compile a list of such senators by relying on the judgments of contemporary observers, modern U.S. senators, and prominent political historians (see lists that

⁸On the tendency of chamber leaders to foot the collective-action costs of institutional maintenance, see Mayhew (1974).

appear in Harris 1993, 27 and 27–28; McConachie 1898). Out of the list of nineteen senators, ten served before the Civil War and nine after, and seven of them served as president pro tempore of the Senate—a potential indicator of their affinity for the Senate as an institution and its traditions.⁹ Pinpointing the views on extended debate for sixteen of the nineteen senators from floor votes and floor statements in the *Congressional Globe*, *Congressional Record*, and secondary accounts such as Peterson (1987), we find that ten of the sixteen supported stricter limits on debate—including Henry Clay (W-KY) and Stephen Douglas (D-IL). Moreover, no less an ardent foe of debate limits than John C. Calhoun (D-SC) led the fight in favor of the “gag rule,” the Senate rule adopted in 1836 that prevented consideration and discussion of abolition petitions (Peterson 1987, chapter 5). A clear majority of the sample favored changes in Senate rules to allow a majority of the Senate to decide when sufficient floor debate had elapsed. Those who “best exemplified” institutional interests also seem to have been those who wanted to change the Senate.

If notable senators before and after the Civil War favored limits on Senate debate, why were no such reforms adopted? The Senate, in fact, voted only once in the nineteenth century on a proposal related to empowering a simple majority to close debate. On that occasion in 1873, the Senate voted down the resolution, 25–30—although at least some Republican senators likely did so to avoid provoking a protracted filibuster over a matter so uniformly opposed by minority Democrats (see *Congressional Record*, March 19 and 21, 1873, 114–15, 135–36). Roll call votes therefore are of only limited value in determining the views of rank-and-file senators on debate limits in the nineteenth century. In addition to the 1873 episode, however, there are at least four other instances (1841, 1850, 1891, 1893) in which changes were proposed to Senate rules that would have empowered a majority to control the debate but were abandoned before being brought to a vote. Were the proposals withdrawn because they lacked the support of a chamber majority? In the absence of roll call evidence, no strong conclusion can be drawn. While we lack conclusive evidence that a majority favoring reform was thwarted by the rules from pursuing rules changes, neither is there any clear evidence that majorities consistently opposed reform during that period. The most we can reasonably infer from the cases is that an actual or threatened filibuster convinced reformers to abandon their efforts—potentially in spite of a majority in favor of reform. A closer look at one of these cases is instructive.

In 1891, a majority party effort to create a majority cloture rule was pulled from the floor when a filibuster threatened to derail the majority’s legislative

⁹We were able to locate positions on reform for Senators Thomas Hart Benton, John C. Calhoun, Lewis Cass, Henry Clay, Stephen Douglas, William King, Willie Mangum, Nelson Aldrich, William Allison, Henry Anthony, George Edmunds, Arthur Gorman, Henry Cabot Lodge, John Sherman, Charles Sumner, and Lyman Trumbull (six Democrats, two Whigs, and eight Republicans).

agenda. Offered in the middle of a highly partisan debate over a federal elections bill, Nelson Aldrich's (R-RI) proposed cloture rule was never fully debated on the floor because of intense opposition from minority Democrats. The lack of a direct vote on the rule change, however, cannot be interpreted as a sign that Aldrich lacked a majority. Indeed, on a motion to proceed to consider the rule change in January 1891, a majority prevailed 36-32.¹⁰ Yet, the cloture rule never made it to the floor once the filibuster against it became intertwined with a filibuster against the elections bill. Facing a filibuster and not willing to risk their party's agenda, the parliamentary situation convinced Aldrich and his supporters to give up their fight for procedural reform (see Rogers 1926, 168).

This case, among others, suggests that we cannot interpret the lack of votes for changing Senate rules as a sign of senators' interest in preserving the institutional character of the Senate. Neither does the presence or absence of proposals for reform necessarily indicate the level of interest in reform. In other words, senators' failure in the nineteenth century to alter their rules cannot be attributed to the majority's preference for protecting extended debate. Great leaders of the nineteenth-century Senate appear to have inherited institutional rules they could not change, absent near unanimous support for their reforms. The persistence of extended debate should be attributed at least in part to the power of inherited rules to preserve the status quo, rather than a widespread Senate preference for procedural equality.

Senators' Voting Behavior on Cloture Reform

Our review thus far of the development of extended debate in the Senate suggests that institutional interests play only a peripheral role, if any, in senators' procedural choices. It remains to be shown, however, whether strategic calculations better explain senators' choices and, if so, what forces influence such pragmatic choices. In this section, we turn to a more explicit test of the influence of political goals and institutional concerns in shaping procedural choice. Specifically, we present results of a multivariate model that attempts to account for political and institutional factors shaping senators' votes on cloture reform. The results suggest further support for our claim that institutional choices reflect senators' efforts to protect their political and policy interests more than the collective interests of the Senate as a whole. Redistributive, rather than collective, interests appear to motivate senators' procedural choices.

On the surface, there are few purist senators when it comes to voting on cloture. During the 1917-90 period, only 11 of the 306 senators who voted 10 or more times on cloture always voted against cloture.¹¹ Plainly, nearly all senators pursued a strategy of situational ethics when it came to closing debate on sub-

¹⁰The motion to proceed split largely along party lines, with 91% of Republicans in favor and every Democrat opposed (ICPSR File 00004, 51st Senate, variable 434, January 21, 1891).

¹¹Statistic based on Senate roll call data available in ICPSR File 00004, 66th-101st Senates.

stantive policy proposals. Few senators appear to hold consistent principles when it comes to votes on limiting debate. Although procedural principles seem lacking in cloture voting, principle may have a more central place in senators' evaluations of proposals to reform Rule 22. At least that is what many senators claim. Senator after senator has proclaimed that he or she will take advantage of the full extent of his or her parliamentary privileges in pursuit of an important cause, and yet argue, perfectly consistently, that he or she has an obligation to take into account the institution's long-term interests when considering a change in Rule 22. We begin by reviewing the influences on attitudes about cloture reform frequently noted by senators and outside observers and then report the results of a multivariate analysis of support and opposition to cloture reform.

Political Goals and Cloture Reform

POLICY POSITIONS. The most obvious consideration—senators' policy preferences—is also the most difficult to measure. Policy preferences are political preferences—partly the product of personal beliefs and values, and partly the product of political influences. Whatever motivates senators' preferences, we might expect that senators would vote on cloture reform by considering the consequences of that vote on policy outcomes and for themselves. Unfortunately, we do not have reliable indicators of senators' policy preferences on the specific issues that are subject to cloture votes. We can, however, use senators' d-nominate scores as a measure of the relative positions of senators in each Congress over the full scope of the Senate's roll call agenda.¹² We limit our focus to the two dimensions that best account for the range of senators' votes—the liberal-conservative and pro/anti-civil rights dimensions.¹³

The record of Senate filibustering in the twentieth century suggests that liberals would favor cloture more frequently than conservatives and that they would certainly favor a lower threshold for cloture than conservatives. We might even argue that conservatives generally would favor rules that serve to block new policy proposals, as does a high cloture threshold. However, because political contexts change rapidly, proponents of the policy status quo may suddenly become proponents of a policy revolution, and so alter their views of the use of

¹²The statistical technique used to derive d-nominate scores is explained in Poole and Rosenthal (1991).

¹³Scores run from -1.0 to 1.0, with positive scores on the first dimension indicating more conservative (Right) positions. Positive scores on the second dimension indicate pro-civil rights positions. The second dimension was clearly a civil rights dimension only after 1948, so we limit our use of senators' d-nominate scores on the second dimension to the period after 1948. To be sure, many other cross-cutting divisions among senators—urban-rural, east-west, and so on—have produced statistically defined dimensions of their own. But these minor dimensions have never had much predictive power over the full array of votes. Thus, we restrict ourselves to the more robust liberal-conservative dimension and, for some Congresses, the civil rights dimension.

rules. For that reason, we examine the relationship between policy preferences and voting on debate limits with careful attention to party control of the Senate.

PARTY STATUS. We also consider the effects of party status on senators' votes on reform, since cloture voting was largely partisan in character by the late twentieth century. Party status might be expected to play a major role in shaping senators' votes under the assumption that majority parties file and support cloture motions and minority parties tend to oppose them. In other words, partisan goals—*independent of policy positions*—might shape procedural choice. Thus, we include dummy variables for *Party Status*, with majority party members coded 1 (0, otherwise).¹⁴

SECTIONAL INTERESTS. Cloture voting was strongly sectional in character in the mid-twentieth century. Indeed, given the reliance of southerners on the filibuster to fight civil rights measures in that period, we might expect that southern senators—*independent of party*—would disproportionately oppose cloture reform. Immediate policy objectives, that is, might structure senators' procedural preferences. Thus, we include a dummy variable *section* for senators from southern states, coding them 1 (0, otherwise).¹⁵

Institutional Interests and Cloture Reform

Capturing senators' institutional commitments is more difficult. First, there is no direct measure that taps senators' institutional values or principles. Second, political and principled motivations are not easily separated. We might expect, however, that some senators' particular situations would lead them to oppose cloture reform—even after accounting for their political interests. Senators from small states, ideological outliers, and long-serving senators might, as argued below, exhibit such behavior.

SMALL-STATE INTERESTS. We might expect that state population size would affect senators' views about Rule 22. As is well known, the protection of the interests of small states is the essence of the Senate's origins. Small-state senators, however, sometimes argue that the constitutional mechanisms for protecting their states' interests are inadequate and that supplementary rules are required to protect small states. As Senator Harry Reid (D-NV) argued in 1995 during a debate over reforming Rule 22, "Checks and balances has nothing to do with protecting a Small state. . . . The filibuster is uniquely situated to protect a small State in

¹⁴Major party affiliations are those reported in Martis (1989). Minor party senators are coded as members of the party with which they caucused.

¹⁵Southern states are Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

population like Nevada” (*Congressional Record*, January 5, 1995, S434–35). Thus, we might predict that small-state senators would oppose reforms that make it easier to invoke cloture.¹⁶ Senators from *Small States* are coded 1 (0 otherwise).¹⁷

EXPERIENCE AND SENIORITY. An appreciation of the Senate’s special role, and the significance of free debate for that role, is often said to be acquired with years of service in the institution. Henry Cabot Lodge (R-MA), for example, in his first year in the Senate wrote that “to vote without debating is perilous, but to debate and never vote is imbecile” (1893, 527). But in 1915, when a proposal to establish a cloture rule was again debated, Lodge observed that experience had changed his mind about limiting debate and he rose to oppose the proposal (*Congressional Record*, February 15, 1915, 3786). Wisdom gained with experience, we are asked to believe, produces support for unlimited debate. Thus, the longer a senator has served, the more likely he or she should be to oppose cloture reform. We code seniority by the number of the Congress in which each member joined the Senate (so that high values indicate low seniority). This leads us to expect a positive relationship between the *Seniority* variable and voting for cloture reform.

IDEOLOGICAL OUTLIERS. The filibuster is not only a tool of substantial minorities but a tool of individual senators as well. A single senator cannot prevent cloture from being invoked, but under the Senate’s rules he or she can be heard and delay action. All senators, whatever their position within their party, probably value the parliamentary prerogatives they enjoy under the Senate’s rules. But ideological outliers within a party might most benefit from the preservation of individual rights under the rules, knowing that his or her policy preferences are not widely shared within their party. It would be in the long-term interests of ideological outliers, in other words, to vote against proposals that would limit the right of extended debate. Thus, based on d-nominate scores, we identify those senators whose policy positions locate them at the ends of either of the two policy dimensions, liberal-conservative and pro-/anti-civil rights.¹⁸ We would

¹⁶Certainly senators from small states can also oppose cloture reform in an effort to protect their states’ preferred policy outcomes. We suggest here, however, that even controlling for their political preferences, small-state senators might still disproportionately oppose cloture reform—knowing that Rule 22 can confer additional safeguards for small states in the Senate.

¹⁷We define small states as those with three or fewer House seats in the 104th Congress. Most small states had more House seats in earlier Congresses, but we use their most recent size, reflected in the number of House seats they have, to define the category throughout this analysis. Other cutoff points were tried but none showed as much distinctive behavior for small-state senators as this one does. Thus, our measure maximizes the chances of finding significant differences between small-state and large-state senators.

¹⁸Extremists are defined as being located in the top 5% or bottom 5% of a party’s senators on the two policy dimensions. Depending on party size, this criterion isolated one to three senators.

expect *Extremists* to oppose tighter restrictions on debate, and we would expect to find similar voting behavior by extremists on the left and right.¹⁹

Modeling the Politics of Reform

To assess the influence of these strategic and institutional influences on voting for reform, we select a key vote to analyze for each major effort to reform Rule 22 since 1917.²⁰ Because the dependent variable is dichotomous (whether or not a senator voted for reform), we use maximum likelihood logit models to estimate the likelihood that political and institutional interests affect senators' votes on reform. Table 1 reports the results of the logit models.

In 8 of the 12 models, senators' policy positions are the only statistically significant predictor of senators' reform votes. In only one of the models (1975, discussed below) do policy preferences fail to reach statistical significance. Moreover, the direction of influence is consistent across the models: more liberal senators and those favoring civil rights legislation are consistently more likely to support reform than their more conservative and anti-civil rights legislation colleagues. Over time, however, the importance of the two policy dimensions shifts. After the reform effort in 1919, in which liberal-conservative differences best predict reform votes, senators' preferences on civil rights issues become the dominant factor predicting votes on reform. Although liberal-conservative differences help shape reform votes in four of the nine reform efforts between the late 1940s and the early 1970s, positions on civil rights issues almost completely order senators' voting on reform in that period. By the late 1970s, after filibusters against the major civil rights bills had become ineffectual, the civil rights dimension loses its structuring influence on attitudes about cloture reform. Since the late 1970s, voting on reform has followed senators' liberal-conservative positions, which themselves have become increasingly structured by party.²¹ Neither of the other proxies of political interests—*Party Status* and *Section*—show much systematic effect on senators' cloture reform

¹⁹We choose to isolate extremists, rather than using alternative measures such as the distance of each senator from the chamber mean or median, because we expect unique behavior from senators sufficiently distant from their party's ideological central tendency. Again, as in the case of small-state senators, ideological extremists here are hypothesized to oppose cloture reform even after controlling for their political interests.

²⁰In 1986, when it approved televised floor sessions, the Senate reduced postcloture debate from 100 hours to 30 hours, but it did not cast a vote that concerned reform of Rule 22 to the exclusion of other issues. Thus, the last vote analyzed is a 1979 vote to alter Rule 22.

²¹The relative strength of the effects of the two policy dimensions on cloture reform voting can be seen by transforming the coefficients to make them directly comparable. Standardizing the unit of analysis but not normalizing the variance for the independent variables, we calculate the following values for voting on reform in the 1969 model (Table 1): -13.5 for the Left-Right policy dimension, 19.5 for the civil rights policy dimension, and 5.8 or less for all other coefficients. On this technique, see Achen (1982, 77).

votes, once we control for differences between the two parties and sections on the two policy dimensions.

Contrary to arguments about the influence of Senate principles on procedural choices, policy extremism, seniority, and small-state status appear to have little effect on votes to reform Rule 22. *Extremists* generally show no proclivity toward defending extended debate: they behave similarly to senators who neighbor them on the policy dimensions. Small-state interests and institutional experience may lead a few senators to appreciate extended debate, as those few senators have claimed, but such factors are not systematically related to senators' procedural choices over time. The *Seniority* variable is never statistically significant, and in only two models do *Small State* senators show some distinctiveness in their reform-related votes (1969 and 1975).

The models in Table 1 do not, of course, perfectly predict senators' behavior on reform-related roll call votes. In 1975, for example, the statistical model incorrectly predicts that Senator Lowell Weicker (R-CT) would support reform, largely on the basis of his liberal voting record. And yet, as his status as an ideological outlier (a liberal Republican) might suggest that he would, he voted against reform. Our inference must be that Weicker placed greater weight on the institutional needs of ideological outliers than did other similarly situated senators. Consequently, we cannot conclude that longer-term institutional interests do not influence the voting of senators; they certainly seem to do so for a few senators. Nevertheless, the overwhelming importance of the policy positions of senators for voting on reform suggests that, on the whole, senators' views about the rules are determined by the implications of those rules for the policy choices of the Senate.

The 1975 pattern warrants further notice. Senators' *Left-Right Policy Positions* were strongly related to the 1975 vote on reducing the threshold for cloture, although they miss statistical significance by a small margin. Indeed, the overall fit of the equation for 1975 is weaker than in most other years, suggesting that more senators than usual went beyond their political concerns to approve a change in the rule. Gilmour (1995) reaches a similar conclusion, observing that "without becoming any more liberal, senators simply changed their attitude toward the filibuster and became more interested than before in being able to shut off debate" (9). But the declining centrality of civil rights legislation as a target of filibusters by 1975 is one key to understanding the successful reform effort (Sinclair 1989). Filibusters on many other subjects had become common, and senators who might have resisted reform earlier now had an interest in reducing the cloture threshold. Equally critical was the ruling of Vice President Nelson Rockefeller that a simple majority could close debate on a resolution concerning the Senate's rules at the start of a new Congress. The ruling gave reformers a source of leverage with opponents of reform and produced a compromise reform (which entailed reversing the ruling) that gained the support of some senators who otherwise appeared to oppose it. The vote on the compromise did not divide

TABLE 1

Support and Opposition to Cloture Reform
(Maximum Likelihood Logit Models)

Variable	1919	1949	1953	1957	1959	1961
Left-right	-4.46*	-8.89*	-5.96	-6.10*	14.08*	1.21
policy position	(1.96)	(4.26)	(4.40)	(2.84)	(6.13)	(3.70)
Civil rights	n.a.	10.12*	20.24*	15.25*	20.99*	17.15*
policy position		(4.50)	(8.36)	(4.49)	(6.69)	(5.38)
Party status	-.49	-.02	-6.04	-.09	-3.83	3.26
	(1.58)	(2.94)	(3.92)	(1.91)	(3.19)	(2.88)
Section	-1.06	-10.81	-8.83	-9.62	-6.41	-7.64
	(.82)	(54.59)	(49.98)	(46.04)	(44.94)	(49.16)
Small state	-.93	-.41	1.00	-.22	-1.55	.07
	(.83)	(1.16)	(1.39)	(1.09)	(1.04)	(.91)
Seniority	.03	.22	-.23	-.19	.23	-.12
	(.11)	(.13)	(.19)	(.16)	(.13)	(.13)
Extremists:						
L,R, Maj, Lib	—	13.72	-2.84	15.53	-4.40*	17.22
		(164.65)	(249.12)	(144.79)	(2.19)	(140.94)
LR, Maj, Con	—	4.39	1.86	7.05	-1.03	4.06
		(196.32)	(185.19)	(956.23)	(129.26)	(271.60)
LR, Min, Lib	-.70	13.74	2.42	-8.82	-7.69	5.55
	(1.79)	(165.89)	(207.84)	(270.83)	(270.84)	(170.47)
LR, Min, Con	-1.99	-1.13	5.52	-5.30	5.12	-5.96
	(22.3)	(190.21)	(183.33)	(270.82)	(270.87)	(270.82)
CR, Maj, Pro	n.a.	5.67	3.45	5.14	18.29	4.96
		(151.12)	(183.98)	(956.23)	(136.91)	(271.24)
CR, Maj, Anti	n.a.	6.20	8.73	3.24	6.20	5.46
		(155.35)	(186.75)	(191.29)	(181.35)	(156.21)
CR, Min, Pro	n.a.	10.58*	9.82	-4.18	5.59	-5.61
		(3.70)	(197.47)	(190.89)	(270.83)	(270.82)
CR, Min, Anti	n.a.	9.14	3.12	6.38	4.99	3.94
		(270.82)	(183.77)	(176.84)	(270.83)	(170.48)
Constant	.10	-.37	-1.53	-.71	-5.81*	-3.73
	(.84)	(2.27)	(1.68)	(1.77)	(2.61)	(2.53)
Number of eases	80	95	91	93	98	100
Chi-square	35.6***	83.9***	77.5***	96.7***	85.0***	94.3***
PRE	45.71%	82.77%	80.94%	84.62%	65.53%	81.63%
% modal category	56.25	69.47	76.92	58.06	70.41	51.00
% correctly predicted	76.25	94.74	95.60	93.55	89.90	91.00

Standard errors in parentheses; * $p < .05$; *** $p < .001$; n.a.-not available; — senators in category did not vote.

Ns in each equation reflect the inclusion of paired and announced votes.

For the 1919 vote, civil rights dimension scores are not available. LR-Left-Right dimension; CR-civil rights dimension; Maj-majority party; Min-minority party. For the Left-Right dimension, Lib is the liberal end and Con is the conservative end. For the civil rights dimension, Pro is the pro-civil rights legislation end and Anti is the anti-civil rights legislation end.

TABLE 1 (continued)

Support and Opposition to Cloture Reform
(Maximum Likelihood Logit Models)

Variable	1963	1967	1969	1971	1975	1979
Left-right	1.08	-4.92	-11.04*	-.76	-6.47	-33.38*
policy position	(3.81)	(3.60)	(4.73)	(4.29)	(3.15)	(14.24)
Civil rights	24.27*	10.01*	16.16*	15.50*	-1.02	5.21
position	(7.83)	(4.51)	(6.59)	(5.58)	(4.22)	(12.24)
Party status	2.71	1.13	-1.83	3.19	-.93	-8.41
	(2.94)	(2.29)	(2.83)	(2.89)	(2.28)	(6.21)
Section	1.17	-9.24	-3.70	-1.22	-2.26*	-.26
	(1.88)	(52.16)	(2.36)	(1.36)	(1.14)	(1.82)
Small state	-.47	-1.05	-3.38*	-.94	-2.14*	-.72
	(1.02)	(.71)	(1.54)	(.90)	(.90)	(2.60)
Seniority	.13	.02	.36	.04	.07	.14
	(.15)	(.10)	(.19)	(.10)	(.08)	(.20)
Extremists:						
LR, Maj, Lib	7.17	8.56	2.71	5.40	5.73	-11.25
	(111.44)	(151.84)	(116.21)	(110.29)	(67.66)	(115.54)
LR, Maj, Con	.63	-7.68	1.24	-3.87	-7.11	12.18
	(164.30)	(127.60)	(85.05)	(115.43)	(99.64)	(116.17)
LR, Min, Lib	2.08	—	.18	3.86	4.73	-10.29
	(164.28)		(217.90)	(115.75)	(69.83)	(105.26)
LR, Min, Con	-4.68	-3.86	-3.43	-6.84	-8.15	-1.58
	(164.28)	(270.82)	(101.48)	(115.74)	(99.64)	(113.94)
CR, Maj, Pro	1.62	5.29	.48	-2.32	—	-.86
	(197.89)	(153.99)	(105.80)	(115.56)		(201.20)
CR, Maj, Anti	2.79	7.51	2.00	3.83	4.60	-9.98
	(92.43)	(155.78)	(112.87)	(115.94)	(57.41)	(114.67)
CR, Min, Pro	-2.57	6.53	-1.20	-2.47	-8.03	5.41
	(164.28)	(270.82)	(108.26)	(113.98)	(99.65)	(7.25)
CR, Min, Anti	.18	-14.10	-1.93	—	—	—
	(164.28)	(270.82)	(217.90)			
Constant	-4.63	-3.03	-.96	-2.35	2.08	9.81*
	(2.90)	(2.05)	(2.13)	(2.00)	(1.67)	(4.98)
Number of eases	94	100	99	100	86	96
Chi-square	89.6***	80.73***	104.3***	90.0***	51.5***	73.5***
PRE	78.06%	69.23%	84.09%	83.33%	46.44%	70.58%
% modal category	56.38	61.00	55.56	58.00	67.44	82.29
% correctly predicted	90.43	88.00	92.93	93.00	82.56	94.79

Reform-related roll call votes included in the analysis (Year: ICPSR vote number, Congress):

1919: v286, S65; 1949: v54, S81; 1953: v33, S83; 1957: v12, S85; 1959: v13, S86; 1961: v11, S87; 1963: v13, S88; 1967: v11, S90; 1969: v18, S91; 1971: v19, S92; 1975: v65, S94; 1979: v16, S96

the parties or civil rights legislation supporters and opponents as cleanly as in reform-related votes in other years. Still, not all opponents to cloture reform—particularly southern Democrats led by James Allen (D-AL)—accepted the compromise, and many voted against it.

Overall, the historical pattern of support and opposition to cloture reform challenges the view that senators' commitments to institutional tradition underpin the very incremental changes that have been made to Rule 22 since 1917. Senators' commitment to the 'traditions of their institution surely are the most frequently cited reason, at least among senators, for supporting the Senate's rules. We have no doubt that many senators genuinely believe that the Senate and the nation are best served by placing few limits on debate in their institution. But it may go without saying that principles are often devised in defense of positions taken for more political reasons. Even principles resonate more with some people than others because of differences in experience or political interest. In fact, in our view, most senators have viewed the Senate's rules in pragmatic terms: they support those rules they judge to be the best for securing preferred policy outcomes. In short, divisions among senators on efforts to alter the rules of debate fall largely along the lines that short-term political interests would suggest they should.

Conclusions

Our review of the development of extended debate and our analysis of senators' votes on cloture reform lead us back to our original question about the politics of institutional change in the Senate. Can we explain the evolution of Senate limits on debate as a reflection of a long-standing commitment on the part of most senators to the broad collective interests of the Senate and its role in the American polity? Our answer is no: the Senate's rules are instead the by-product of an early procedural decision in 1806 and the subsequent evolution of senators' political interests. Indeed, few institutional choices have had as long-term consequences as the decision in 1806 to drop the rule allowing a majority to use the previous question motion to cut off debate. That decision locked into place a procedural arena that could only be changed with near universal support of the Senate; only when procedural reforms serve the pragmatic interests of a bipartisan supermajority is institutional change likely in the Senate. At most other times, inherited rules constrain proponents of change—even Senate majorities—seeking to alter the rules to their advantage.

This perspective does not lead us to conclude that the institution's or the nation's interests play no role in shaping the rules of the Senate. It means simply that such broader concerns shape institutional choices only to the extent that they enter into senators' other calculations about the rules. Public pressure, for example, may at times compel senators to adopt reforms that they would otherwise oppose—such as popular election of the Senate and the initial adoption of the cloture rule in 1917. In most cases, broader institutional concerns will influence

procedural choices only to the extent that they are consistent with senators' political interests. Even if senators share some basic democratic values, these beliefs are not so elaborate as to determine their positions on the details of Rule 22. Rather, a redistributive view—of hardball politics fought over the evolving issues that have divided senators and fought under the rules inherited from the past—appears to be a better framework for explaining the choices senators make about critical institutional arrangements. Strategic motivations—not institutional visions or values—best account for senators' procedural choices.

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