

Research Paper No. 1858

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Tyranny or Bipartisanship**

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July 2004

RESEARCH PAPER SERIES

STANFORD
GRADUATE SCHOOL OF BUSINESS



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Abstract

The minority party is rarely featured in empirical research on parties in legislatures, and recent theories of parties in legislatures are rarely neutral and balanced in their treatment of the two parties. This paper makes a case for redressing this imbalance. We identify four characteristics of bipartisanship and evaluate their descriptive merits in a purposely hostile testing ground: during the rise and fall of Speaker Joseph G. Cannon, a.k.a., the Tyrant from Illinois. Drawing on century-old recently discovered records now available in the National Archives, we find that Cannon was anything but a majority-party tyrant during the important committee assignment phase of legislative organization. The findings underscore the need for future, more explicitly theoretical research on *parties-in-legislatures*.

* The authors thank anonymous referees, Andrea Campbell, and Larry Evans for their helpful comments on this manuscript. The authors also thank Ken Kato for his valuable assistance on data collection and Erin McAdams for her capable research assistance. An earlier version of this paper was presented at the 2003 Annual Meetings of the Midwest Political Science Association.

JOE CANNON AND THE MINORITY PARTY:

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The minority party is the crazy uncle of American politics, showing up at most major events, semi-regularly causing a ruckus, yet steadfastly failing to command attention and reflection. In light of the large quantity of new research on political parties, the academic marginalization of the minority party is ironic and unfortunate. It appears that we have an abundance of theoretical and empirical arguments about *parties* in legislatures, but the reality is that we have only slightly more than half of that. The preponderance of our theories are about a single, strong *party* in the legislature: the majority party.

A rare exception to the majority-centric rule is Charles Jones who, decades ago, lamented that “few scholars have made an effort to define these differences [between majority and minority parties] in any but the most superficial manner” (1970, 3). A book ensued, but since then, congressional research almost invariably treats the minority party in one of two ways. Either it perfunctorily accepts the minority party’s fundamental inferiority to the majority in terms of numbers, range of functions, and ultimately impact. Or, the minority party is treated like a crazy uncle, to whom acknowledgment is polite but after which insouciance is acceptable.

Peabody, for instance, argued emphatically that “the minority party is inherently disadvantaged as compared with the majority party in almost every conceivable resource ... the major resource which a minority party lacks is, of course, votes [and it] is also disadvantaged in terms of staff, space, and control over investigatory funds” (1976; 47). Soon thereafter, in his groundbreaking study of the politics of House committee assignments, Shepsle summarily

dismissed the minority party because “journalistic and scholarly attention to committee assignment practices ... heavily weighed in favor of the Democrats [hence] the empirical foundation upon which to construct a behavioral theory ... [was] virtually absent for Republicans” (1978; 7). Indeed, even those scholars with a rare analysis of the minority are carefully qualified in their assessments. In discussing the ability of party leaders to sanction members for voting against the party line, for example, Jones argues that “although [minority party leaders] too have sanctions—e.g., committee assignments, special favors—their range is more restricted than that of majority party leaders” (1970; 27).

Contemporary scholarship remains true to now-well-established form. In the first sentence of a pathbreaking study of minority rights, Binder embraces majority-party dominance as a “plainly evident” axiom of congressional life: “the majority rules—with the minority seldom granted a substantive chance to influence the making of national policy” (1997, xi). Fleisher and Bond seem to concur when they claim: “Members of Congress expect their party leaders to perform several important functions...these expectations hold for both the majority and minority party leaders, although minority leaders’ influence over running the chamber is limited” (2000, 162). Aldrich and Rohde are similarly, albeit more tepidly, dismissive of the minority, writing “one way the majority party may have a disproportionate impact on outcomes is that it may exert more influence on members choices than the minority party” (2000, 52).

The purpose of this paper is to inquire whether a more balanced approach to the study of parties in legislatures might be fruitful. Our argument contrasts majority-party and bipartisan theories and their hypotheses, illustrates some important inferential problems, and, ultimately

conducts discriminating tests using a unique data set on committee assignments during Cannon's last two Congresses as Speaker.

1. Theories and Hypotheses

The strong tendency of existing research to discount or disregard the minority party has striking implications for expectations about assignments of members to standing committees. To illustrate this point, we compare and contrast two theoretical perspectives about parties in legislatures: conventional *majority-party theory* and a more recently emerging literature that embodies a notion of *bipartisanship*. The main similarity in the two perspectives is that a party or the two parties, through their leader or leaders, are active participants in at all stages of the process: pre- or early-Congress matters of legislative organization; during-Congress matters of scheduling, adopting bill-specific procedures, or generally managing the flow of legislation; and end-of-Congress engagements in the electoral arena. Throughout these stages, the theoretical perspectives of majority-partisanship and bipartisanship share an emphasis on intra-party delegation to leaders. Thereafter, however, the theories are distinct. The majority-party perspective embraces a much more extreme form of delegation than does the bipartisan perspective. For example, majority party theorists use terms and formal characterizations such as “monopoly agenda setter” and “legislative leviathan” when discussing the majority party leader and, likewise, severely handicap the minority party relative to the majority party (e.g. Cox and McCubbins 2002). Indeed, some party theorists do not model the minority party at all (e.g., Bawn 1998). In light of these tendencies, it is hardly surprising that the corresponding predictions of majority-party theory are imbalanced favoring the majority party.

In contrast, the premises and conclusions of bipartisan theories are balanced. Implicitly grounded in individual-level equality of legislative rights, a majority party member is indistinguishable from the minority party member. Of course, this Rawls-like egalitarian original position may change in the course of legislative organization, because, for instance, the majority party by definition has more votes than the minority and may use such votes in a strong-armed fashion. Such possibilities ought to be derived theoretically and inspected empirically—not simply assumed.

In this vein, recent work by Dixit, Grossman, and Gul (2000) takes an admirably neutral stance. Portraying parties as unitary actors, the authors analyze a bipartisan game of dividing a figurative pie, which can be interpreted as an allotment of institutionally valued positions between the respective parties. Parties' relative bargaining strength fluctuates stochastically as, for example, their electoral successes wax and wane. Rigorously derived propositions have straightforward interpretations in the context of legislative organization. First, the mere threat of electoral misfortune induces a compromise between the parties in which the minority party is *always included* in the distribution of spoils even though the majority party has the requisite votes to expropriate all such benefits. Second, the degree of inclusion of the minority by the majority is roughly proportional to the minority party's size. The two theoretical perspectives generate four discriminating hypotheses.

Inclusion. To what degree does the majority party include the minority party in decisions about legislative organization? Majority party theories address this question indirectly at best. Theoretical works that omit the minority party from the analysis are exclusionary by assumption. In contrast, Dixit, Grossman, and Gul's analysis captures the essence of bipartisanship as an

endogenous phenomenon. Specifically, legislative behavior is a conditioned by the competitiveness of the electoral environment, which provides incentives for minority party members to exert their legislative rights and for majority party members not to abuse theirs. The corresponding implication is that the minority party will be included in choice processes pertaining to legislative organization.

Proportionality. How are the spoils of legislative organization distributed across parties? Majority-party theories emphasize “stacking the procedural deck” (Cox and McCubbins 1992) and as such seem to assume or imply that partisan self-interest results in a high degree of disproportionality. Theories of competitive bipartisanship, on the other hand, imply that: committee seats in particular, and valued positions more generally, will be allocated commensurate with the proportion of seats held by parties.

Deference. Conditional on inclusion of the minority in the aggregate, to what extent does the majority party solicit and defer to individual minority party members' preferences regarding desirable positions? Majority party theories portray procedural choice as hardball majoritarian politics in which deference plays no role. Theories compatible with bipartisanship, however, highlight the incentives for the majority party not to play hard ball, and therefore anticipate deferential treatment of the minority by the majority.

Expertise. Are nonpartisan criteria for committee membership more or less important than majority-party status? Strict majority-party theories assert that majority-party status is the critical variable that determines who will occupy valuable slots. Bipartisan theories, on the other hand, place parties on equal footing and therefore admit the possibility that alternative, nonpartisan variables will explain variation in committee assignments, for example. One such

variable—expertise—emerges from the nonpartisan signaling theories of Gilligan and Krehbiel (e.g., 1987).

2. Inferential Problems

Before turning to the data analysis we consider a closely related problem of inference. Arriving at the beginning of the 108th Congress, Democrats—who made up a smaller proportion of the house than in the 107th Congress—were faced with the unpleasant prospect of competing for committee seats with the Republican (majority) Party. As has long been the custom, the Minority Leader assumed responsibility for assignments within the party. Newly selected Minority Leader Nancy Pelosi was explicit about one component of her strategy: “We’re going to look at the members who need the most help, to protect those who had a hard time getting [to Congress],” meaning that she sought to place electorally marginal minority party members on committees that would be deemed electorally valuable.

Pelosi did not speak of the process by which the number of Democratic committee slots was determined. Members of the Democratic Steering Committee, however, provided a hint when they referred to “very few choices” being available for attractive committee assignments after they attempted to expand the number of minority-party committee slots but were rebuffed by the Republican Party (Ferrechio 2003). By this typical popular account of pre-Congress partisanship, it seems that the contemporary committee assignment process is biased. The minority party, through its leader, is free to pursue a bigger slice of the committee pie, but the majority party seems to hold and use the knife and spatula.

Most of the processes that precede committee assignments are unobservable, however. Consequently, the inferences that researchers and journalists make about the process are based on selective statements issued by participants, which are spin-sensitive and thus highly speculative. After all, it is a rare day in American politics when the minority party leader calls a press conference to announce that her party has been treated well by the majority.

Furthermore, the competitive processes that we do not observe can also be interpreted in a different light. For all we know, Minority Leader Pelosi was focusing on actual assignments rather than numbers of positions, because she had already negotiated an acceptable, equitable deal on the numbers of seats awarded to Democrats, committee by committee. Nor did she bother to mention that she had an essentially blank check with regard to how she, and her Steering Committee, would piece together her party's share of the giant jigsaw puzzle of committee assignments. From this perspective, the real puzzle is not "How can the minority party overcome its handicap?" but rather, "Why did the majority party include the minority in the process and give up so much of the spoils?"

Although these are good questions in principle, in practice they are unanswerable unless behind-the-scenes processes somehow become observable or systematic inquiry of the outcomes is possible. Allegations that a process is partisan and collusive ought to be substantiated with data that show systematic majority party bias, relative to a neutral and explicit baseline. Likewise, allegations that a process is bipartisan and cooperative ought to be substantiated with data that show the absence of bias, relative to a neutral and explicit baseline. Ideally, a discriminating test requires various kinds of data, ranging from process to outcomes, the most critical of which is individual-level information about the preferences and capabilities of

committee-seeking legislators. With the major-but-partial exception of Shepsle, who acquired majority party member request data from the 1970s, such data have proved next to impossible to obtain, consequently, the ideal has been out of reach. However, a fortuitous event occurred approximately ten years ago that changes things somewhat. Following the Republican takeover of the House in the 104th Congress, a trunk was found in a storage space of a House office building. The contents of the trunk included ledger books of turn-of-the-century Speakers of the House. Among the most useful pieces of information in the ledger books are member requests for committee assignments – submitted from both the majority and minority sides of the aisle. The most comprehensive ledger book belonged to Speaker Joseph G. Cannon. With some qualifications to be noted below, these newly available materials not only address major data limitations in existing studies, but also provide a uniquely strong (as in, difficult) testing ground for the legislative bipartisanship conjecture. After all, numerous researchers have identified this historical period as at, or just beyond, the high water mark of *majority*-party strength in the entire history of the U.S. House of Representatives (e.g., Binder 1997, Brady 1973, Shepsle 1978). We briefly elaborate on the historical setting before returning to analyzing the recently discovered data.

3. The Historical Setting

Elected to the Speakership in the 58th Congress and retaining that position through the 61st Congress, Cannon has been characterized by historians and political scientists as a quintessential case of party power run amok. Earning such titles as “Czar Cannon,” and the “Brakeman of the House,” Cannon has consistently been portrayed as a parliamentary leader who easily disregarded historical precedents to systematically reward and punish those members who

respectively supported and opposed his policy programs¹ While this view of Cannon has become conventional wisdom in contemporary research on legislative and party politics (e.g., Cox and McCubbins 1993, Rohde 1991) recent scholarship has raised questions over whether these characterizations of Cannon as an enforcer of strong party discipline are entirely appropriate.

Drawing on archival data of committee requests by majority party members, Lawrence, Maltzman and Wahlbeck (2001) have demonstrated that Republican legislators in the 61st Congress who consistently voted against Cannon's policy priorities were just as likely as policy loyalists to succeed in their committee requests.² Furthermore, they find that arguably non-partisan factors, such as letters of endorsement from interests outside of the chamber were positively correlated with Republican members' success in their committee requests. Focusing on committee transfers of both Republicans and Democrats between the 60th and 61st Congress, Krehbiel and Wiseman (2001) demonstrate that Cannon did not appear to systematically punish legislators who voted against him on key substantive and procedural votes. While a small subset of members received undesirable assignments in the 61st Congress (Jones 1968), the committee transfer patterns do not seem consistent with the conventional portrait of Cannon as a tyrant.

While recent scholarship might cause us to doubt the conventional wisdom about Cannon as *majority* party disciplinarian, there is nothing to guide our expectations about how he dealt with the *minority* party during his Speakership. On this score, as noted above, the literature is either silent, or forceful in its argument that the minority party was treated badly. As one source

¹ The body of literature that portrays Cannon in such a light is voluminous; notable examples include Bolles (1951), Hechler (1940), Jones (1968), Mooney (1964), and Norris (1945).

² Lawrence, Maltzman and Wahlbeck do argue, however, that Republicans who voted against some of Cannon's parliamentary priorities were less successful in realizing their committee requests than Cannon's

puts it, “[Democrats] were hardly worth thinking about—except, of course as good fellows personally. They were the minority, and this was a country, this was a House, where the majority ruled” (Mooney 1964, 102). Similarly, the *Congressional Record* is graced with countless orations on the tyranny of the majority party—importantly, orations that made quick, easy, and readable copy for many partisan newspapers across the country. Consider, for example, the passionate testimony of Dorsey W. Shackleford (D-Mo.) who addressed the House on January 24, 1908: “I arise [sic.] once more to challenge the autocratic authority which the Speaker has asserted over the deliberations of this body ... The Speaker has overthrown the people’s government and erected upon its ruins an autocracy more resolute in its despotism than exists in any monarchy of Europe ...”³ Among Shackleford’s many bones of contention was the hot item of a tariff on wood pulp, whose moribund fate Shackleford attributed to the Speaker’s tight control over committees: “Four-fifths of the membership of this House favor the measure. Why don’t we pass it? Because it is buried in the committee room of the Ways and Means Committee.”⁴ Clearly, statements such as these insinuate that Cannon was exercising substantial control not only over matters of legislative organization pertaining to committees but also over the day-to-day operations of those committees. As Mooney writes, “[Cannon] stacked the key committees with men who would unquestioningly support everything he favored and oppose everything he was against” (1964, 109).

Recent studies notwithstanding, the preponderance of works of political scientists, historians, and journalists all point in the same direction. The Cannon Era was, and still is,

parliamentary loyalists. Data on committee requests were drawn from the aforementioned recently-discovered ledger books.

³ Congressional Record (60th Congress, 1086.)

conventionally regarded as the apex of majority-party politics. For that reason, it constitutes a prima facie uniquely hostile territory for advancing a view that competitive bipartisanship is a more accurate way to characterize even partisan eras of the House. Such a perspective also complements recent work by Schickler (2001, chapter 2) who has also challenged the conventional wisdom by arguing that the Cannon era could be characterized as one in which fluid cross-party coalitions, more so than a majority party leviathan, influenced the House's policy and procedural agenda

4. Findings

To explore the four hypotheses about bipartisanship, we rely on a diverse set of evidence and data, ranging from qualitative historical accounts of the politics of the era to recently exhumed century-old individual-level committee request data. The discussion is organized by hypotheses.⁵

Inclusion

The inclusion hypothesis is that in committee assignments (and other aspects of legislative organization), the minority party or a trustee thereof will have a proverbial seat at the table. In other words, while the majority party wants, and may eventually obtain, the ability to “stack the procedural deck” in its favor, it does not possess this right automatically but rather

⁴ Congressional Record (60th Congress, 1087).

⁵ The subsequent analysis assumes that committee seats are valuable to members in and of themselves, and/or committee membership contributes to downstream policy outputs that are favorable to committee members. A wide body of scholarship holds that partisan forces loom large in committee assignments, but not much of this literature addresses differences between majority-party and bipartisan theories. While we shall focus on these differences in committee assignment processes, we acknowledge that different patterns of party influence may obtain in other stages of legislative organization.

must earn it through a bargaining process in which the minority party may be an active participant. The domain in which inclusion vs. the exclusion is potentially important is the pre-assignment phase during which two kinds of choices are made. First, either the majority party dictates, or the two parties negotiate, how many seats each party may occupy on each committee. Second, the party leaders oversee the assignment processes within their respective parties, and, to an unknown degree, may also intervene in assignments across the aisle. The corresponding question is: Did Speaker Cannon include Minority Leaders John Williams and Champ Clark in the assignment processes of the 60th and 61st Congresses?

On this score, the historical record has a personal touch. During the 58th-60th Congresses, Cannon and Minority Leader John Sharp Williams were good friends. For the Congresses in which Williams served as minority leader, Champ Clark argues that Cannon delegated to Williams the right to make minority assignments. Minority requests were sent directly to Williams, whereupon Williams passed a minority committee request list onto Cannon, who took them under consideration when making final appointments, “reserving to himself a sort of suzerainty in that regard” (1925, book II, 264). This fact provides transparent support for the inclusion hypothesis, however, there is some basis for skepticism. Perhaps Cannon’s inclusiveness was an artifact of Cannon’s and Williams’ friendship.⁶

The plot thickened in the beginning of the 61st Congress, at least according to some sources. Specifically, Champ Clark, who had become minority leader, and others alleged that Speaker Cannon began assigning minority members to committees without consulting the

⁶ Or, perhaps “taking them under consideration” is a euphemism for placing the list in a trunk and storing the trunk for 90 years in a remote closet in the House Office Building.

minority party leadership, opting instead to collect requests directly from minority members. That is, the minority *leader* was excluded, however, minority party *members* were not.

The reason for this change in Cannon's behavior is a source of considerable debate. Champ Clark claimed that it was a punitive act for his leading a revolt against the standing rules at the beginning of the 61st Congress (1925, book II, 271). Shepsle disputes Clark's account by arguing that Cannon did not really exclude the minority leader from the process; rather, it was Clark himself who, as a bargaining ploy, refused to submit a committee recommendation list to Cannon in the 61st Congress. Specifically, Clark wanted to extract from Cannon a promise not to alter any recommendations in his final appointments—the functional equivalent of a take-it-or-leave-it offer, or closed rule (1978, 223). Gwinn's interpretation is different and more cynical than others'. He claims that the reason Cannon had Williams make committee recommendations not because of their shared friendship but rather because James E. Watson, the Republican whip, had suggested that to turn assignments over to Williams would make it likely that he would become embroiled in petty party politics that would divide the Democrats (Gwinn 1957, 97).

Finally, Galloway and Wise, add yet another layer of nuance to the question of whether Cannon did or did not break from the pattern of inclusion in the 61st Congress: “[F]rom 1790 until 1911, the Speaker *generally* appointed the members and chairman of the standing and select committees of the House of Representatives” (1976, 74, italics added). Later in their book, however, comes a qualification regarding minority committee assignments: “[I]n the Sixty-first Congresses, the House Democratic Caucus had agreed to support the Republican insurgents in their drive to reform the House rules, to discipline those Democrats who had accepted committee assignments from Speaker Cannon without approval of Champ Clark” (Galloway and Wise,

1976, 170). This suggests that Clark may have submitted a list to Cannon after all, but that minority members had reason to believe that the requests would not be honored—or at least selectively violated. Although no list was in the trunk, the absence of an item in one place does not falsify the existence of the item.

All things considered, the case for inclusion in the 61st Congress is murky. But even in the most cynical interpretations, the minority party leaders were not shut out of the process entirely. Furthermore, elsewhere in the century, the case for inclusion is strong. The minority party competes for slots, to be sure. But after bipartisan bargaining on allotments, actual assignments are primarily an intra-party affair, even in the peak era of partisanship.

Proportionality

Participation is one thing, and we have seen that Cannon, allegedly one of the most partisan speakers in the history of the House, was inclusive in the early stages of committee organization. Results, however, are another matter. It could well be that the reason the majority party grants participation rights to minority members is that the majority is sufficiently advantaged in bargaining over committee seats that they do not much care whether a disproportionately small number of seats allotted to the minority are stacked. In contrast, the proportionality hypothesis claims that bargaining over committee seats leads to an agreement in which seats are roughly proportional to party sizes, and, therefore, the inclusion of the minority party in the assignment process is a significant factor in legislative organization.

A strong version of majority party theory, properly construed, implies that the majority party will monopolize committee seats. Clearly this is not the case, and equally clearly,

advocates of the theory do not accept this as a reasonable interpretation. Surely, however, a strong and optimizing majority party would not forego the opportunity to flex its muscles, exert its bargaining advantage, and extract substantial rents at this critical juncture of legislative organization. So, even a weak version of the theory predicts significantly disproportional seats favoring the majority. A somewhat more subtle prediction is that the degree of disproportionality is increasing in the degree to which members perceive the Speaker as powerful and arbitrary. In short, disproportionately majority-party-occupied committees are evidence of power grabbing by majority party leaders.

We inspect the proportionality hypothesis for two congressional periods: the 60th and 61st Congresses, consistent with our primary focus on Speaker Cannon, and the 107th and 108th Congresses to see whether things are fundamentally different now than they were a century ago. The measure of majority-party bias is straightforward. Let R = the number of Republicans in the House, N = the two-party membership of the House, and n = the pre-negotiated size of the committee. Then define the *proportional representation baseline* as Rn/N , rounded up to the nearest integer. The simple expression basically says: given the composition of the House, and the size of the committee, make the proportion of Republicans and Democrats on the committee the same as they are in the House. And to the extent that the House proportion cannot be replicated perfectly, round up in favor of the majority party.

Next, define *allotment bias* as the degree to which the actual number of seats on a committee exceeds the proportional representation baseline. This means that large positive numbers are evidence of strong majority parties, and numbers at or near zero are evidence that the minority party negotiates effectively (relative to its size) for allotted seats, consistent with the conjecture of legislative bipartisanship.

Table 1 presents the results for the aforementioned Congresses. It is widely believed not only that the Cannon congresses were among the most partisan in history, but also that recent congresses (from approximately 1980 onwards) have seen a “remarkable resurgence of parties” (Rohde 1991) and a “polarization of American politics” (Poole and Rosenthal 1984). Nevertheless, there is essentially no evidence of this in the measure of allotment bias. In only one of the four congresses is the modal committee's allotment bias measure nonzero. This means that, on average, the majority party's seat share is determined by the straightforward proportionality rule described above. In both of the Cannon congresses and the 108th Congress, the median and the modal committee was perfectly proportionally representative. The 107th Congress stands out as being relatively biased; however, there are fewer standing committees today with much greater membership than a century ago, so one seat over-proportionality is of questionable substantive significance. Nor are the differences across Congresses statistically significant either.⁷

So, for example, although Nancy Pelosi as newly elected minority leader complained that her party was getting a raw deal from the majority, she could have added for rhetorical flair (but oblivious to the student's t distribution) that the True Tyrant from Illinois is Dennis Hastert. He, after all, treats the minority party worse than Uncle Joe did. The soft spot in her argument, however, would be that Joseph G. Cannon and his Republican majority seemed steadfastly to adhere to proportionality in committee seat allotments. Rhetoric aside, the support for the proportionality hypothesis is clear and strong.

⁷ Considering other time periods, this finding is consistent with work by Ray and Smith (1984, pp. 680-682) who demonstrate that the total number of committee seats held by the majority and minority parties between the 80th-97th Congresses correspond to the party ratio within the House. In contrast, Aldrich and Rohde (2000, pp.42-

[Table 1 here]

Before moving on to our discussion of the Deference Hypothesis, two possible concerns with our treatment of the Proportionality Hypothesis should be addressed. First, the analysis considers all committee simultaneously rather than focusing on substance of committees. Skeptics of bipartisanship may conjecture that overall proportionality is obtained via a form of cross-subsidization in which the minority receives a disproportionate share of bad committee assignments while the majority cashes in on the plum assignments. This conjecture is easy to test empirically. If cross-subsidization of this form existed, then we should be able to reject no hypothesis of proportionality within the set of highly prized committees. Focusing on Fenno's "power committees" (1973)—Ways and Means, Rules, and Appropriations—we find that the average bias of these three committees is small (.67) and not statistically different from the average overall bias (.39) across all committees in the 61st Congress.⁸

A concern with potentially more merit is that this analysis is silent about committee chairmanships that historically are awarded exclusively to the majority party. Although this empirical regularity in isolation is inconsistent with bipartisanship, its significance is at least called into question by the pervasiveness of proportionality. A definitive assessment of the relative benefits of seats versus chairmanships, however, is beyond the scope of the current analysis.

46) demonstrate that for the Appropriations, Ways and Means, and Rules, majority party representation is not monotonically related to the party ratio in the House between the 80th-105th Congresses.

⁸ Inspection of the power committees in the 60th Congress reveals that the average bias for these three committees is also .67, which is marginally statistically greater than the overall bias (.01) of all committees in this earlier Congress.

Deference

Inclusion guarantees participation. Proportionality guarantees positions. Minority party influence over the occupants of those positions, however, requires that minority be granted a modicum of deference upon the majority party's receiving the minority's requests. At least one piece of the evidence discussed thus far suggests that this is not a foregone conclusion, namely, Shepsle's account of minority leader Champ Clark's attempt to force Cannon into a take-it-or-leave-it arrangement. Clearly, a true tyrant in the majority position would be under no such compulsion. The deference hypothesis that we associate with legislative bipartisanship suggests otherwise. In a competitive party system, a rational majority party leader is cognizant of the threat that in another Congress or two he may be minority party leader (or, in Cannon's case, a citizen in Danville). The prospect of retaliation under such circumstances—if not a mere basic sense of decency—is sufficient for inducing deference, or so the hypothesis holds.

The recently discovered documents, though not ideal, are quite helpful in the construction and execution of a unique test of the hypothesis. In addition to the records that Cannon kept in his ledger books, the archives also include the list of minority party recommendations for committee assignments that Minority Leader John Williams sent to Cannon in 1907 for assignments to the 60th Congress. We also have access to Cannon's committee ledger book from the 61st Congress that provides, in annotated detail, each minority party member's request for committee assignment in the 61st Congress that was recorded by Cannon, as well as lists of specific endorsees with cross-references to numerically ordered personal correspondence.⁹ Using

⁹ The records indicate that only 93 minority party members formally submitted written requests to Cannon. Comparison of these members (and their requests) with the other 79 minority members who did not submit formal

these data, we can identify the extent to which Cannon deferred to the minority party leader in moving to the final, floor approval stage of committee assignments in the 60th Congress.¹⁰

Although it would be desirable to have access to Cannon's ledger book from the 60th Congress (which might also record minority member requests to Cannon) and the minority party leaders request list for the 61st Congress, the 60th Congress ledger book is not in the archives, and, even if once existed, it is doubtful that it included information on minority member requests, given that several sources suggest that this was more or less completely delegated to his friend, John Williams.

As mentioned above, at least one account suggests that Cannon did not solicit a list of minority party committee recommendations from then-minority leader Champ Clark. (Suspiciously, perhaps, the sole such account of the bad treatment of Champ Clark was Champ Clark's, in which he claimed that Cannon stripped his historically honored right as a form of hardball punishment for attempting to challenge Cannon on potential rules changes.) "The fight on the rules ... engendered much bad blood among both Democrats and Republicans. Mr. Speaker Cannon was not only victorious, but vengeful. ... Among other things he took from me the authority he had given to John Sharp Williams, when he was minority leader, to make the minority appointments on the various committees..." (Clark 1920, book II, 271). If Clark's account is accurate, then it is doubtful that there is any data source for the 61st Congress comparable to the list submitted by Williams for the 60th.

requests does not reveal any systematic patterns with respect to committees requested, seniority of members, previous committee service, or other factors.

¹⁰ Later, we also assess factors that influenced his assignment decisions of minority party members in the 61st Congress.

In any case, our analysis addresses this data deficiency in a way that is ultimately strongly suggestive, if not compelling. The one significant drawback of the list that Williams sent Cannon in the beginning of the 60th Congress, however, is that 3 of its 17 pages are missing. The missing pages consist of 36 minority party members whose last names begin with “R” and “S” and are to the best of our knowledge random and therefore should not bias our analysis.¹¹

Table 2 addresses the deference hypothesis with a two-by-two breakdown of Williams’ committee requests, and Cannon’s committee appointment decisions. Cannon clearly accepted the vast majority of Williams’ recommendations. There were only 2 cases in which Cannon rejected Williams’ recommendations, and 5 cases in which Cannon appointed members to committees that Williams had not requested, in effect doling out 5 unallotted slots to compensate for the 2 denials, or so it seems. Therefore, support for the deference hypotheses in these data is remarkable.¹²

[Table 2 here]

¹¹ A return visit to the archives revealed an envelope that consisted of strips of paper that had minority party committee recommendations, most of which were from page 15 of the Williams list. As the data currently stand, the only pages entirely missing are pages 13 and 14, which consist of 26 names (about 15% of the minority party).

¹² To reemphasize a point in Krehbiel and Wiseman (2001, 360), all committee appointments were still, de facto, subject to majority approval of the House of Representatives at this time. Close inspection of Rule X, which dictated committee assignment procedures and was enacted in January 1790, revealed that the Speaker would appoint committees “unless otherwise directed by the House” (Alexander 1916, 66). Even Speaker “Czar” Reed conceded the authority of the House, when he noted on April 7, 1897, that the Speaker’s power of appointment “is a power that is given to him by the House of its purposes, and its purposes alone; not for any selfish purposes; not for him to carry out any personal desires or designs of his own, but to carry out the wishes of the House as he understands them after a faithful and conscientious examination of the subject. If the House thinks that any occupant of the chair is not carrying out its wishes, is not acting as its representative, the remedy is in the hands of the House at any time. And the Chair cheerfully welcomes any action on the part of the House, whose representative he is” (Hinds 1907; pp. 890-91). The authors thank Larry Evans for direction to this comment.

Alternative hypotheses

To increase our confidence in the support for deference, we also explored several alternative hypotheses and were never able to reject the null hypothesis of no difference between these seven members and the rest of the minority party. Specifically, we compared before and after Groseclose-Stewart committee-value measures of the seven outliers, and various distance-from-Cannon and distance-from-Williams measures based on D-NOMINATE ratings. The new committee assignments of the seven members resulted in them getting higher than average portfolio values. The difference is not statistically significant, but it is noteworthy that Cannon's intervention was not punitive. Likewise, the search for relationships between preference proximity of leaders to backbenchers resulted in no significant findings whatsoever. To the best of our knowledge, Cannon's choice of these assignments reflects idiosyncratic factors that we are unlikely ever to uncover.

Expertise

As noted above, the expertise hypothesis is only indirectly related to the legislative bipartisanship conjecture. Nevertheless, it is worth exploring for two reasons. First, a positive finding would provide further corroboration for results elsewhere in the literature (e.g., Krehbiel 1991) and would underscore the fruitfulness of future work that might merge the notion of legislative bipartisanship with other compatible theories. Second, a positive finding would provide greater confidence in the usefulness of these data, in light of the fact that the incidence of null findings has been considerable thus far.

The expertise hypothesis in this context is simply that experience on the committee will be positively associated with continued service, and that direct communication to the Speaker by a third party (as recorded in the ledger book) will also be positively associated with assignment. The first of these is admittedly a very weak test to the extent that we know that members tend to retain their committee assignments across Congresses. However, it is not a trivial hypothesis inasmuch as Cannon (arguably) had it in his authority to deny such continuation. The second part of the hypothesis is the more distinctively informational of the two. If there is a positive effect of a recorded endorsement on committee assignments, controlling for other factors, this provides evidence of Cannon's responsiveness not simply to requests but also to the merits of those requests.¹³

The dependent variable in this analysis is a member-committee pair in the 61st Congress, which takes on a value of 1 if the minority party member was assigned to the specified committee, and zero otherwise. This variable has at least two different interpretations between which the historical record makes it difficult to adjudicate, either of which is relevant to our inquiry. First, and somewhat implausibly, the variable might be interpreted as the outcome of a process within the minority party (under the perhaps cynical assumption that Champ Clark did, in fact, convey his preferences to Cannon—in contrast to Clark's autobiographical account—and that Cannon deferred to Clark). Second, and consistent with most of the historical record, the variable might be interpreted as the decision that Cannon himself made with regard to minority

¹³ Although there is no ironclad guarantee that endorsements of this sort are indicators of expertise, the most plausible alternative interpretations of endorsements create an even greater problem for majority-party predictions. Specifically, suppose endorsements were grounded in partisanship instead of expertise. If so, then it would be all the more surprising that such endorsements on the minority side are *positively* associated Cannon's granting their requests. In other words, the expertise interpretation is actually the more charitable with respect to majority-party theories.

party members (under either of two presumptions: that Cannon took matters into his own hands because Clark did not submit a request, or that Clark submitted a request and that Cannon was a nontrivial, discretion-exercising filter to those requests). In either case, it bears emphasis that, if support for strong-majority-party in theory is likely to be found anywhere, it will be here: in the Congress in which the Speaker was ultimately overthrown for his ostensible partisan excesses. We choose to analyze every member-committee pair, rather than just those members who submitted formal requests because we are interested in uncovering not only whether Cannon generally accommodated minority requests, but also identifying what other criterion, partisan or nonpartisan, Cannon used in determining minority party assignments.

Competing hypotheses

Historical circumstances make it possible and desirable to test several competing hypotheses alongside those more closely associated with legislative bipartisanship. The situation is such that the primary, if not exclusive, authority to make committee assignments fell upon the Speaker of the House at a time in which he had every opportunity and incentive to tighten the reins on his own party while tightening the screws on the opposition. If the conventional wisdom is correct in this regard, then a systematic assessment of actual committee assignments received by the minority party should reveal evidence that Cannon seized the moment. Specifically, strong-majority-party-theoretic predictions are that:

The historical average attractiveness of the committee (the Groseclose-Stewart measure) should be negatively associated with a minority party member's assignment to that committee.¹⁴

¹⁴ The Groseclose-Stewart measures calculated in Krehbiel and Wiseman (2001) were slightly altered for the subsequent analysis. Specifically, each committee value was increased by 0.687 to ensure that there were no

A minority party member's request to Cannon for a specific committee assignment should be negatively associated with his receiving the requested assignment.

The electoral marginality of a minority party member should be negatively associated with his receiving valuable committee assignments.

Minority party members who opposed Cannon on crucial procedural votes will be significantly less likely to get valuable committee assignments.

Cannon will be more likely to treat favorably minority party members who are ideologically similar to him, and less likely to treat favorably minority party members who are ideologically similar to their leader, Champ Clark.

Table 3 presents the results. Equation 1 begins in bare-bones fashion, seeking to confirm what, in an atheoretic context, seems obvious but is actually counter-intuitive. It asks whether the value of the committee, the vacancy on the committee, and members' requests to be on that committee are positively associated with assignment. In two out of three cases—committee value being the (temporarily) statistically insignificant exception—the association is positive. Recall, however, that the observations are all *minority*-party members. From a strict party-theoretical perspective, a partisan dictator of committee assignments ought to go out of his way *not to grant* minority-party requests. The highly significant coefficient on the member-request variable ($t = 17.74$) all but proves that Cannon was accommodating, not vindictive, towards the minority party.

[Table 3 here]

negative committee values in the sample that would confound our interpretation of the interaction terms considered below.

Another potential problem parallels the cross-subsidization possibility explored (and rejected) in the earlier discussion of proportionality. Specifically, it is conceivable that the apparent equilibrium phenomenon of the Speaker granting almost all minority party requests is attributable to the expectation by minority party members that requesting seats on good committees is a futile strategy. Accordingly, minority party members would request seats on inferior committees, and the Speaker would customarily grants their requests. This hypothesis, too, can be assessed systematically by ascertaining the implication that the average committee-request portfolio value is lower for Democrats than Republicans. Remarkably, the opposite is true. For the 93 Democrats who requested committees in the 61st Congress, the mean requested portfolio value was 2.11. In contrast, for the 98 Republicans who made formal committee requests to Cannon, the average requested portfolio value for was 1.74. Regressing a member's requested committee portfolio value onto a dummy for whether the member was a Democrat reveals that this difference is significant (t-statistic of 1.75). Therefore, minority party members asked for more valuable committee assignments and majority party members; moreover, Cannon customarily catered to their desires.¹⁵

Omitted variables are also potential sources of faulty inference. For example, some previous studies of committee assignments have found a relationship between electoral marginality and desirable committee assignments, with the logic being that leaders who want to acquire or preserve a majority in the legislature will allocate the most desirable committee assignments to members who are electorally vulnerable. Equation 2, therefore, adds the variable,

¹⁵ We also find that Cannon granted 78 of the 217 committee requests that were submitted by minority members (36%). This figure might be misleading however, in that the total number of committee requests reflects certain cases in which the same member requested multiple committees. An alternative perspective reveals that 52 of the 93 minority members (56%) who requested committees had at least one request granted.

1908 vote share x committee value, to see if Cannon was systematically not giving electorally vulnerable members valuable committee assignments. No such relationship exists in these data. The coefficient on the vote share-committee value interaction, while having the hypothesized sign, is statistically insignificant.¹⁶

Variables with a more explicit theoretical underpinning are added in the equation 3 to test the focal, expertise hypothesis. Seniority in the House does not affect the probability of assignment, but committee-specific experience and receiving an outside endorsement have a positive effect. This is not only consistent with an informational rationale for legislative organization, but, again, it is clearly inconsistent with strong-majority-party theories. A genuinely and Machiavellian strong-majority-party leader would, if anything, generate a coefficient of the opposite sign by favoring incompetence over merit in opposition party appointments. Instead, the finding is jointly consistent with informational theory and a more bipartisan basis for legislative organization.

The next equation explores whether there is a hidden, punitive basis for committee assignments, controlling for factors discussed thus far. To test this hypothesis, we consider the effect of two specific roll call votes on committee assignments. On March 15, 1909, prior to Cannon assigning the committees to the 61st Congress, the minority party and several Insurgent Republicans attempted to lead a rules revolt. Specifically, a resolution authored by Champ Clark was offered as a substitute for the current rules that dealt with the composition of the Rules

¹⁶ The decrease in sample size between Models 1 and 2 is due to missing data in the file that was used for collecting information on 1908 election returns (ICPSR File # 7757, "Candidate and Constituency Statistics of Elections of the United States, 1788-1990). The decrease between Models 2 and 3, and Models 3 and 4, follow from several minority members in the 61st Congress not holding office in the 60th Congress, and certain minority members not casting votes on the Cannon and Fitzgerald reforms, respectively.

Committee. The Clark Resolution would have stripped committee appointment powers from Cannon, create a fifteen-member Rules Committee, and named the specific composition of the committee to consist of 6 Democrats, 5 Regular Republicans, and 4 Insurgent Republicans. While Clark was certain that the resolution would pass (he had counted on the votes of 26 Insurgents), at the last minute sixteen Democrats defected from their party and joined Cannon. The rules revision was rejected by a final vote of 203 to 180. Directly following Clark's failure, John Fitzgerald (D-NY), offered a rules proposal that was significantly more Cannon-friendly than the Clark proposal. While the Fitzgerald Resolution provided for some relatively minor changes to the rules on debate, it kept Cannon's control of committee appointments, as well as his power to sit on the Rules committee intact. Unlike the Clark resolution, the Fitzgerald resolution passed, by a final vote of 211 to 173, with 23 Democrats crossing party lines to vote with Cannon's Republicans.¹⁷

To say that the rules battle was important is to grossly understate the facts, as we know them. As noted above, according to Clark in his biography, his attempt to change the rules is what caused Cannon to strip him of the power to appoint minority members to committees. Of course, this claim seems questionable, given that Cannon did not appear to punish him in a more salient manner—Clark was still appointed to the Rules, and Ways and Means Committees in the 61st Congress. Regardless of the veracity of Clark's specific allegations, the general argument remains that if Cannon was upset enough about this challenge that he sought to punish those who voted against him, one would suspect that he would reward those who sided with him in the rules battle. Hence, consistent with the model of Cannon as strong speaker, we test the punishment

¹⁷ Gwinn (1957, 173-176) and Clark (1920, Book II, 270-272) provide discussions of the political

hypothesis by including variables for these two votes, coded one if the member voted against Cannon and 0 otherwise, and interacting them with Groseclose-Stewart committee values. As can be seen from equation 4, the coefficients are not significantly different from 0. This is true both individually and, as established by a Wald test, jointly.¹⁸ These results are consistent with earlier work by Krehbiel and Wiseman (2001, pp. 372-378) who demonstrate that Democrats were not consistently rewarded or punished with respect to changes in their portfolio values between congresses for casting votes on these measures.¹⁹

Finally, we test two preference-proximity hypotheses to see whether there is evidence of Cannon's rewarding minority members whose preferences are like his and punish minority members whose preferences are like the minority leader's. If such rewards and punishments were common, the coefficient for the Distance from Cannon-committee value interaction should be negative, while the Distance from Clark-committee value interaction should be positive. Only the first of these predictions is corroborated, however the coefficient is not significant.²⁰

To sum up, in a series of Wald tests, model 3 dominates model 4, model 4 dominates model 5, and model 3 dominates model 5 (all in terms of the inability to refute the null of no

maneuverings surrounding these votes.

¹⁸ To ensure that correlation across these votes is not affecting our results in making it difficult to analyze the individual effects of each vote on committee assignment, we estimated two versions models 4 and 5 with each vote included separately. Our empirical results do not substantively change, and the coefficients of votes fail to achieve conventional levels of statistical significance.

¹⁹ Krehbiel and Wiseman (2001) demonstrate that Democrats appear to have been harmed by voting in favor of the Fitzgerald reform: they received a decrease in portfolio value by -0.851 between Congresses. This finding is striking, because support for the Fitzgerald measure was in Cannon's interest.

²⁰ In separate analysis we estimated the probability that a minority member's committee request was granted. Our results from this analysis are substantively similar to our findings above. A member's prior committee assignment in the 60th congress, endorsement, and seniority are positively correlated with the probability of having a request granted. The coefficients on ideological distance from Cannon and Clark, and the Cannon reforms vote x CV are statistically insignificant. The coefficient on the Fitzgerald reform vote x CV, however, is positive and

improvement of fit). Therefore, model 3 provides the most satisfactory account of minority party committee assignments. In those estimates, four coefficients are highly significant. The Groseclose-Stewart value of the committee is positively associated with a minority party member's receiving that slot, and a minority party member's request likewise produces a positive coefficient of even greater significance. These findings comport well with the deference hypothesis as assessed above. The flip side of the coin, however, is that they convincingly refute the expectations of majority-party theory. Here, in the partisan pinnacle of the House, as well as the alleged high point of centralized leadership in the majority party, the Speaker of the House of Representatives by all indications bent over backwards to give minority party members the committee assignments they requested.²¹ Even more remarkably, this happened at a tense time in which minority party representatives had to *cross the aisle* to make their requests, in effect competing for slots head-on with their majority party adversaries. Finally, the significance of two coefficients bearing on experience and expertise—prior assignment to the committee, and Cannon's receipt of an outside endorsement for the member—both support the informational theory of legislative organization, which we regard as compatible with our view of legislative bipartisanship.

significant, indicating that those minority members who voted for the Fitzgerald reforms had a better chance of having their request for a high-valued committee granted. Results are available by request from the authors.

²¹ Analysis of Williams' committee request list for the 60th Congress reveals similar findings. The main determinant in receiving a recommendation is previous service on a given committee, and ideological proximity to Cannon and/or Williams has no substantive effect on being recommended for valuable committees.

5. Discussion

We tested four hypotheses to discriminate between majority-party and bipartisan theories of legislative organization: inclusion, proportionality, deference and expertise. The tests use data from a period that most historians and political scientists regard as one of majority-party dominance, yet, in each instance, the results favor bipartisanship over the more conventional notion of majority-party dominance.

Our notion of bipartisanship is not a radical departure from at least one body of jointly theoretical and empirical legislative research—that which postulates that matters of legislative organization are more likely to be chamber-median determined than majority-party-median determined (see, for example, Krehbiel 1991, or, more recently, Schickler and Rich, 1997). Although these works exhibit some skepticism about the importance of parties as entities of first-order importance in modeling or understanding congressional behavior, careful inspection of them reveals that they do not deny the importance of parties in a categorical fashion. Rather, they portray or interpret two-party competition in the U.S. as sufficiently competitive and balanced that it is not essential, at least on the first pass, to incorporate parties as explicit and primary actors in theories of legislative organization and lawmaking.

If, on second pass, it seems essential to model parties as explicit and primary actors in theories of legislative organization and lawmaking, then these findings provide some guidance on how to go about doing it. Specifically, it seems crucial not to adopt as an exogenous first principle that the majority party possesses procedural rights that the minority party does not possess. If this is, in fact, the state of the world, then an understanding of the world requires a theory in which majority-party procedural advantages are endogenously derived—not merely

assumed. And, if it is not the state of the world, then a theory that assumes it is (as many do), is not likely to withstand empirical scrutiny over the long run.

The analysis also suggests that when assessing formal theories of parties in legislatures (or, in this case, pre-theoretical conjectures), it seems prudent to be more explicit than is customary about null hypotheses or baseline standards against which observations can be measured. Often, this entails some thinking outside the box. As an example, we tended to push majority party theory farther than many of its advocates by asserting, for example, that if one takes the procedural-dictator premise seriously, then a rational majority party leader would grab power, manipulate processes, and exploit the minority party at each and every opportunity. At one level, this might be regarded as unreasonable. Surely, majority-party theorists will respond: “Well, of course, the majority party does not disenfranchise the minority across the board. Everybody knows that.” Likewise, of course the Speaker would not deliberately appoint incompetent members to important standing committees simply to marginalize minority members who have policy-relevant expertise. And so on. Granted, in some cases, it is well-known that these hypotheses fail. But, reasoning from within the conventional framework of an exogenously given majority-party procedural monopoly, these things that supposedly everybody knows are anomalies. In contrast, they are compelling instances of legislative bipartisanship that evidently were prevalent even in a highly partisan period of U.S. history.

Table 1: Bias in majority-party allotments of committee seats.*

| | Congress | | | |
|--------------|----------|------|------|------|
| | 60 | 61 | 107 | 108 |
| Minimum | -1 | -1 | -1 | -1 |
| Maximum | 2 | 2 | 3 | 2 |
| Mean | 0.01 | 0.39 | 1.05 | 0.33 |
| Mode, Median | 0 | 0 | 1 | 0 |

* For each committee-congress pair, the bias measure is the deviation of the actual number of majority party seats from the projected number derived from the chamber composition and committee size (see text for formula).

Table 2: Minority Party Requests and Assignments for the 60th Congress

| | Williams Did Not Request Member i for committee j | Williams Did Request Member i for committee j |
|---|---|---|
| Cannon Did Not Assign Member i to committee j | 8,658 | 2 |
| Cannon Did Assign Member i to Committee j | 5 | 262 |

Table 3: Covariates of Minority Member Appointments in 61st Congress

| | 1 | 2 | 3 | 4 | 5 |
|---|-------------------|-------------------|-------------------|-------------------|-------------------|
| Constant | -1.995 (33.98) | -2.023 (32.10) | -2.922 (18.21) | -2.874 (17.62) | -2.851 (17.39) |
| Committee Value (CV) | -0.061 (1.43) | -0.097 (1.06) | 0.294 (1.88) | 0.334 (1.56) | 1.159 (1.49) |
| Committee Vacancy | 0.048 (1.71) | 0.041 (1.36) | 0.057 (1.05) | 0.054 (0.98) | 0.053 (0.95) |
| Member Request | 1.668 (17.74) | 1.598 (16.18) | 1.191 (6.76) | 1.132 (6.27) | 1.132 (6.24) |
| 1908 Vote Share x CV | | 0.001 (0.93) | -0.001 (0.44) | -0.001 (0.30) | -0.000 (0.03) |
| Seniority | | | -0.010 (0.36) | -0.013 (0.49) | -0.017 (0.64) |
| Assignment in the 60 th Congress | | | 3.185 (27.79) | 3.190 (27.61) | 3.193 (27.58) |
| Endorsement | | | 0.749 (1.77) | 0.811 (1.89) | 0.878 (2.02) |
| Vote on Clark Reform x CV | | | | -0.097 (0.59) | -0.087 (0.52) |
| Vote on Fitzgerald Reforms x CV | | | | 0.030 (0.21) | 0.051 (0.34) |
| Distance from Cannon x CV | | | | | -0.862 (1.07) |
| Distance from Clark x CV | | | | | -1.079 (1.14) |
| N | 11160 | 9672 | 7378 | 7192 | 7192 |
| Pseudo R ² | 0.104 | 0.099 | 0.651 | 0.650 | 0.651 |

Probit estimates with t-statistics in parentheses

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