PARTISAN ENDS: THE UTILIZATION OF CONFERENCE COMMITTEES IN A POLARIZED CONGRESS

by

Brian Alexander
A Dissertation
Submitted to the Graduate Faculty of George Mason University in Partial Fulfillment of The Requirements for the Degree of Doctor of Philosophy Political Science

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DEDICATION

For Caroline, Kitty, and Phoebe.
ACKNOWLEDGEMENTS

It is not possible to fully express my appreciation and gratitude to all of the many people who, over so many years, have made the completion of this project possible, but I shall try.

First and foremost, the faculty and staff of George Mason University’s School of Policy, Government, and International Affairs have been inspiring and supportive in ways that have made all of the steps of completing this dissertation and my doctoral degree both intellectually challenging and personally enriching. They have provided a community and friendships that will always be with me. My advisor, Jennifer Victor, has been a true godsend to my development as a congressional scholar, always challenging me to maintain the highest standards of analytic rigor while confidently helping me to place my work in the broader context of the latest scholarship. I could not be more grateful for my committee members, Tim Conlan and Rob McGrath, whose breadth of experience and insight is always creative, inspiring, and challenging. Pris Regan has been a warm and tireless champion of not just me but of our entire department in ways that no amount of thanks can adequately reward. Eric McGlinchey is another friendly champion who is as rigorous in challenging us as he is in encouraging us to become the best social scientists we can be. I could also list each SPGIA faculty member with whom I have had the pleasure of taking a class or getting to know personally over my years as a student. The breadth and depth of intelligence, creativity, and commitment to their subjects has been a joy to experience and to learn from; it has been one of the great experiences of my life. I must also directly acknowledge people such as Peg Koback, Ann Ludwick, and Linda Welter, who have been cheerful friends since my earliest days in the program and without whose help my administratively-challenged self could never have survived. Recognition also goes to staff of the George Mason University Libraries who have been of invaluable assistance and provided a great space to spend countless hours working. In particular, I am grateful to Helen McManus who assisted with some tricky data collection and Debby Kermer whose patient and friendly tutoring enabled me to render my data into sensible output. Thank you!

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This research addresses the question, Why has the utilization of conference committees in the U.S. Congress declined? In so doing, it seeks to expand on contemporary theories of Congress, which are premised on the idea of individual, rational actors whose self-interested behavior is tempered by strong parties and party preferences. Much of the research in partisan theory focuses on one chamber or the other, typically the House. Yet if partisan theory is valid in explaining Congress as an institution, we should see partisan effects – such as evidence partisan polarization – at the bicameral level and, in particular, in the institution of the conference committee. This dissertation argues the changing partisan landscape – the increase in strength of parties and growing distance between parties – has had an effect on House-Senate relations and, particularly, on the utilization of conference committees. In addition, while partisan theory is premised on ideological conflict, research also suggests that partisan teamsmanship and electoral advantage
seeking strongly affect the collective behavior of fellow party members. Preferences, in
this context, are not simply ideological; they are tied to power within Congress and
winning elections. Strategic partisan behavior independent of ideological partisanship is,
therefore, an additional factor contributing to a decline in the utilization of conference
committees. By demonstrating effects of polarized party conflict on the utilization of
conference committees, this research places the demise of the conference in the broader
context of the decline of regular order and the rise of “unorthodox lawmaking”. 
INTRODUCTION: PARTISAN POLARIZATION AND THE END OF COMPROMISE

Reporter Jamie Stiehm of *The Hill* was an early observer of the declining use of conference committees, the temporary delegations of Senators and Representatives assigned to resolve legislation into final form before being sent to the president for signing into law. In an interview on C-SPAN in July 1996, she was asked about her then recent news article titled, “Hill conferences falling into disuse,” and what it meant:

I think it is a sign of growing partisan tensions, a breakdown in civility. Conference is a way that people used to get together in the same room and work out their differences line by line in a piece of legislation. Now what is happening more and more frequently is staffers from mostly the Republican side are getting together and quote ‘pre-conferencing’ amongst themselves, coming to an agreement, and then just telling Democrats about it afterwards, after they've come to a united front. And democrats understandably feel excluded from the whole process which used to include them (*C-SPAN* 1996).

Stiehm’s comments are prescient. Notable is the observation, as early as 1996, that conference committees are not being used with the frequency they once were. In addition, her remarks offer the proposition that party conflict is a possible explanation for
the utilization – or, rather, lack of use – of conference committees. The counter-claim of Republicans that they were only doing to Democrats what had been done to them notwithstanding, the demise of conference committees was linked, early on, to the rising role of strong partisan disagreement on Capitol Hill.

A decade later, Democrats were poised to take control of Congress and issued a platform calling for greater transparency and participation in the utilization of conference committees. However, after assuming control of the 110th Congress in 2007, Democrats performed little better than their Republican counterparts by issuing new rules on conferences that lacked enforceability and that, nevertheless, were of little consequence when conferences were bypassed altogether. Congressional analyst Don Wolfensberger, in a report for the Woodrow Wilson Center, found that not only were the new Democratic rules unenforceable, Democrats resolved only 58% of major bills via conference compared to 98% by Republicans in the 109th Congress, favoring instead the practice of amendment exchange, or “ping-ponging,” to bypass minority input (Wolfensberger 2008). In other words, despite both sides clamoring for a return of the conference committee, behavior by both parties indicates no intention of following words with action.

Indeed, in recent years, utilization of conference committees has fallen into significant decline. Based on data gathered for this study, in the period of 66 years, from the 80th Congress (1947-49) through the 112th Congress (2011-2013), the average number of conference committees was nearly 99 per Congress, with a peak of 203 in the 93rd Congress (1973-75), and an average of 15.5% of all public laws passed going through
conference. Such numbers no longer apply. Even accounting for changes in legislative productivity, from the 104th Congress (1995-1996) forward, the number of conference committees steadily dropped to the point where, in the 112th Congress, only 7 conference committees were held for only 2.5% of all public laws passed. Meanwhile, amendments between houses (also referred to as “amendment exchange,” “messaging,” or “ping-pong”) or wholesale adoption by one chamber of the other chamber’s bill (most prevalent is the Senate adopting the House version) are increasingly the preferred means by which the House and Senate resolve legislation (Rybicki 2003).

Why Are Conference Committees in Decline?

This research addresses the question, Why has the utilization of conference committees declined? In so doing, it seeks to expand on contemporary theories of Congress, which are premised on the idea of individual, rational actors whose self-interested behavior is tempered by strong parties and party preferences (Riker 1990; Aldrich 1995). Much of the research in partisan theory, however, focuses on one chamber or the other, typically the House (Smith, Roberts, and Vander Wielen 2006; Monroe 2011). Yet if partisan theory is valid in explaining Congress as an institution, we should see partisan effects – such as evidence of strong parties, or the impact of heightened partisan polarization – at the bicameral level and, in particular, in the institution of the conference committee.

The institution of the conference committee, described by congressional scholars Lawrence D. Longley and Walter J. Oleszek as “the essence of bicameralism” (Longley and Oleszek 1989), provides a useful vehicle to learn more about the role of parties and
the explanatory power of partisan theory across the institution of Congress as a whole. The U.S. Constitution requires that all legislation pass the House and Senate in identical form before moving to the executive branch for signature into law or veto by the President. Yet the Constitution is silent on the specific means by which the two chambers resolve legislative language to final form (U.S. Constitution, Article I; Federalist 51). Conferences originated in the British Parliament, were adopted by the American Colonies, and then established as a primary means for resolving legislation between the House and Senate during the first Congress in April 1789. The House and Senate appointed a joint committee “to prepare a system of rules to govern the two Houses in cases of conference” (De Pauw 1977, 25). On April 15, in the Senate and April 17, 1789 in the House, the report of this committee was agreed to by each chamber, containing the following language:

RESOLVED, that in every case of an amendment to a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a Committee for that purpose, and the other House shall also appoint a committee to confer, such Committees shall, at a convenient time to be agreed on by their Chairman, meet in the conference Chamber and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon” (De Pauw 1972, 16).

Since that time, conference committees are one of three primary means by which the bicameral legislature arrives at final language on bills sent to the president, along with
amendments between houses and amendment adoption. It has been noted that most, although not all, major legislation goes through conference (Rybicki 2008; Oleszek 2010). Therefore, because of their function in resolving legislation and the significant role they have played in this regard, conference committees are one of the key embodiments of bicameral relations in the U.S. Congress.

The present research argues that partisan polarization accounts for changes in how congressional chambers reconcile differences and, specifically, the decline in utilization of conference committees. *CQ Weekly* attributes the demise of conference committees to the rise of party conflict following Republican takeover of Congress in the 1990s and continuing through the (brief) period of Democratic control in the 2000s: “In the place of formalized bicameral and bipartisan negotiating, the majority party's leader's routinely employ a blunter approach: Persuade lawmakers of one chamber to simply endorse legislation passed by the other” (Jansen 2009: 18). A series of discussions among congressional scholars and insiders, sponsored by the Woodrow Wilson Center and the Bipartisan Policy Center in 2012, identified partisan polarization as leading to a reduction in majority-minority party cooperation, leaving the minority party shut out of conference deliberations and, thus, more prone to filibuster motions to go to conference and the appointment of conferees. Additionally, non-conference means of resolution such as amendment exchange (ping-ponging) or amendment adoption are favored by the majority party leadership because they are subject to less debate, especially in the Senate, require fewer procedural steps, and provide opponents with fewer opportunities to intervene or obstruct passage; therefore non-conference alternatives to bicameral resolution are easier
and quicker to use in a polarized environment (Wolfensberger 2012). Oleszek also contends that the diminishing utilization of conference committees is a result of party conflict, particularly within the Senate: “Growing partisan tensions in the Senate are a major factor triggering dilatory activity that can prevent the convening of conference committees” (Oleszek, 2010: 7). CQ points to minority obstructionism in a polarized environment as a particularly robust contributor to the demise of conference committees. “[T]he minority party's default setting is to try to derail whatever the majority wants and the majority has little incentive to award the opposition a forum for doing so. It is easier for lawmakers to cut a deal in private than to negotiate a position in the open. That's especially true in the Senate, where the minority's insistence that 60 votes be found to do almost anything has now even been extended to the naming of conferees” (Epstein 2010: 1436).

Partisan polarization tells an important part of the story about House-Senate relations and the role of conference committees. The changing partisan landscape – the increase in strength of parties and growing distance between parties – has had an effect on House-Senate relations and, particularly, on the utilization of conference committees. As parties have become more unified and party preferences more polarized, majority parties seek to manipulate the legislative process toward party ends while minority parties seek to block action they find unfavorable. Consistent with the predictions of cartel theory, a partisan model of conference committees predicts that more unified parties seek to limit the utilization of conference committees, as a form of agenda control, in favor of bicameral resolution – or obstruction – consistent with party preferences (Cox and
McCubbins 2005; 2007). Moreover, as party unity and the distance between parties increases and partisan polarization grows, such as described by conditional party government, conference committee utilization declines as majority parties seek to reduce minority party input and minorities seek to stymie the legislative agenda of the majority (Rohde 1991; Aldrich and Rohde 1998; 1999). In addition, while partisan theory is premised on ideological conflict, research also suggests that partisan teamsmanship and electoral advantage seeking strongly affect the collective behavior of fellow party members (Lebo, McGlynn, and Koger 2007; Lee 2009; Thierault 2013). Preferences, in this context, are not simply ideological; they are tied to power within Congress and winning elections (e.g. Fenno 1978; Mayhew 1974). Strategic partisan behavior independent of ideological partisanship is, therefore, an additional factor contributing to a decline in the utilization of conference committees whereby opposing partisans block legislative cooperation for strategic rather than purely ideological reasons. By demonstrating effects of polarized party conflict on the utilization of conference committees, this research places the demise of the conference in the broader context of the decline of regular order and the rise of “unorthodox lawmaking” (Sinclair 2007).

The findings of this research support an explanation about the relationship between partisan polarization and the utilization of conference committees with three main points. First, partisan polarization – both ideological and strategic – affects bicameral behavior of the U.S. Congress, in particular the utilization of conference committees. Second, the distance between parties is more consistently predictive than party unity, suggesting that use of conference committees is more a function of negative
agenda control under conditions of partisan polarization and party efforts at blocking unfavorable outcomes than it is of positive agenda control by strong parties. Finally, not every issue is equally affected by partisan polarization, which is to say that, at least in terms of conference utilization, the House and Senate are willing to use this institution of compromise on some policy issues more than others.

An assumption made in the present research is that conference committees reflect a greater willingness of House and Senate members to compromise over matters in disagreement than alternative resolution mechanisms, such as amendment exchange and other scholars have contended that conference committees are indicative of a context of compromise (Wolfensberger 2012, Rybicki 2003). Fully played out, this assumption implies that measures produced by conference committee will be more representative of the views of a broader base of House and Senate members than other forms of resolution, and that the deliberative process of the conference provides opportunity for greater input of diverse views to be represented in final legislation. The present research will not thoroughly test this assumption, yet throughout this work it is presumed that conditions of high partisan polarization, in reducing the use of conference committees, results in forms of bicameral resolution that more greatly reflect the preferences of one party over the other as compared to more median-biased outcomes.

The importance of explaining the utilization of conference committees extends beyond their historic precedence, to the role they play in the legislative process, and how they help clarify our theoretical understanding of how Congress works. In terms of the legislative process, conference committees are a means by which the power of the House
and Senate relative to one another has been played out. Political scientists have long asked the question of “who wins” in conference for the purpose of understanding which of the two chambers is more influential in lawmaking (Steiner 1950; Fenno 1966; Manley 1970; Vogler 1970; Frerejohn 1975; Strom and Rundquist 1977; Carter and Baker 1987). In addition, conference committees are one of the few institutional means through which the House and the Senate have consistently and regularly interacted with one another (Baker 1989). In addition, the role of conference committees as independent power centers, which has received periodic attention (e.g. Clapp 1963; Smith 1989; Krehbiel 1991; Vander Wiehlen 2010), is largely unresolved and, thus, the degree to which the outputs of conference committees reflects the will of the parent chambers versus the degree to which “runaway” conferences (McCown 1927) shape policy remains important – and open. Finally, conference committees have been largely under-examined among scholars of Congress having been the subject of only four books in the twentieth century and just a smattering of articles in the last few decades. Even with the reforms of the 1970s requiring more open conference proceedings, many of the actual negotiations among conferees takes place behind the scenes and is off limits to all but a handful of participants (Wolfensberger 2008). In as much as conference committees are still used, Clapp’s 1963 observation remains valid: many political scientists as well as congressional actors themselves are not fully aware of their significance or what takes place in them (Clapp 1963, 244-245).

The demise of conference committees is part of a broader breakdown of so-called regular order or the “textbook Congress,” (Mann and Ornstein 2012), and the rise of
"unorthodox lawmaking" (Sinclair 2007) especially in an era marked by partisan polarization. The end of the era of the textbook congress is noted by numerous congressional scholars and observers, and the demise of the conference committee is but one of many casualties. Walter Oleszek, writing in a publication commemorating the 100-year anniversary of the Congressional Research Service, summarized the state of Congress in a highly polarized age as such:

[L]egislating by committee is often minimized or bypassed, with the top party leaders in each Chamber taking the lead in crafting party-preferred priorities. Debate and amendments are commonly limited in both Chambers, often to protect vulnerable lawmakers from casting tough votes and to prevent the opposition from offering proposals that undermine the priorities of the majority party. Conference committees are seldom convened, in part because of bicameral stalemates on legislation. Governing often occurs by brinksmanship with Congress lurching from one crisis to another. Legislative action on major issues is often postponed. Any of the 12 appropriations bills to fund the government are seldom enacted by the start of the fiscal year (October 1). Forging compromise on many key bills is sometimes impossible to achieve when many Members view negotiations as a sellout and a violation of their principles and their promises to constituents (Oleszek 2014, 174).
As goes much of what was once known as "regular order", so goes the conference committee. A 2010 report by *CQ Weekly* observed that the cause of the decline of the conference is squarely an effect of a Congress dominated by partisan polarization. That conference committees are rare “is especially true in an era of stultifying partisanship, where the minority party’s default setting is to try to derail whatever the majority wants and the majority has little incentive to award the opposition a forum for doing so. It is easier for lawmakers to cut a deal in private than to negotiate a position in the open” (Epstein 2010).

In short, the study of conference committees provides an opportunity to expand our theoretical understanding of how Congress works, in particular the role of parties and partisan polarization in Congress, and how this phenomenon fits into a broader theoretical and political context. Based on findings in this research, we can also formulate an answer to the question: Why are conference committees used? As the chapters ahead will demonstrate, conference committees are fundamentally institutions designed to facilitate compromise. Other forms of bicameral resolution, amendment adoption and amendment exchange, limit input in the subtle crafting of legislation and reduce opportunities for oppositional coalitions to affect the legislative process. In a hyper-partisan era where ideological conflict and strong parties dominate, the willingness of party leadership to utilize conference committees and to empower either members of committees of jurisdiction or rank and file members to engage in bicameral negotiation and compromise diminishes. In periods of partisan polarization both majority and minority parties alike are incentivized to circumvent congressional proceedings that lead
to conferences. Majority party leadership eschews conferences when they can not be assured that the outputs will align with party preferences while strong minorities, seeking to obstruct any legislative initiatives that counter their agenda, uses the many veto points in the conference process to maneuver against legislative progress.

Methods and Research Design
In the chapters that follow, theories of parties in Congress are reviewed and ideological and non-ideological partisan models of bicameral behavior are developed and tested to demonstrate their utility in accounting for House-Senate relations and the utilization of conference committees. Data used for this research combines numerous existing datasets, unique data compiled by the author, and variables derived from unique formula to represent key theoretical concepts under examination in this study. The number of conference committees per Congress for the 80th to 112th Congress is based on the Congressional Résumé published in the Congressional Record beginning in 1947, which lists the total number of conference reports per session of Congress (United States Congress 2015). Data on the use of conference committees on individual bills comes from the population of bills that became public law from the 93rd Congress (1973-1974) through the 112th Congress (2011-2012) drawn from the Congressional Bills Project dataset (Adler and Wilkerson 1973-2012), with additional data gathered by the author on whether a law was resolved via conference committee from information in the Library of Congress website of federal legislative information, Congress.gov (Library of Congress 2015).
Metrics on lawmaker ideological positions and congressional polarization is based on Poole and Rosenthal (1997; 2007) DW-NOMINATE data, available at voteview.com (2015), which uses roll call data to analyze policy choices by individual lawmakers and place them along a liberal-to-conservative spatial dimension, making it possible to compare the relative ideological position of a lawmaker in relation to other lawmakers within and across Congresses. These measurements are the basis for individual formulae representing key concepts in partisan theory. Data on bills categorized as “beyond ideology” are pulled from Frances Lee's dataset used in the book Beyond Ideology and generously shared with the author (Lee 2009). Lee coded floor votes in the United States Senate in the 97th Congress to 108th Congress but because the data did not contain bill numbers, the Lee roll call votes are cross-referenced to votes on final passage on legislation that became public law and corresponding bill numbers drawn from the website Govtrack.us (Govtrack.us 2015).

During the development of this research, the author conducted a small number of semi-structured interviews with congressional staff and experts in Washington, DC, in the Fall of 2014. These interviews were conversational in style, but followed a semi-structured interview protocol, probing on specific questions about congressional utilization of conference committees, the role of parties in Congress, and the general decline of the conference. The relatively small number of these interviews (10) does not lend itself to systematic analysis or drawing of general conclusions from the respondents’ input, however, where appropriate, comments from these interviews are referenced throughout the chapters to illustrate or provide context to the findings.
Because of the volume and level of detail of the data compiled for this research, the utilization of conference committees is analyzed using inferential statistical methods at both the aggregate level of individual sessions of the 80th to 112th Congress as well as the level of individual bills for the 93rd to 112th Congress. The results, at both the congressional and the bill levels, are largely affirmative – models derived from both ideological and non-ideological theories of partisan polarization demonstrate significant effects in explaining the utilization of conference committees.

The Chapters Ahead
The title of this study, “Partisan Ends,” holds a double meaning. On the one hand, by demonstrating that partisanship is evident in House-Senate relations, it extends into new terrain the broader research agenda of political science into the effects of parties and partisan polarization. If partisan effects are identified in House-Senate relations, then evidence of strong parties and polarization extends across the institution of Congress and the validity of partisan theory is not limited to just one or the other chambers. When the effects of partisanship are present in the bicameral institution of the conference committee the ends of this research expands and the confidence we have in its overall validity as a framework from which to understand contemporary American politics is extended. On the other hand, “Partisan Ends” also refers to the fate of the conference committee in a time of heightened partisan polarization. If the decline of the utilization of conference committees is tied to party polarization in Congress – and American politics in general – then such partisanship has, effectively, brought about the end of the regular use of conference as a means of bicameral resolution. The decline of the
conference committee may be but one among many of the broader effects of partisan polarization, yet, unless this condition wanes, the conference committee will remain a relatively infrequent feature of the legislative process.

In the chapters that follow, theories of parties in Congress are reviewed and ideological and non-ideological partisan models of bicameral behavior are developed and tested to demonstrate their utility in accounting for House-Senate relations and the utilization of conference committees. In Chapter Two, partisan theories of Congress are reviewed and a bicameral model of partisan behavior, as pertains specifically to conference committees, is developed and hypotheses introduced that are tested in later chapters. Chapter Three is a congressional-level empirical examination of the utilization of conference committees with operationalizations of cartel theory, conditional party government, and strategic party government and using a dataset based on an aggregate number of conference committees per session of Congress for the period 80th-112th Congresses (1947-2012). In Chapter Four a more robust examination of partisan theory uses a bill-level analysis across the 93rd-112th Congresses (1973-2012), totaling 8,505 cases, to determine specifically the effects of intraparty unity, derived from Cartel theory, and interparty distance, based on conditional party government, on conference use. Chapter Five derives unique propositions from a non-ideological partisan model and data from Frances Lee’s *Beyond Ideology* to examine the effects of partisanship teamsmanship on conference committee utilization. Chapter Six summarizes the results of the empirical analysis, placing it in broader context of ongoing research in political science. Chapter Six also outlines specific avenues for further research in House-Senate relations,
suggesting approaches derived from the present research to examine the form and the output of conference committees, the utilization of amendment exchange in the resolution of legislation, and broader questions about the utilization of conference committees and the decline of regular order that partisan polarization might not adequately explain. The findings of this research as well as questions it leaves open indicate multiple ways that the study of party conflict offers multiple promising avenues for additional exploration into the nature of bicameral relations.
CHAPTER TWO: A PARTISAN MODEL OF CONFERENCE COMMITTEE UTILIZATION

Introduction
Conference committees, first adopted by the thirteen American colonies from the British Parliament, have been a prominent means of bicameral resolution in every Congress since 1789. Congressional scholars have noted that while conference committees may not be the only or even the primary means of bicameral resolution, most important legislation has been resolved via conference. For example, Walter Oleszek has written, “Only a relatively small number of public laws passed by a Congress (anywhere from around 5 to 13 percent) reach the conference stage, but these are often the most complex, controversial, and consequential” (Oleszek, 2010: 4). Charles L. Clapp wrote in 1963 the role of conference committees in resolving important legislation: “While it is true that only 11 or 12 percent of the public laws enacted in recent congresses have gone to conference, the number is not a proper index of the central role of the conference committee in the legislative process. Submitted to these House-Senate negotiators are many of the most important measures before the Congress, including most appropriations bills” (Clapp, 1963: 254).

The utilization of conference committees has declined in recent years, even when accounting for changes in legislative productivity and a decline in the number of laws passed each year. Based on data gathered for this study, in the period of 66 years and 33
congresses, from the 80th Congress (1947-49) through the 112th Congress (2011-2013), the average number of conference committees was nearly 99 per session with an average of 15.5% of all public laws passed going through conference. Yet from the 104th Congress (1995-1996) forward, even accounting for changes in legislative productivity, the number of conference committees steadily dropped to the point where, in the 112th Congress, only 7 conference committees were held for only 2.5% of all public laws passed (see Table 2.1; Figure 2a). Other observers have also noted a demise in the utilization of conference committees beginning in the 1990s (e.g. Jansen 2009; Oleszek 2010; Thurber 2010; Ryan 2011; Wolfensberger 2012). In contrast, as late as 1989, Smith, when analyzing the forms of bicameral resolution during five Congresses from 1954-1986, observed no decline in conference committees (Smith, 1989: 207).
Amendments between houses (sometimes known as “messaging” or “ping-ponging”) or wholesale adoption by one chamber of the other chamber’s bill (most prevalent is the Senate adopting the House version) are increasingly the preferred means by which the House and Senate resolve legislation. For example, CQ Weekly analyzed CRS data to determine that adoption of the other chamber’s bill went from 63 percent of public laws in the 103rd Congress to 80 percent in the 110th Congress (Jansen 2009). As the number of conference committees has declined, the utilization of amendments between houses has increased in direct proportion on measures in disagreement that became public laws. A study by the Bipartisan Policy Institute shows that in the period from the 103rd Congress to the 112th, utilization of amendments between houses ranged
from 11% to 18% of all public laws, as utilization of conference committees steadily declined from 13% to 2%, with amendments between houses becoming the dominant form of bicameral resolution (Bipartisan Policy Center 2014, Appendix F). Meanwhile, Smith’s aforementioned study of five Congresses between 1954-1986 found that only between one-fifth to one-third of major measures were resolved without conferences and that “[i]nterchamber differences on more than one in four key vote measures were settled with amendments between the houses in three of the five Congresses studied” (Smith, 1989: 207).

An open question remains about whether the conference committee is being replaced by amendment adoption and amendment exchange. Data presented here indicates that, roughly, the answer is yes. In the period of the 103rd Congress forward, as conference committees declined other forms of bicameral resolution replaced them. However, long-term trends must be inferred from limited data. The way currently available congressional data is coded does not readily lend itself to easy tallying laws resolved via amendment adoption versus amendment exchange. Limited such analysis has be done, as in the aforementioned CQ study which indicate amendment adoption increased from 63% to 80% from the 103rd to 101th Congress and the Bipartisan Policy Study finding that ping-ponging increased from 11% to 18% from the 103rd to the 112th Congress, while data compiled for this research show that conference utilization declined from 13% to 2% from the 103rd to 112th Congresses. But more historic detail requires an additional substantial data collection effort (and acquiring data on conference committees alone is surprisingly complicated enough). The Congressional Résumé, from which the
data on conference committees is derived do not include information on the process by which a passed measure was concluded. Govtrack.us, an independent open source organization that compiles government data, provides some additional classifications of legislation but does not adequately distinguish between ping-ponging or amendment adoption and, regardless, Govtrack.us data only goes back to the 101st Congress. Still, it is logical to deduce that legislation not resolved via conference committee is resolved by amendment adoption or exchange, but the distinction between which and whatever that distinction may tell us about patterns of congressional behavior is currently unavailable.

This chapter reviews partisan theories of congress to develop a partisan model of bicameral relations based on growing partisan polarization that accounts for the utilization of conference committees. Specific hypotheses are derived from each model and then tested in subsequent chapters.

**The Research Question**
This research addresses the question: Why has the utilization of conference committees declined? In so doing, this research presents the argument that partisan polarization accounts for the declining utilization of conference committees. In developing this argument, contemporary partisan theories of congress are expanded upon to a bicameral level of analysis. This research also builds our understanding of conference committees, one of the primary ways in which legislation is resolved into final form before moving to the president’s desk but also an under-examined aspect of Congress and the focus of limited research in political science. Better understanding conference committee utilization not only provides insight into the drivers of
congressional behavior but also into a key determinant of the laws and public policies of the United States.

**Statement of Theory**

Partisan polarization accounts for changes in how congressional chambers reconcile differences and, specifically, the decline in utilization of conference committees. Partisan theory is largely rooted in research of only one chamber of Congress or the other (usually the House) but has much to tell regarding House-Senate relations. The changing partisan landscape – specifically the increase in party unity and rising distance between parties – has had a substantial effect on House-Senate relations and particularly on the utilization of conference committees. As parties have become stronger and party preferences more polarized, majority parties seek to manipulate the legislative process toward partisan ends while minority parties seek to block action they find unfavorable.

The decline in the utilization of conference committees can be explained based on the rise of partisan polarization in accordance with the logic of partisan theories of congress. The definition used here of partisan polarization is rooted in a spatial conceptualization of policy preferences, which runs along a liberal to conservative dimension. Polarization along partisan lines in Congress indicates that members tend to closely share similar liberal or conservative views with fellow partisans and that the two parties are far apart in their preferences. “In other words, parties become polarized when (a) the preferences of members become more distinctly bimodal and (b) the two modes move farther apart” (Lee 2015, 263). Increased partisan polarization in Congress, where
highly unified, highly distant parties seek to manipulate parliamentary proceedings in order to control the congressional agenda, including the use of conference committees, in pursuit of partisan preferences is reflected in the changing utilization of conference committees. In short, this research will demonstrate that partisan polarization, rooted in ideological disagreement and strategic partisan behavior, results in the reduced utilization of conference committees.

“The Essence of Bicameralism”
The institution of the conference committee, described by congressional scholars Lawrence D. Longely and Walter O. Oleszek as “the essence of bicameralism” (Longely and Oleszek 1989: 103), provides a useful vehicle to learn more about the role of parties and the applicability of partisan theory across the institution of Congress as a whole. In addition, conference committees are relatively under-examined in political science, the subject of only four books and a smattering of articles. Therefore, closer examination of the conference committee helps shed broader light on this important institution of the legislative process as well as advance unexplored areas of congressional research and theories of Congress.

Conference committees originated in the British parliament and were employed by American colonial governments before the new republic adopted the practice. A provision for conference committees was established by joint rule of the House and Senate in the first session of the first Congress in April 1789 (De Pauw 1972, 16; McCown 1927, 38-39). In the modern conference, conferees (also called managers) from each chamber are chosen by the leadership of the House and Senate, respectively, from
among those members on committees with jurisdiction over given legislation with occasional exception depending on the complexity and context of a bill. Through formal and informal mechanisms the conference managers from each chamber negotiate language of a bill to final text agreed upon via a simple majority vote of the conference committee. The revised, unified bill is then returned as a conference report to each chamber for a final up or down vote. During the vote in each full chamber, the conference report is not subject to amendments or further revision. If conferees cannot agree to final language, or if either chamber rejects the conference report, typically the legislation dies. Not all bills that make it to the president’s desk go through the conference process because there are other means for post-passage resolution of differences, such as amendments between houses (i.e. “ping ponging”) or simple adoption of the other chamber’s bill. Historically, legislation resolved via conference is “often the most complex, controversial, and consequential” (Oleszek, 2010: 4). The process of going to conference can be very direct but numerous opportunities to filibuster motions to conference in the Senate and for the House minority to offer motions to instruct conferees once a conference is underway do create opportunities for procedural roadblocks that can be utilized to hinder and obstruct the conference process, thereby stalling or otherwise drawing it out.

The importance of explaining the utilization of conference committees extends beyond their historic precedence and to the role they play in the legislative process and to how they help clarify our theoretical understanding of how Congress works. The present research builds upon fruitful but relatively limited work on conference committees from
several different perspectives. As the discussion below illustrates, previous research has focused on the following: what conference committees suggest about the relative power between the House and Senate, how members attempt to use the conference committee to strategic advantage, and how conference committees act as independent power centers in shaping legislative outcomes. By adding a partisan dimension to account for the utilization of conference committees, this research builds our understanding of conference committees based upon the major contemporary research on congressional behavior.

Conference committees are a means by which the power of the House and Senate relative to one another has been played out. The literature on conference committees historically has reflected this, focusing on the question of “who wins in conference?” and addressing whether the House’s or the Senate’s positions are likely to prevail in conference outcomes (Steiner, 1951; Fenno, 1966; Manley, 1970; Vogler, 1970; Frerejohn, 1975; Strom and Rundquist, 1977; Carter and Baker, 1987). The answers are mixed. Depending on issue, time period, data sets, which committees were involved, and each methodological approach, either the House or the Senate have been found to prevail. Irrespective of the matter of who wins, conference committees are one of the few institutional means through which the House and Senate have consistently and regularly interacted with one another. Ross K. Baker, in his study of House-Senate relations noted that he was “shocked at how little contact there is between the House and the Senate,” but that the conference committee plays a unique role in forcing the two chambers to interact (Baker 1989, 13-14). A 2014 Bipartisan Policy Center report advocating congressional
reform echoed this sentiment in its recommendation, “Full-fledged conference committees between the chambers on important legislation are essential to ensuring greater member participation in the policy process” (Bipartisan Policy Center 2014, 13).

Other research focuses on institutional organization and how the role of process, leadership, and strategic decision-making serve to limit or enhance the role that conference committees have on policy outcomes. Lazarus and Monroe, for example, observe that the rules allow the Speaker of the House to determine conference managers and they examine how this authority has been used to stack conferences for partisan purposes (Lazarus and Monroe 2007). Shepsle and Weingast (1989) and Nagler (1989) demonstrate how rules of each chamber, in particular the authority of the Speaker of the House and the dominance of House and Senate standing committee members on conference committees, creates a strategic logic of members, and a dynamic in which outcomes of conference committees can be forecasted. Shepsle and Weingast (1989) articulate how the strategic calculation of members anticipating the actions of conference committee after the bill has made it off the floor may guide those members’ pre-conference behavior on legislation. Ex post veto power is available to the conference committee when “the bill that passes is less desirable to [the committee] than the status quo, it may reinstate the latter” (Shepsle and Weingast, 1989: 209). The strategic implications for this is that members of Congress, when passing amendments and voting on legislation passed out of committee, will take into account the likely behavior of the conference committee when making their own choices about whether or not to support an amendment or the bill itself. In addition, the sequence in which a bill passes vis-à-vis the
other chamber will also be taken into account because a similar logic applies in that chamber. An additional condition is whether the type of bargaining between chambers during conference that may or may not be predicted. In an abstract world of perfect information, the logic behind such calculations would be fairly sophisticated yet potentially predictable as the output of logical decisions made by rational actors. Van Beek, in reference to Smith 1991, refers to this dynamic as “post-passage politics,” wherein members, “anticipating the onset of a conference, adjust their behavior in an effort to improve their conference bargaining position” (Van Beek, 1995: 5). Longley and Oleszek similarly address this greater strategic context, arguing that conferences comprise but one of a broader set of gambits and stratagems that exist among lawmakers, chambers, and parties (Longley and Oleszek 1989). The present research implicitly advances this research on strategic behavior regarding potential outputs of conference committees in that strong parties will temper their utilization based on a calculation of whether the conference output will reflect party preferences. Whether to utilize the conference committee in the resolution of legislation is a strategic decision that strong parties will make with respect to how that decision advances a partisan agenda or not. The utilization of conference committees becomes a strategic decision wherein in a polarized environment partisans of the majority and minority alike anticipate the likely blocking behavior or possible unfavorable outputs of a conference in relation to party preferences.

In addition, the role of conference committees as independent power centers has received periodic attention (Clapp 1963; Smith 1989; Krehbiel 1991; Vander Wiehlen
This matter is largely unresolved, and, thus, the degree to which the outputs of conference committees reflect the will of the parent chambers versus the degree to which “runaway” conferences (McCown 1927) shape policy remains important – and open. McCown identified legacy sources of conference power, intact from the founding to the present day, such as non-amendability of conference reports and the privileging of conference reports on the floor (McCown 1927: 55). Krehbiel (Krehbiel 1991), eschewing the view of party influence, finds that policy outputs tilt to conference committee preferences and that the floor does not correct the skew created by the specialized interests of managers. Van Beek (1995) observes that conference behavior may deviate significantly from the rules and conventions governing conferences, which provides conferees unique advantages in post-passage politics. Vander Wielen examines the influence conference committees have on policy outcomes and finds that “[c]onferees choose policies that maximize their policy utility subject to the constraint of gaining House and Senate majorities on the conference report” (Vander Wielen 2010: 487). Such research, by focusing on the output of conference committees, provides insights into the power conference committees may hold over legislative outcomes and public policy. However, the degree to which conference committees independently influence legislation against the will of the broader chamber, or in favor of one party or another, and even, in some instances, in contravention to the rules governing their behavior, remains open and warrants further systematic study.

Previous studies on conference committees, from classic to contemporary, demonstrate the great complexity in Congressional behavior and they remind us that
subtle nuances of the legislative process can yield substantial impacts on policy outcomes. Of course, the purpose of the present research is not to resolve all such issues. However, if partisanship shapes the utilization of conference committees, then the role of parties does provide potentially fruitful directions for further inquiry regarding questions such as who wins, the role of legislative strategy, and conferences as independent power centers. The present research, by demonstrating the effects of partisan polarization on the utilization of conference committees, provides a basis to proceed on such questions by indicating how partisans in a highly conflicted legislative environment view the conference as another among many parliamentary venues to battle over party preferences.

Research that the present study directly builds upon includes recent work that looks to partisan polarization in accounting for the changing role of conference committees. For example, Sinclair (2007), has argued that increased party polarization and obstructionism have led to an increase in alternative resolution procedures such as amendment exchange and informal bargaining, as party leaders seek alternate means to bicameral resolution. Vander Wielen and Smith (2011) identify a “deepening involvement of party leaders in post-passage politics - an involvement that extends to conference committees” (272-273) and an important determinant of when conference is the chosen route of bicameral resolution. Ryan finds that minority party obstructionism leads majority leadership to pursue alternate means to bicameral resolution other than traditional conference committees (Ryan 2011). Therefore, if partisan theories apply at the bicameral level, evidence of this is present in the utilization of conference committees. Although the body of work focusing on conference committees and
partisanship is growing, the research that attempts to find partisan effects at the bicameral level has often been encumbered by limited data or a narrow focus on recent reduction in the use of conference committees (e.g. Ladewig and Bourbeau 2005; Rozzi 2009). The present study looks beyond the narrow data and narrow time span of previous studies by utilizing a unique data set going back to the 80th Congress and examining the utilization of conference committees at both the level of full Congresses as well as individual bills. Specific hypotheses are derived and tested from cartel theory, conditional party government, and strategic partisan theories to examine these relationships and to explore the applicability of partisan theory at the bicameral level.

**Partisan Theories of Congress**

The preponderance of research on partisan theories – including the most seminal studies in cartel theory and conditional party government – focuses almost exclusively on one chamber or the other (usually the House), with only a handful of exceptions that look at the overall bicameral context (e.g. Monroe 2011). Implicitly, partisan effects appearing in one chamber may appear in the dynamics of the other. But the role that parties play at the bicameral level, and the degree to which there is or is not a partisan effect across chambers on legislation, has not been given adequate attention. This omission is especially notable given the essential role that bicameral resolution plays in the determination of congressional output and public policy. Rohde’s classic articulation of the conditional party government model, for example, is built on study of the House: “a complete consideration of the questions on which we focus would necessitate analysis of the Senate as well as the House, but that expansion would also require far more space
than is feasible” (Rohde 1991: x). The Senate is generally viewed as less subject to partisan effects, due to the favorability the rules provide to individual action. However, the limited study undertaken to date has found “a strong case for party effects in the U.S. Senate” (Monroe, Roberts, and Rohde, 2008: 17), although this research is still young in its development (Monroe 2011). Some of this work looks at conference committees (e.g. Sinclair 2007 Vander Wielen and Smith 2011; Ryan 2011), but much remains to be explained in terms of what drives their utilization and how changes thereof reflect broader partisan effects across the institution as a whole. Through examination of the utilization of conference committees, the present research also contributes to the growing understanding of the role of partisanship at the bicameral level. The sections that follow outline a partisan model of bicameral relations, deriving propositions from previous research to identify expectations of what partisan theory predicts at the bicameral level regarding the utilization of conference committees.

**Rational Choice Foundations**
Rational choice underlies most partisan theory, wherein lawmakers act in accordance with a hierarchical ranking of priorities and goal-maximizing behavior (Riker 1990; Aldrich 1995). Mayhew famously identifies the collective action problem that the electoral incentive poses to coordinated congressional behavior and how the organization and output of each chamber reflects the influence of the individual member’s priority of reelection (Mayhew 1974). Fenno adds two additional priorities of lawmakers, power within Congress and good public policy, but, still, the individual incentive to be reelected remains the primary motivation of legislator behavior (Fenno 1978).
A focus on the motivations of individual members of Congress downplays the role of parties and institutional arrangements in shaping congressional organization and congressional outputs, especially given a preponderance of evidence that partisan affiliation has a significant relationship to member behavior (Poole and Rosenthal 1997; 2007). Other theorists respond by suggesting that parties are a means by which collective behavior can take shape within chambers dominated by the individual-level rational pursuit of interests (Aldrich 1995). In so-called “partisan” approaches, congressional organization and output are products of the dynamic between individual interests against the mitigating, collective forces of party preferences. Partisan theories do not dismiss the collective action problem posed by institutions populated by individual, electorally motivated lawmakers with preferences that may be both ideological and strategic. Rather, the rational disinclination to achieving collective goods is viewed as a paradox that needs to be explained in light of apparent partisan effects on how Congress organizes itself and the policy outputs of the legislative process. Simply put, the agenda of partisan theories is to examine what effect parties have on individual, rationally minded lawmakers.

A Partisan Model of House-Senate Relations

Partisan theory, largely derived from studies of one chamber of Congress, has implications for bicameral relations that warrant further examination. If parties are indeed strong – that is, if they have an independent effect on congressional behavior – there should be evidence of this not just in individual chambers but also in House-Senate relations. After articulating the major arguments of partisan theory, the present research derives propositions from the partisan approach that can account for House-Senate
relations and, in particular, the institution of conference committees. Major aspects of partisan theory are independently reviewed to arrive at individual predictions of the utilization of conference committees, but the theory is largely cumulative and multiple partisan effects will be evident simultaneously. The result is a combined model of partisan polarization and the utilization of conference committees that can be tested at the level of the frequency of conference committees during an entire Congress as well as at the level of utilization of conference committees on individual bills. In short, based on cartel theory (Cox and McCubbins 2005; 2007), the model predicts that stronger parties seek to limit the utilization of conference committees in favor of means of bicameral resolution in which highly unified parties are better able to control the congressional agenda than they would be through conference committees. Conditional party government suggests conditions and limits to majority party agenda control based on the respective unity and relative distance between preferences of the majority and minority parties (Rohde 1991; Aldrich and Rohde, 1998; Aldrich and Rohde 1999). The more polarized along party lines that Congress is, wherein party leadership is empowered and the ideological distance between parties is great, the more likely a decline in the utilization of conference committees, as majority party may seek to reduce minority party input and, importantly, the minority is more empowered to obstruct the progress of legislation the majority seeks to advance.

Partisan theory has largely been derived from the assumption of ideological disagreement between parties affecting congressional behavior, but partisan teamsmanship, also called partisan warfare (Thierault 2013), in which fellow partisans
coordinate to achieve electoral victories and power in congress, has an effect on a far broader range of legislative matters than ideology alone predicts (Lee 2009). Parties seek control of the legislative agenda not just because of ideological disagreement but also to gain power within congress and to increase their share of seats. Such teamsmanship is also strategic, in that partisans respond to the strength of the opposing party in advancing electoral and political goals (Lebo, McGlynn, and Koger 2007). Therefore, a model of partisan polarization predicts that the utilization of conference committees is driven not only by ideological disagreement among competing parties but also by the parties’ ambitions for power in congress, competition for seat share, and strategic responses to the relative strength of the opposing party. Generally speaking, as measures of partisan polarization – ideological or otherwise – increase, a decrease in the utilization of conference committees follows.

**Cartel Theory**

Partisan explanations of congressional behavior include the distributional approach, in which the composition of committees is based upon members self-selecting to committees based on district demands and constituent preferences. Party leaders, in turn, support these member preferences based on the opportunities for bargaining and horse-trading across the committee system writ large. Logrolling occurs when minority preferences are accommodated via vote trading on legislation with broader appeal. Committees, therefore, are comprised of preference outliers seeking particular benefits for their districts – that is, members whose individual preferences vary with the mean
preferences of the chamber as a whole (Shepsle, 1978; Shepsle and Weingast, 1987; Weingast and Marshall, 1988).

Procedural cartel theory amends this distributional approach by elaborating on incentives for party leaders to maintain party discipline (e.g. protecting the party “brand” in order to maintain majority status), and why individual members (preference outliers) may comply with the party line even when it is against district preferences. Cartel theory holds that party leadership utilizes the rules of procedure and the distribution of roles and responsibilities in Congress to control the agenda in favor of party preferences, a practice also referred to as “agenda setting” (Cox and McCubbins 2005; Cox and McCubbins 2007). In cartel theory, party leadership uses positions of power within the Congress to control the agenda of what issues and legislation are the subjects of congressional votes and other action and to advance or defend the party’s “brand” in the eyes of its constituents. In Cox and McCubbins’s formulation of procedural cartel theory, party power is expressed in the ability of the majority party to control those issues that appear on the legislative agenda. In particular negative agenda control is a more prevalent manifestation of party power than positive agenda setting. That is, party leadership does not typically use the power of agenda setting offices to push legislation that does not have the support of the majority of party members; rather, the party typically utilizes its position of agenda setting to block legislation that does not have the support of the majority party from reaching the floor for a vote: “The key resource that majority parties delegate to their senior partners is the power to set the legislative agenda; the majority
party forms a procedural cartel that collectively monopolizes agenda-setting power” (Cox and McCubbins 2005: 24).

“Positive agenda setting,” wherein the majority party advances particular policy preferences, is not completely absent. However, in procedural cartel theory the negative or blocking power of the majority power is the key component of partisan control. Cox and McCubbins explain:

The main logical sequence in conditional party government theory is as follows: more homogeneous majority parties delegate more (positive) power to their central leaders, and this delegated power is used to push a legislative program through to passage… Procedural cartel theory differs in arguing that even the least homogeneous majorities delegate a substantial amount of blocking power to their central and committee leaders, sufficient to ensure that the bulk of bills propose to move policy toward the majority and that the majority is rarely rolled (Cox and McCubbins 2005: 219).

Under cartel theory, a bill that is not favored by the majority “would never see the light of day on the floor, at least not in a form that would be opposed unsuccessfully by a majority of the majority party” (Ibid.: 219).

Majority party legislative cartels set the agenda of Congress in favor of maintaining majority control as well as achieving policy objectives consistent with the party platform. The accumulation of a record of success improves the reputation of a
party’s “brand,” which in turn improves its likelihood of continued status as an elected majority and the assurance that the party leadership maintains control of the institutional agenda-setting levers provided by the structure and rules of Congress (Cox and McCubbins 2007). Agenda setting power at the disposal of the majority party includes determining which legislation moves in Congress via the Rules Committee, allocating committee assignments, determining floor activity, and other levers of majority party leadership control (Cox and McCubbins, 2007; Smith 2007), including many that determine the utilization, form, and output of conference committees (Longley and Oleszek, 1989). In such respects, cartel theory builds on assumptions that are consistent with other dominant theories of congressional behavior: “U.S. legislators seek not just reelection but also advancement in the internal hierarchy of posts within the House, good public policy, and majority status for their parties” (Cox and McCubbins 2005: 11). This basic premise is evident in other approaches, such as Mayhew (1974), Fenno (1978), Shepsle and Weingast (1987), and Aldrich and Rohde (1999). Frances Lee directly revisits the non-ideological aspects of partisan behavior, illustrating where polarization in the Senate is driven in party by the ideological distance between parties but also by legislators seeking to advance interests of power in Congress and electoral success (Lee 2009).

In terms of the model of cartel theory at the bicameral level for the utilization of conference committees, the logic is as follows. In cartel theory, conference committees can be considered one among many means for party leadership to impose agenda control. Therefore, the degree to which the utilization of conference committees can facilitate
agenda control should affect the extent to which party leadership of each chamber would attempt to limit or encourage their usage. In the bicameral context, two independent sets of leadership – one from the House, the other from the Senate – are vested in whether or not conference committees are the preferred means for bicameral resolution. For purposes of the present study, the claim is that highly unified parties empower party leadership to control the agenda by limiting the utilization of conference committees. More unified, stronger parties mean that it is less likely that an institution of compromise such as the conference committee will be used or that outlying positions will be allowed to advance at the expense of the broader party agenda. Utilization of conference committees is, in this formulation, a measure of party leadership efforts to control the agenda. At the level of Congress, greater ideological unity among parties of the respective chambers results in a reduction in the utilization of conference committees as compromise between the two chambers is less likely. From this, the following congressional-level hypothesis, tested in Chapter 3, is derived:

\[ H_{1_{\text{cong}}} \text{: As the ideal points of the median member of each party of each chamber grow further apart, the utilization of conference committees declines.} \]

At the level of individual bills, a similar logic applies, but the distance between the ideal point of the bill sponsors and that of their party in each chamber, respectively, provides an indication of the level of party unity pertaining to individual pieces of legislation. Bills originating with members more closely aligned to the median party preferences are less likely to be subject to leadership negative agenda control, therefore,
more likely to enter conference. From this, the following hypothesis, tested in Chapter 4, is derived:

\[ H1_{bill}: \text{As the ideal points of the bill sponsor and party leadership in each}\]
\[ \text{chamber grow further apart, the utilization of conference committees declines.}\]

**Conditional Party Government**

In the conditional party government (CPG) variation of the partisan model, the role parties play in determining the organization and output of Congress is contingent upon the strength of intraparty agreement and that of interparty disagreement (Rohde 1991; Aldrich and Rohde, 1998; Aldrich and Rohde 1999). In the classic CPG formulation, individual member preferences are drawn, in part, from personal choice and from constituent and electoral pressures. Additionally, member preferences must align with party preferences to at least a minimum extent, such that it affects whether or not someone can be elected as a member of a particular party in the first place. Whether or not party preferences act as an independent force over congressional outcomes – as compared to individual preferences – is what CPG attempts to answer. Conditional party government and cartel theories are not inconsistent with one another, as times of high intra-partisan unity and interparty disunity would favor agenda setting on behalf of party leadership in a each chamber (Smith 2007). Each theory proposes that congressional outputs will reflect party leadership preferences more so than they will individual member preferences. Just as in the CPG model, cartel behavior does not directly regulate individual member’s votes.
Conditional party government, as the term implies, is conditional: the strength of parties varies, contingent upon homogeneity of preferences among members within a party (as proposed in cartel theory) and the degree of conflict over preferences with the other party. When preferences among members are alike (preference homogeneity), rank-and-file members are more inclined to allocate powers to leadership to organize Congress and set the legislative agenda. Conversely, as the variance among preferences within a party increases, leadership is allocated less power to act on behalf of the party members as a whole. As conflict between parties increases, the minority party's positions stand in greater conflict with those of the majority, and majority party members have further incentives to empower their leadership in order to prevent minority party victories.

Absent such preference conflict, leadership is accorded less power by the rank-and-file. When intraparty unity and interparty distance run high, the following dynamic results:

   First, members of a party are increasingly likely to choose to provide their legislative party institutions and party leadership with stronger rules and with greater resources, the greater the degree to which this condition is met. Second, the party will be expected to employ those power and resources more often, the greater the satisfaction of the condition. Third, provided that the majority party has, by virtue of its being the majority party that organizes the House, more powers and resources to employ than the minority party, then legislation should reveal that fact. In particular, the greater the degree of satisfaction of the condition in conditional party government, the farther policy outcomes should be skewed
from the center of the whole Congress toward the center of opinion in the majority party (Aldrich and Rohde 1998: 5-6).

In other words, “The more one party agrees that it wants outcomes that are different from those desired by the opposition, the more the condition is satisfied” (Ibid.: 5). Again, party governance is conditional: Members will be more willing to allocate strong powers to leadership as unity within the party and distance in preferences from the other party increase.

Ryan applies similar logic in his examination of the decline of conference committees wherein the reduction in utilization of conference committees stems from large and cohesive minority coalitions willing to exploit rules to prevent conference committees, which in turn leads majorities to turn to amendment trading: “the ability to engage in post-passage bargaining and conference, even for important legislation, is largely dependent on the ability of the winning coalition to maintain its cohesiveness and repel attempts by the minority to delay or obstruct the legislation” (Ryan, 2011: 122).

Ryan’s findings parallel the argument of the present research in terms of what conditional party government applied to bicameral relations predicts regarding the utilization of conference committees. Ladewig and Bourbeau (2005) look at data on the number of conference committees and the selection of conferees from the 98th Congress and the 106th Congress and also find support for the conditional party government proposition that party homogeneity and partisan polarization results in a stronger role of leadership and lower utilization of conference committees. In other words, under a CPG model, the strength of majority party is based not only on majority party proportions and cohesion,
but also the relative degrees of cohesion and size of the minority. This suggests, therefore, that partisan polarization will decrease the utilization of conference committees.

In terms of the prediction of CPG at the bicameral level for the utilization of conference committees, the logic is as follows. In conditional party government, the utilization of conference committees varies based on whether or not there is strong unity (i.e. preference homogeneity) within parties across both chambers as well as high distance (i.e. preference heterogeneity) between parties across both chambers. Stronger intraparty unity, plus greater interparty distance, will result in a lack of agreement on outcomes and, therefore, a lower likelihood that an institution that requires compromise among a great number of members, such as the conference committee, will be utilized. In the Senate in particular the minority party has multiple opportunities to prevent cloture on agreement to go to conference. “The capacity to filibuster motions creating a conference provides powerful potential leverage for the minority and can mean that conferences are impossible to convene” (Gold 2004, 121). Therefore, minority obstructionism in the Senate, driven by the unity of the minority party and its distance from the majority, adversely effects the utilization of conference committees. In the House, a unified majority would want to avoid minority input in legislative outcomes the greater the cohesion of and distance between the two parties. In other words, when conditions of CPG are met across the Congress, differing but complimentary dynamics are created in which the Senate and House would each avoid conference committees. Based on this logic, CPG can be tested at the level of each Congress and the level of individual bills. At
the congressional level the following hypotheses, which are tested in Chapter 3, are derived:

\[ H_{2_{\text{cong}}} \]: As intraparty unity and the ideological distance between parties mutually increase across both chambers as a whole, conference committee utilization declines.

\[ H_{3_{\text{cong}}} \]: As the ideological distance of the minority party in the Senate from the Senate majority party increase the utilization of conference committees declines.

At the level of individual bills, examined in Chapter 4, distance of the bill sponsors from the majority parties in each chamber, respectively, plus the distance the distance of the bill sponsors from the minority party in each chamber, results in lower utilization of conference committees:

\[ H_{2_{\text{bill}}} \]: As the ideological distance between the bill sponsor and the sponsor party and the other party increases, conference committee utilization declines.

In other words, in the CPG model, as bill sponsor distance from the majority moves in the direction of the minority, the effect of lower utilization of conference committees is weakened, as the minority is less likely to block a bill from advancing to the conference stage of the legislative process. However, as the bill sponsor moves opposite of both the majority and the minority on the ideological spectrum, minority obstructionism increases.

**Strategic Party Government**

Conditional partisan behavior will also reflect strategic interactions and electoral motives of legislative parties (Lebo, McGlynn, and Koger 2007). That is, member
preferences (which Lee (2009) reminds us are not just ideologically driven but also based on partisan teamsmanship) will reflect the unity of the opposing party and party efforts at retaining and expanding their share of seats in the legislative chamber via electoral victories. “[S]trategic competition is a primary cause of Congressional partisanship; the strongest determinants of party unity in voting are the opposing party’s level of party unity and the previous gap between the parties’ unity levels… [and] partisan voting and legislative success influence subsequent Congressional elections” (Lebo, McGlynn, and Koger 2007, 465). Contained in the strategic party government theory is the proposition that as partisan unity increases, the prospects of electoral victory diminish: “When party leaders induce their members to side with the national party position against their personal electoral interests, they increase electoral risk for those conflicted members” (Ibid. 466). Party leaders seek equilibrium among competing interests of achieving party policy goals and facilitating electoral victory by party members. “One implication of this interaction is that we expect shifts in one party’s unity will be mirrored by shifts in the other party’s unity” (Ibid. 468). In other words, if one party is successful in achieving legislative victories over the other, that other party will respond by demonstrating greater unity in future interactions. For present purposes, this will be taken to mean that demonstrations of partisan unity of one party will be responded to by increases in unity of the other party in the following Congress.

Therefore, with respect to the utilization of conference committees, an element of strategy is added to conditional party government theory. Partisan competition (whether driven by ideology or teamsmanship) is driven by strategic behavior in order to maximize
both legislative outcomes and a party’s seat count that reflects the behavior of the other party and a party’s electoral prospects. The utilization of conference committees, as a means of majority party agenda control, will be driven by “the opposing party’s levels of party unity and the previous gap between the parties’ unity levels” (Ibid. 465) and, as demonstrated by Lebo, McGlynn, and Koger, a party “observe[s] the unity level of the opposing party and respond[s] accordingly” (Ibid. 469), which is evident in the change of party unity levels from Congress to Congress. If strategic party government is applicable to the utilization of conference committees, this will be evident as the indicators of values of interparty distance from Congress to Congress increase, the utilization of conference committees declines.

\[H_{4_{\text{cong}}} (\text{Strategic Party Government}): \text{Increases in the distance in party medians from Congress to Congress results in a decline in the utilization of conference committees.}\]

Lebo, McGlynn, and Koger’s strategic party government model also proposes negative electoral consequences of increased interparty distance in legislative behavior. Consistent with the prediction of CPG on the utilization of conference committees, conference committee utilization is a proxy measure for partisan conflict; fewer conference committees implies greater partisan unity, evident in greater interparty distance. Hypothetically, in the strategic party government model, agenda control by way of decreased usage of conference committees will bear an electoral cost. However, conference committees most likely fall under the public’s radar and it seems a stretch to
suggest that the absence of conference committees from parliamentary proceedings will have a substantial effect on a party’s reputation among the electorate sufficient to yield a direct effect at the ballot box. Therefore, restricting utilization of conference committees as a means of agenda control may bear high legislative benefits with limited electoral costs.

“Beyond Ideology”
Partisan theory is premised on the notion that ideological disagreement measured on a liberal to conservative spectrum (Poole and Rosenthal 1997; 2007) accounts for increasingly partisan behavior in Congress. However, Frances Lee reminds us that partisan conflict is rooted in not only ideological preferences, but also political interests: “ongoing electoral and power struggles” and “competition for elected office and chamber control systematically shapes members’ behavior in office” (Lee 2009: 3). Partisan behavior and ideological conflict become indistinguishable in common measures of partisanship such as NOMINATE scores or National Journal ratings when members’ interests are motivated not only by policy preferences that they may share with fellow partisans but by electoral motives and ambitions for power in Congress that drive partisan teamsmanship.

‘Ideology’ refers to systems of belief, values, and preferences about politics and public policy. As such, it is distinct from a politician’s political interests in cooperating with fellow partisans to climb the career ladder in the legislature, wield power, foster a favorable collective party reputation, or maintain a good social standing among party colleagues (Lee 2009: 47).
Lee’s prescient analysis restores to partisan theory concepts typically assumed and long considered foundational as primary drivers of congressional behavior, such as reelection (Mayhew 1974) and power within Congress (Fenno 1978), but not always independently identified as contributing to partisan effects in Congress: “The unanswered question is just how much of the partisan conflict in Congress can be attributed to the dynamics of competitive team play and how much to ideological disagreement” (Lee 2009, 48).

Hence, differentiating partisan ideological conflict from partisan teamsmanship becomes an important aspect of understanding congressional behavior and, for present purposes, explaining the utilization of conference committees. In Lee’s framework, utilization of conference committees becomes a question about not just the alignment of ideological preferences among partisans, but one also about when do collective partisan interests tied to electoral victory and power in congress contribute to decisions to go to conference or not. In Lee’s operationalization of the concept we can ask how much is the utilization of conference committees based on parties responding to “presidential leadership, to attacks on their competence and trustworthiness, and during contests over agenda control” (Lee 2009, 19)? More broadly, “How does the issue content of the legislative agenda over time affect the level of overall party conflict,” (Ibid.) especially as manifested in the utilization of conference committees? If ideology alone accounts for the utilization of conference committees, there should be no evidence in variance on conference committees on issues that have little bearing upon, or that cannot be distinguished within, the framework of the liberal-conservative ideological spectrum. Yet, in Lee’s formulation, “competitive team play” results in party conflict on legislative
issues not specifically ideological but which are matters of presidential leadership, good governance, and congressional procedure. Presidential leadership on a legislative issue becomes a matter of winning seats: defeating the party of the president becomes important to lowering the value of the brand (as in Cartel theory) of the opposing party and decreasing its electoral prospects. Therefore, partisans will oppose the president of an opposing party irrespective of the ideological nature of the issue being advanced by the White House. Good governance issues are inherently non-ideological (both parties, for example, oppose corruption, waste, and fraud) so ideology alone will not account for why such measures are subject to partisan disagreement. Procedural movement on non-ideological measures would not be inhibited if partisanship were based on ideology alone; when fellow partisans seek control of the legislative agenda to advance a party brand relative to the other, procedural matters (such as the utilization of conference committees) will become subject to partisan behavior.

Based on non-ideological components of partisanship, reflective of partisan teamsmanship more than differences over policy preferences, the partisan model of the utilization of conference committees includes the following proposition that can be tested at the level of individual bills:

$H1_{BeyondIdeology}$: The utilization of conference committees on good governance measures and bills with presidential engagement decreases as partisan polarization across the House and Senate increase.
The impact of partisanship on procedural motions is not independently tested as conference committees themselves are procedural aspects of congressional behavior. Tests of the effect of partisan polarization on the utilization of conference committees implicitly account for the deployment of procedural maneuvers to advance objectives of partisan teamsmanship.

Table 2.1 summarizes the hypotheses, variables, and primary data sources of the congressional-level and bill-level models.

<table>
<thead>
<tr>
<th>Table 2.1</th>
<th>Levels of Analysis, Hypotheses, and Variables</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congressional-Level Analysis</td>
<td>Hypotheses (derived from partisan theory)</td>
</tr>
<tr>
<td>H1\textsubscript{cong} (Cartel): As the ideal points of the median member of each party of each chamber grow further apart, the utilization of conference committees declines.</td>
<td>Conference Committees as % of all Public Laws</td>
</tr>
<tr>
<td>H2\textsubscript{cong} (CPG): As intraparty unity and the ideological distance between parties mutually increase across both chambers as a whole, conference committee utilization declines.</td>
<td>Conference Committees as % of all Public Laws</td>
</tr>
<tr>
<td>Bill-level Analysis</td>
<td>H3(_{\text{cong}}) (Senate Minority Obstructionism): As the ideological distance of the minority party in the Senate from the Senate majority party increase the utilization of conference committees declines.</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>H4(_{\text{cong}}) (Strategic Party Government): Increases in the distance in party medians from Congress to Congress results in a decline in the utilization of conference committees.</td>
</tr>
<tr>
<td></td>
<td>Bill-level Analysis</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
conference committee utilization declines.

NOMINATE scores and absolute difference between scores of median members of each majority (derived from Lebo, McGlynn, and Koger 2007)

| H1BeyondIdeology: The utilization of conference committees on good governance measures and bills with presidential engagement decreases as partisan polarization across the House and Senate increase. | Bill went to conference (Y/N) | Presidential engagement on bill or good governance measure | Beyond Ideology dataset (Frances Lee) |

**Informational and Pivotal Models**

Whether party effects are really what accounts for member behavior, or if the behavior of Congress is simply a reflection of members' individual ideologies is a challenge raised by Keith Krehbiel's informational and pivotal politics models. Krehbiel’s informational theory (1993) and later pivotal politics model (1998) support the general assumptions of partisan theories with important exceptions that call to task the way in which partisanship accounts for the organization and output of Congress. The informational and pivotal models challenge partisan approaches by contending that party
does not explain anything about congressional behavior and organization that ideology – the preferences of individual members – does not already capture. Smith (2007), however, counters spatial models such as pivotal politics on the point that theories that seek only one motivation (e.g. ideology) are insufficient to accurately account for behaviors which, by their very nature, require leadership to take into account multiple policy and electoral goals, simultaneously (which anticipates research on non-ideological drivers of partisan behavior). “My view is that we should not be satisfied with single-goal theories that do not capture central activities of congressional parties… multiple goal theory is essential for explanation of some of the most powerful sources of party influence in Congress” (Smith 2007, 25). Krehbiel is not unaware of potential criticisms, stating that his approach is “a theoretical postulate – not an empirical argument,” (Krehbiel 1998, 28) and that it is presented as simply a viable alternative finding to partisan explanations for congressional organization and behavior. Krehbiel does not contend that parties do not matter, rather, he poses a robust critique of “how majority party status matters specifically, and whether it ultimately matters in ways that are predictable and outcome consequential” (italics in original; Krehbiel 1998, 228). It is beyond the scope of the present work to fully revisit the debate over partisan, informational, and pivotal models. Suffice it to say that partisan effects are apparent in congressional behavior (e.g. Poole and Rosenthal 2007), and by utilizing measures of ideology to measure party strength and the distance between parties, this study incorporates individual-member level measures of the pivotal model in examining the overall effect of parties. Moreover, given that it is postulated here that partisan effects are
impactful on congressional behavior, the narrow focus on individual members of pivotal models is too limited of a band from which to understand congressional behavior. Finally, by addressing both ideological and non-ideological sources of partisan behavior, this research expands the scope of our understanding of how parties affect congressional behavior beyond the narrower understanding of the role of individual preferences.

**The Analysis That Follows**

Outcomes at the level of House and Senate final passage – outcomes that result in the legislation that actually goes to the president’s desk for passage into final law or veto – have not been adequately addressed in existing partisan theory. The present research seeks to fill this gap by examining how party conflict exists as a phenomenon at the bicameral level – the level at which legislation is required to be resolved into final form before becoming law – and that partisan effects are evident in the utilization of conference committees. The chapters that follow derive specific testable expectations from partisan theory regarding bicameral resolution and, specifically, conference committees, then present unique data and tests to measure partisan effects in the institution of conference committees. Where appropriate, input from author interviews with members of Congress, Hill staff, and congressional professionals are referenced to more fully illustrate the findings on the contemporary and changing practice of the utilization of conference committees.
CHAPTER THREE: A CONGRESSIONAL-LEVEL EMPIRICAL ANALYSIS

If partisan theory is predictive at the bicameral level there should be evidence of partisan effects not just in individual chambers but also in House-Senate relations. This chapter examines hypotheses that use partisan theory to account for the utilization of conference committees at the level of individual congresses, premised on the notion that partisan polarization in Congress exists when members share similar liberal or conservative views with fellow party members and that the two parties are far apart in their preferences. Derived from cartel theory and agenda setting (Cox and McCubbins 2005; 2007), the model predicts that strong parties limit the utilization of conference committees as a mechanism of agenda control when conference outputs are less likely to align with their preferences and based on their ability to control the congressional agenda. Conditional party government suggests limits to agenda control based on the respective unity and relative distance between preferences of the majority and minority parties (Rohde 1991; Aldrich and Rohde 1998; Aldrich and Rohde 1999). A more polarized Congress, in which party leadership is empowered and the ideological distance between parties is great, results in a decline in the utilization of conference committees because the majority party may seek to reduce minority party input and the minority is more empowered to obstruct the progress of legislation that the majority seeks to advance. Senate minority obstructionism, although related to conditional party government, can be
examined independently because of the majoritarian nature of the Senate and the intrinsic power of individual Senators. A strongly united Senate minority has the ability to obstruct legislative initiatives, including conference committees. Partisan theories have largely been derived from the assumption of ideological disagreement between parties affecting congressional behavior. However, parties seek control of the legislative agenda not just because of ideological disagreement but also to gain power within congress and to increase their share of seats. Partisan teamsmanship, in which fellow partisans coordinate to achieve electoral victories and power in Congress, has an effect on a far broader range of legislative matters than ideology alone predicts (Lee 2009). Such teamsmanship may also be strategic, in that partisans respond to the strength of the opposing party in advancing electoral and political goals (Lebo, McGlynn, and Koger 2007). Therefore, the theory presented here also predicts that the utilization of conference committees is driven not only by ideological disagreement among competing parties but also by the parties’ ambitions for power in congress, competition for seat share, and strategic responses to the relative strength of the opposition party. In short, as measures of partisan polarization increase, a decrease in the utilization of conference committees follows.

In this chapter hypotheses derived from partisan theories are tested at the level of individual years based on the total number of conference committees utilized per session of Congress in the resolution of public laws. Specifically, these hypotheses, introduced in Chapter 2, are the following:
$H_{1_{\text{cong}}}$ (Cartel): As the ideal points of the median member of each party of each chamber grow further apart, the utilization of conference committees declines.

$H_{2_{\text{cong}}}$ (CPG): As intraparty unity and the ideological distance between parties mutually increase across both chambers as a whole, conference committee utilization declines.

$H_{3_{\text{cong}}}$ (Senate Minority Obstructionism): As the ideological distance of the minority party in the Senate from the Senate majority party increase the utilization of conference committees declines.

$H_{4_{\text{cong}}}$ (Strategic Party Government): Increases in the distance in party medians from Congress to Congress results in a decline in the utilization of conference committees.

Each hypothesis is tested simultaneously, in a single model, based on the expectation that each partisan variable under consideration has an independent affect on congressional behavior.

This congressional-level analysis provides an examination of partisan polarization at an aggregate, bicameral level across the period of an entire year of Congress.

Congressional-level data compiled for this research enables testing of hypotheses for cartel theory, conditional party government, Senate minority obstruction, and strategic party government. The congressional-level data available at the time of this research do not lend themselves to full examination theories of non-ideological sources of partisanship, as proposed by Lee’s research on good governance measures and presidential leadership (2009). Subsequent chapters that examine bill-level data explore
partisan effects on the utilization of conference committees based upon cartel theory, conditional party government, and Lee’s arguments about non-ideological sources of partisanship.

**Data and Variables**

The measure for the dependent variable on the congressional-level model for the utilization of conference committees per Congress is obtained by identifying the total number of conference reports per session of Congress listed in the *Congressional Résumé* published in the *Congressional Record* beginning with the 80th Congress in 1947. To account for changes in legislative productivity, the number of conference reports is divided by the total number of public bills enacted into law per session of Congress as also reported in the Résumé. The result is a proportion variable indicating the percentage of public laws resolved via conference committees per session of Congress for a total of 66 cases from the period of the 80th (1946-1947) through the 112th Congress (2011-2012), summarized in Table 3.1 and displayed in Figure 3.1. The measure of conference committee utilization is standardized based on the total number of public laws passed per Congress, and the dependent variable is based on a mean value rather than the absolute number of conference committees conducted each Congress. This measure of conference committee utilization is tested in hypotheses for cartel theory, conditional party government, Senate minority obstruction, and strategic party government.¹

¹ A simple count or proportion of conference committees to all public laws may not do adequate service to estimating Congressional productivity because it does not address which issues were most important or most salient in a given Congress, nor the degree to which Congress did or did not address such issues.
Table 3.1

| The Utilization of Conference Committees as Percentage of Public Laws, Per Session, 80th-112th Congress |
|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| Observations | Mean | Variance | Std. Dev. | Min | Max | |
| Utilization of Conference Committees as Proportion of Total Public Laws, Per Session of Congress | 66 | 0.1632 | 0.0092 | 0.0961 | 0.0078 | 0.5586 |

(Binder 2003). Chapter Four addresses policy issues, which provides a descriptive account of those issues that are resolved via conference, although it is not estimated which of such issues are more major or important. It is of potential theoretical interest to know whether a decline of conference committees is evident when looking at variance in conference committee utilization on “important” or “salient” issues and levels of deadlock (e.g. Binder’s estimate) or other estimates of landmark laws (e.g. Mayhew 1991; 2005). This is a matter for future research. The present estimate provides a reliable baseline approximation of the utilization of conference committees on overall congressional productivity. In addition, a congressional-level analysis of only “important” or “salient” legislation would reduce an already low number of cases and further weaken the statistical estimation.
Cartel model. The independent variable to represent cartel theory at the congressional-level of analysis is based on the degree of closeness or overlap in median party preferences, termed here intraparty unity. To arrive at this measure, Poole and Rosenthal (1997; 2007) data on party medians from voteview.com (2015) is utilized to determine the absolute value of the difference in first dimension median DW-NOMINATE scores of Separate model estimations that limited values of dependent variable to control for possible effects of outlier values in the first sessions of the 97th and 104th Congresses, respectively, do not yield substantively different statistical results in any of various modeling techniques applied to the data.
each parties within each chamber combined with the same measure for the other chamber, divided by two to yield a single score for intraparty unity across the House and Senate:

**Equation 3.1**

\[
\text{Intraparty Unity} = \frac{|\text{House Democrats 1st Dimension} - \text{House Republicans 1st Dimension}| + |\text{Senate Democrats 1st Dimension} - \text{Senate Republicans First Dimension}|}{2}
\]

Higher values indicate lower intraparty unity and lower indication of single-party agenda control across both chambers. A model estimation that results in a statistically significant negative coefficient is supportive of the Cartel hypothesis. Table 3.2 summarizes the interparty difference variable for the Cartel hypothesis.

**Table 3.2**

<table>
<thead>
<tr>
<th>Cartel Model Variable for Intraparty Unity</th>
<th>Observations</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intraparty Unity</td>
<td>66</td>
<td>.6051</td>
<td>0.1735</td>
<td>0.346</td>
<td>0.985</td>
</tr>
</tbody>
</table>

**CPG Model.** To arrive at a variable that estimates conditional party government across both chambers, a measure of interparty distance is determined by identifying the proportion of overlap of the two party’s distributions of ideal points in a chamber,
subtracted from one, identifying the same value for the other chamber, and identifying the mean of these two values for a congress-level measure.

**Equation 3.2**

\[
\text{Interparty Distance} = \frac{(1 - \text{House Overlap}) + (1 - \text{Senate Overlap})}{2}
\]

Where “House overlap” and “Senate overlap” are Poole and Rosenthal political polarization values on the proportion of the DW-NOMINATE first dimension party overlap (Voteview.com 2015), wherein “the percentage of a party’s members… are closer to the mean of the opposing party than to the mean of their own party” in the House and Senate (Poole and Rosenthal 1999, 13), respectively, which results in a continuous value representing congress-level interparty distance. In model estimations, this variable is tested both independently as well as interacted with intraparty unity. The interaction provides an estimation of partisan unity and polarization, to approximate the full terms of conditional party government, which are based on both party unity and the distance between parties. A model estimation that results in a statistically significant negative coefficient on interparty distance or the interaction term is supportive of the hypothesis, as homogeneity declines, so does the likelihood of conference committee. Table 3.3 summarizes the variable for interparty distance.
Table 3.3

<table>
<thead>
<tr>
<th>CPG Model Variable for Interparty Distance</th>
<th>Observations</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interparty Distance</td>
<td>66</td>
<td>0.7131</td>
<td>0.2372</td>
<td>0.3065</td>
<td>1</td>
</tr>
</tbody>
</table>

**Senate Minority Obstructionism.** For the test of the role of the strength of the Senate minority in the congressional-level analysis, for hypothesis C3, the measure of Senate minority distance from the majority is determined by the absolute value of the difference between the Senate majority and Senate minority first dimension median DW-NOMINATE scores weighted for the proportion of the Senate minority to the total size of the chamber, adjusted based on the growth in 1959 from 96 to 100 members with the addition of Alaska and Hawaii as states.³

**Equation 3.3  1**

\[
\text{Minority Obstruction} = \left[ |DW1 \text{ Senate Majority} - DW1 \text{ Senate Minority}| \times \frac{\text{Number Senate Minority}}{\text{Number Senate}} \right]
\]

Where \(DW1 \text{ Senate Majority}\) and \(DW1 \text{ Senate Minority}\) are the first dimension median of the Senate majority and minority, respectively, \(\text{Number Senate Minority}\) is the

³ The ability of the majority to invoke cloture could potentially limit minority obstructionism, depending on the overlap of agreement between parties. In the period being studied, cloture required two-thirds support until 1975 when the requirement was reduced to three-fifths. Cloture-sized majorities existed only for the 89th, 95th, and 96th Congresses.
number of seats held by the Senate minority, and \textit{Number Senate} is the total number of seats in the Senate, higher values indicate a minority stronger and more ideologically opposed to the majority and, therefore, more likely to resist majority preferences. A model estimation that results in a statistically significant negative coefficient is supportive of the hypothesis. Table 3.4 summarizes the variable for Senate minority obstructionism.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|c|}
\hline
Partisan Model Variable for Senate Minority Obstructionism & Observations & Mean & Std. Dev. & Min & Max \\
\hline
Minority Obstruction & 66 & 0.2521 & 0.0755 & 0.1327 & 0.4136 \\
\hline
\end{tabular}
\end{table}

\textbf{Strategic Party Government.} Lebo, McGlynn, and Koger develop the SPG statistic by comparing preference cohesion within parties and disagreement between parties of one Congress to the Congress that preceded it: “We use the standard deviation of each NOMINATE dimension for each party and the absolute difference between the scores of the median members of each major party as measures of intraparty unity and interparty differences, respectively” (Lebo, McGlynn, and Koger 2007, 470). Based on this approach, the variable for strategic party government is determined by measuring the difference in interparty distance (as determined in the above CPG model) from one Congress to that before it. As-interparty distance in each Congress grows, more strategic electoral behavior should result and, as a consequence, fewer conference committees result as parties are more willing to abandon compromise in pursuit of electoral
advantage. To arrive at the SPG measure, the difference in interparty distance of a current
Congress from that of the Congress preceding it is added to the value of the current
Congress.

Equation 3. 4

\[
SPG_{cohesion} = (\text{Interparty Distance}_{Cong} - \text{Interparty Distance}_{Cong-1}) + \text{Interparty Distance}_{Cong}
\]

Where Interparty Distance\text{\textit{Cong}} is measured per session of Congress Interparty
Distance\text{\textit{Cong-1}} is the value for the preceding Congress, the resulting value is a continuous
variable where higher values are associated with increases in intraparty cohesion. A
statistically significant negative coefficient is supportive of the hypotheses as increases in
party cohesion reduces cooperation and increases electoral competition. Table 3.5
summarizes the variable for strategic party government.

| Partisan Model Variable for Strategic Party Government, Congressional-level Analysis |
|---------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                 | Observations    | Mean            | Std. Dev.       | Min             | Max             |
| Strategic Party Government      | 65              | 0.7109          | 0.5492          | -0.3825         | 1.5895          |
Methods
The partisan model includes a single proportional variable for the dependent variable and continuous and binary categorical variables as predictors. Except in cases where the dependent variable takes on values of 0 or 1, which is not so in this analysis, a multiple regression is appropriate when the dependent variable is a proportion (StataCorp 2014⁴). In multiple regression the coefficients have an additive effect on the value of the dependent variable. Interaction terms measure the effect of one variable based on the value of another and in the theory presented here imply that as the value of intraparty unity varies the effects of interparty distance will vary, with a statistically significant negative coefficient being supportive of the hypothesis derived from conditional party government. In the Congressional-level analysis, two models are estimated, one that includes an interaction on values for Intraparty unity and Interparty distance, and one without, as well as a control for unified Congress. The formula for the base model estimation, without the interaction, is the following:


When a dependent variable is a proportion, such as the case here with a percentage as dependent variable, a multivariate regression or general linear model may not be an appropriate statistical test because the model can predict values above or below zero or ones that are not possible in a percentage (Long and Freese 2006). Alternatives to multivariate regression include a logit transformation of the dependent variable (StataCorp 2014) and a two-limit tobit estimation in which the dependent variable is censored between zero and one (Long and Freese 2006). Multivariate regression, logit transformation, and tobit estimations on the hypotheses, data, and models presented here produce analytically consistent results with the regression analysis reported in this chapter.
Equation 3.5

Percent CC’s per Public Law = 
\[ \alpha + \beta_1(\text{IntraParty Unity}) + \beta_2(\text{InterParty Distance}) + \beta_3(\text{SPG}) + \beta_4(\text{Minority Obstruction}) + \beta_5(\text{Unified Congress}) + \beta_6(\text{Session}) \]

Huber-White robust standard errors are estimated to account for minor problems of heteroscedasticity and large residuals in the predicted values and excessive leverage among predictors. The control variable for unified Congress is summarized in Table 3.6.

### Table 3.6

<table>
<thead>
<tr>
<th>Unified Congress 80th – 112th Congress</th>
<th>Value</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>8</td>
<td>12.12</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>58</td>
<td>87.88</td>
</tr>
<tr>
<td>Total</td>
<td>66</td>
<td></td>
<td>100</td>
</tr>
</tbody>
</table>

\[ \text{Variance: 0.1082} \quad \text{Std. Dev.: 0.3289} \]

### Results

The empirical model provides tests of each hypothesis pertaining to the data and variables, described above, to examine the role of partisanship in accounting for the utilization of conference committees. Table 3.7 presents the results of the estimation including all variables except the interaction term for Intraparty Unity and Interparty Distance. The model without the interaction term does not support the hypotheses regarding partisan effects on the utilization of conference committees. The model
contains 66 observations and 6 degrees of freedom. The $p$-value of the F statistic (6.78, $p<0.001$) indicates the overall model is statistically significant and the $R^2$ value is 0.2995. The only indicator variable that is statistically significant is *Unified Congress*. Overall, the results of this estimation suggest that predictions of regarding interparty differences and intraparty unity without an interaction between difference and unity do not affect the utilization of conference committees.
Table 3.7
Multivariate Regression – Without Interaction
Partisan Theory of the Utilization of Conference Committees, Congressional Level, 80th – 112th Congress
(Huber-White Robust Standard Errors)

<table>
<thead>
<tr>
<th>Percent Utilization of Conference Committees on Public Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intraparty Unity (Cartel theory)</td>
</tr>
<tr>
<td>Interparty Distance (CPG)</td>
</tr>
<tr>
<td>Strategic Party Government</td>
</tr>
<tr>
<td>Minority Obstruction</td>
</tr>
<tr>
<td>Unified Congress</td>
</tr>
<tr>
<td>_cons</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>N</th>
<th>66</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-statistic (5, 59)</td>
<td>8.19**</td>
</tr>
<tr>
<td>R-squared</td>
<td>0.2655</td>
</tr>
</tbody>
</table>

Robust standard errors in parentheses
* p<0.05; ** p<0.01
The results of the estimation including the interaction terms warrant a different assessment, supportive of the conditional party government hypothesis but not cartel theory. Table 3.8 presents the results of the estimation including all variables with the interaction term for Intraparty Unity and Interparty Distance. A model including intraparty unity, interparty distance, a unity-distance interaction term, strategic party government, minority obstruction, and unified Congress explains 51.5% of the variance in the percentage of conference committees used on public laws, $F(7, 57) = 13.06, p < 0.001$ ($R^2 = 0.515$). The coefficient for Intraparty Unity is .198, which is not statistically significant. Interparty Distance has a coefficient of -0.32 and a standard error of 0.1116, which is statistically significant, $p<0.01$, indicating that when Intraparty Unity is held at zero a one unit increase in Interparty Distance will produce, on average a 0.32 decrease in the value of the dependent value. The interaction term for Intraparty Unity and Interparty Distance has a coefficient of -1.635 and a standard error of 0.2765, which is highly statistically significant, $p<0.01$. In terms of the marginal effects of changes in predictor variables on the utilization of conference committees, holding other values at their mean, indicate the probability of a conference committee steadily declines as the value of Interparty Distance increases, as displayed in Figure 3.2. Neither strategic party government nor minority obstruction has a statistically significant effect. Unified Congress has a strong statistically significant effect, $p<0.01$ and Session of Congress is also statistically significant ($p<0.05$), which is consistent with the general proposition that greater partisan unity results in more frequent utilization of conference committees.  

---

5 Model estimations including controls for time introduce 33 controls for time (as measured by Congress),
Table 3.8
Multivariate Regression – Interaction
Partisan Theory of the Utilization of Conference Committees, Congressional Level, 80th – 112th Congress
(Huber-White Robust Standard Errors)

<table>
<thead>
<tr>
<th>Percent Utilization of Conference Committees on Public Laws</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Intraparty Unity (Cartel)</td>
<td>0.198</td>
</tr>
<tr>
<td></td>
<td>(0.214)</td>
</tr>
<tr>
<td>Interparty Distance (CPG)</td>
<td>-0.32**</td>
</tr>
<tr>
<td></td>
<td>(0.1116)</td>
</tr>
<tr>
<td>Intraparty Unity X Interparty Distance (Interaction)</td>
<td>-1.635**</td>
</tr>
<tr>
<td></td>
<td>(0.2765)</td>
</tr>
<tr>
<td>Strategic Party Government</td>
<td>-0.03</td>
</tr>
<tr>
<td></td>
<td>(0.0278)</td>
</tr>
<tr>
<td>Minority Obstruction</td>
<td>0.406</td>
</tr>
<tr>
<td></td>
<td>(0.4739)</td>
</tr>
<tr>
<td>Unified Congress</td>
<td>0.054**</td>
</tr>
</tbody>
</table>

results in 33 degrees of freedom (34 in the estimation without the interaction) on 66 cases and render the model statistically insignificant and no statistically significant coefficients. Model estimations including controls for time introduce 33 controls for time (as measured by Congress), results in 33 degrees of freedom (34 in the estimation without the interaction) on 66 cases and render the model statistically insignificant and no statistically significant coefficients. It is highly likely that there are time trends that are unaccounted for in the model. Models were estimated for fixed effects for time, but these models are highly suspect because there are not enough degrees of freedom to draw inference from the coefficient. Moreover, the models for the time fixed effects show no significance on the independent variables.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Session of Congress</td>
<td>-0.031*</td>
</tr>
<tr>
<td></td>
<td>(0.0152)</td>
</tr>
<tr>
<td>_cons</td>
<td>0.213**</td>
</tr>
<tr>
<td></td>
<td>(0.033)</td>
</tr>
<tr>
<td>N</td>
<td>65</td>
</tr>
<tr>
<td>F-statistic (7, 57)</td>
<td>13.06**</td>
</tr>
<tr>
<td>R-squared</td>
<td>0.5150</td>
</tr>
</tbody>
</table>

Robust standard errors in parentheses

* p<0.05; ** p<0.01
Marginal effects of changes in Interparty Distance on the utilization of conference committees in estimation with interaction term for Intraparty Unity and Interparty Distance, holding other values at their mean.

Figure 3.2

In sum, a model interacting Intraparty Unity and Interparty Distance model provides supportive evidence for conditional party government but not cartel theory.

**Discussion**

These findings are supportive of the conditional party government model of conference committee utilization, which suggests that greater distances between parties results in a less cooperative environment and, hence, a reduction in the utilization of conference committees on bills that become public law. Estimations of the model without
the interaction of intraparty unity and interparty distance suggest that on their own neither party distance nor party unity predict the utilization of conference committees. The non-significant finding on party unity indicates that conditions of cartel theory – unified parties – alone do not favor agenda control in the form of limiting the utilization of conference committees. Similarly, the non-significant finding on interparty distance in the estimation without the interaction term suggests that distance between parties alone does not predict the utilization of conference committees. However, the introduction of the interaction term to the estimation results in evidence partially supportive of the theory proposed here. Namely, interparty distance is predictive of the utilization of conference committees, holding the value of the other intraparty unity and their interaction constant. This result is consistent with conditional party government, which predicts that partisan behavior of Congress is contingent on party distance. Greater ideological distance between parties, holding party unity constant, results in a reduction in the utilization of conference committees in the resolution of U.S. public laws. In sum, a theory of partisan polarization, rooted in interparty distance, is explanatory of the utilization of conference committees.

Evidence is not present in either model that is supportive of strategic party government, which might suggest that limiting the utilization of conference committees is not a substantial or direct way by which parties attempt to achieve electoral advantage. The absence of supportive evidence in the data and models here for the role of Senate minority obstructionism is notable, given previous research findings that suggest polarized Senate minorities act as a substantial limiting factor in the utilization of
conference committees (e.g. Ryan 2011). The congressional level data utilized here do not allow for the “beyond ideology” argument to be examined. However, because NOMINATE scores only infer belief from behavior, as Lee (2009) reminds us, not all partisan behavior may be ideological in nature. Further analysis in the chapters ahead will address this point.

Significant results in this congressional-level analysis offer supportive and long-overdue evidence in support of partisan theory at the bicameral level. This evidence partially affirms an assumption often made but rarely supported in previous scholarship that partisan theories based on research in a single chamber apply to Congress as a whole. This evidence also helps place conference committees into the broader context of growing partisan polarization and the decline of regular order. This finding was echoed in a statement of a former senior congressional staff member as told the author, “The demise of conference committees is the tip of a larger iceberg” (Interview with Author, 2014). If unorthodox lawmaking has become the new normal (Sinclair 2007; 2012) and highly partisan, mobilized, and innovative lawmakers seek to obstruct or block regular order to prevent unfavorable outcomes or legislative accomplishments of the other party, conference committees are among the many venues of such behavior.

However, the limited data, based on only 66 cases at an aggregated congressional-level analysis, and the conditional findings of the interaction model, require that these findings be accepted with caution. Building upon the account presented here, additional research into bicameral effects of parties may seek to further identify the scope and limits of partisanship on the behavior of the U.S. Congress. The next chapter, using bill-level
analysis offers more analytically robust findings based on substantially higher number of cases, evidence of partisan effects at the level of individual legislation, and the opportunity to examine evidence of non-ideological partisan effects on bicameral behavior.
CHAPTER FOUR: A BILL-LEVEL EMPIRICAL ANALYSIS

A congressional-level analysis of partisan theory, presented in Chapter 3, offers support for a theory of partisan polarization of the utilization of conference committees, demonstrating that as distance between parties grows the utilization of conference committees declines. Cartel theory and agenda setting (Cox and McCubbins 2005; 2007) and conditional party government (Rohde 1991; Aldrich and Rohde 1998; Aldrich and Rohde 1999) together predict that conference committees are most likely to be used when they can serve majority party efforts at agenda control and less likely to be used when subject to a polarized environment in which the majority and minority parties are highly unified and ideologically distant from one another and, particularly, when the Senate minority is most likely to obstruct legislative initiatives of the majority. Partisan theories have largely focused on ideological determinants of congressional behavior, but other research reminds us that partisan teamsmanship (Lee 2009) and jockeying for electoral advantage (Lebo, McGlynn, and Koger 2007) also contribute to partisan behavior. A partisan model, therefore, predicts that ideological disagreement among competing parties as well as parties’ ambitions for power in Congress, competition for seat share, and strategic responses to the relative strength of the opposition party are determinants of the utilization of conference committees. In short, the model predicts that as measures of
partisan polarization – ideological or otherwise – increase the utilization of conference committees declines.

In this chapter, hypotheses derived from partisan theories are tested at the level of individual bills, based on whether or not legislation that completed the legislative process to become law was resolved via conference committee or not. Specifically, these hypotheses, introduced in Chapter 2, are the following:

\[ H_{1\text{bill}} \text{(Cartel): As the ideal points of the bill sponsor and party leadership in each chamber grow further apart, the utilization of conference committees declines.} \]

\[ H_{2\text{bill}} \text{(CPG): As the ideological distance between the bill sponsor and the sponsor party and the other party increases, conference committee utilization declines.} \]

Each hypothesis will be tested in a single statistical model. Hypotheses for non-ideological determinants of partisan behavior will be tested in Chapter 5, based on bill-level data on presidential leadership and good government measures, while also controlling for ideologically-based partisan variables. In addition, this chapter uses data from the Policy Agendas Project (2013) to estimate how effects of partisan polarization on the utilization of conference committees vary by policy issue types. Evidence that partisan effects on the utilization of conference committees varies by issue topic indicates that Adler and Wilkerson’s assertion that “[c]onflict in Congress is neither all consuming nor is it the defining characteristic of lawmaking,” (Adler and Wilkerson 2012, 4) is also an appropriate assessment of the consequences of partisan polarization on the utilization
of conference committees. In other words, partisan polarization does not affect all issues equally.

**Data and Variables**

The data for these models comes from the population of bills that became public law from the 93rd Congress (1973-1974) through the 112th Congress (2011-2012). The dependent variable describes whether each bill was resolved via conference committee (1) or not (0). Data for individual bills is drawn from the Congressional Bills Project dataset (Adler and Wilkerson 1973-2012), with additional data gathered by the author on whether a law was resolved via conference committee from information in the Library of Congress website of federal legislative information, Congress.gov (Library of Congress 2015). This binary dependent variable provides a simple, uniform term for legislation that was resolved via conference committee and passed into law, but excludes those bills that may have gone to conference but faltered at later stages of the legislative process such as failure to pass the conference report by one or both chambers, veto by the president, and congressional override or failure to override a veto. Limiting the measure for the dependent variable to these criteria produces a parsimonious standard for inclusion and a robust sample size of 8,505 bills, a total of 1,229 (14.45%) coded as resolved via conference committee, for the period of the 93rd to 112th Congress. Table 4.1 summarizes the dependent variable.6 There is additional analytic precedent to limiting the dependent

---

6 An interesting additional statistic available from the dataset is the frequency of bills that went to conference and that became public law. Among all bills in the data for which a conference report was filed (1,388), only 159 did not become public law for reasons such as failure of the report to pass Congress, veto,
variable to only those bills that become public law. Other authors have looked at how conference committees are related to broader party strategic behavior (e.g. Shepsle and Weingast 1987; Longley and Oleszek 1989; Krehbiel 1991; Ladwig and Bourbeau 2005). By limiting the data to only those bills that became law, a reliable constant is set, regardless of the myriad strategies and intentions that may have determined the life of a bill from start to finish.

Table 4.1

<table>
<thead>
<tr>
<th>CCPL</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>7,276</td>
<td>85.55</td>
</tr>
<tr>
<td>1</td>
<td>1,229</td>
<td>14.45</td>
</tr>
<tr>
<td>Total</td>
<td>8,505</td>
<td>100</td>
</tr>
</tbody>
</table>

Variance: 0.1236   Std. Dev.: 0.3516

Cartel Model. The independent variable for cartel theory at the bill-level of analysis is based on the degree of unity of the bill sponsor with their party and the degree of overlap with the party in the opposite chamber, based on the proposition in cartel theory that agenda control by party leadership is a function of party unity. This measure is arrived at or failure to override veto. The data indicate that for the 93rd to 112th Congresses 88.5% of bills that went to conference committee became public law. This comports with previous qualitative estimates by Rybicki (2003) and Longely and Oleszek (1989) that most bills that go to conference become public law. To the author’s knowledge, no other research provides as precise an estimate of the number of bills that go to conference that become public law.
by creating a unity average of the party in chamber based on the closeness of the Poole and Rosenthal first dimension DW-NOMINATE score of the bill sponsor and that of first dimension median score of their respective chamber-level party and then determining the absolute difference in that value from the first-dimension median of the party in the other chamber:

\[
\text{Intraparty Unity} = |\left(\frac{DW_{1\text{Sponsor}} + DW_{1\text{Sponsor Party in Chamber}}}{2}\right) - DW_{1\text{Sponsor Party in Other Chamber}}|
\]

This results in a non-negative continuous variable, in which higher values indicate lower intraparty unity. A negative and statistically significant coefficient will be interpreted as support for the hypothesis. The variable of intraparty unity for the Cartel model is summarized in Table 4.2 and visually represented in Figure 4.1.

| Cartel Model Variable of Bill Sponsor Intraparty Unity, Bill-level Analysis |
|-----------------------------|--------|-----------|-----|------|
|                            | Observations | Mean  | Std. Dev. | Min | Max  |
| Intraparty Unity           | 8505         | 0.0914 | 0.0818    | 0   | 0.7725 |
Conditional Party Government (CPG) Model. To arrive at a bill-level variable that estimates conditional party government across both chambers, a bicameral measure of interparty distance is determined based on the ideological unity of the bill sponsor with respect to their party (i.e. Bicameral Party Unity as measured in the Cartel model) and the bicameral unity of the opposite party, based on an average of the absolute distance of
the Poole and Rosenthal DW-NOMINATE first dimension scores of the opposite party in both chambers:

\[
\text{Equation 4.2} \\
\text{Interparty Distance} = |Intraparty Unity_{Sponsor Party} - \frac{DW_{1 \text{Opposite Party in Chamber}} - DW_{1 \text{Opposite Party in Other Chamber}}}{2}|
\]

The product of this equation represents a spatial value of the closeness of the bill sponsor based on their spatial relation to the left or right of their own party and their distance to the opposite party, resulting in a non-negative continuous variable, in which higher values indicate higher interparty distance. A negative and statistically significant coefficient will be interpreted as support for the hypothesis. The CPG variable for interparty distance is summarized in Table 4.3 and graphed in Figure 4.2.

<table>
<thead>
<tr>
<th>CPG Model Variable for Interparty Distance, Bill-level Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Observations</td>
</tr>
<tr>
<td>Interparty Distance</td>
</tr>
</tbody>
</table>
Methods
The bill-level partisan model includes a single, binary dependent variable for whether a bill was resolved via conference committee, continuous variables for the primary hypotheses, and categorical and continuous control variables. In the case of binary outcome variables a logistic regression (logit) analysis is appropriate (Long and Freese 2006: 130-135). In the logit regression a latent or unobserved dependent variable is hypothesized and related to the observed data. The logit predicts the log odds of the outcome based on modeling a linear combination of the predictor variables; coefficients
and standard errors are reported in log-odds units. Separate models are estimated, one with and one without the interaction between *Intraparty Unity* and *Interparty Distance*. The base estimation model without the interaction is the following:

**Equation 4.3**

\[
\ln \left( \frac{P}{1-P} \right) = \alpha + \beta_1 (\text{Intraparty Unity}) + \beta_2 (\text{Interparty Distance}) \\
+ \beta_3 (\text{Sponsor in Majority}) + \beta_4 (\text{Unified Congress}) \\
+ \beta_5 (\text{Senate Minority Distance}) \\
+ \beta_6 (\text{Mean Conference Committees Per Congress}) \\
+ \beta_t (\text{Time by Congress}_t_{1...20})
\]

Dummy variables for time, as measured by the period of each of the twenty Congresses in the sample, are included to control for the possibility of unexplored characteristics within each Congress that may affect the relationship between the stated independent variables and the utilization of conference committees.\(^7\)

Model iterations include control variables for whether the bill sponsor is in the majority party, when there is a unified Congress, the total number of conference committees, and the period of each of the twenty Congresses in the sample.

---

\(^7\) A fixed-effects model was also estimated, resulting in substantively identical coefficients on the primary independent variables. When analyzing the relationship between predictor and outcome variables that may vary within an entity over time (in this case such variance is within each Congress) a fixed-effects logit model estimation is appropriate to correct for the possibility of unexplored characteristics within each Congress itself that may effect the utilization of conference committees (Torres 2007, 8-11).
committees held per Congress, the size of the Senate majority, and time as measured in the period of a full Congress, summarized in Table 4.4.

Table 4.4

<table>
<thead>
<tr>
<th>Control Variables for Partisan Models of Conference Committee Utilization, Bill-level Analysis</th>
<th>Observations</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min.</th>
<th>Max.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous Variables</td>
<td>Conference Committees on Public Laws per Congress</td>
<td>8,505</td>
<td>67.7173</td>
<td>46.0515</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Senate Minority Distance, First Dimension</td>
<td>8,505</td>
<td>0.6680</td>
<td>0.0883</td>
<td>0.54</td>
</tr>
<tr>
<td>Discrete Variables</td>
<td>Sponsor Member of Majority Party</td>
<td>0</td>
<td>1,628</td>
<td>19.14</td>
<td>0.3934</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>6,877</td>
<td>80.86</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unified Congress</td>
<td>0</td>
<td>1,781</td>
<td>20.94</td>
<td>0.4069</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>6,724</td>
<td>79.06</td>
<td></td>
</tr>
</tbody>
</table>

Results

The empirical analysis tests each hypothesis pertaining to the data and models, described above, to examine the role of partisanship in accounting for the utilization of conference committees on individual bills that became public law. Table 4.5 presents the results of the estimation of the logit regression model of the utilization of conference
committees based on the predictor variables for cartel theory and conditional party government, as well as control variables and a control for time measured per Congress. The model supports the hypothesis for conditional party government (interparty distance) but not that of Cartel theory (bicameral party unity). The model contains 8,505 observations and twenty-two degrees of freedom, including the controls for time. Based on the p-value of the chi-square statistic (754.81) the model is statistically significant. The proportion of the variance explained by the predictor variables on the overall model represented by pseudo-$R^2$ is 0.1074. The predictor variable for Cartel theory (bicameral party unity) has a coefficient of 1.3325, with a standard error of 0.9033, which is not statistically significant. The predictor variable for conditional party government

---

8 A model estimation including an interaction term between bicameral party unity and interparty distance produced statistically non-significant findings on bicameral party unity and on the interaction, as well as lower statistically significant finding on interparty distance (coefficient -3.0182, $p<0.037$). This indicates that as bicameral party unity and interparty difference mutually vary, the utilization of conference committees is not significantly effected (Berry and Sanders 2000, 64-66).

9 Although the case for doing so is a matter of preference (Long and Freese 2006, 88), the model was also tested using Huber-White robust standard errors. Values of the coefficients and standard errors shifted modestly, as predicted, and the overall model, including the independent variable and control variables, produced statistically significant results.

Another separate model using bootstrapped standard errors was also fitted because the regression includes estimators from DW-NOMINATE that are themselves the product of another estimation, resulting in substantively identical statistical outcomes. This technique may be used when a regression includes estimators that are themselves the product of some other estimation or regression, as NOMINATE scores are.
(interparty distance) has a coefficient of -4.6696, with a standard error of 1.1285, which is statistically significant ($p<0.001$). That is, for each one-unit increase in interparty distance the expected log count of the number of conference committees decreases 4.6696, which is consistent with the hypothesis that as the value of the bicameral indicator for distance between the bill sponsor and their party and the opposite party goes up, the likelihood of the utilization of conference committee on the legislation will decrease.
Table 4.5

Logit Regression
Partisan Theory of the Utilization of Conference Committees, Bill-level Analysis, 93rd – 112th Congress

<table>
<thead>
<tr>
<th>Variable</th>
<th>Coefficient</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilization of Conference Committee, per Bill</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intraparty Unity (Cartel Theory)</td>
<td>1.3325</td>
<td>(0.9033)</td>
</tr>
<tr>
<td>Interparty Distance (CPG)</td>
<td>-4.6696**</td>
<td>(1.1285)</td>
</tr>
<tr>
<td>Sponsor Member of Majority</td>
<td>1.9471**</td>
<td>(0.1609)</td>
</tr>
<tr>
<td>Unified Congress</td>
<td>-0.0119</td>
<td>(0.4996)</td>
</tr>
<tr>
<td>Senate Minority Distance</td>
<td>21.45033</td>
<td>(22.8422)</td>
</tr>
<tr>
<td>Conference Committees on Public Laws, per Congress</td>
<td>0.0713</td>
<td>(0.0428)</td>
</tr>
<tr>
<td>_cons</td>
<td>-22.779</td>
<td>(18.8344)</td>
</tr>
</tbody>
</table>

| N                              | 8,505       |
| Chi-square                     | 754.81**    |
| Pseudo R-squared               | 0.1074      |

Standard errors in parentheses.
* $p<0.05$; ** $p<0.01$
On the marginal effects of changes in each predictor variable on the utilization of conference committees, holding other values at their mean, the change in probability of a conference committee with each unit increases in the interparty difference measure is -0.4314 (S.E. 0.1039), which is statistically significant ($p<0.001$). Being a member of the majority party predicts a greater probability of a conference committee (0.1196, S.E. 0.0059), which is statistically significant ($p<0.001$). Figure 4.3 visually represents the marginal effects of changes in interparty difference on the utilization of conference committee for a given bill, holding other values at their mean.
Marginal effects of changes in Interparty Distance on the utilization of conference committees, per bill, holding other values at their mean, 93rd-112th Congress

Figure 4. 3

Because coefficients and standard errors in a logit regression are reported in log-odds units, the value of the logit outputs are calculated to obtain odds ratios. Holding other variables constant, as the value of interparty distance increases by one unit, the odds of a conference committee occurring (i.e. CCPL = 1) decreases by 0.0092. Holding all values constant, when the bill sponsor is a member of the majority party there is an increased probability in the utilization of a conference committee (odds ratio = 7.0081).
Variables for unified Congress, number of conference committees per conference, Senate minority distance from majority, and time (not listed) are not statistically significant.

The Hosmer and Lemeshow goodness-of-fit test indicates that the model fits the data. The observed frequencies in the sample and the predicted frequency of the logit model closely match. The Pearson chi-square (9.49) computed from observed frequencies and expected frequencies, grouped by 10, is statistically significant (Prob > chi2 = 0.3030).

In short, a partisan model of the utilization of conference committees is partially valid. The results of the test indicate that the cartel theory indicator based on intraparty unity is not statistically significant, but that interparty distance, representing conditional party government, is a statistically significant predictor of the utilization of conference committees on individual bills that become public law. Significant findings on the interparty distance predictor, the value of pseudo-$R^2$ (0.1074), the marginal effects of the variable for interparty distance (0.4314), and the overall model fit suggest that the data and model partially account for the utilization of conference committees. The findings indicate that the distance between parties, as well as whether a bill sponsor is a member of the majority party, have a significant effect on when a bill is resolved via conference committee.

**Major Policy Topics and the Utilization of Conference Committees.** Data compiled by the Policy Agendas Project used in the development of the dataset for the present research includes measures of policy activity within particular policymaking areas on
bills introduced in Congress across nineteen major topic areas over different points in

time (Policy Agendas Project 2013) based on laws directly addressed by a story in the

congressional news publication CQ (Adler and Wilkerson 2012, 148-149). Table 4.6

provides a listing of the major policy topic categories among the 8,505 bills in the dataset

used in this research of bills that became public law, 93rd-112th Congress, and the

frequency by which bills in each agenda topic were resolved via conference committee.

The graph in Figure 4.4 visually represents the percentage of laws by each policy topic

resolved via conference committee.

The availability of this data make it possible to demonstrate that partisan effects

on conference committee utilization vary according to particular policy agenda topics,

which suggests that partisan polarization manifests itself differently by issue at the

bicameral level. Adler and Wilkerson, who echo Aldrich and Rohde (2000), assert

“partisan politics does not infuse every issue” (Adler and Wilkerson 2012, 195).

Building on this claim, the present analysis contends that the partisan effects on the

utilization of conference committees does not uniformly apply to all issues in a

significant way. The policy topic indicators also provide a means of addressing the

question of whether conference utilization varies based on the “importance” of

legislation. It is perhaps a circular statement to suggest that all legislation that becomes

law is somehow important. However, previous scholars (Binder 2003; Mayhew 1991,

2005) have attempted to address the question of what constitutes important or major

legislation, although the criteria are not consistent with one another and thereby difficult

to generalize as a broad standard. The nineteen policy topics, however, are a means of
classifying all legislation that became law by issue and to circumvent analytically challenging considerations about relative importance.

The nineteen policy topics are added to and tested as dichotomous indicators in the logit estimation model of partisanship on the utilization of conference committees presented in the above analysis of this chapter. The reference category in the model estimation is “Other, Miscellaneous, Human Interest.” A statistically significant positive coefficient indicates that the given policy topic is likely to be resolved via conference committee, holding variables for partisan polarization constant, suggesting an absence of the partisan effects. Table 4.7 summarizes the results.
<table>
<thead>
<tr>
<th>Policy Topic</th>
<th>Policy Topic Code</th>
<th>Utilization of Conference Committee on Public Law</th>
<th>Percent CC's</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DV=0</td>
<td>DV=1</td>
<td>Total Laws</td>
</tr>
<tr>
<td>Macroeconomics</td>
<td>DV=0</td>
<td>DV=1</td>
<td>Total Laws</td>
</tr>
<tr>
<td>Civil Rights, Minority Issues, and Civil Liberties</td>
<td>2</td>
<td>96</td>
<td>108</td>
</tr>
<tr>
<td>Health</td>
<td>3</td>
<td>308</td>
<td>62</td>
</tr>
<tr>
<td>Agriculture</td>
<td>4</td>
<td>190</td>
<td>54</td>
</tr>
<tr>
<td>Labor, Employment, and Immigration</td>
<td>5</td>
<td>172</td>
<td>33</td>
</tr>
<tr>
<td>Education</td>
<td>6</td>
<td>167</td>
<td>44</td>
</tr>
<tr>
<td>Environment</td>
<td>7</td>
<td>332</td>
<td>43</td>
</tr>
<tr>
<td>Energy</td>
<td>8</td>
<td>182</td>
<td>49</td>
</tr>
<tr>
<td>Transportation</td>
<td>10</td>
<td>308</td>
<td>90</td>
</tr>
<tr>
<td>Law, Crime, and Family Issues</td>
<td>12</td>
<td>363</td>
<td>44</td>
</tr>
<tr>
<td>Social Welfare</td>
<td>13</td>
<td>117</td>
<td>43</td>
</tr>
<tr>
<td>Community Development and Housing Issues</td>
<td>14</td>
<td>59</td>
<td>30</td>
</tr>
<tr>
<td>Banking, Finance, and Domestic Commerce</td>
<td>15</td>
<td>430</td>
<td>73</td>
</tr>
<tr>
<td>Defense</td>
<td>16</td>
<td>427</td>
<td>181</td>
</tr>
<tr>
<td>Space, Science, Technology, and Communications</td>
<td>17</td>
<td>149</td>
<td>33</td>
</tr>
<tr>
<td>Foreign Trade</td>
<td>18</td>
<td>145</td>
<td>48</td>
</tr>
<tr>
<td>International Affairs and Foreign Aid</td>
<td>19</td>
<td>268</td>
<td>57</td>
</tr>
<tr>
<td>Government Operations</td>
<td>20</td>
<td>1,761</td>
<td>202</td>
</tr>
<tr>
<td>Public Lands and Water Management</td>
<td>21</td>
<td>1,658</td>
<td>88</td>
</tr>
<tr>
<td>Other, Miscellaneous, Human Interest</td>
<td>99</td>
<td>38</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>7276</td>
<td>1229</td>
<td>8505</td>
</tr>
</tbody>
</table>
Figure 4.4. Percent Utilization of Conference Committees per Public Law by Policy Topic, 93rd-112th Congress
Table 4.7
Logit Regression, Policy Topic Area and Partisan Theory of the Utilization of Conference Committees, Bill-level Analysis, 93rd – 112th Congress

<table>
<thead>
<tr>
<th>Policy Topic Area</th>
<th>Utilization of Conference Committee, per Bill</th>
<th>Utilization of Conference Committee, per Bill</th>
<th>Utilization of Conference Committee, per Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macroeconomics</td>
<td>1.7204* (0.7165)</td>
<td>1.7562* (0.7606)</td>
<td>1.0929 (0.9289)</td>
</tr>
<tr>
<td>Civil Rights, Minority Issues, and Civil Liberties</td>
<td>0.7626 (0.8013)</td>
<td>2.0651** (0.7741)</td>
<td>-4.4162** (1.1613)</td>
</tr>
<tr>
<td>Health</td>
<td>1.3622 (0.7514)</td>
<td>1.1078 (0.7484)</td>
<td>1.725** (0.1631)</td>
</tr>
<tr>
<td>Agriculture</td>
<td>1.4716 (0.754)</td>
<td>2.0503** (0.7432)</td>
<td>-0.0328 (0.5037)</td>
</tr>
<tr>
<td>Labor, Employment, and Immigration</td>
<td>1.1453 (0.7626)</td>
<td>1.3491 (0.7636)</td>
<td>20.5095 (22.9570)</td>
</tr>
<tr>
<td>Education</td>
<td>1.4821 (0.7579)</td>
<td>1.6934* (0.7574)</td>
<td>0.0773 (0.0431)</td>
</tr>
<tr>
<td>Environment</td>
<td>0.716 (0.7551)</td>
<td>1.2432 (0.7525)</td>
<td></td>
</tr>
<tr>
<td>Energy</td>
<td>1.333 (0.7555)</td>
<td>0.9851 (0.7411)</td>
<td>0.1495</td>
</tr>
<tr>
<td>Transportation</td>
<td>1.4958* (0.7473)</td>
<td>0.0412 (0.7452)</td>
<td>-23.1206 (18.9434)</td>
</tr>
<tr>
<td>Law, Crime, and Family Issues</td>
<td>0.8091 (0.755)</td>
<td>(NA)</td>
<td>8.505</td>
</tr>
</tbody>
</table>

Chi-square 1050.07**

Standard errors in parentheses. * p<0.05; ** p<0.01
Consistent with the estimation model without the policy topics and time fixed effects, interparty distance is highly statistically significant (Coef. -4.4161, \( p<0.001 \)), as is sponsor member of majority party (Coef. 1.725, \( p<0.001 \)), while intraparty unity, unified Congress, Senate minority party distance, and number of conference committees per Congress are not statistically significant. Among 19 policy topics, six are statistically significant regarding the partisan effects on the utilization of conference committees per policy issue: Macroeconomics; Transportation; Social Welfare; Community Development and Housing Issues; Defense; and Foreign Trade. The positive coefficients on these statistically significant policy topics suggest that the utilization of conference committees is more likely on these issues, holding other variables constant. The overall model is statistically significant (Chi-square 1050.07, \( p<0.001 \)), pseudo-R\(^2\) is 0.1495, and the Hosmer and Lemeshow goodness-of-fit test indicates that the model fits the data (Chi-square 8.59, \( p>0.3777 \), grouped by 10).

Separate models interacting interparty distance with the policy topics statistically related to the utilization of conference committees are also estimated. In each of these tests both interparty distance and the respective policy topics held statistically significant results consistent with the model without the interaction. None of the models were

\(^{10}\) Estimations of the model using Huber-White robust standard errors do not substantially alter the results. Bootstrapped standard errors yield statistically significant results on the following additional issue topics (bootstrapped standard errors in parentheses; coefficients do not change): Agriculture (BSE 0.6291*), Education (BSE 0.7579*), Energy (BSE 0.6408*), Space, Science, Technology, and Communications (BSE 0.6337*), International Affairs and Foreign Aid (BSE 0.6311*). With bootstrapped standard errors the total number of issues for which there is a statistically greater likelihood of conference committees is 11.
statistically significant at the 95 percent confidence level ($p<0.05$). However, if confidence level requirement is relaxed to 90% ($p<0.10$), the interactions are significant on Community Development and Housing Issues (Coef. -9.1224, $SE$ 5.1278), Foreign Trade (Coef. -1.0362; $SE$ 0.6173), and Defense (Coef. 2.7441; $SE$ 1.5314). The negative coefficients on Community Development and Housing Issues and Foreign Trade suggest that as interparty distance increases the utilization of conference committees actually declines on these issues, which is consistent with the theory presented here, whereas interparty distance on Defense predicts has the effect of increasing the utilization of conference committees, indicating that partisan polarization contributes to conference use – the opposite effect of what the theory predicts.

The results of this statistical analysis suggests that partisanship does not equally affect the utilization of conference committee on all policy topics and that, on some issues, bicameral cooperation is more likely in the form of the conference committees. Therefore, some agenda topics appear to mitigate the effects of partisan polarization on the utilization of conference committees.

**Discussion**
Findings in the bill-level analysis of this chapter, along with the Congressional-level analysis in Chapter 3, provide a consistent explanation of the role of partisanship in the utilization of conference committees in the resolution of laws. Like Chapter 3, the findings in Chapter 4 are supportive of the conditional party government model of conference committee utilization, which suggests that greater distances between parties results in a less cooperative environment and, hence, a reduction in the utilization of
conference committees. The non-significant finding on party unity indicates that conditions of cartel theory – unified parties – alone do not favor agenda control in the form of limiting the utilization of conference committees. The non-significant finding on intraparty unity in a model estimation with the interaction on intraparty unity and interparty distance suggests that, at the bill level, the effect of distance between parties does not significantly vary with changes in party unity in predicting the utilization of conference committees. This finding is consistent with conditional party government, which predicts that partisan behavior of Congress is contingent on party distance. That is, greater ideological distance between parties, holding party unity constant, results in a reduction in the utilization of conference committees. However, it is notable that overall party unity is not a significant predictor of conference committees, as this is at slight odds with the contention of conditional party government that party unity, as well as party distance, together contribute to partisan behavior in Congress. That the interaction between unity and distance is not statistically significant may suggest that conference use is not a substantial feature of positive agenda control; however, because distance is significant, the negative or blocking power of parties in a polarized Congress is important. That bills sponsored by members of the majority party in their respective chambers is highly statistically significant is notable, but does not lend itself to immediate theoretic interpretation.

Evidence for the mitigating effects of issue type on partisanship in the utilization of conference committees supports a compelling argument that not all issues are equally partisan and that bicameral cooperation varies depending on the public policy topic under
consideration. This finding invites additional research on the sources of party conflict and cooperation across issue topics and explanations for why particular issues are unequally subject to partisan effects. That some issues are affected differently by partisan polarization should not be surprising. Others have shown that legislative performance may vary based on policy substance (e.g. Lapinski 2013). Adler and Wilkerson, from whom the data on issues is derived, propose that congressional problem solving in a legislative context of increasing demands and limited capacity results in some issues being deferred while others are more readily addressed (Adler and Wilkerson 2012). “Agenda scarcity” drives even a polarized congress to address issues in a problem-solving manner, dealing with issues on which there is the greatest urgency or on which the prospects of congressional action are greatest. Additional research is required before drawing conclusions about why the issues identified here are more likely to be resolved in a bicameral institution of compromise. But that such variance does exist lends support to the notion that the prospects of success are greater either because some issues are less subject to party conflict or, alternately, as Adler and Wilkerson’s research suggests, because of the importance about which their resolution is viewed, in particular the extent to which resolution of an issue may have electoral consequences.

“[L]egislatures prioritize what we term ‘compulsory’ issues… To the extent that each type of problem is viewed as having potential electoral consequences for a broad swath of lawmakers, the legislative body will direct scarce collective and individual attention toward them. As a result, limited time and resources remain to
address other ‘discretionary’ issues reflecting the agendas of individual lawmakers or parties” (Adler and Wilkerson 2012, 63).

At present, there analysis here provides a descriptive response, indicating that, yes, some issues are more likely to be resolved via conference committee. Whether or not conference committees are the preferred means of resolution based on other criteria of what is “important” or “major” remains to be discovered.

An alternate consideration for the decline in the utilization of conference committees, raised in the author’s conversations with congressional experts, is based on efficiency and which is consistent with Adler and Wilkerson’s logic that legislation attended to is that which is electorally consequential. In fact, several interviewees alluded without prompting to the role of efficiency in determining whether a conference committee was utilized, or not. As one member professional staff of Congress offered:

Is the decline of the conference because of efficiency? It is in part.

Demands on Senators’ and Representatives’ time is part of it. It’s the whole thing of always running for office, with constituent responsibilities. That effects how much time they have to sit around and become policy wonks and hash out what the best policy is. There is a loss of deliberation (Interview with author, 2014).

Other comments by interviewees suggest that a highly partisan environment creates even greater pressure for more efficient processes when rampant partisan disagreement impedes even what previously were routine procedural matters. A senior congressional aide observed, “When there are so many chances to filibuster and roadblock, going to
conference creates opportunities for people to pull tricks. Polarization on the outside leads to procedural positioning on the inside. Therefore, [conference committees] will never happen” (Interview with author, 2014). Whether particular issues should be resolved via conference committee or a “more efficient” means of amendment exchange is not readily apparent in the data examined here. However, as Adler and Wilkerson suggest, the most important and electorally consequential issues may be resolved in the most efficient, not the most deliberative, manner. A general decline of regular order in Congress may be, at least in part, a reflection of the most efficient means to legislating in an evermore intractable procedural environment. The implications of these observations and a full theoretical treatment, again, are topics worthy of future research.

As with the null finding in the Congressional-level analysis in Chapter 3, the absence of evidence for the role of Senate minority obstructionism in the bill-level analysis is notable, given previous research findings that suggest polarized Senate minorities act as a substantial limiting factor in the utilization of conference committees (e.g. Ryan 2011). Regarding the non-ideological determinants of partisanship and the utilization of conference committees, data available at this time do not permit a bill-level analysis of strategic party government theory, but the following chapter provides a bill-level assessment of the effects of partisan teamsmanship on non-ideological legislation and the utilization of conference committees.

Significant results in this bill-level analysis provide robust evidence in support of the effects of partisan polarization at the bicameral level, looking at twenty Congresses and four decades of American politics, and offer further confirmation of the assumption
that partisan theories based on research in a single chamber apply to Congress as a whole. However, although controls for the passage of time are included in the model, the data analyzed here is primarily comprised of much of the modern, post-1970s reform Congress and the more recent era of heightened partisanship. Additional analysis of data extending further back in time is required to determine if partisan effects on bicameral behavior are artifacts of the present age or if they have been present in other periods of the institution’s history. Nevertheless, with both a finding based on Congressional-level on 33 Congresses in Chapter 3 and the 8,505 case bill-level analysis spanning nearly forty years in this chapter, evidence the role of ideological partisan polarization on the utilization of conference committees is demonstrated with confidence. Additional research into bicameral effects of partisanship may seek to further identify the scope and limits of partisanship on the institutional-level behavior of the U.S. Congress. The next chapter undertakes further bill-level analysis to examine the non-ideological sources of partisanship and partisan teamsmanship on the utilization of conference committees.
CHAPTER FIVE: A BILL-LEVEL EMPIRICAL ANALYSIS OF THE NON-IDEOLOGICAL DETERMINANTS OF PARTISANSHIP AND THE UTILIZATION OF CONFERENCE COMMITTEES

Congressional-level and bill-level analyses of partisan theory, presented in Chapters 3 and 4, support the theory that heightened partisan polarization negatively affects the utilization of conference committees. This is evident in findings dating back to the 80th Congress at the aggregate congressional-level and to the 93rd Congress at the bill level and helps explain the precipitous decline in conferences over the past two decades. Specifically, a partisan theory of conference committee utilization contends that greater partisan polarization leads to less cooperation, which is manifested in a decline in the utilization of an institution of bicameral compromise. Derived from cartel theory and agenda setting (Cox and McCubbins 2005; 2007) and conditional party government (Rohde 1991; Aldrich and Rohde 1998; Aldrich and Rohde 1999), the theory predicts that conference committees are most likely to be used when they can serve majority party efforts at agenda control and less likely to be used when subject to polarized environment in which the majority and minority parties are highly unified and ideologically distant from one another. In times of heightened partisan polarization, members of congress are increasingly disinterested in using conference committees to reconcile differences in favor of legislative action that advances party interests. Evidence at both the congressional and bill levels of analysis indicates that the distance between parties over
party unity is the more consequential. This partisan model of the utilization of conference committees, empirically tested in the previous two chapters, is derived from ideological conceptualizations of partisanship. While partisan theory largely focuses on ideological determinants of congressional behavior evidence also suggests that partisan teamsmanship (Lee 2009), or partisan warfare (Thierault 2012), and jockeying for electoral advantage (Lebo, McGlynn, and Koger 2007) also contribute to partisan behavior in Congress.

This chapter will build upon a partisan theory of conference committee utilization based on Frances Lee’s work on the non-ideological determinants of partisan congressional behavior to argue that partisan teamsmanship manifests itself in the utilization of conference committees on bills for which ideology should not be a prime driver of legislative behavior. In the predominant literature on partisan theory, partisanship is implicitly understood as the ideological distance among members of Congress on a liberal to conservative dimension (Poole and Rosenthal 1997; 2007). Yet Lee (2009) presciently reminds us that not all partisan behavior is rooted in disagreement over beliefs or values. Conflict over power in Congress and reelection lead fellow partisans to systematically engage in competition with the opposing party that is not directly attributable to ideological disagreement.

‘Ideology’ refers to systems of belief, values, and preferences about politics and public policy. As such, it is distinct from a politician’s political interests in cooperating with fellow partisans to climb the career ladder in the legislature,
wield power, foster a favorable collective party reputation, or maintain a good social standing among party colleagues (Lee 2009: 47).

Non-ideological determinants of partisan behavior, therefore, significantly affect congressional outcomes independent of ideologically-driven motivations.

In the analysis upon which Lee’s theory is based, “competitive team play” results in partisan behavior on legislative issues not specifically ideological but which are matters of presidential leadership, good governance, or congressional procedure. When presidential leadership is evident on an issue it becomes a matter of winning seats for both the president’s and the opposite party. Legislative victory on such issues bolsters the electoral prospects of the party of the president, and therefore will be contested by the opposing party in Congress. Defeating the party of the president becomes important to lowering the value of the brand of the opposing party and decreasing its electoral prospects. Therefore, partisans will oppose the president of an opposing party irrespective of the ideological nature of the issue being advanced by the White House. Good governance issues, as defined by Lee, are inherently non-ideological. Both parties, for example, oppose corruption, waste, and fraud so ideology alone will not account for why such measures are subject to partisan disagreement. In her formulation, when partisan behavior is evident on such good governance measures it is not a product of ideological disagreement. Procedural movement on such measures would not be inhibited if partisanship were based on ideology alone. When fellow partisans seek control of the legislative agenda to advance a party brand relative to the other, procedural matters (such as the utilization of conference committees) will become subject to partisan behavior.
If ideology alone accounts for the utilization of conference committees, there will be no evidence in variance on conference committees on issues that have little bearing upon, or that cannot be distinguished within, the framework of the liberal-conservative ideological spectrum. As Lee explains:

Differentiating votes by the types of issues at stake makes it possible to establish a baseline for a ‘normal’ level of partisanship on particular issues at different times. This baseline was then used to ascertain how political factors – such as the president’s involvement in the issue or its procedural framing – modify the levels of party conflict on particular votes. When the presence of political incentives systematically intensifies partisan conflict relative to its baseline on a given issue, I infer that this ‘excess’ partisanship goes beyond party members’ usual policy differences on that type of issue… political considerations can and do make otherwise noncontroversial issues partisan (Lee 2009, 183).

Building upon Lee’s operationalization we can ask how much is the utilization of conference committees based on parties responding to “presidential leadership, to attacks on their competence and trustworthiness, and during contests over agenda control” (Lee 2009, 19)? More broadly, “How does the issue content of the legislative agenda over time affect the level of overall party conflict,” (Ibid.) especially as manifested in the utilization of conference committees? Looking at the period of the 97th to 108th Congress, Lee classifies bills as having presidential engagement, represented by reference in the State of the Union, or as being “good governance” measures such as improving government transparency or efficiency in Congress. Therefore, in a non-ideological partisan model of
conference committee utilization, going to conference becomes a question about not just the alignment of ideological preferences among partisans, but one also about collective partisan interests tied to electoral victory and power in congress.

The model presented here, based on Lee’s work, is that non-ideological partisan teamsmanship will manifest itself in the utilization of conference committees on bills for which there is presidential engagement or that are good governance measures - that is, bills that are not expressly ideological will be affected by partisan polarization. Specifically, as ideological partisan polarization in Congress increases the utilization of conference committees on bills with presidential engagement and on good governance measures will decline because the willingness of members of Congress to employ an instrument of compromise decreases due to partisan teamsmanship. In other words, in periods of high partisan polarization ideology alone does not explain when issues become subject to partisan activity.

In this chapter, the hypothesis derived from non-ideological theories of partisanship is tested at the level of individual bills, based on whether or not legislation that completed the legislative process to become law was resolved via conference committee or not:

\[ H1_{\text{Beyond Ideology}}: \text{The utilization of conference committees on good governance measures and bills with presidential engagement decreases as partisan polarization across the House and Senate increase.} \]

The hypothesis will be tested in a single model that controls for the combined effects of both ideological and non-ideological partisanship.
Data and Variables

The dataset for examining the non-ideological determinants of partisan behavior is based upon comprises the 101st to the 108th Congress and incorporates both conventional measures of ideological partisanship as well as Frances Lee’s indicators for presidential engagement and good governance. The dependent variable is based on bills that became public law from the 101st Congress (1989-1991) through the 108th Congress (2003-2005) and whether they were resolved via conference committee (1) or not (0). Data is drawn from the Congressional Bills Project dataset (Adler and Wilkerson 1973-2010) and additional information compiled by the author. This binary dependent variable provides a simple, uniform term for legislation that was resolved via conference committee and passed into law, but excludes those bills that may have gone to conference but faltered at later stages of the legislative process such as failure to pass the conference report by one or both chambers, veto by the president11, and congressional override or failure to override a veto. Limiting the measure for the dependent variable to these criteria produces a parsimonious standard for inclusion and a robust sample size of 3,238 bills, a total of 376 (11.61%) coded as resolved via conference committee, for the period of the 101st to 108th Congress. Table 5.1 summarizes the dependent variable.

11 Although veto by the president certainly implies presidential engagement, a presidential veto occurs after a bill emerged from the process of bicameral resolution. Moreover, operationalization of the concept of presidential engagement is based upon floor votes on legislation that correspond to issues raised in the presidents annual “State of the Union” address to Congress (Lee 2009).
Table 5.1

<table>
<thead>
<tr>
<th>CCPL</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>2,862</td>
<td>88.39</td>
</tr>
<tr>
<td>1</td>
<td>376</td>
<td>11.61</td>
</tr>
<tr>
<td>Total</td>
<td>3,238</td>
<td>100</td>
</tr>
</tbody>
</table>

Variance: 0.1116304  Std. Dev.: 0.3204

Beyond Ideology Model. The “beyond ideology” variable is not itself a measure of partisanship. Rather, it is an indicator of bills that are not expressly partisan but bills upon which Lee’s concept of “excess partisanship” can be identified. Therefore, when we see that partisan polarization affects such bills we can, following Lee, deduce that it is not ideology alone that leads to partisan behavior on such measures. Partisan conflict evidenced, as here, for example, by declining use of conference committees on such measures, is reflective of partisan teamsmanship.

The variable for bills categorized as “beyond ideology” were coded as having either presidential engagement or good governance in data compiled by Frances Lee on floor votes in the United States Senate (Lee 2009). Because the Lee data is based upon floor votes and does not contain bill numbers, the Lee roll call votes are cross-referenced to votes on final passage on legislation that became public law and corresponding bill numbers drawn from the website Govtrack.us (Govtrack.us 2015) available for the 101st Congress.
to 108th Congresses. The result is data comprising the 101st to 108th Congresses containing bills that became law and coded for whether they were resolved via conference committee (1) or not (0), plus individual binary variables for whether a law is coded by Frances Lee as a presidential engagement or good governance measure ($N = 3,238$). Lee data on procedural partisanship is excluded because by definition procedural measures are not open to resolution via conference committee. The result is dichotomous variable is created that indicates both whether a law is a presidential engagement measure or a good governance measure ($N$ beyond ideology = 71, which is lower than a combined value of presidential engagement and good governance because of five bills with dual coding), summarized in Table 5.2.

### Table 5.2

<table>
<thead>
<tr>
<th>Beyond Ideology Variable of Bills Coded as Presidential Engagement or Good Governance, 101st-108th Congress</th>
<th>Value</th>
<th>Frequency</th>
<th>Percent</th>
<th>Std. Dev.</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beyond Ideology</td>
<td>0</td>
<td>3167</td>
<td>97.81</td>
<td>0.1465</td>
<td>0.0215</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>71</td>
<td>2.19</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Lee data is based exclusively upon Senate roll call votes, leaving out bills originating in the House that could be classified by the presidential leadership or good governance indicators. However, because the data for this analysis is on bills that become public law, the bills included did have to pass through the House (whether resolved via conference committee or not) and are the product of bicameral resolution. Therefore, the Lee classifications on bills that become public law still apply. In terms of the theory
tested here, examining only bills originating in the Senate might mean that the strength of the non-ideological indicator is weaker than it could be because it represents only a portion of all bills that become law.\footnote{At this time, House bills have not been coded in a fashion that replicates Frances Lee’s process for determining good governance measures by individually coding each roll call vote according to ideological content (see Lee 2009, 61-65) or on presidential engagement by a line-by-line reading of each State of the Union address and highlighting presidential action requests and cross-referencing them to House floor votes (Lee 2009, 81; also see Appendix A).}

An interesting statistic from the data help frame the model and what are the expected effects of partisan polarization. Specifically, the frequency of bills coded for beyond ideology that go to conference committee is substantially higher than for all laws together. Among all laws in the data, 11.6% are resolved via conference, whereas the average for bills with a positive beyond ideology coding is 70.4%, and a chi-square test indicates a highly significant relationship between bills coded as beyond ideology and laws resolved via conference committee, summarized in Table. 5.3. As the theory presented here argues, the strength of this relationship declines as ideological partisanship increases.
Table 5.3

<table>
<thead>
<tr>
<th>Utilization of Conference Committee on Public Law</th>
<th>Frances Lee “Beyond Ideology” Indicator of Non-ideological Measure</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value 0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>2,841</td>
<td>2,862</td>
</tr>
<tr>
<td>1</td>
<td>326</td>
<td>376</td>
</tr>
<tr>
<td>Total</td>
<td>3,167</td>
<td>3,238</td>
</tr>
</tbody>
</table>

Pearson Chi-squared (1) = 244.6200  Pr = 0.000

**Cartel Model.** As in Chapter 4, the independent variable for cartel theory at the bill-level of analysis is based on the ideological unity between the ideal point of a bill sponsor and the ideal points of their party leadership and the degree of overlap with the party in the opposite chamber, limited in the present Chapter to the 101st to the 108th Congress, based on the assumption in Cartel theory that agenda control by party leadership is a function of party unity. This measure is arrived at by creating a unity average of the party in chamber based on the closeness of the Poole and Rosenthal first dimension DW-NOMINATE score of the bill sponsor and that of first dimension median score of their respective chamber-level party and then determining the absolute difference in that value from the first-dimension median of the party in the other chamber:
Equation 5.1

\[
Intraparty Unity = \left| \left( \frac{DW_{1\text{Sponsor}} + DW_{1\text{Sponsor Party in Chamber}}}{2} \right) - DW_{1\text{Sponsor Party in Other Chamber}} \right|
\]

This results in a non-negative continuous variable, in which higher values indicate lower intraparty unity. A negative and statistically significant coefficient will be interpreted as support for the effect of intraparty unity on the utilization of conference committees.

Table 5.4 summarizes and Figure 5.1 visually represents the variable for the Cartel model.

<table>
<thead>
<tr>
<th>Cartel Model Variable of Bill Sponsor Intraparty Unity, 101st-108th Congress</th>
<th>Observations</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cartel</td>
<td>3,238</td>
<td>0.0986</td>
<td>0.0765</td>
<td>0</td>
<td>0.544</td>
</tr>
</tbody>
</table>
Conditional Party Government (CPG) Model. Also as with Chapter 4, to arrive at a bill-level variable that estimates conditional party government across both chambers, a bicameral measure of interparty distance is determined based on the ideological unity of the bill sponsor with respect to their party (i.e. *Intraparty Unity* as measured in the Cartel model) and the bicameral unity of the opposite party, based on an average of the absolute distance of the Poole and Rosenthal DW-NOMINATE first dimension scores of the opposite party in both chambers:
Equation 5.2

\[ \text{Interparty Distance} = | \text{Intraparty Unity}_{\text{Sponsor Party}} - \frac{DW_{1,\text{Opposite Party in Chamber}} - DW_{1,\text{Opposite Party in Other Chamber}}}{2} | \]

This results in a non-negative continuous variable, in which higher values indicate higher interparty distance. A negative and statistically significant coefficient will be interpreted as support for the effects of interparty distance on the utilization of conference committees. The CPG variable for interparty distance is summarized in Table 5.5 summarizes and graphed in Figure 5.2.

Table 5.5

<table>
<thead>
<tr>
<th>CPG Model Variable for Interparty Distance, 101-108\textsuperscript{th} Congress</th>
<th>Observations</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interparty Distance</td>
<td>3,238</td>
<td>0.0842</td>
<td>0.0712</td>
<td>0</td>
<td>0.393</td>
</tr>
</tbody>
</table>
Methods

Each bill-level model includes a single, binary dependent variable for whether a bill was resolved via conference committee, the indicator measures coded for beyond ideology, and more than one interval and categorical independent or control variables, including measures for ideological partisan polarization. In the case of binary outcome variables a logistic regression (logit) analysis is appropriate (Long and Freese 2006: 130-135). In the logit regression a latent or unobserved dependent variable is hypothesized
and related to the observed data. The logit predicts the log odds of the outcome based on modeling a linear combination of the predictor variables; coefficients and standard errors are reported in log-odds units. The estimation model is the following:

\[
\ln\left(\frac{P}{1-P}\right) = \alpha + \beta_1 (Beyond Ideology) + \beta_2 (Intraparty Unity) \\
+ \beta_3 (Interparty Distance) + \beta_4 (Sponsor in Majority) \\
+ \beta_5 (Senate Minority Distance) \\
+ \beta_6 (Mean Conference Committees Per Congress) \\
+ \beta_t (Time by Congress_{t1...t8})
\]

Dummy variables for time, one for each of the period of the eight Congresses in the sample, are included to control for the possibility of unexplored characteristics within each Congress that may affect the relationship between the stated independent variables and the utilization of conference committees.\(^{13}\)

Model iterations include control variables for whether the bill sponsor is in the majority party, the total number of conference committees held per Congress, the distance of the Senate minority from the majority, and time as measured in the period of a Congress itself that may effect the utilization of conference committees (Torres 2007, 8-11).

\(^{13}\) A fixed-effects model was also estimated in addition to the model where time was coded per Congress as a dummy variable, resulting in substantively identical coefficients and standard errors on the primary independent variables. When analyzing the relationship between predictor and outcome variables that may vary within an entity over time (in this case such variance is within each Congress) a fixed-effects logit model estimation is appropriate to correct for the possibility of unexplored characteristics within each Congress itself that may effect the utilization of conference committees (Torres 2007, 8-11).
full Congress, summarized in Table 5.6. Unified Congress is not included in the model because Congress was unified in the period of the data in the sample. (Democrats controlled the 101st-103rd, Republicans controlled the 104th-108th, with the exception of the 107th Congress when the Senate was tied with one Independent who caucused with the Democrats.)

### Table 5.6

<table>
<thead>
<tr>
<th>Control Variables for Non-ideological Partisanship Models of Conference Committee Utilization, Bill-level Analysis, 101st-108th Congress</th>
<th>Observations</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor Member of Majority Party</td>
<td>3,238</td>
<td>0.7928</td>
<td>0.4054</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Conference Committees on Public Laws per Congress</td>
<td>3,238</td>
<td>46.6625</td>
<td>12.5753</td>
<td>34</td>
<td>63</td>
</tr>
<tr>
<td>Senate Minority Distance, First Dimension</td>
<td>3,238</td>
<td>0.7037</td>
<td>0.04577</td>
<td>0.626</td>
<td>0.759</td>
</tr>
</tbody>
</table>

**Results**

If conditions of the non-ideological partisan model hold at a bill-level of analysis, the model predicts that as measures for ideological partisanship increase the utilization of conference committees on bills coded for Lee’s beyond ideology indicator will decline. Given the strong statistical relationship between the beyond ideology indicator and the
utilization of conference committees (see Table 5.3), it is not a conditional relationship that is expected between partisan variables and the beyond ideology indicator. Indeed, as Table 5.7 shows, model estimation including interaction terms of *Beyond Ideology*\textsuperscript{*Intraparty Unity} and *Beyond Ideology*\textsuperscript{*Interparty Distance} did not result in statistically significant interactions and the results on the other variables are only modestly different from the model without interactions reported below.
Table 5.7

Logit Regression
Non-ideological Partisan Model on the Utilization of Conference Committees, Bill-level Analysis, 101st – 108th Congress – With Interactions

<table>
<thead>
<tr>
<th>Factor</th>
<th>Coefficient</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beyond Ideology</td>
<td>2.3453**</td>
<td>(0.4528)</td>
</tr>
<tr>
<td>Beyond Ideology X Intraparty Unity</td>
<td>0.4562</td>
<td>(1.8075)</td>
</tr>
<tr>
<td>Beyond Ideology X Interparty Distance</td>
<td>-5.9347</td>
<td>(8.426)</td>
</tr>
<tr>
<td>Intraparty Unity (Cartel Theory)</td>
<td>0.4562</td>
<td>(1.8075)</td>
</tr>
<tr>
<td>Interparty Distance (CPG)</td>
<td>-5.0256*</td>
<td>(2.1032)</td>
</tr>
<tr>
<td>Sponsor Member of Majority</td>
<td>2.8295**</td>
<td>(0.4203)</td>
</tr>
<tr>
<td>Senate Minority Distance</td>
<td>-9.0849</td>
<td>(13.7462)</td>
</tr>
<tr>
<td>Conference on Public Laws, per Congress</td>
<td>-0.1522</td>
<td>(0.1004)</td>
</tr>
<tr>
<td>_cons</td>
<td>7.5004</td>
<td>(13.2507)</td>
</tr>
</tbody>
</table>

N 3,238
Chi-square 320.73**
Pseudo R-squared 0.1379

Standard errors in parentheses.
* p<0.05, ** p<0.01
The important finding is in the model without interactions where the predicted value of the effects of the beyond ideology variable on the utilization of conference committees declines as the values of the partisan indicators increase. In other words, as values on the partisan polarization increase, the positive relationship between bills identified as beyond ideology measures and the utilization of conference committees declines. Table 5.8 presents the results of the estimation of the logit regression model of the utilization of conference committees based on the predictor variable for beyond ideology, the variables for intraparty unity and interparty distance, and the control variables. The model supports indicates statistically significant positive relationship on the beyond ideology indicator and a statistically significant negative relationship on the interparty distance variable, and no significant relationship on the intraparty unity variable. The model contains 3,238 observations and eleven degrees of freedom, including the controls for time. Based on the $p$-value of the chi-square statistic (317.48) the model is statistically significant.\footnote{The model was also fitted using Huber-White robust standard errors (Long and Freese 2006, 88). Values of the coefficients and standard errors shifted modestly, as predicted, and the overall model, including the independent variable and control variables, produced statistically significant results consistent with the model without the robust standard errors. Another separate model using bootstrapped standard errors was also fitted because the regression includes estimators from DW-NOMINATE that are themselves the product of another estimation, also resulting in substantively identical statistical outcomes.} The proportion of the variance explained by the predictor variables on the overall model represented by pseudo-$R^2$ is 0.1365. The
indicator for beyond ideology has a coefficient of 2.9001 with a standard error of 0.2901, which is statistically significant ($p<0.001$) and consistent with the previous finding that laws positively coded for beyond ideology have a strong likelihood of resolution via conference committee, even holding measures for partisanship constant. Predicted values, which are reported below, further support the non-ideological partisan hypothesis. The predictor variable for intraparty unity is not statistically significant (Coef. 1.07605, S.E. 0.2730). The variable for interparty distance has a coefficient of -5.3686 (S.E. 2.0335), which is statistically significant ($p<0.01$). This result is consistent with the findings on ideological partisan indicators tested with a larger sample in Chapter 4 without the non-ideological indicator variable, as well as the congressional-level estimation in Chapter 3. For each one-unit increase in interparty distance the expected log count of the number of conference committees decreases 5.3686, which is consistent with the hypothesis that as the value of the bicameral indicator for distance between the bill sponsor and their party and the opposite party goes up, the likelihood of the utilization of conference committee on legislation will decrease. Because coefficients and standard errors in a logit regression are reported in log-odds units, the value of the logit outputs are calculated to obtain odds ratios; as the value of interparty distance increases by one unit, the odds of a conference committee occurring (i.e. CCPL = 1) decreases by 0.0047. Holding all values constant, the statistically significant negative coefficient on when the bill sponsor is a member of the majority party suggests that as the distance from leadership declines the likelihood of a conference committee increases. Variables for number of conference committees per Congress, Senate minority distance, and time (not listed) are not statistically significant.
Table 5.8

Logit Regression
Non-ideological Partisan Model on the Utilization of Conference Committees, Bill-level Analysis, 101st – 108th Congress – No Interactions

<table>
<thead>
<tr>
<th></th>
<th>Utilization of Conference Committee, per Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beyond Ideology</td>
<td>2.901** (0.2901)</td>
</tr>
<tr>
<td>Intraparty Unity (Cartel Theory)</td>
<td>1.0761 (1.7187)</td>
</tr>
<tr>
<td>Interparty Distance (CPG)</td>
<td>-5.3686** (2.0335)</td>
</tr>
<tr>
<td>Sponsor Member of Majority</td>
<td>2.8085** (0.4117)</td>
</tr>
<tr>
<td>Senate Minority Distance</td>
<td>-9.7019 (13.3862)</td>
</tr>
<tr>
<td>Conference Committees on Public Laws, per Congress</td>
<td>-0.1547 (0.0983)</td>
</tr>
<tr>
<td>_cons</td>
<td>8.039 (12.9117)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>N</th>
<th>3,238</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chi-square</td>
<td>197.46**</td>
</tr>
<tr>
<td>Pseudo R-squared</td>
<td>0.1365</td>
</tr>
</tbody>
</table>

Standard errors in parentheses.
* p<0.05; ** p<0.01
The Hosmer and Lemeshow goodness-of-fit test indicates that the model fits the data. The observed frequencies in the sample and the predicted frequency of the logit model closely match. The Pearson chi-square (3.94) computed from observed frequencies and expected frequencies, grouped by 10, is statistically significant (Prob > chi2 = 0.8624).

The strongest support for the theory is demonstrated in the predicted values of the utilization of conference committees on the beyond ideology indicator at different values of the interparty distance measure. Figure 5.3 graphs the predictive margins of non-ideological partisanship on the utilization of conference committees at increasing values of the interparty distance variable. The slopes of the graph clearly show that as the values of the bicameral estimate of cartel theory increase the utilization of conference committees on bills coded for non-ideological partisanship substantially declines. (Again, when interaction terms were estimated in the model they were not statistically significant.) This supports the theory that as ideological partisanship increases, as represented by interparty distance, partisan teamsmanship manifests itself in Lee’s beyond ideology issues in declining use of an institution of compromise, the conference committee. Specifically, the probability of a conference committee on a bill that becomes public law (CC = 1) is 68.3% when the measure for CPG is at its minimum value (0) and the rest of the predictors are set to their mean values ($p<0.001$). As the measure for CPG increases to its maximum value (0.35) the probability of a conference committee is 24.8%, when all other predictors are set to their mean ($p<0.05$); at all intermediary values
for the CPG indicator at 0.05 intervals the probabilities of a conference committee (CC = 1) is statistically significant ($p<0.05$).

In short, model supports the theory that non-ideological measures become subject to partisan behavior as measures of interparty distance increase. This comports with research by Frances Lee on partisan teamsmanship and suggests that such behavior is evident in the utilization of conference committees.
Discussion

Bill-level data and analysis presented in this chapter offers strong support for the theory that both ideological and non-ideological partisan polarization affects congressional behavior at the bicameral level. Specifically, the utilization an institution of bicameral compromise, the conference committee, declines as interparty distance increases even on measures for which ideology alone is not sufficient to explain member preferences. As with congressional-level analysis in Chapter 3 and bill-level analysis of Chapter 4, the analysis is supportive conditional party government, wherein increased distance between parties impedes the use conference committees. However, evidence of the effects of intraparty unity, in which highly unified parties seek to control the congressional agenda, is not directly evident in the model. Bills identified as having presidential engagement or as representing good governance initiatives, represented by the beyond ideology indicator, are significantly more likely to be resolved via conference committee. However, as the value of the interparty distance measure for ideological partisanship increases, the utilization of conference committees on such non-ideological measures steadily declines. This strongly suggests that non-ideological “partisan teamsmanship,” as defined by Frances Lee, affects congressional behavior at the bicameral level in the utilization of conference committees in the context of high levels of party conflict.

The highly significant relationship between a bill sponsor being a member of the majority party and the utilization of conference committees is an important, albeit theoretically ambiguous finding. The dynamics driving bill sponsor as majority party membership could suggest an element of agenda control by the majority party, but intra-
party unity is not statistically significant predictor of conference committees. A more thorough understanding of the relationship between a bill sponsor’s majority party membership and the utilization of conference committees warrants further consideration. It is also notable that Senate minority distance from the majority is not statistically related to the utilization of conference committees given the theoretical proposition offered here and supported elsewhere (e.g. Ryan 2011) that Senate minority obstructionism plays an important role in the overall decline in the utilization of conference committees.

The data and analysis in this bill-level analysis of non-ideological determinants of conference committee utilization do not lend themselves to exploring the strategic party government (SPG) theory (Lebo, McGlynn, Koger 2007). The congressional-level analysis of Chapter 3 articulates but does not support a simplified SPG model in which changes in interparty distance from Congress to Congress equals more partisan behavior (and, hence, fewer conference committees), and that a party strategically responds to partisan behavior of the other party with its own increase partisan behavior. At the bill level, however, identifying strategic behavior – in which parties strategically reacts to the unity of another party in such a way as to affect the utilization of conference committees – is not directly measurable. Therefore, alternate approaches to estimating SPG at a bicameral, bill-level must, unfortunately, be left to other research.

Findings in this chapter compliment a thorough partisan explanation for the utilization of conference committees, derived most directly from conditional party government and a theory of partisan teamsmanship. Combined with findings in Chapters 3 and 4, a compelling case is made that changes in partisan polarization, whether rooted
in ideological preferences or partisan teamsmanship, is a significant predictor of conference committees.
CHAPTER SIX: AN END TO THE ERA OF THE CONFERENCE COMMITTEE?

The institution of the conference committee predates the founding of the American republic and has been a primary feature of bicameral resolution from the time of the colonies, to the first Congress, through to the present day. As other researchers have suggested and this research empirically demonstrates, in the post World War II era, conference committees have accounted for, on average, about 14.45 percent of resolution of laws and most important legislation in the period from the 80th Congress (1947-49) through the 112th Congress (2011-2013) has been resolved via conference. In addition, once a bill reaches the conference stage it is 88.5 percent likely to become law, based on data from the 93rd to 12th Congresses. Yet congressional reliance on this venerable, historic institution has undergone a precipitous decline over the past two decades. The circumstances behind this decline are related to changes in Congress itself and can largely be explained by growing partisan polarization as understood in contemporary theories of Congress.

In short, the decline in the utilization of conference committees can be explained based upon rising partisan polarization in the U.S. Congress, in which members share liberal or conservative preferences with their fellow party members and the degree of overlap of among preferences of members of the two dominant parties diminishes. Under conditions of partisan polarization highly unified, highly distant parties seek to
manipulate parliamentary proceedings in order to control the congressional agenda and, inversely, to block the agenda of the opposing party. This behavior extends even into those issues for which ideological conflict is not a primary driver of behavior based on partisan teamsmanship and a desire for protection of party brands and electoral advantages. However, the effects of partisan polarization are not equally present across all policy issues and some appear to be immune from the effects of partisan polarization, at least in terms of the utilization of conference committees to resolve laws on those issues. Evidence of the effects of partisan polarization extends across a full range of parliamentary proceedings (Sinclair 2007) and, as this research demonstrates, the pursuit of partisan ideological preferences and partisan strategic behavior is reflected in the diminishing utilization of conference committees.

Analysis presented in the preceding chapters demonstrates consistent effects of partisan polarization on conference utilization when studied at both the aggregate level of sessions of Congress and at the level of individual bills. Put most succinctly, congressional- and bill-level analyses determine that interparty distance is consistently predictive; greater distance equals fewer conference committees, however, intraparty unity – how closely united parties are, based on propositions from Cartel theory – is not consistently predictive. Also, interactions between distance and unity are not consistently predictive, suggesting that the main conditional party government proposition that distance and unity mutually affect congressional behavior is less evident in the case of conference use. Moreover, partisan behavior on measures not expressly based on ideology alone, articulated specifically in Frances Lee’s “beyond ideology” proposition,
also reduces the utilization of conference committees. Specifically, variables derived from premises of cartel theory that measured intraparty unity are consistently not statistically significant in partisan models estimating conference use. A cartel theory (Cox and McCubbins 2005; 2007) model of conference committee utilization posits that strong parties limit the utilization of conference committees as a mechanism of agenda control when conference outputs are less likely to align with party preferences and based on their ability to control the congressional agenda. This implies that party unity will have a significant effect on the agenda controlling capabilities of parties to limit conference committees and that greater party unity, whether among the majority party at the congressional level or at the bill in the degree of unity between a bill sponsor and their party, will result in a reduction in conference usage. However, the analysis in the present research suggests that party unity alone does not predict agenda controlling behavior by parties in the form of limiting conferences. On its own, the null finding on party unity is perhaps paradoxical, as agenda setting behavior at the penultimate stage of the legislative process seems intuitively consistent with cartel behavior.

Party unity, however, is not irrelevant regarding partisan effects on conference committees. Interparty distance, the distance between parties, interacted with intraparty unity in the congressional-level model and incorporated with intraparty unity in the bill-level analysis, strongly predicts the utilization of conference committees. This finding upholds the basic premise of conditional party government; as conditions of polarization, indicated by party unity and distance between parties, increase the utilization of conference committees declines. Conditional party government modifies the agenda
control hypothesis by indicating that it is not only intraparty unity that affects congressional behavior, but the distance between parties as well. A Congress characterized by high levels of partisan polarization, in which parties are ideologically united and party leadership therefore empowered, plus substantial ideological distance between parties is great, results in a decline in the utilization of conference committees because the majority party may seek to reduce minority party input and the minority is more empowered to obstruct the progress of legislation that the majority seeks to advance. Whether rooted in theoretical expectations or journalistic and expert accounts, this finding is a strong endorsement of partisan theories of congress at the bicameral level. Fundamentally, this argument is quite simple: as partisan polarization increases, parties are less likely to cooperate with one another to resolve legislation.

The power of the Senate minority, in which cloture rules and the ability to filibuster on both procedural and substantive measures, is pointed to as a source of obstructionism and a decline in conference committees in both academic literature (e.g. Ryan 2011) and anecdotal accounts such as interviews conducted with congressional staff for this research. However, the data and models in the present research do not support the proposition that unity of the Senate minority is a significant factor in the decline of the utilization of conference committees. On the surface, this finding is striking if not counter-intuitive, yet the finding is also parallel to the null result on intraparty unity alone as a factor behind the decline of the conference. What the mixed findings of the intraparty unity, interparty distance, and Senate minority obstructionism hypotheses suggest is that unity of party alone is not a sufficient explanation and only when the intraparty unity and
interparty distance occur simultaneously and are measured together is congressional behavior affected. At least in the realm of conference committee utilization, bicameral polarization is the robust and statistically valid indicator, not agenda control whether measured across the institution as a whole or only as a function of Senate minority unity.

Partisan theory has been dominated by the assumption that ideological disagreement between parties motivates unified party behavior. However, as Frances Lee (2009) reminds us, parties seek control of the legislative agenda not just because of ideological disagreement but also to gain power within congress and to increase their share of seats. In a dynamic that has been similarly described as “partisan warfare” (Theirault 2013) and that Lee refers to as partisan teamsmanship, fellow partisans coordinate to deny the other party legislative victories and to grow their power in Congress with greater impact than ideology alone predicts. This strategic partisan teamsmanship manifests itself as partisan behavior that cannot be sufficiently explained based on ideology alone. Such non-ideologically driven partisan warfare manifests itself in a decline in the utilization of conference committees on bills for which ideology alone is not a prime driver. The data and models tested in the present research indicate that non-ideological partisan teamsmanship manifests itself by reducing the likelihood of the utilization of conference committees during periods of high partisan polarization simply because parties are seeking to block the legislative accomplishments of the other party. That is, ideology alone does not explain when a decline in the utilization of conference committees occurs when there is heightened partisan polarization in Congress.
Although partisan polarization results in a reduction of the utilization of conference committees based on partisan teamsmanship (or “warfare”) regarding legislative accomplishments, the model and data examined here do not indicate that increased partisan polarization results in a reduction in the utilization of conference committees as a direct way to achieve electoral advantage. The strategic party government proposition, based on the notion that “party strategies will partially reflect the party competition seen in previous time periods” (Lebo, McGlynn, and Koger 2007, 469) was not upheld. This suggests that, the narrow standard of the utilization of conference committees does not register as a form of electoral competition or advantage seeking in Congress. Although the congressional-level data and models tested here do not support strategic party government regarding conference committees, perhaps this is theoretically unsurprising given the relatively obscure institution of the conference committees is not a key vehicle by which parties seek to protect their brand or achieve electoral advantages – or not one that makes a difference from one election cycle to the next.

Partisanship does not equally affect the utilization of conference committees on all policy topics, consistent with Adler and Wilkerson’s proposition that “partisan politics does not infuse every issue” (2012, 195). An analysis of 19 policy issues for the period of the 93rd to 112th Congresses indicates that irrespective of partisanship, some issues are more likely to be resolved via conference committee than others; specifically, based on the primary model estimation in Chapter 4, these issues are: Macroeconomics; Transportation; Social Welfare; Community Development and Housing Issues; Defense;
and Foreign Trade. This finding suggests that conflict extension (Layman and Carsey 2002) – wherein Congress becomes polarized on virtually all major issues – is not fully manifested at the bicameral level. That the effects of partisanship in conference use varies by issue is not fully surprising, as others have indicated legislative performance varies by issue (Lapinski 2013) and that “agenda scarcity” in a crowded, contentious environment means that Congress will more readily address some issues than others. The question of why the particular variance on these specific issues lends itself to future exploration.

In each of the bill-level model estimations in the previous chapters, a bill sponsor being a member of the majority is a statistically significant predictor of the utilization of conference committees. Conditions of why a member of the majority party would be more likely than non-majority members to see their legislation go to conference are not articulated in the theoretical models developed here. Thus, this is a curious observation but, pending further research, theoretically a relatively agnostic finding.

Based on findings in this research, we can formulate an answer to the question: Why are conference committees used? Conference committees are fundamentally institutions designed to facilitate compromise. Other forms of bicameral resolution, amendment adoption and amendment exchange, limit input in the subtle crafting of legislation and reduce opportunities for oppositional coalitions to affect the legislative process and, therefore, remain more likely to be used for measures that are either relatively non-controversial or, alternately, most likely to elicit partisan disagreement in times of high partisanship. In a hyper-partisan era where ideological conflict and strong
parties dominate, the willingness of party leadership to utilize conference committees and to empower either members of committees of jurisdiction or rank and file members to engage in bicameral negotiation and compromise diminishes. In periods of partisan polarization both majority and minority parties alike are incentivized to circumvent congressional proceedings that lead to conferences. Majority party leadership eschews conferences when they can not be assured the outputs will align with party preferences while strong minorities, seeking to obstruct any legislative progress, uses the many veto points in the conference process to maneuver against legislative progress.

**Future Directions**

These findings break new ground and help establish the validity of partisan theories of Congress at the bicameral level and they are consistent with a broader story about the role of partisan polarization in contemporary American politics. That the effects of parties in House-Senate relations mirror those effects in individual chambers is not particularly surprising, but the empirical demonstration of the effects of party conflict at the bicameral level is an overdue contribution to political science research. Yet there remains more ground to be covered in establishing a more complete understanding of the effects of partisan polarization in terms of what we know about conference committees as well as the broader ways that polarization does and does not fully account for congressional behavior. A key task ahead is to more fully examine the assumption underlying the present research that conference committees reflect compromise better than other forms of bicameral resolution. The data for the present study is based on bills that became public law, and therefore some measure of compromise is already present
whether a bill was resolved to final form via conference or not (a point Rybicki also suggests in discussing bicameral negotiations (2003)). However, a more thorough empirical investigation of this key assumption is warranted. As asserted here and elsewhere (e.g. Binder 2012), if amendment exchange is preferred in a highly polarized environment by strong majority party members who seek to limit minority input, it follows that the outputs of amendment exchange should more strongly reflect majority preferences than those of a conference committee. For example, if conference committees reflect more compromise than amendment exchange, the content of bills resolved via conference should more reflect broader coalitions in each chamber than those resolved via amendment exchanged. Empirically, this assumption can be tested by looking at size of winning coalitions on conference reports versus votes on final passage of non-conferenced legislation, or the differences in mean NOMINATE scores of winning coalitions on bills passed via each method. The implications of better empirical justification of this assumption are not just theoretically relevant, they also have a bearing on the effects of the decline of the conference committee on public policy. If laws resolved via means other than conference reflect the preferences of narrower, more highly partisan coalitions, the effects of partisan polarization and the ensuing demise of the conference committee directly affect public policy and Congress’s role as a representative institution and the extent to which Congress as a deliberative body is sufficient in meeting its democratic purpose. That is, if amendment exchange limits diversity of input more so than conference committees, this provides valuable insight to the question of whether, in a highly polarized partisan environment, decisions are made
"with the participation of all who will be affected by the decision or their representatives" (Elster 1998, 8).

In addition, while partisan polarization has decreased the utilization of conference committees, it has not completely ended their use. Yet when conference committees are used, do partisan preferences affect the composition of managers selected for the committee and is a partisan agenda served through such behavior? Over the decades, some research has looked into conferences as individual power centers (e.g. McCown 1927; Krehbiel 1991; Vander Wiehlen 2010) and the extent to which conferences independently affect policy outcomes irrespective of the preferences of the broader membership of the House and Senate. To the extent that such behavior exists, is there a partisan tendency and does it favor the partisan preferences of the conferees or of party leadership? In addition, if conference committees are not used during periods of high party conflict, additional research is necessary to understand the extent to which partisans in the majority and minority are or are not satisfied by amendment exchange and amendment adoption. A partisan theory of conference committee utilization assumes that parties circumvent the use of conference committees because an alternative is preferred. A systematic examination of outcomes of alternate means of bicameral resolution can answer what parties get in the bargain.

Also, given the rise of polarization in state legislative bodies (Shor and McCarty 2011), we can ask whether the dynamics regarding conference committees and their effects on bicameral cooperation are universal or limited to the U.S. Congress. If evidence exists for growing polarization in states do institutions of bicameral
compromise also fall into disuse? Answers to such questions would be of interest on multiple levels, not least of which pertaining to the present state of polarization and the future of compromise and conference committees at the federal level and across the states.

Returning to the 1996 C-SPAN interview with Roll Call reporter Jamie Stiehm, introduced in Chapter 1, Stiehm stated:

Senator Allen Simpson, retiring Wyoming Republican, says... I do hear more and more members and staffers saying its just not as much fun around here any more [and that] we used to be a big family that could live together despite our disagreements. But now there is just more and more of an edge... The story in this Congress is that there is just not as much civility across the aisle as there once was (C-SPAN 1996).

Such comments suggest something more than just ideological disagreement or strategic behavior may also at play in Congress that may affect the utilization of conference committees: specifically, a normative difference in the way the House and Senate relate. The “edge” to which Stiehm refers could be something qualitatively different and something perhaps not fully captured by measures of ideological and non-ideological partisanship alone. A shift in norms may also be evident – that is changes may be occurring in those behaviors derived from what David Truman referred to as “standards and conventions… largely unwritten system of obligations and privileges” that exist among members of a group, including those of a legislature (Truman 1951, 343-344), also referred to as “folkways” (Matthews 1960), that guide lawmaker activities in House-
Senate relations, the resolution of legislation, and the use of the conference committee itself. Historically, norms regarding bicameral resolution and the utilization of the conference committee have been premised on an obligation to agreement (Fenno 1966) in what has been called an “agreement-oriented context” (Oleszek, cited in Rybicki 2003, 15) where deliberation and compromise are prevalent qualities. The study of norms in Congress has received relatively little attention by political science over recent years in favor of rational choice-based partisan theories. Writing in 1995, for example, Heinz Eulau stated, “The systematic study of norms is one of the more neglected areas of research” (Eulau 1994, 585). This statement remains true today. Yet an argument exists for “bringing norms back in” to the study of Congress after a long absence in favor of this other explanatory paradigm. Indeed, accounting for the role of norms can compliment a partisan interpretation of bicameral relations, the utilization of conference committees, and changes thereof.

Congressional scholars have pointed out that partisan polarization is more than likely the historical norm in Congress and that the mid-twentieth century period of bipartisan cooperation, when conference committees flourished, is anomalous (Hahrie and Brady 2007). Data available for the present study do not allow a thorough examination of variance in conference committee utilization against pre-World War II fluctuations in congressional partisanship. However, if partisan polarization adequately accounts for the decline in conference use it is expected that in previous periods of extreme polarization such as post-reconstruction would be matched with requisite low utilization of conference committees. Future research into this hypothesis will allow us to
better understand if the present period of partisan ideological disagreement and warfare is more contentious and less cooperative than that of previous similar periods. Moreover, such research would offer insights on whether compromise is an inherent victim of polarization and the extent to which continued polarization in the U.S. Congress will mean conference committees will remain in decline for the foreseeable future.

The origins of polarization are the subject of much research and discussion, with scholars looking for individual and combined effects stemming from sources such as elites and the electorate (Abramowitz 2001; Fiorina, Abrams, and Pope 2006), organized interests (Layman, et al. 2010), the news media (Prior 2007; Levundusky 2012), and structural changes in American society (Karol 2009; Shafer and Johnston 2009). Indeed, irrespective of the origins of polarization, there is general consensus that within Congress and, possibly, within American society in general, it is at historic heights and, for better or worse, it is here to stay (McCarty, Poole, and Rosenthal 2006). Under such conditions so-called “unorthodox lawmaking” and the demise of the regular order become the standard, enduring features of the modern Congress and institutions of compromise such as the conference committee are replaced by congressional procedures that better facilitate ideological conflict and power politics on all but either the most critical or the least divisive legislation. If, as this research shows, conference committees are casualties of partisan polarization and such polarization is here for the long term, then the conference committee itself will remain a rare albeit important feature of how a bill becomes a law.
APPENDIX

Alternate operationalization of Chapter 3 partisan variables are incorporated into supplementary analysis.
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BIOGRAPHY

Brian Alexander received his Bachelor of Philosophy with a major in Cultural Studies from the School of Interdisciplinary Studies at Miami University in 1993. He completed his Masters in Political Science with a concentration in International Relations at the University of Cincinnati in 1999. For several years preceding and also while pursuing his doctoral degree from George Mason University he has been employed in numerous public policy and management consulting roles in the Washington, DC area.