

## THE LEGISLATIVE MEDIAN AND PARTISAN POLICY

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### ABSTRACT

We show that the median legislator in the US House is unambiguously closer to the majority party median than to the minority party median. An important implication of this finding is that the median legislator is predisposed to support the majority party's policy agenda. Thus, in the event that the majority party organization exerts no influence over the legislative process, and in the event that all policies then default to the legislative median, policy outcomes will still substantially favor the majority party over the minority. We demonstrate that the legislative median moves predictably toward the majority party in response to changes in majority control and the size and ideological homogeneity of the two parties. Consequently, the median legislators' partisan predisposition increases and decreases in response to electoral change. We conclude that partisan and floor majority, or median, theories of lawmaking are more often complementary than conflicting, and that party activities in the electoral arena have implications for legislative partisanship.

KEY WORDS • Congress • elections • median voter • parties

### Introduction

The median voter is the foundation of a rich theoretical literature on legislative organization and lawmaking. Since Black's (1958) seminal theorem, legislative scholars have recognized that the median is influential and often pivotal in the legislative process (e.g. Denzau and Mackay, 1983; Krehbiel, 1991, 1998). Scholars have also recognized that political parties play prominent roles in legislative policymaking. Rohde (1991) and Cox and McCubbins (1993), for example, argue that the majority party's power to schedule legislation and establish rules for debate give the majority influence that rivals, if not surpasses, that of

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the median legislator. Consequently, a vibrant scholarly debate has ensued over whether political parties, or the legislative median, are the prime movers in legislative organization and the production of policy. Central to the debate over the role of parties in Congress is the extent to which legislation favors the median legislator in the chamber over the median legislator in the majority party. In general, partisan models propose that party leaders will employ procedures to sidestep the median voter's influence. Dion and Huber (1996, 43) argue that party leaders can avoid the median voter by employing restrictive rules that 'facilitate non-centrist policy outcomes'. Rohde (1991), Aldrich (1995), and Aldrich and Rohde (2000) argue that when members of the majority party have cohesive and distinct preferences, they will allow party leaders to skew policies away from the chamber median and toward the median of the majority party. Cox and McCubbins (2002, 2005) argue that the majority party uses negative agenda power, or gatekeeping, to avoid the pivotal median legislator's influence.

We propose in this article that median and partisan theories are more often complementary than conflicting. The reason is that the position of the chamber median gravitates predictably toward the majority party median in response to changes in the size and ideological composition of the majority party. Analysis of DW-NOMINATE scores reveals that over the past 150 years in the US House, the average distance between the chamber and minority party medians has been three times the distance between the chamber and majority party medians. Consequently, even if the majority party does not control the agenda and median voter outcomes ensue, those outcomes will be significantly biased in the majority's favor. Our empirical analysis explains most of the variance in the position of the median member of the US House over the past 150 years, and we demonstrate a close correspondence between the location of the House median and periods of congressional partisanship.

Our analysis has several implications for modeling legislative politics and for testing competing theories. First, since the distinction between median and partisan outcomes is less sharp than previously assumed, empirical attempts to discriminate between strong party and majoritarian theories of lawmaking may be significantly more difficult than earlier suspected (e.g. Binder, 1999; Schickler, 2001). Second, the consistent and predictable proximity of the chamber median to the majority party median suggests that median policy outcomes are more partisan than is generally recognized. Even though median voter models have been widely criticized because they ignore political parties as explicit actors in the legislative process (e.g. Cooper and Wilson, 1994: 912), it does not follow that median theories are entirely void of partisan content. Finally, if the observed regularity in the movement of the House median is a function of partisan forces in the electoral arena instead of the legislative arena – and we argue that it is – then scholars need to devote more attention to electoral recruitment and nomination processes in order to fully account for legislative partisanship.

The remainder of the article proceeds in four sections. We develop our theoretical arguments and expectations about partisan models of legislative politics in the next section. We then turn to an empirical analysis of the location of the median legislator in the US House. We document variation in the position of the median over time, and we demonstrate that this variation can be explained largely through electoral change. We then show that variation in the House median has empirical implications for the success of the majority party on floor votes. Our final section summarizes and discusses implications for research on legislative policy and partisanship.

### Partisan Models of Legislative Politics

The movement and location of the chamber median have several important implications for existing partisan models of legislative politics. The most well-developed partisan theories of lawmaking are Cox and McCubbins' model of parties as legislative cartels and Aldrich and Rohde's theory of conditional party government. These theories outline the basic dynamics by which parties might interact with their members in the legislature to affect final policy outcomes. We discuss first the cartel model of Cox and McCubbins and compare it to a floor agenda model where outcomes depend only on the position of the legislative median. We show how the gridlock zone in the cartel model depends on the distance between the chamber and majority party medians, and we explain how the size of the gridlock zone has empirical implications for the majority party's success in floor voting. The party cartel model predicts that the majority party's success is independent of the size of the gridlock zone, whereas the floor agenda model predicts that majority party success varies inversely with the size of the gridlock zone. We then discuss Aldrich and Rohde's model of conditional party government and show that, contrary to assumptions of Aldrich (1995), policy outcomes should become *less*, not more, centrist as the size of the majority party increases.

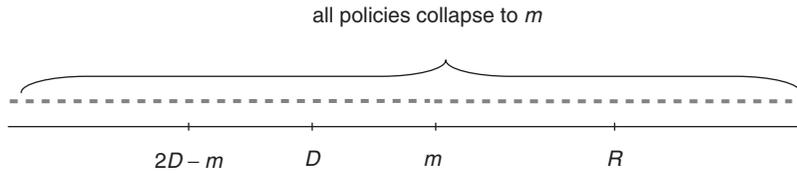
#### *Party Cartels*

Cox and McCubbins (2002) present their partisan theory formally by contrasting two different models of legislative choice – 'floor agenda' and 'party cartel' – that illustrate the agenda-setting power of the majority party in a legislature. The floor agenda model depicts a legislature where parties exercise no gatekeeping power. The party cartel model, in contrast, captures a legislature where the majority party exercises agenda power through its capacity to prevent bills from reaching the floor for a vote. Both models are games of perfect and complete information, and both involve legislators with single-peaked preferences over policy alternatives in one dimension.<sup>1</sup>

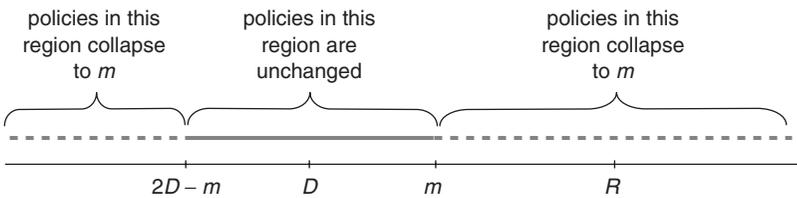
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1. More specifically, the discussion that follows relies on the assumption that actors' preferences are symmetric.

### Floor Agenda Model



### Cartel Agenda Model



**Figure 1.** Comparison of Floor Agenda and Party Cartel Models

The basic predictions of the two models are illustrated in Figure 1. The Democrats are assumed to be the majority party; and  $D$ ,  $m$ , and  $R$  represent the ideal points of the Democratic Party median, the chamber median legislator, and the minority party median, respectively. The floor agenda model assumes that the legislative median controls the legislative agenda and determines which bills reach the floor for consideration under an open rule. Since the median always prevails under majority voting on a single dimension with single-peaked preferences (Black, 1958), any status quo policy will eventually be amended to  $m$ , as illustrated in Figure 1.

The party cartel model, in contrast, assumes that all agenda power is invested in the majority party leaders who decide which bills will be reported to the floor. Since any proposal that reaches the floor under an open rule will be amended to  $m$  as in the floor agenda model, the key decision for the party leader is whether to schedule a bill.<sup>2</sup> The party leader's decision depends on the status quo policy and the preferences of the chamber and majority party medians. For status quo policies in the regions to the right of  $m$  and to the left of  $2D - m$  in Figure 1, the Democratic party median will be better off with an amended policy at  $m$ . The

2. The majority party acts as a policy gatekeeper, much in the way committees propose legislation to the House floor in Denzau and MacKay's (1983) model of committee-floor interactions.

majority party therefore opens the legislative gates and proposes a bill to the floor, where under an open rule the status quo is amended to  $m$ . But for status quo points in the interval  $(2D - m, m)$ , the party median strictly prefers the status quo to  $m$ . The result, as indicated by the solid black bar in Figure 1, is a gridlock interval of status quo policies.<sup>3</sup>

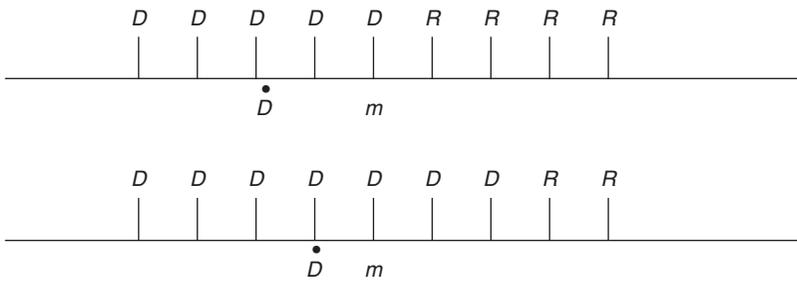
For all status quo policies less than  $(2D - m)$  and greater than  $m$ , both the floor agenda and party cartel models predict that the new policy will be the median legislator's ideal point. The key difference between the two models occurs for status quo policies between and including  $(2D - m)$  and  $m$ . The majority party's ability to prevent status quo policies in the interval  $[2D - m, m]$  from being amended to  $m$  on the floor is what Cox and McCubbins call the 'negative agenda power' of the majority party. They assert that negative agenda power is the dominant form of majority party power (Cox and McCubbins, 2002, 140).

An important empirical implication of the party cartel model is that the majority party's success on floor votes is independent of the policy distance between the majority party median,  $D$ , and the chamber median,  $m$ . Since  $m$  can gain a majority against any other alternative, and because the majority party will allow all status quo policies outside of the gridlock interval  $[2D - m, m]$  to be amended to  $m$ , issues will never arise where a majority of the party votes for the new policy at  $m$  and loses. As for status quo policies within the gridlock zone  $[2D - m, m]$ , the majority party will use its negative agenda power to keep these issues from coming to the floor for a vote. Hence, the majority party should never lose a floor vote, regardless of the distance between the chamber and majority party medians. When  $D \neq m$ , the floor agenda model provides a contrasting prediction. Since parties have no agenda power under the floor agenda model, all status quo policies will be amended to  $m$ , and as a result, the majority party median may be on the losing side of many floor votes. As  $m$  moves towards  $D$ , floor outcomes will be more satisfactory to the majority party median, but the party median will continue to lose on votes for any status quo points between  $(2D - m)$  and  $m$ . Hence, the floor agenda model predicts that the median member of the majority party will lose less often, and the minority party median will lose more often, the smaller the distance between  $m$  and  $D$ . In the limiting case, where  $D = m$ , the majority party will exercise no agenda power at all, and the cartel and floor agenda models will yield observationally equivalent predictions.<sup>4</sup>

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3. Assume that gridlock also occurs when the party leader is indifferent between the status quo and  $m$ .

4. Consequently, the smaller the gridlock zone, the less conclusive will be tests that attempt to distinguish between partisan and majoritarian theories by measuring the size of the gridlock interval (e.g. Chiou and Rothenberg, 2003) or by comparing 'roll rates' across models (e.g. Cox and McCubbins, 2002; Krehbiel, 2003). Recent work attempting to test party cartel, pivot, and median voter (floor agenda) models by comparing different coalition cutpoints on final passage votes have yielded largely inconclusive findings (Krehbiel, Meirowitz and Woon, 2005).



**Figure 2.** Size of the Majority and Location of Chamber Median ( $m$ ) and Majority Party Median ( $D$ )

### *Conditional Party Government*

Rohde (1991) introduced the concept of conditional party government to describe the exercise of party leadership under conditions of policy consensus within the majority party. He argued that when there is policy agreement within the majority party, party leaders will use tools at their disposal – agenda control, closed rules, whips, and so on – to achieve outcomes that the median member of the majority party will prefer to outcomes that would occur in the absence of party leadership. The effect of conditional party government, therefore, is to skew policy outcomes away ‘from the center of the whole Congress towards the center of opinion in the majority party’ (Aldrich and Rohde, 2000, 34).

Expanding on this notion, Aldrich (1995) noted that the majority’s ability to achieve policy outcomes that are distinct from the chamber median depends on the size of the majority party. Figure 2 from Aldrich (1995, 214) illustrates the point. As the number of Democrats ( $D$ ) increases from five to seven, the majority party median moves *closer* to the chamber median. Importantly, as illustrated in Figure 2, the chamber median is anchored at the center of the legislature. Consequently, party policy becomes more centrist as the size of the majority increases. For this reason, Aldrich concluded that ‘the smaller the majority, the more the majority party, as a party, could win that is different from what would occur “naturally” on the floor’ (214–15).

Suppose, however, that we reverse Aldrich’s assumption that the chamber median is anchored at the center of the legislature. Instead of the chamber median remaining fixed at the center of the legislature and the party median moving toward it, assume that the position of the party median remains fixed, and that as the size of the majority increases, the chamber median moves closer to the party median. Then outcomes that occur ‘naturally’ on the floor take on a decidedly partisan bent. The distance between the chamber and majority party medians still depends on the size of the majority party, but now as the majority gets larger, policy outcomes become *less*, not more centrist. In other words, the chamber median begins to do some of the partisan lifting, and the majority party

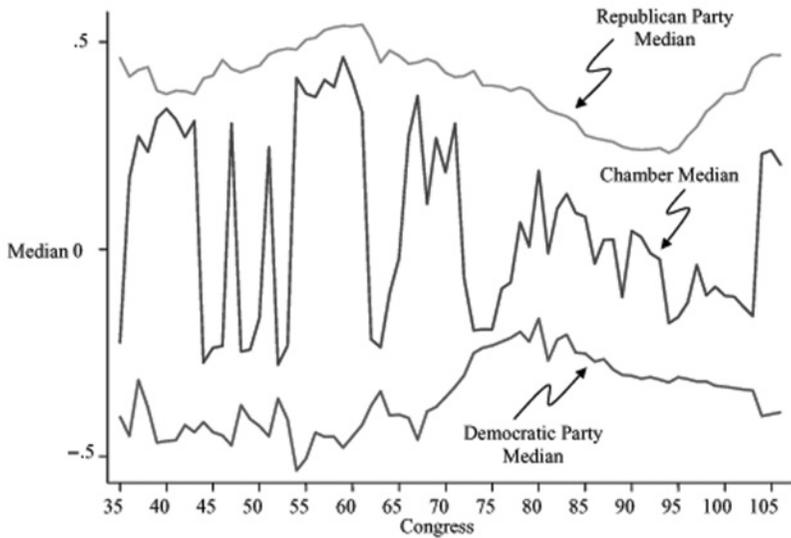
leadership will not need to expend as much effort to skew policy outcomes toward the majority party median. Rules and agenda control would no longer be so critical for realizing partisan agendas.

Whether the floor median is static or not also has implications for congressional elections and representation. A static median implies that each legislative seat has a fixed ideological position that its representative adheres to, regardless of party orientation. This might be the case if legislative elections were determined strictly by a median voter in the district whose preference never changed, and whose preference was perfectly represented in the legislature. Then changes in the size of the majority party, or even changes in party control, would not disturb the median. However, if legislators' ideological preferences change as partisan control of seats change, then the legislative median will move in response to changes in party control or size of the majority party. The latter might be the case if party recruitment or other electoral considerations produce victorious challengers who are more liberal or conservative than the legislators they replace.<sup>5</sup> Under this scenario, partisan differences are established in the electorate and then transferred into the legislature, rather than manufactured in the legislature through majority procedures.

In summary, variation in the floor median has several implications for models of party cartels and conditional party government. First, the size of the gridlock zone in Cox and McCubbins's (2002) cartel model depends on the distance between the chamber and majority party medians. Hence, the distance between the floor and majority party medians and the majority party's success on floor votes facilitates a test of the party cartel versus floor agenda model. The party cartel model predicts that the majority party's success on floor voting is independent of the distance between the floor and party medians, whereas the floor agenda model predicts that the majority party will lose less often the smaller the distance. Second, contrary to Aldrich's assumption, if the chamber median moves toward the majority party median, then outcomes decided by the chamber median will be less, not more centrist, and will be biased toward the majority party. Thus, not only will there be less skewing of policy outcomes by the majority party leadership, but in the event that the majority leadership mistakenly schedules a bill that the majority dislikes (see Cox and McCubbins, 2002: 115), the outcome will still be relatively favorable to the majority party. Such lapses are not as damaging to the majority party when the chamber median is much closer to the majority than to the minority party median. Finally, a dynamic rather than static median is consistent with the claim that partisanship in the legislature begins with, and is largely a function of, partisanship in the electorate.

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5. An example is provided by Fowler and McClure (1989: 21). They describe how New York's 30<sup>th</sup> congressional district, upon the retirement of moderate Republican Barber Conable, 'lurched first to the right of the political spectrum, then to the left,' as it elected a Republican and then a Democrat in the elections of 1984 and 1986.



**Figure 3.** DW-NOMINATE Scores for Party Medians and House Median, 35th through 106th Congresses

### Dynamics of the Median

#### *Historical Trends*

The significance of the theoretical implications outlined earlier depends on the extent to which chamber medians actually do vary over time, and why they vary. We turn therefore to historical data on the location and movement of the US House median over the past 150 years. These data reveal substantial and systematic variation in the position of the median. We describe these patterns here and then develop an empirical model to explain the variation.

Plotted in Figure 3 are the DW-NOMINATE scores of the floor median of the US House of Representatives for the 35th through 106th Congress, together with the intraparty medians.<sup>6</sup> The graphs reveal that the floor median bounces back and forth between the two party medians, and that while there is considerable variance in the floor median, the intraparty medians vary relatively little from congress to congress. The standard deviation for the floor median over the entire time series is .22, but the standard deviation for each party median is .09, less than half that of the floor median. The predominant patterns, therefore, are relatively stable party medians and a volatile chamber median.

6. The data for this paper were obtained from Keith Poole's website at <http://voteview.uh.edu/>. His efforts to make these data available are greatly appreciated.

Inter-election volatility in the floor median is generally greatest during the first years of the series, the 35th through about the 77th Congresses (1857–1942), and at the end of the series, the 94th through 106th Congresses (1975–2000). Also, changes in the position of the House median from one congress to the next during the early part of the time series are sometimes quite dramatic. Between the 46th and 48th Congresses, elected during the period of re-emerging Democratic strength in the South between 1878 and 1882, the floor median jumped sharply from  $-.23$  to  $.30$  and then back to  $-.25$ . These swings correspond to successive changes in partisan control from Democratic in 1878 to Republican in 1880 and then back to Democratic in 1882.

The middle of the series exhibits much less volatility. The interval of relative stability in the floor median from the 78th through 93rd Congresses corresponds to the period during which southern Democrats exhibited conservative voting patterns, often in alliance with House Republicans. Sinclair (1982) has identified the early 1940s as the time at which southern Democrats began to diverge from their mainstream partisan colleagues as issues involving race and organized labor moved onto the congressional agenda. Rohde (1991) pinpoints the 94th Congress, which included ‘New Breed’ Democrats from the 1974 election following Watergate, as the time when liberal Democrats began to reassert control over their party, leading eventually to conditional party government in the 1980s.

For many of the Houses prior to the 78th (elected in 1942) the floor median is quite close to the majority intraparty median, and the oscillation in the floor median over this period appears to correspond closely to changes in partisan control. But beginning with the 78th Congress, the floor median drifts away from the majority party median and remains relatively centered between the two intraparty medians until it takes a noticeable dip in the 94th Congress elected in 1974. Again, during this middle period, there is less variance in the position of the floor median, and the median appears less responsive to changes in party control. Finally, at the end of the time series, the 94th through 106th Congresses, the position of the median becomes more volatile and once again tracks the majority party median.

These general trends correspond closely to well-documented and recognized historical patterns. Schickler (2000) noted change in the position of the floor median over time and discovered that the policy distance between the majority party and floor medians helps explain partisan rules changes in the House. Poole and Rosenthal (1997) observed that the position of the House median changes systematically with changes in party control, and that changes in party control are accompanied by abrupt and distinct changes in policy. Yet Schickler and Poole and Rosenthal do not account for variance of the chamber median *within* periods of Democratic or Republican control, and, moreover, neither they nor others discuss the implications of these findings for partisan theories of government. Thus, the question of why the position of the House median changes from congress to congress, especially in relation to the majority party median, has not

been fully answered despite the important implications for rules changes, policy outcomes, and negative party agenda power.

### *Predicting the Median*

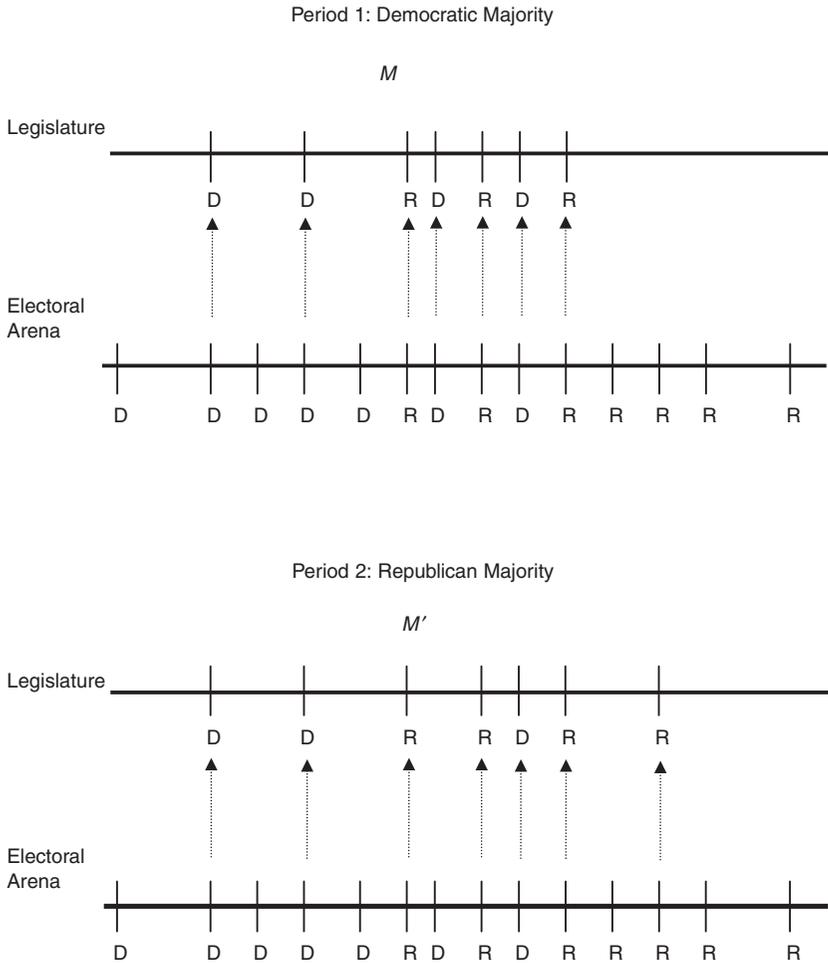
The historical trends indicate very clearly that the House median is not static as implicitly assumed in many theories of legislative politics. We turn now to the task of explaining the movement of the House median over time. We begin by noting that historically there has been little ideological overlap between the two major political parties. Aldrich and Rohde's (2001) measure of overlap between the parties – the smallest number of ideological preferences that would have to be changed to yield a complete separation of the two parties – when computed for the 35th through 106th Congresses reveals that only 2.8 percent of the ideal points would have to change to yield complete separation. One reason for this separation is that the ideological preferences of most newly elected Democrats in any congress are more *liberal* than the preference of the median legislator in the previous Congress, and the ideological preferences of most newly elected Republicans are more *conservative* than the preference of the median legislator in the previous Congress. Of newly elected Republicans between the 35th and 106th Congresses, we found that an average of 92.3 percent had preferences to the *right* of the median of the previous Congress, and of new Democrats, 89.6 percent had preferences to the *left* of the previous median. This result is consistent with Ansolabehere et al. (2001) finding that the distributions of Republican and Democratic congressional candidates are quite distinct and exhibit relatively little overlap.

In light of these findings, we propose that candidates from the two major parties are generally different with respect to preferences, or more specifically, that they are drawn from distinct, yet possibly overlapping, ideological distributions. This assumption is sufficient, we argue, to explain movement in the House median over time. Distinct distributions could arise from candidates' personal policy preferences, with liberals self-selecting to be Democrats, and conservatives to be Republicans (e.g. Snyder and Ting (2002)), or they could arise from partisan election activities that shape the ideological platforms of candidates (e.g. Wiseman 2005, 2006). Whatever the mechanism, we simply postulate that parties have a strong sorting effect among candidates, and given that legislators' ideological voting patterns are quite stable once they take office (Poole and Rosenthal, 1997), we argue that this basic ideological sorting into parties most likely occurs in the electoral arena.<sup>7</sup>

Assuming that most Republican House candidates are ideologically right-of-center and that most Democrats are left-of-center, elections that change the composition of the majority party in the legislature will lead to predictable

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7. Poole and Rosenthal (1997: 78) conclude that 'changes in congressional voting patterns must occur almost entirely through the process of replacement of retiring or defeated legislators with new blood'.



**Figure 4.** Relationship between Majority Party Status and Legislative Median

changes in the legislative median voter’s location. For example, suppose the distribution of parties in the electorate looked something like Figure 4, with seven relatively right-leaning Republican candidates and seven relatively left-leaning Democratic candidates competing for seats in a seven member legislature. Suppose that following an election in Period 1 the Democrats hold a majority, with a chamber median located at  $M$ . Now, suppose the election in Period 2 produces a one-seat switch between parties, so that the Republicans gain the majority. Given the underlying ideological distributions of the candidates, this one-seat change not only establishes the Republicans as the new majority party, but also

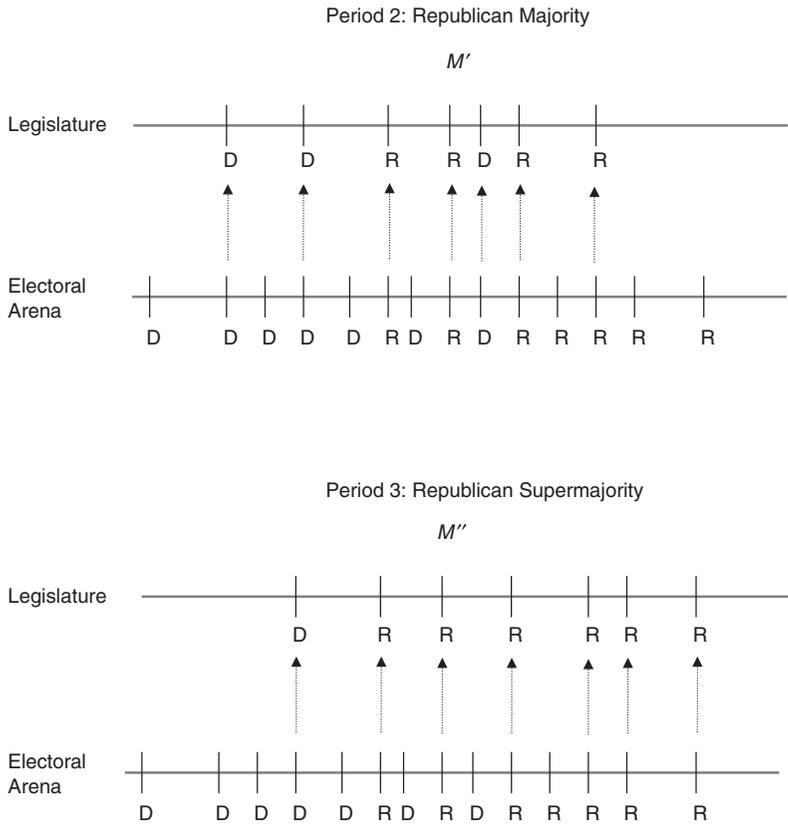
shifts the median voter from  $M$  to  $M'$ . This illustration motivates our first observation regarding election outcomes and the legislative median.

**OBSERVATION 1:** *Ceteris Paribus, the legislative median will shift to the right (left) as the party control of the chamber switches from Democrat (Republican) to Republican (Democrat).*

Another consequence of distinct ideological distributions of candidates is that the chamber median may also move *within* periods of party control depending on the size of the majority party. A shift in the median, say to the right, will occur independently of party control if more than 50 percent of the returning and newly elected members in Congress ( $t$ ) have ideological preferences to the right of the previous median of Congress ( $t - 1$ ). Then  $m_t > m_{t-1}$ , where  $m_t$  is the median from Congress ( $t$ ) and  $m_{t-1}$  the median from Congress ( $t - 1$ ). A leftward shift in the median will occur if more than 50 percent of the returning and newly elected members in the Congress ( $t$ ) have ideological preferences to the left of  $m_{t-1}$ . Drawing on our earlier example, consider the situation in Figure 5, where in Period 2 the legislature has a Republican majority, with a median located at  $M'$ . Following another election, the Republican Party at the beginning of Period 3 has an even larger legislative majority. Given our assumption that candidates' ideological positions are correlated with their party affiliations, when one party gains seats at the expense of the other, the median position should change given that incoming members of the rising party are likely to have different ideological preferences than outgoing members of the declining party. Republicans who replace Democrats are likely to be more conservative than the Democrats they replace, and, more importantly, they are likely to be more conservative than the floor median of the outgoing House, leading to an even more right-leaning chamber median at  $M''$ . This illustration motivates our second observation regarding election outcomes and the legislative median.

**OBSERVATION 2:** *Ceteris Paribus, the legislative median will shift to the right (left) as the size of the Republican (Democratic) majority increases.*

A final consequence of distinct ideological distributions among candidates is that the location of the median voter should be influenced by the homogeneity or cohesiveness of legislative parties. Suppose the parties are fairly homogenous and distinct as in the top of Figure 6, so that the distribution of ideological preferences of one party does not overlap that of the other. If all legislators are ordered from left to right on a single continuum, and if the Democrats control the chamber, then the 218th Democrat, counting from left to right, will be the legislative median. Now suppose the Republican Party becomes sufficiently heterogeneous that one of its more liberal members falls to the left of the legislative median, say at position 210 from the left. This will establish a new median, still

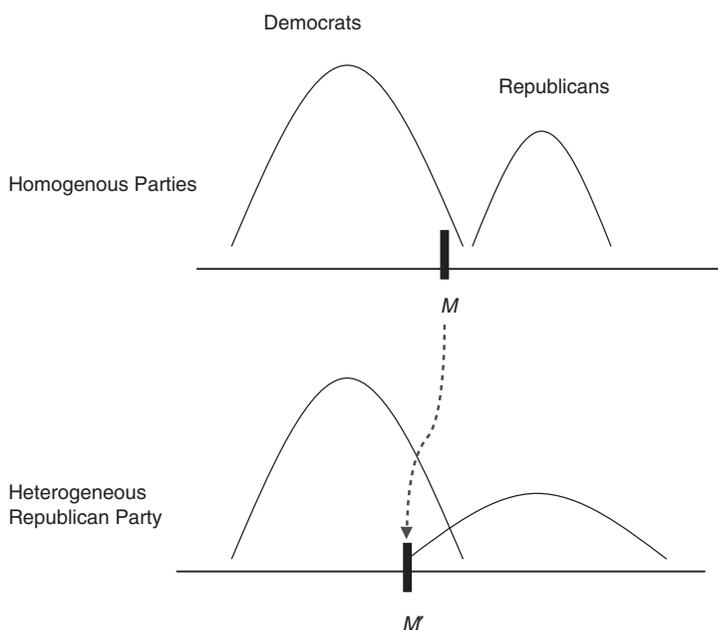


**Figure 5.** Relationship between Majority Party Size and Legislative Median

the 218th member of the House, but now the 217th Democrat from the left, not the 218th, at  $M'$ , rather than  $M$ . This illustration motivates our final observation.

**OBSERVATION 3:** *Ceteris paribus, increasing heterogeneity in the Republican Party will shift the House median left-ward, while increasing heterogeneity within the Democratic Party will shift the House median right-ward.*

In summary, we hypothesize that a natural consequence of the correlation between candidate ideology and party affiliation is that most of the variation in the House over the past 150 years should be explained by three factors that depend on election outcomes: which party holds the majority, the relative size of that majority, and the heterogeneity of the two parties. To test these expectations, we conduct OLS analysis where the dependent variable is the Median



**Figure 6.** Relationship between Party Heterogeneity and the Legislative Median

Legislator's DW-NOMINATE score from 1856–2000. To test Observation 1, we include a simple dummy variable, *Majority Party*, which has a value of '1' if Republicans control the House, and '0' if Democrats control the House. Given that DW-NOMINATE scores range from  $-1$  (liberal) to  $+1$  (conservative), consistent with our argument above, we predict that  $\beta_{Majority Party} > 0$ . In other words, the legislative median should be more right-leaning when Republicans are the majority party, than when the Democrats control the chamber.

To test Observation 2, we create the following measure of the balance of seats held by the two parties:

$$Seat\ Quotient = \frac{(Republican\ seats - Democratic\ seats)}{(Republican\ seats + Democratic\ seats)}$$

*Seat Quotient* takes on positive values when Republicans are the majority and negative values when the Democrats are the majority. The ratio is increasingly positive for larger Republican majorities and increasingly negative for larger Democratic majorities. Consistent with our argument above, the position of the median should shift in response to changes in *Seat Quotient* independently of any change in party control. More specifically, we predict that  $\beta_{Seat\ Quotient} > 0$ , meaning that as the size of the Republican majority increases (decreases), the

House median should move further rightward (leftward), and analogous relations should hold when the Democrats are the majority party.

Finally, to test Observation 3, we include measures of *Republican Heterogeneity* and *Democratic Heterogeneity*, measured as the standard deviations in DW-NOMINATE scores of each party's members. Consistent with our arguments earlier, we predict that  $\beta_{\text{Republican Heterogeneity}} < 0$ , and  $\beta_{\text{Democratic Heterogeneity}} > 0$ ; as the Republican and Democratic parties become more ideologically diffuse, the House median should move to left, and right, respectively.

Before moving on, it is important to address a potential concern that might arise given our measurement choices. Conforming to common practice in legislative research, we treat DW-NOMINATE scores as accurate cardinal measures of legislators' preferences. Given that DW-NOMINATE scores are based on roll calls, concerns might be raised that they are not accurate indicators of preferences because the agendas over which members vote might be tainted by partisan influence, or alternatively, that partisan pressure has been applied on particular roll calls, inducing some sort of bias into our measure of legislators' preferences. For various reasons, however, we think that DW-NOMINATE scores are less susceptible to this problem than other preference measures.

First, because DW-NOMINATE utilizes nearly all observed roll call votes, it seems less likely to yield measures that are overly representative of partisan tampering on a subsample of highly salient votes. Moreover, the analysis of a large number of votes should also yield measures that are not subject to 'artificial extremism' or similar biases that normally accompany measures drawn from a smaller sample of roll calls, such as interest group ratings (i.e. Snyder, 1992; Herron, 2000). Finally, recent research offers further evidence suggesting that DW-NOMINATE scores are not pervasively tainted by partisan agenda setting or party pressure. With regard to agenda-setting, McCarty, Poole and Rosenthal (2006: 55–6) demonstrate how the level of ideological polarization in congress as measured with DW-NOMINATE is essentially identical to what would ensue if legislative agendas were held constant across time. Hence, any variation observed in legislators' ideological polarization is not correlated with partisan influence over agendas, which would presumably vary across time. With regard to party pressure, McCarty, Poole and Rosenthal (2001) also demonstrate that any classification gains for DW-NOMINATE arising from an estimation procedure that accounts for both legislators' policy preferences and party pressure are negligible in comparison to an estimation procedure that assumes that legislators vote sincerely based only on their policy preferences. For these reasons, we feel reasonably confident that DW-NOMINATE scores provide a meaningful measure of the legislative median's spatial location for the purposes of our analysis.<sup>8</sup>

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8. McCarty, Poole and Rosenthal (2006: 54–9) provide a more detailed discussion of the DW-NOMINATE's robustness to partisan manipulation.

**Table 1.** Prediction of DW-NOMINATE Medians, 35th Through 106th Congresses

Dependent Variable: Median House DW-NOMINATE Score		OLS Coefficients ( <i>t</i> -statistics)			
Independent Variable	Model 1	Model 2	Model 3	Model 4	
Constant	0.039 (0.53)	0.146 (1.60)	0.013 (0.73)	-0.038 (-1.88)	
Seat Quotient	0.379 (9.36)	0.450 (7.96)	0.428 (6.99)	0.335 (4.49)	
Majority Party	0.838 (11.37)	0.252 (8.90)	0.262 (8.72)	0.265 (7.29)	
Republican Heterogeneity	-1.906 (-3.03)	-1.913 (-3.43)			
Democratic Heterogeneity	1.462 (4.89)	0.951 (3.58)			
Majority Party × Republican Heterogeneity	-1.487 (-2.51)				
Majority Party × Democratic Heterogeneity	-2.188 (-4.87)				
Third-party System	-0.221 (-8.23)	-0.205 (-5.75)	-0.142 (-6.26)		
Fourth-party System	-0.082 (-3.55)	-0.047 (-1.61)	-0.037 (-1.48)		
Adjusted $R^2$	.96	.91	.89	.83	
$N = 72$					

### Findings

Results of the OLS analysis of the median House DW-Nominate score and the test of Observations 1–3 are reported in Table 1. Table 1 displays the regression results with additional controls for the third (1856–1892) and fourth (1894–1928) party systems. The party system variables are intended simply to control for any differences in electoral conditions or ideological alignments over time (e.g. Galloway, 1976) that might affect variability in the median independently of our hypothesized factors. We also control for the interaction between majority party and party heterogeneity to account for the possibility that the effect of party heterogeneity is different between majority and minority parties.

The first model, containing all six primary variables and two interactions, accounts for 96 percent of the variance in the median scores.<sup>9</sup> Signs of the coefficients are generally in the expected direction, and Observations 1–3 are well-supported. The floor median shifts to the right when Republicans control the House, and it shifts left when the Democrats are in control. It moves to the right when the size of the Republican caucus increases relative to Democratic caucus; and it shifts left when the Republicans are more heterogeneous and right when the Democrats are more heterogeneous. From the interaction terms, increasing heterogeneity in one or both parties diminishes the effect of a change in party control.<sup>10</sup> Finally, after taking all of these effects into account,

9. Tests indicate that we cannot reject that null hypothesis that the data are not subject to an AR(1) process (Durbin–Watson statistic = 1.28), and analyzing the model in Table 1 via Cochrane–Orcutt regression yields results that are substantively identical (with respect to point estimates and statistical significance) to the OLS results presented here and are presented in the Appendix.

10. Over the entire time series, the average heterogeneity, or standard deviation, for Democrats is .18 and for Republicans is .14.

the floor median is farther left in the third and fourth party systems than in the fifth party system.

Model 2 performs very well even without the interaction terms, and Model 3 performs well without any of the heterogeneity variables. A model containing only *Seat Quotient* and *Majority Party* explains 83 percent of the variance, and despite the high correlation between these two variables ( $r = .8$ ), an *F*-test indicates that they are jointly significant predictors when the full model (Model 1) is restricted to exclude them. The poorest predictors are the heterogeneity variables; a model with just the two party heterogeneity measures produces an adjusted  $R^2$  of only .09.<sup>11</sup>

The regressions in Table 1 successfully account for most of the variation in the House's floor median over time. Shifts in the sizes of the party caucuses, or changes in partisan control of the chamber, lead to highly predictable changes in the position of the floor median. Moreover, the explanatory variables are a function of elections that are partly, if not largely, an expression of partisan interests. Voters choose between candidates with competing party labels and messages, leading to electorally-induced legislative ideal points that are distinct between parties. This dynamic contributes to a House median whose location reflects whatever partisan forces are at work in the electorate. The median position is not an anchor at the center of the chamber, and policies decided by the median legislator will be significantly biased toward the median preference within the majority party.

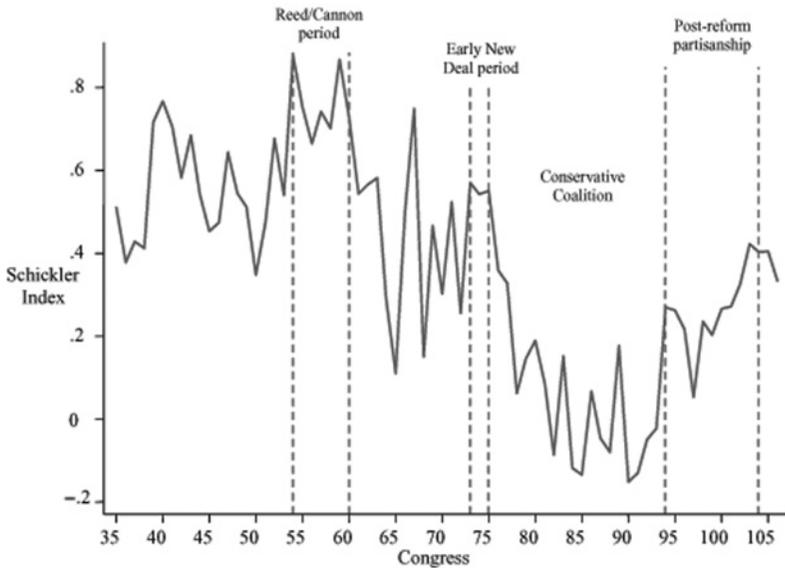
The results of Table 1 have research implications beyond those of direct interest here. Schickler (2001), for example, finds that when the position of the median is held constant, changes in majority control and the size of the majority party have little or no effect on House rules changes. He observes that these findings run counter to predictions of Cox and McCubbins (1994, 1997), Binder (1996), and Dion (1997), all of whom predict that partisan control and size of the majority party will affect House rules. But our analysis shows that the position of the House median is endogenous to party control and party size, and thus both factors have significant *indirect* effects on rules changes.<sup>12</sup>

### Partisanship and the Median

The systematic and predictable gravitation of the House median towards the majority party median should have observable partisan consequences. One exist-

11. The party heterogeneity measures are also strongly correlated  $r = -.68$ , as are *Republican Heterogeneity* and *Third Party System* ( $r = .68$ ).

12. Direct comparisons with Schickler's (2000, 2001) findings are limited in that his variable of interest, the 'median advantage', is not the change in the location of the chamber median, but rather the change in the relative distance of the floor median to the majority and minority party medians between congresses. Further analysis reveals, however, that Schickler's measure is responsive to changes in the majority party's seat quotient and homogeneity between congresses in a manner analogous to the results presented in Table 1. (Results available upon request from the authors.)



**Figure 7.** Partisan Periods in the US House and Distance between Chamber and Party Medians, 35th through 106th Congresses

ing piece of evidence is Schickler's (2000) analysis of changes in House rules. He discovered that as the chamber median in the US House moved closer to the majority party median and farther from the minority party median, changes in House rules were more likely to advantage the majority party. We expect more generally, therefore, that narrow intervals between the chamber and majority party medians will be associated with periods in congressional politics that historians consider to be strongly partisan, and that wide intervals between the chamber and majority party medians will be associated with weak partisan eras.

To examine this correspondence, we plotted Schickler's index of 'median advantage' and plotted it over the entire time series. Schickler's Index =  $\text{abs}(\text{MEDIAN}_{\text{floor}} - \text{MEDIAN}_{\text{minority}}) - \text{abs}(\text{MEDIAN}_{\text{floor}} - \text{MEDIAN}_{\text{majority}})$ .<sup>13</sup> Hence, the larger the index, the closer the chamber median is to the majority party median and the farther it is from the minority party median. We expect that larger values of the index will correspond with congressional eras that are generally considered to be most partisan.

The trend displayed in Figure 7 corresponds closely to most scholarly assessments of partisan eras in the US House. As one would expect, the Schickler index is lowest during the 75th through 93rd Congresses when the conservative coalition was strongest. This follows a period of relatively strong partisanship

13. Schickler's (2000) analysis is based on changes in this index from one congress to the next.

during the previous two congresses that Galloway (1976) describes as a period of New Deal Democratic hegemony. Beginning after Watergate with the 94th, however, and following congressional reforms, the index increased with the increase in partisanship that Aldrich and Rohde have frequently noted. The trend in Figure 4 also fits expectations in the early part of the time series. With the exception of the 47th Congress (1881–1883), partisanship was quite low during the decentralized ‘Gilded Era’ (Galloway, 1976). But as power was transferred away from committee chairs to party leaders during the Reed years, partisanship increased sharply and remained high until party organizations began to unravel around 1908 during the Progressive period. The Schickler index mirrors these trends fairly well. Historically, therefore, the waxing and waning of legislative partisanship corresponds quite closely to the distance between the chamber and majority party medians.

In addition to its effect on House rules, the gravitation of the House median towards the majority party median should have direct consequences for policy outcomes. We turn therefore to an analysis of House floor votes. We focus specifically on the extent to which the majority party succeeds in passing or blocking bills and motions that are voted on by the full chamber. As discussed earlier, the party cartel model predicts that the majority party’s success on floor votes should be unrelated to the distance between the chamber and majority party medians, and only the minority party’s success should be affected by the positioning of the median. That is, when the median is closer to the majority party than to the minority party median, the minority party should lose regularly, but the majority party should never lose. Alternatively, the floor agenda model predicts that *both* majority and minority party success rates on the floor should be affected by the position of the chamber median. Since all status quo policies will be amended to the chamber median under the floor agenda model, a party will be more or less advantaged in floor voting depending on how close the chamber median is to its party median

To test these expectations, we employ as a dependent variable *party rolls* as defined by Cox and McCubbins (2002: 115). They define a party roll on a final passage vote as a case in which ‘a majority of its members unsuccessfully oppose a particular bill’s final passage.’ In other words, a party roll occurs when at least 50 percent of a majority or minority party’s members vote against a bill that passes the House. If the Democrats are the majority party, then a roll will only occur if some policy located between the House median,  $m$ , and  $(2D - m)$ , where  $D$  is the Democratic Party median, comes up for consideration and passes after it is amended to the House median’s ideal point. Majority rolls, therefore, indicate a failure by the majority party to control the agenda.

While Cox and McCubbins analyze roll *rates* – the number of rolls divided by the total number of final passage votes – we analyze here the raw number of rolls. The reason is that the number of total final-passage votes varies with the position of the House median. As an empirical fact, when the floor median

**Table 2.** Determinants of Majority Party Rolls

Dependent Variable: Number of Majority Party Rolls		OLS Coefficients ( <i>t</i> -statistics) <sup>a</sup>			
Independent Variable	Model 1	Model 2	Model 3	Model 4	
Constant	0.753 (1.71)	0.665 (1.50)	0.078 (0.20)	0.095 (0.25)	
Majority Party Median – House Median	3.693 (1.86)	3.038 (1.58)	3.258 (1.80)	3.713 (1.96)	
Number of Final Passage Votes		0.004 (1.23)	0.003 (0.73)		
Majority Rolls Lag (1)			0.055 (0.38)	0.067 (0.48)	
Majority Rolls Lag (2)			0.280 (1.55)	0.230(1.80)	
Adjusted <i>R</i> <sup>2</sup>	0.03	0.03	0.12	0.13	
Durbin–Watson	1.40	1.44	2.16	2.15	
<i>N</i>	61	61	59	59	

<sup>a</sup>Based on Huber–White standard errors.

moves closer to the majority party median, the number of final passage-votes *decreases*.<sup>14</sup> Consequently, if the number of final passage-votes decreases at nearly the same rate as the number of majority party rolls, then analyzing the roll *rate* will disguise any effect of movement in the floor median.<sup>15</sup> Still, the number of rolls may depend on the number of opportunities to be rolled, and so we include the total number of final-passage votes on the right-hand side of our empirical equation rather than in the denominator of the dependent variable.

Tables 2 and 3 present the results from OLS regressions of majority and minority party rolls on the absolute difference between the majority party median and the floor median.<sup>16</sup> As noted above, we control for the total number of final – passage votes, and following Cox and McCubbins (2002, 2005), we also control for first and second period lagged values of the dependent variables. In all regressions, in Table 2, the distance between the majority party and chamber medians is a statistically significant predictor of majority and minority party rolls, and in all cases the coefficient is correctly signed. Of particular interest is Model (4), which, with its controls for first and second period lagged roll values, is an exact replication of the specification employed by Cox and McCubbins (2002: 127) in their analysis of the majority party roll rate. Given this specification, Cox and McCubbins concluded that the majority party roll rate was unrelated to the distance between the majority party median and the floor median, as would be consistent with the party cartel model. Our analysis, however, supports

14. The magnitude of the correlation between the number of final-passage votes and the absolute difference between the majority party and floor medians is .26 and statistically significant.

15. The simple correlation between the number of majority party rolls and the absolute difference between the majority party and floor medians is very similar to the correlation between the number of total rolls –  $r = .20$  and is statistically significant.

16. Roll data are drawn from Cox and McCubbins (2005: 92–3).

**Table 3.** Determinants of Minority Party Rolls

Dependent Variable: Number of Minority Party Rolls		OLS Coefficients ( <i>t</i> -statistics) <sup>a</sup>			
Independent Variable	Model 1	Model 2	Model 3	Model 4	
Constant	14.825 (3.94)	9.354 (2.99)	4.424 (2.27)	3.339 (1.46)	
Majority Party Median – House Median	9.230 (0.56)	–31.794 (2.16)	–19.664 (1.94)	–4.298 (0.36)	
Number of Final-Passage Votes		0.228 (10.58)	0.122 (4.75)		
Minority Rolls Lag (1)			0.650 (4.06)	0.910 (4.79)	
Minority Rolls Lag (2)			–0.110 (0.68)	–0.031 (0.15)	
Adjusted <i>R</i> <sup>2</sup>	0.00	0.65	0.80	0.70	
Durbin–Watson	0.33	0.60	1.692	1.92	
<i>N</i>	61	61	59	59	

<sup>a</sup>Based on Huber–White standard errors

the opposite conclusion. As predicted by the floor agenda model, as the floor median moves closer to the majority party median, the majority party is rolled *less* often (Table 2), and the minority party is rolled *more* often (Table 3).<sup>17</sup> This is not to say that majority parties always fail to exercise negative agenda power. The majority party, as Cox and McCubbins’s analysis indicates, is seldom rolled. Nevertheless, the majority party does indeed realize partisan gains – or, more precisely, fewer partisan defeats on the floor – as the chamber median gravitates toward the majority median.<sup>18</sup>

### Conclusion

The ongoing debate over political parties in legislative politics has hinged on the question of whether policy outcomes reflect the preferences of the majority party

17. The results reported here are substantively identical to those from a poisson and negative binomial regression.

18. A strong implication of the floor agenda model would be that all variation in party rolls for Party *j* should be explained by the distance between Party *j*’s median and the House median, with no variation being explained by which party held the majority. We tested this implication by pooling the data in Tables 2 and 3 into a single model and replicating our analyses to examine whether  $\beta_{Majority Party}$  was statistically different from zero, when controlling for  $|Party Median j - House Median|$ . Unfortunately, the high correlation between *Majority Party* and  $|Party Median j - House Median|$  limits our ability to uncover meaningful estimates for both  $\beta_{Majority Party}$  and  $\beta_{|Party Median j - House Median|}$ . Furthermore, specification tests suggest that majority and minority party rolls should be analyzed separately, as they currently are in Tables 2 and 3, respectively, rather than being pooled into a single model. Given that different data-generating processes influence whether the majority and minority parties are rolled suggests that there is something unique to the majority party that affects its floor success, apart from what would follow from a floor agenda model, which is loosely consistent with Cox and McCubbins, and should be studied further.

median or the floor median. We have argued that the distinction between these two positions is not nearly as clear as most of the literature assumes. Our analysis shows that the position of the median legislator in the US House of Representatives moves in predictable ways from one Congress to the next, and that it moves largely in response to changing proportions of Democratic and Republican seats and to changes in majority party control of the chamber. The position of the median is more conservative the greater the share of Republican seats and more liberal the greater the share of Democratic seats; and the median is farther to the right, *ceteris paribus*, under Republican control and farther to the left under Democratic control. In short, the position of the House median moves predictably in response to changes in size and partisan control of the majority.

The regular movements in the location of the House median have implications for partisan models of Congress. With respect to party cartel models, our analysis shows that the range of policies over which the majority will exercise negative agenda power shrinks or expands in response to changes in the location of the legislative median. As the chamber median moves toward the majority party median, the range of policies subject to the majority's agenda control shrinks, but the majority will still benefit from allowing status quo policies outside the gridlock zone to be amended to the chamber median. Contrary to expectations under both cartel and conditional government models, however, as the range of policies over which the majority can exercise negative agenda power expands – that is, the smaller its majority and the farther the chamber median is from the majority party median – the *more* likely the majority is to lose on final-passage votes.

Our analysis calls into question a basic assumption underlying current theories of party government. These theories implicitly begin with the assumption that the majority party's policy agenda cannot be realized through the median legislator in the chamber, and, as a consequence, majority party leaders must circumvent the pull of the median legislator in order to realize the party's agenda. We conclude, however, that the median legislator's position is not a partisan-free or party-neutral position, but instead reflects the partisan differences in the House at any given point in time. Consequently, policy outcomes located at the ideological median will, in a broad sense, be partisan outcomes in that they favor the majority party over the minority. The closer the chamber median is to the majority party median, the easier it is for party leaders to establish a partisan record simply by allowing majority outcomes to occur. In general, policy outcomes will be biased in favor of the majority party *even* if the majority is undisciplined and operates under a fully open agenda. Hence, the floor agenda model captures more partisanship than scholars have heretofore recognized. It is not merely the antithesis of party cartel or conditional party government models.

Although our analysis indicates a substantial partisan bias in the preference of the legislative median, an important question is 'Why?' Proponents of party

government would argue that partisanship in the location and movement of the chamber median is an aberration resulting from the majority party’s control of the issues and agenda over which the median legislator votes. We suggest a plausible alternative – the partisan tendencies of the chamber median are shaped by electoral forces external to the legislature itself. Hopefully, then, our analysis provides some justification for extending the analysis of legislative partisanship to the electoral arena. Important questions for future research include: What is the nature of the ideological distributions of the candidate pools? How are these distributions influenced by electoral rules, recruitment, fundraising, and campaign strategies? And finally, if partisan dynamics in the legislature cause candidates’ ideological positions to appear different from what they were during campaigns, what are the implications for subsequent recruitment, fundraising, and campaign strategies? In conclusion, we believe that efforts to understand the role of parties in legislatures and American lawmaking will be well-served by drawing more tangible links between electoral politics and their subsequent impacts on the legislative arena.

### Appendix

**Table A1.** Prediction of DW-NOMINATE Medians, 35th through 106th Congresses

Dependent Variable: Median House DW-NOMINATE Score		OLS Coefficients ( <i>t</i> -statistics)			
Independent Variable	Model 1	Model 2	Model 3	Model 4	
Constant	-0.097 (1.08)	0.158 (1.52)	0.011 (0.53)	-0.026 (-1.04)	
Seat Quotient	0.414 (11.54)	0.462 (8.22)	0.423 (7.33)	0.417 (7.22)	
Majority Party	0.893 (13.28)	0.244 (8.79)	0.257 (9.06)	0.252 (9.05)	
Republican Heterogeneity	-1.001 (-1.58)	-1.876 (-3.06)			
Democratic Heterogeneity	-0.841 (2.53)	0.875 (2.81)			
Majority Party × Republican Heterogeneity	2.280 (5.27)				
Majority Party × Democratic Heterogeneity	-1.814 (3.01)				
Third-party System	-0.185 (5.12)	-0.204 (4.82)	-0.134 (4.27)		
Fourth-party System	-0.071 (2.20)	-0.047 (1.34)	-0.028 (0.87)		
$\rho$	0.525	0.228	0.342	0.588	
Adjusted $R^2$	.95	.89	.87	.84	
$N = 71$					

Note. Cochrane–Orcutt regression coefficients with *t*-statistics in parentheses.

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