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Introduction

> With both parties becoming more homogeneous and less diverse, the nation's
> political leaders have been freed to take harder positions, draw sharper lines and
> forsake the time-honored tradition of reaching across party lines to find common
> cause with the other side.
>
> (Westphal 2004)

This quote captures three key aspects of the conventional wisdom on rising
partisanship in Congress: that members have become increasingly polarized
into two separate and non-overlapping ideological camps, that bipartisan coop-
eration has fallen as a result, and that these changes work against desired and
"time-honored" efforts to find common ground in the legislative process. Those
most critical of partisanship go even further, arguing that it produces gridlock,
stunts policy innovation, and diminishes responsiveness on any level. In essence,
polarization damages effective democratic governance.

Just how well do we understand the roots of partisan conflict? Scholars have
suggested that the existence of elite polarization is "largely noncontroversial"
(Fiorina and Abrams 2008, 584). While there is controversy over the extent of
polarization in the mass public, nearly all political observers agree that elected
officials fall into two distinct camps, with few places of agreement between
members of the two parties. Moreover, research clearly shows that party polar-
ization in American politics, as measured by the ideal point estimates (i.e., ideo-
logical positions) of members in the two parties, has risen since the 1970s (e.g.,
McCarty et al. 2006; Theriault 2008). Rather than representing the full spectrum
of the legislative process, however, these studies concentrate attention on just roll
call voting. This book looks beyond (and before) roll call votes to explore the
extent and timing of partisan conflict in the U.S. House of Representatives since
the 1970s. Until we look beyond roll call votes, we cannot fully understand the
roots of partisan conflict, separate the impact of individual members' positions
from that of party influence and agenda-setting, or gauge whether bipartisanship

is, in fact, dead. A better understanding of these issues is a necessary first step toward evaluating the normative concerns that discussions of partisan conflict typically provoke, ranging from issues of governance and legislative action (or inaction) to issue attention across policy areas and representation.

A focus on roll call votes can miss dynamics of policy agreement within House politics. For example, in the wake of the fallout from the collapse of the Enron Corporation in December 2001, the Republican House majority sought to address pension reform. Republicans proposed two separate reform bills: the Employment Retirement Savings Bill of Rights (H.R. 3669), introduced by Rep. Rob Portman (R-OH); and the Pension Security Act of 2002 (H.R. 3762), introduced by Rep. John Boehner (R-OH). Portman's bill, which was referred to the Ways and Means Committee, had bipartisan cosponsorship as it garnered the support of 15 Republicans and 6 Democrats. The bill was also reported from committee on a bipartisan vote of 36–2 (yea-nay) ("Pension Security Bills Falter" 2002). In contrast, Boehner's bill, which was referred to the Education and Workforce Committee, was highly partisan, having the support of 32 Republican cosponsors and only 1 Democratic cosponsor and a mostly partisan committee vote of 28–19 ("Pension Security Bills Falter" 2002). Both bills sought to address diversification and investment advice for employees, but demonstrated substantive differences in their approach to the problem. In particular, Portman's bill allowed employees to use some of their salary through a tax-free payroll deduction to purchase investment advice on their own, while Boehner's bill allowed employee-sponsored plans to give workers investment advice so long as they disclosed conflicts of interest (Swindell 2002).

Despite having the option of pursuing a bipartisan bill, House Speaker Dennis Hastert and Majority Leader Dick Armey decided to use Boehner's more partisan bill (H.R. 3762) as the vehicle for pension reform. A largely party-line vote on the House floor resulted, with 208 Republicans and 46 Democrats voting yea and 2 Republicans and 160 Democrats voting nay. During the floor debate, members emphasized that the Republican leadership had made a choice to put the more partisan bill on the agenda. Pete Stark (D-CA) noted that "this bill points out so clearly the differences between the Republicans and the Democrats" ("Congressional Record" 2002). Similarly, Bob Etheridge (D-NC) claimed that, "Earlier this year, the Ways and Means Committee passed a truly bipartisan pension reform bill. But, the Republican Majority chose ... a controversial bill passed by the Education and Workforce Committee" ("Congressional Record" 2002).

Although the partisan bill ultimately died in the Senate, this example highlights two important aspects of the argument presented in this book. First, even in recent decades when severe partisanship has been the story of Congressional politics, pieces of legislation with bipartisan support have remained. Second, even when there has been underlying bipartisan agreement on substantive policy matters, the majority party's leaders have been able to pursue partisan legislation on the floor. The resulting roll call votes give the appearance of two parties

divided. If we looked only at the roll call vote on Boehner's partisan bill, we would have missed these two insights.

Throughout this book, I demonstrate continued levels of substantive policy agreement across the aisle, particularly in cosponsorship coalitions and bipartisan voice votes. Bipartisanship, in short, is not dead; it is just hidden from view. By focusing on the most visible legislative activity – casting roll call votes – we have obscured important stages of policymaking in which bipartisan agreement continued to exist. Roll call vote-based measures of polarization and partisan conflict show that Democrats and Republicans are voting differently from one another, but these measures are the end result of legislative agendas that can mask places of policy agreement. I develop new measures of bipartisan agreement by considering cosponsorship coalitions, and I use this data to shed light on how the House majority party uses its control over the legislative agenda to manufacture higher or lower levels partisan polarization. This approach demonstrates how the strategic nature of agenda-setting drives partisan conflict. The complex picture of governance that emerges reveals a latent but remarkably persistent level of substantive bipartisan agreement in the House between 1973 and 2004. This potential for bipartisanship has been overshadowed by growing partisanship in roll call votes.

WHY UNPACK THE ROOTS OF PARTISAN CONFLICT?

I argue that the distinction between partisan roll call voting behavior and bipartisan actions elsewhere in the House has significant consequences for our understanding of representative democracy and for our evaluations of Congress as a functioning governing body. Effective democratic governance is a concern of policymakers and citizens alike. According to the National Democratic Institute, "A capable and effective national legislature is a foundational pillar of democratic government"; the capacity of representative institutions to communicate with citizens and respond to their concerns, and to shape laws and policies that reflect national and constituent interests, is essential to an effective national legislature (National Democratic Institute 2013). When scholars and political commentators express concern over partisan disagreement, the implicit worry is that rising polarization, combined with institutional arrangements in the federal government, undermine Congress's ability to meet these requirements.

Scholars have characterized the institutional structures of government in the United States as both promoting and inhibiting democratic governance. In an effort to avoid the perceived pitfalls of a pure democracy, the Framers of the United States Constitution designed a complex constitutional system in which indirect mechanisms of representation, overlapping institutional prerogatives, and competing governing authorities altered prevailing notions of democratic sovereignty. Rather than translate the will of the people directly into public policies, the Framers ensured that the public voice would be mediated. It might

be "refined and enlarged" by allowing the wisdom of representatives to "best discern the true interest of the country" (Madison 1787), or it might be corrupted or distorted. In either case, institutional arrangements would always be insinuated in the outputs of government (Burden 2005; Dahl 2003).

As the American polity and its mediating devices of representation further developed over the next two-hundred-plus years, political analysts reliably kept pace, identifying and evaluating perceived dysfunctions. Before becoming president, Woodrow Wilson (1900) argued against the separation of powers system on the grounds of inefficiency and corruption. He, like other scholars (e.g., APSA 1950; Schattschneider 1942), suggested that stronger parties with greater influence over their members would produce more effective governance. In recent years, however, attitudes on this topic have changed. Instead of viewing cohesive national parties as a vehicle for efficiency, scholars and political commentators since the 1970s have expressed alarm at the dramatic rise of party conflict (e.g., Gutmann and Thompson 2012; Mann and Ornstein 2006, 2012; McCarty et al. 2006; Sinclair 2006; Theriault 2008). Their worry is that party conflict exacerbates institutional inefficiencies (some say to the point of paralysis) and drowns out popular sovereignty.

Although some political scientists continue to defend partisanship and polarization (e.g., Muirhead 2006; Rosenblum 2008), in recent decades the more common refrain is that party polarization has replaced an idealized era of bipartisanship, producing negative consequences for governing and representation (e.g., Eilperin 2006). These complaints come in many forms. Some worry that "the policy process has been distorted, with deliberation and compromise replaced by a partisan steamroller" (Sinclair 2006, 344–5). Others tie polarization to legislative stalemate, suggesting that the parties find it harder to get things done in the public interest (Hacker and Pierson 2005, 5). In essence, critics claim that parties are focused on scoring political points rather than solving problems (Mann and Ornstein 2012, 101). Combined, these criticisms suggest that the outcome of policymaking in a partisan climate is undesirable, regardless of whether Congress passes partisan legislation or faces gridlock.

Political participants and observers share these concerns about the rise of partisanship. For instance, former House member Fred Grandy (R-IA) argued that "governing is about finding common ground, and liberals and conservatives must give up the automatic partisanship that has taken hold in order to truly solve large problems" (Grandy 1995). Ronald Brownstein, the editorial director of the *National Journal*, argued that "hyperpartisanship has unnecessarily inflamed our differences and impeded our progress against our most pressing challenges" (Brownstein 2007, 367). Even organizations like the Democracy Fund, which invests in social entrepreneurs to ensure that our political system is responsive to the public, are concerned about polarization. In a recent blog post about the organization's concerns and goals, Director Joe Goldman noted that "while polarization is not necessarily a bad thing (it clarifies choices and motivates participation), the checks and balances of the American political system

require our two parties to work together in order for our system to function"
(Goldman 2013). In sum, partisan conflict appears at odds with effective
governance.

The assessments of the effect of polarization on representation are similarly
pessimistic. Most of the current assessments of Congress herald bipartisanship
and compromise as the normative good and see partisanship as a distortion of
this ideal (e.g., Gutmann and Thompson 2012). From this perspective, the rise of
partisanship reflects a failure in representative government, particularly at a
collective level (Fiorina and Abrams 2009). Similarly, Hacker and Pierson
(2005, 35) tie polarization to breakdowns in government responsiveness, as
they question whether elections are playing the essential role of assuring respon-
siveness from those in power. Other scholars have pointed out that stalemate
and partisan bickering erode the public's faith in Congress (Galston and Nivola
2006; Hibbing and Theiss-Morse 1995, 2002; Theriault 2008).

Polarization, then, has been linked to a breakdown in effective governance, in
terms of both legislative compromise and constituent responsiveness (Rae 2007).
But what exactly do we mean by polarization? Most discussions of the negative
consequences of polarization assume that party members have moved so far
apart ideologically since the 1970s that there is no room left for common ground
on policy.[1] The result is partisan conflict.

"Polarization" remains an ambiguous concept, despite its common usage
(Mayhew 2002, 98). First, polarization as a concept is not necessarily the same
thing as polarization as a measure. As a concept, polarization often focuses on
ideological disagreement, but, as a measure, polarization generally captures all
votes that separate Democrats from Republicans, regardless of the reason (Lee
2009). Second, we know from existing research that party institutions affect
nearly all of what we see in Congress, especially at the end-stages of the political
process. These concerns are inter-related, and they suggest that we ought to
specify the key features of polarization and ask how well our measures capture
these features. Understanding the various facets of polarization has important
consequences for how we understand partisan conflict as well as for how we
evaluate congressional governance, assess representation, and, ultimately, seek
to improve the political system.

The existing literature on political elites either defines polarization in terms of
a roll call vote-based measure or not at all.[2] For instance, McCarty, Poole, and

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[1] Some suggest that these ideological preferences are induced from members' constituencies. For
instance, Cooper and Brady (1981) suggest that the source of partisan voting lies in the electorate,
where cohesiveness in voting is driven by homogeneity of electoral coalitions and the resulting
member preferences. Others suggest that member preferences are more extreme than those of their
constituents (Fiorina and Abrams 2009; Fiorina et al. 2005). In either case, however, changes in
members' preferences are often assumed to drive rising levels of partisanship in Congress.

[2] Scholars analyzing polarization among the mass public have paid somewhat more attention to the
definition of polarization as they have debated whether the public has polarized or sorted
(see Fiorina and Abrams 2008; Fiorina et al. 2005; Abramowitz 2010; Levendusky 2009).

Rosenthal (2006, 3) define polarization as "a separation of politics into liberal and conservative camps" based on voting patterns. Alternatively, neither Han and Brady (2007) nor Theriault (2008) offer explicit definitions of polarization, perhaps assuming, as many scholars do, that we have a clear understanding of this term.[3] Rohde (1991, 8–9) notes that polarization can be measured by the frequency of party voting, average party differences (absolute value of the difference in the proportion of each party voting yea), indexes of cohesion (absolute difference between the proportion of a party's members voting yea and voting nay on a vote), and party unity indexes (proportion of party unity votes that a member votes with the party). In general, there is little discussion of a conceptual definition of polarization beyond these measures, all of which focus on roll call voting.

Moreover, existing analyses equate roll call voting behavior (which occurs on one subset of bills at the end stage of the legislative process) with a broader inability of members to find common ground across party lines. The conventional wisdom, linking polarization to a lack of common ground, is summarized by a statement from Dodd and Oppenheimer: "Given the growing regional base of the two parties in the House and Senate, the decline in the number of moderates in both parties, the increased ideological polarization, [and] the strength of party voting, ... finding common ground and room for the two parties in Congress to compromise on policy has become ever more difficult" (Dodd and Oppenheimer 2012, 480). Perhaps the best distinction between the grandiose claims and empirical measures is seen in a recent *Pacific Standard Magazine* story titled "There is No Common Ground Anymore" (Badger 2009). Despite the sweeping claims of the title, the text only discusses roll call voting and the resulting ideal point estimates. Quite often, then, while many use partisan roll call votes to imply the presence of disagreement across issues and across stages of the legislative process, they typically measure partisan disagreement on only the subset of bills that receive roll call votes.

Even though the extent to which policymakers want to find places of agreement is debatable, having common ground on legislation is the first step to reaching cross-party agreement. If our current take on polarization and partisan conflict is correct, it would appear that these ideological partisan differences are insurmountable. If, however, there are places of common ground, bipartisan agreement may be possible if politicians are incentivized to pursue these places of agreement rather than their places of disagreement. Senator Susan Collins of Maine suggested as much in an interview with Norah O'Donnell for *CBS in the Morning* in 2013. Collins said, "Women span the ideological spectrum, just as men do. We don't all agree. But what I do think we

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[3] Theriault (2008) does provide a number of statements in the opening chapters of his book that hint at various components of polarization, including "disagreement about procedures" (3), "members who cast increasingly ideological votes" (4), greater differences between the parties and increased party voting (7), and the division of parties into separate camps on vote-based measures (16). Nearly all of these comments tie polarization to vote-based measures.

bring to this issue [gun control] and so many others, is a more collaborative approach and a willingness to find where the common ground is" (O'Donnell 2013). Page (2009, 50) also notes that, despite ideological differences, members of both parties support subsidies for businesses and spending for programs back home. There would appear to be some places where even a polarized Congress could find policy agreement and where voting could be bipartisan. If leaders have incentives to pursue these types of policies on the floor, bipartisanship could be more common.

Understanding the potential for bipartisanship and common ground on policy, and why that agreement might not be picked up in roll call votes, is important for understanding the normative consequences of partisanship and the appropriate solutions to current levels of partisan conflict. There are different implications for the evaluation of governance,[4] representation, and other pressing normative questions depending on whether polarization is largely restricted to differences in voting behavior or whether it indicates a broader inability to work across the aisle. Working from the premise that polarization is undesirable, a number of scholars have proposed potential solutions (e.g., Brownstein 2007; Galston and Nivola 2006; Mann and Ornstein 2012). But whether we want to dramatically overhaul the composition of members of Congress, change the incentive structure for members through different primary election or fundraising structures, or make internal reforms in Congress hinges on how we understand the basis of partisan conflict. If members of Congress do share common ground, but are embedded in a legislative process that increasingly favors partisan disagreement, solutions should focus on this process and on the majority party's incentives to pursue partisan legislation, and not on simply instigating legislative turnover.

AN EMPIRICAL STRATEGY FOR UNTANGLING THE ROOTS OF PARTISAN CONFLICT

Focusing on bipartisan cooperation in a variety of legislative circumstances provides a useful starting point for examining the extent of partisan conflict in the House of Representatives. The term "bipartisan" can be used to characterize legislation, the behavior of members, and the strategies of parties. If political commentators are correct in asserting that partisan differences have become insurmountable, we should see instances of bipartisan agreement falling similarly over time across all stages of the legislative process, including – but not limited to – members' cosponsorship coalitions and roll call votes. If, instead, we observe differences in the patterns of bipartisanship between early and late stages of the legislative process, we ought to consider how institutional

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[4] A multi-faceted topic like governance is necessarily simplified in this discussion. Throughout the book, I focus on the extent of government activity (i.e., public laws) and the degree to which outputs are bipartisan.

arrangements, including political parties and agenda control, act as a filter on the legislative process. The belief that political parties affect policy outcomes through agenda control is widespread (Aldrich 1995; Cox and McCubbins 1993, 2005; Rohde 1991), but the connection to partisan conflict is less well established. As such, this book seeks to understand both the potential for bipartisan agreement and the role that political parties play in manufacturing partisan conflict.

In order to gauge the extent of common ground between members of the two parties, we must look beyond – and in this case *before* – roll call votes. Without doing so, we risk attributing changes in the floor agenda and party strategy to changes in member ideology alone. Gaining any traction in separating the degree to which partisanship in voting reflects the preferences of members, as opposed to the strategy of the party, hinges on an ability to look at the behavior of members absent the agenda-setting decisions of the majority party. To put this another way, we need to somehow distinguish between at least three possibilities: that increased polarization in roll call voting results from members' preferences; that legislative agenda-setting has changed while members' preferences have remained unchanged; or that both processes, in part, explain polarization (Clinton 2012). Roll call votes are an excellent source of data, but can only reveal legislative behavior, coalitions, and policy content after the agenda has already been set (and only on a subset of bills receiving votes). This insight suggests that we ought to consider the behavior of members and the extent of bipartisan agreement earlier in the legislative process.

In this book, I examine patterns of bipartisan agreement over time and look at how party influence affects later legislative stages and resulting policy outcomes by examining the distribution of coalitions on cosponsored bills before and after the party sets the floor and roll call agendas. That is, I assess the frequency of bipartisan coalitions pre- and post-agenda formation. Throughout this book, I use the term "coalition" to describe a group of legislators who sign on as cosponsors on a piece of legislation. I note, however, that this does not necessarily assume that members have communicated or coordinated their activity.

The pre-agenda measures of legislative behavior and common ground between members are based on cosponsorship coalitions. The frequency of bipartisan coalitions on all cosponsored bills speaks to the potential for bipartisan agreement. Like voting behavior, cosponsorship provides a quantifiable metric of coalitions based on public position taking by members. But unlike voting behavior, cosponsorship coalitions occur prior to the leadership winnowing down bills for floor attention. The distribution of support from members of the two parties in these coalitions captures the extent of bipartisan agreement on policy.

Members appear to use their cosponsorship records to signal their political views to their constituencies. Anecdotal evidence from member newsletters to constituents as well as from responses to newspaper editorial boards point to cosponsorship, and bipartisan cosponsorship in particular, as important means

of position taking and credit claiming, allowing members to convey their records and demonstrate that they are willing to work across the aisle. In a sample of newsletters from the 105th Congress (1997–98), 55 percent mentioned either members' sponsorship or cosponsorship of legislation, as compared to 20 percent that mentioned members' votes.[5] This illustrates the emphasis members place on these non-vote-based actions. In 2004, Representative John Kline (R-MN), for example, sent out a newsletter titled "Creating Jobs and Growing Minnesota's Rural Economy: A Report from John Kline." In this newsletter, he detailed four different bills on which he was a cosponsor – encouraging ethanol production, reducing small business expenses, providing access to health care for the self-employed, and expanding health coverage for the uninsured. He also noted (and even underlined) that he had "joined a bipartisan group of Members of Congress and Senators" to represent the concerns of grain producers and the domestic grain industry. The content of his newsletter, like many others, attempted to portray him as bipartisan and working on behalf of constituent interests, efforts which include the cosponsorship of legislation (Kline 2004).

Recent examples suggest that members of Congress communicate their records of cosponsorship, including bipartisan cosponsorship, through the media as well. Prior to endorsing candidates in 2010, the *Chicago Tribune* editorial board asked both incumbents and challengers a number of questions about policy and, for incumbents, questions about their actions while serving in office. Many of the members' responses emphasized cosponsorship and their efforts to work with bipartisan coalitions. For instance, Donald Manzullo, Republican incumbent for Illinois' 16th District, highlighted his bipartisan efforts, including his cosponsorship of the National Manufacturing Strategy Act of 2010 (H.R. 4692), authored by Democrat Dan Lipinski (D-IL) (Manzullo 2010). Likewise, Democratic incumbent Melissa Bean, in Illinois' 8th Congressional district, discussed her cosponsorship of the bipartisan SAFE Commission Act (H.R. 1557) (Bean 2010).

Members of Congress also know that journalists pay attention to their cosponsorship activities. For instance, western New York's local newspaper *The Leader* provided a report card for Representative Tom Reed (R-NY). The report drew on Reed's sponsorship and cosponsorship record, noting the frequency with which his bills garnered support from across the aisle and how often he cosponsored bills sponsored by Democrats (Post 2014). Ultimately, cosponsorship coalitions point to the policies legislators support and how often they work across the aisle, and these records are seen in members' own communication and that of the media.

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[5] To explore how members manage their image and convey records of bipartisanship to their constituents, I examined a subset of majority member newsletters to constituents from the 105th Congress (1997–1998). Like Lipinski (2004), I drew on newsletters from the franking archives of the Legislative Resource Center in the House of Representatives. Given the exploratory nature of the analysis, members were stratified on the most and least competitive third of districts for the 105th Congress and a random sample of 35 members in each group were selected. For each of these members, all newsletters and constituent questionnaires sent in either 1997 or 1998 were gathered.

The post-agenda measures of legislative coalitions come from roll call voting and the cosponsorship coalitions of bills receiving roll call votes (or other floor attention). The frequency of bipartisan coalitions on bills receiving floor attention or roll call votes speaks to the degree of post-agenda-setting bipartisan agreement. By knowing the cosponsorship coalitions of bills that receive roll call votes in each Congress, I am able to classify the roll call agenda as primarily bipartisan or partisan, and explore changes in the agenda over time. The same is true for measures of broader floor attention, including both roll call votes and voice votes. Throughout the book, I focus on these legislative agendas, which I define as bipartisan or partisan depending on whether the selection of bills for floor attention (and for roll call votes in particular) focuses on bills that were able to garner bipartisan or partisan support at the cosponsorship stage. The content of the agenda is important because it is controlled by the majority party and shows which bills are receiving serious attention (Kingdon 1995, 3). Moreover, the content of the agenda affects the degree of partisanship in floor voting.

Methodologically, this work draws on the insights of scholars who have pointed to the ways in which vote-based estimates of ideology may overstate polarization (Crespin et al. 2013; Stiglitz and Weingast 2011), to instances in which partisanship goes beyond ideology (Lee 2009; Noel 2013), and to the limited ability of roll call analyses to separate members' preferences from party effects (Krehbiel 1993, 2006). I also build on the work of scholars who have utilized cosponsorship coalitions to assess legislative behavior (e.g., Aleman et al. 2009; Zhang et al. 2008).

Cosponsorship coalitions provide an excellent complement to roll call votes as they are another avenue for members to take positions, signal support for legislation, and join a coalition, but they occur prior to party influence over agenda-setting.[6] By examining bipartisan agreement in these coalitions across different stages of the legislative process, I explore how party strategy combines with the preferences of members to produce an increasingly partisan Congress, thereby limiting opportunities for bipartisan cooperation among members.

The Importance of Considering the Legislative Agenda

Consider a parallel to studies of polarization in the electorate as a means of understanding how the congressional roll call agenda can artificially inflate members' enthusiasm for partisan politics. Using evidence from presidential and congressional elections, some scholars have argued that the American public

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[6] Although cosponsorship occurs before floor agenda-setting (since bills can be cosponsored any time between their sponsorship and committee reporting), this does not rule out forethought by members or coordination between members and party leaders. Members can anticipate floor action on legislation and this may affect their behavior at earlier legislative stages, particularly through the selection of which bills to consider for cosponsorship. However, it does not change the key assertion that members support the policies to which they attach their name.