

Two-Party Competition and Senate Politics:  
The Permanent Campaign on the Floor of the U.S. Senate

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Intense competition for majority party control—a continuous reality since the Republican Party won control of the Senate in 1980—has transformed Senate floor politics. This article shows how minority party senators have exploited floor amendments for partisan purposes to a much greater extent in the post-1980 period than in the past. During the 1960s and 1970s, floor activism was a function of an individual senator's stylistic choices and policy preferences, with more extreme senators offering more and more unsuccessful amendments, but party having no meaningful effect. During the post-1980 period, by contrast, minority party senators are considerably more active on the floor than majority party senators, and party has become a strong predictor of amending success. Indeed, the most ideologically extreme senators of the majority party are more successful in getting their amendments accepted than the most centrist members of the minority party.

A 1980 *New York Times* post-election analysis began: “For liberals, the shock of losing control of the Senate has been far more traumatic than even the loss of the White House. This is understandable. The Presidency has been won and lost many times, but a Democratic Senate was something you could count on” (Steinberger 1980, A35). It is easy to see how pre-1980s conventional wisdom viewed Democratic Senate majorities as something one “could count on.” By 1979, Democrats had controlled the Senate for 42 of the preceding 46 years and for eight straight Congresses. Only 5 senators serving in the 96th Congress (1979-1981) had ever personally experienced even a brief interlude of Republican Senate control. The unexpected Republican victory in 1980 fundamentally reshaped Washington conventional wisdom. Party control of the Senate has remained in question ever since 1980. Since that time, no party has been able to be complacent about maintaining a Senate majority. Between 1980 and 2010, party control of the Senate shifted seven times, with Democrats in the majority for six Congresses and Republicans in the majority for eight. By comparison to the 1960s and 1970s, control of the Senate over the past three decades has never been very far out of a minority party’s grasp.

Building on theoretical insights from Schlesinger (1985), this paper argues that this intense competition for majority party control of the Senate, a continuous reality since 1980, has transformed the political stakes senators perceive as they participate in floor debate. Under these conditions, “every vote is about the next election,” observed Senator Lindsey Graham (R-S.C.), “As soon as the last election is over, those who lost are thinking, ‘What can I do to get back in power?’ And those who won are thinking ‘What can I do to stay in power?’”<sup>1</sup> This logic is likely to have a profound effect on the politics of Senate floor amendments. Amendments are

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<sup>1</sup> Quoted in Hulse (2009).

one of the most important tools a Senate minority party has to advance its message. The Senate's open amending process provides the minority party constant opportunity to challenge the majority's legislative initiatives and direct debate toward an alternative agenda. In the highly competitive post-1980 environment, minority party senators have much greater incentive to use the Senate floor for partisan public relations than in the less party competitive 1960s and 1970s.

Consistent with this thesis, I find that senators' floor behavior is markedly different in the contemporary Senate than in the 1960s and 1970s. During the 1960s and 1970s, floor activism was a function of an individual senator's stylistic choices and policy preferences, not his or her majority- or minority-party status. An activist style was especially prevalent among "Senate outsiders" (Huitt 1961) who championed positions outside the ideological mainstream of their parties. During this period, centrist senators in both parties offered fewer amendments than ideologically extreme members, but, as this article finds, senators' party status had no statistically significant effect on their participation in floor amending activity. In addition, there was little difference between majority and minority party senators' success in getting their amendments adopted by the full Senate. Amendments offered by centrists were more likely to be adopted than amendments offered by members with more extreme preferences, but once individual senators' ideological position is accounted for, there was no meaningful difference between majority- and minority-party senators in their patterns of initiative and success on the Senate floor.

During the post-1980 period, by contrast, senators' floor activism has become, to a considerable degree, a function of party. These transformations in Senate floor politics cannot be fully explained by the polarization in members' ideological preferences that has occurred since the 1980s. Instead, minority party senators in the contemporary Congress are more active on the

floor than majority party senators, after controlling for ideology. In addition, senators' party status has become a better predictor of their amending success than their position on the ideological continuum. Indeed, the most ideologically extreme senators of the majority party are more successful in getting their amendments accepted by the Senate than the most centrist members of the minority party. In the contemporary Senate, senators' levels of activism and success in floor politics are highly structured by party. More generally, the Senate floor has become more of an arena where partisan teams compete for control over political message and public policy, and less a collegial enterprise where senators assert themselves as individual lawmakers and politicians.

#### Senators' Goals and Floor Amending Activity

Senate scholarship of the 1980s portrayed an institution with no shortage of assertive individuals eager to make their mark in the public arena. Drawing on data on senators' willingness to propose amendments and rework policy on the Senate floor, Sinclair (1986, 878; 1989) characterized the prevailing Senate style as one of "unrestrained activism." Similarly, Smith (1989) documented a vast increase in the number of floor amendments between the 1950s and late 1970s that made the Senate floor a more consequential policymaking arena and the Senate a more unpredictable, inclusive, and collegial institution. Research on the Senate politics of the 1950s, 1960s, and 1970s, however, identified no consistent pattern in which minority party senators were either more active in proposing amendments on the floor or more likely to succeed in doing so. However, there has been no systematic reexamination of Senate floor politics in the far more party competitive post-1980s period. If my thesis is correct, the politics of floor amendments in the modern Senate should differ pre- and post-1980.

“The Senate’s amending rules enable senators to offer any and as many amendments as they please to almost any bill” (Sinclair 2006, 186). Although the Senate majority leader possesses some cumbersome tools to restrict amending activity (Beth, Heitshusen, Heniff, and Rybicki 2009; Schiller 2000b), senators’ ability to offer amendments is primarily regulated by informal bargaining processes and formal unanimous consent agreements (Ainsworth and Flathman 1995). Generally speaking, senators who are determined to force a vote on an amendment have both considerable latitude under the rules and bargaining leverage to do so.<sup>2</sup>

Floor amendments serve three primary purposes. Most obviously, they allow individual senators to propose changes to pending legislation to make it more consistent with their policy preferences. To the extent that legislation brought to the Senate floor proposes policy alternatives within the ideological mainstream of the chamber, senators at the ideological fringes should more frequently propose amendments for this reason.

Second, offering amendments allows senators to shape public perceptions, both of the importance of a particular issue and of their personal association with it. In other words, amendments have political value beyond their likely effect on policy outcomes. Amendments are a tool by which an individual senator develops a “legislative portfolio” (Schiller 2000a), a reputation for activism in particular policy areas (Sinclair 1990). Even when a senator’s amendment has little prospect of adoption, a senator standing on the floor as the “lone fighter against hopeless odds” can “provide catharsis for fringe views which never will prevail” (Huitt 1961, 575). All senators have reason, at least on occasion, to use amendments to publicize issues

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<sup>2</sup> The ability to offer an amendment does not guarantee a full debate on it. Amendments offered may be subject to tabling motions that preclude further debate (Den Hartog and Monroe 2008).

and raise their own personal visibility in this way. The use of amendments for this purpose largely depends on a senator's political goals and personal style.

Third, amendments are used for explicitly *partisan* electoral campaign purposes. Amendments are very useful as a means for developing and disseminating a minority party's critique of the majority party. Amendments permit the minority party to score political points by forcing votes on matters designed to embarrass the majority party. By the same token, amendments also allow the minority party to highlight alternative agenda priorities and to signal what it would do with a Senate majority (Evans 2001; Evans and Oleszek 2002; Rae 2008; Sinclair 2006).

The minority party's use of amendments as part of a partisan public relations effort does not necessarily indicate that it has policy objections to the pending legislation. Amendments are regularly employed for PR purposes even during the consideration of legislation that has wide support within the minority party. For example, Democrats waged a vigorous amending campaign in 1995 against the Congressional Accountability Act, a measure that extended a variety of employment nondiscrimination rights to employees of the legislative branch, tying up the Senate for days forcing a series of votes on amendments. These amendments—dealing with such matters as an across-the-board congressional pay cut and regulations on congressional frequent flier miles—were designed to make the case that Republicans were not serious about reform. Although these Democratic-sponsored amendments were not adopted, the legislation nevertheless passed the Senate with 98 yeas votes. In other words, despite their support for the underlying measure, minority party Democrats used floor amendments and debate to steer a narrative useful for their electoral purposes. More generally, senators' prerogative of offering nongermane amendments allows the minority party to drive Senate debate in politically useful

ways. Regardless of whether the pending legislation itself is controversial, any must-pass or high priority legislation offers a potential opportunity to highlight a competing message (Rawls 2009, 47-51).

Even when the minority party does have policy objections to the pending legislation, the amendments they offer may not be serious efforts to make it more acceptable. Amendments may be simply “PR warfare” (Sinclair 2006), tactics to put the majority party on the wrong side of public opinion. One creative recent effort along those lines, for example, was the set of 41 amendments minority-party Republican senators offered during consideration of the Health Care and Education Reconciliation Act of 2010, “most of them imaginatively conceived to humiliate the Democrats” (Senior 2010). Sen. Tom Coburn’s (R-Okla.) amendment to deny sex offenders federally funded Viagra deserves special mention.<sup>3</sup> No one was under any illusion that any of these amendments would be adopted, but such amendments were designed to exact a political price on the majority. Their purpose was to help the minority party construct and publicize a political message useful for electoral purposes.

### Changing Partisan Incentives

Partisan strategies to win control of the Senate chamber only make sense when party control is conceivably in doubt. “The critical characteristic of a competitive party system is insecurity,” argues Schlesinger (1985, 1167), and as insecurity increases, “all aspects of party organization [will] develop more fully.” One of the most striking differences between the Congress of the 1960s and 1970s and that of the contemporary era is the level of uncertainty members feel about which party will hold a congressional majority after the next election. Under

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<sup>3</sup> Roll call vote number 73, 111th Congress, 2d session.

Schlesinger's logic, this uncertainty would give Senate parties (like parties at other levels of government) greater motivation to organize. When the minority party can see a path to victory, and when the majority party cannot take continued power for granted, senators are more likely to exploit the Senate floor—and all other resources at their disposal—to improve their chances of collective success.

To the extent that partisan amending strategies can be motivated by a desire to regain control of the chamber, that goal appeared out of reach for the Senate minority party in the 1960s and 1970s. Throughout the 1960s, Democrats enjoyed a margin of Senate control over Republicans of better than two to one. Republicans held a larger share of Senate seats in the 1970s than in the 1960s, but winning Senate control remained a stretch for a party that would still need to flip 18 seats on average throughout the decade in order to gain a majority. By the same token, majority party senators during this period perceived little threat to their continued control of the Senate.

Under conditions of low competition, one would expect senators to be less likely to exploit amendments to shape public opinion about the Senate majority. Senators will offer floor amendments for their own individual policy and political reasons, but explicitly partisan amending campaigns only make sense when there is a potential for partisan rewards. If efforts to win control are perceived as hopeless within any foreseeable time frame, minority party senators have less reason to invest time and effort exploiting floor amendments in a sustained, partisan attack on the majority party's agenda or collective reputation. Without hope of changing the partisan balance of Senate power, senators will instead propose amendments primarily for their own individual policy and political purposes. Since 1980, by contrast, neither party has felt itself

securely in power or permanently out of power. Between 1980 and 2010, the average margin of control was only 7.6 seats.<sup>4</sup>

Consistent with Schlesinger's theory, senators have greatly enhanced legislative party organizations during the post-1980 era of heightened insecurity. They have invested heavily in party leadership offices, investments that greatly exceed those for other legislative branch operations. Between 1981 and 2005, for example, Senate leadership staffs were enlarged by fully 78%, while committee staff expenditures were cut back by almost a quarter and personal staff expenditures remained flat (Ornstein, Mann, and Malbin 2008, 110). Senate parties' new institutional capacities are heavily geared toward more effective partisan public relations (Sellers 2010; Sinclair 2006). Leadership offices prepare far more talking points, issue briefs, and "messages of the day" than in the past. Enhanced leadership offices foster greater coordination among Senate partisans by sponsoring more meetings, task forces, party retreats, and staff level communication. These strengthened party institutions allow senators to more effectively coordinate and execute partisan aims.

As an extension of the Schlesinger's logic of partisan development, one would expect a transformation in Senate floor politics. More intense two-party competition ought to generate a systematic increase in the minority party's use of floor amendments. Individual senators who have policy objections to legislation or personal political causes to advance have always had reason to offer amendments on the floor, and many amendments will still be offered for such purposes. In an era of polarized parties, it is only natural that minority party senators should

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<sup>4</sup> The largest majority that any party held during this period was in the first session of the 111th Congress, when Democrats briefly had 60 seats after the seating of Sen. Al Franken (D-Minn.) in July 2009 and before Sen. Scott Brown (D-Mass.) won a special election in January 2010.

have more policy-based objections to the majority's initiatives. But intense competition for Senate control gives minority party senators strong incentive to use amendments to build a political case against the majority's legislative program and the majority's continuance in power.

### Assessing the Thesis

To assess whether an environment of intense competition for control of the chamber has transformed senators' political incentives as they participate in floor debate, I analyze patterns in senators' activism and success on the Senate floor across an extended time period, 1959-2008. I expect to find that senators' majority- or minority-party status will have a stronger effect on their floor behavior when senators recognize that the majority party is not secure in its power than when senators cannot realistically envision the minority party winning a majority in the next election.

To test the thesis, it is necessary to control for changes in the distribution of senators' policy preferences over the time period. The polarization of Senate parties along ideological lines is also likely to affect senators' floor amending behavior. If ideological opposition to legislation reported to the floor leads a senator to offer amendments, then one would expect to find that minority party senators offer more amendments when the parties are polarized. Accordingly, if ideological correspondence with pending bills leads a senator to refrain from offering amendments, senators affiliated with a more homogeneous majority party should also offer fewer floor amendments in response to legislation reported to the floor. The same logic obviously applies to the politics of considering floor amendments. One would expect minority party senators to be less successful than majority party senators in getting amendments adopted during conditions of party polarization. In other words, when the two parties become more

internally homogenous at the same time as they become more ideologically distinct from one another, senators' floor activism and success rates should both be affected for reasons of policy, not politics. It is not possible to assess whether senators' behavior is different during the era of party competition without controlling for party polarization. The research design laid out below is intended to address this alternative hypothesis.

### Changing Patterns in Floor Activism

To assess how changed partisan incentives have affected senators' floor activism, I collected data on the total number of floor amendments receiving roll-call votes offered by each senator in each Congress from the 86th-110th Congresses (1959-2008). Because the focus is on individual senators' amending activity, I exclude committee-sponsored amendments and amendments co-sponsored by the floor leaders of the two major Senate parties.<sup>5</sup>

Before turning to the multivariate analysis, it is helpful to ascertain whether there is any zero-order relationship between senators' majority or minority party status and their activism on the floor. Although minority party senators have always been fully empowered under Senate rules to use floor amendments to advance a partisan message, previous research on Senate floor politics has found little indication of excessive minority party activism. After all, majority party senators themselves frequently sponsor floor amendments for their own purposes. As a result, scholarship has characterized the consideration of legislation on the Senate floor as an arena in which individual senators wield influence rather than as a partisan battlefield.

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<sup>5</sup> Committee amendments and amendments co-sponsored by the majority and minority leader are distinct from other amendments in that they represent brokered compromises between the two parties.

Figure 1 displays the difference between the mean number of floor amendments offered by majority and minority party senators over the 1959-2008 period. It is clear from this figure why previous research had placed little emphasis on partisanship in explaining senators' activism on the Senate floor. Prior to the 96th Congress (1979-1980), a senator's majority or minority party status had no reliable association with his or her level of floor activism. Although minority party senators were more active than majority party senators on average in most Congresses between 1959 and 1978, there was so much individual variability among senators of both parties that the relationship was only statistically significant in one Congress (the 89th,  $p < .05$ ). In the 92nd and 93rd Congresses, majority party senators were actually more active than minority party senators on average.

[Figure 1 here]

Figure 1 reveals a striking rise in minority party floor activism since the late 1970s. Since the 96th Congress, minority party senators have always been more active in offering amendments than majority party senators, with only one exception (the 107th Congress).<sup>6</sup> The relationship between senators' party status and floor activism is statistically significant for 12 of the 15 Congresses between 1978 and 2008. Furthermore, the differential between majority and minority floor activity grew. In the 1980s, the average minority party senator offered 1.7 amendments for every one offered by a majority party senator; in the 1990s, 1.8. In the 2000s,

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<sup>6</sup> It should be noted that the 107th Congress was distinctive not only by the majority's one vote margin of control, but also by the switch of party chamber control as a result of Sen. Jim Jeffords' defection from the Republican party to an Independent caucusing with the Democratic party.

the average minority party senator was almost twice as active as the average majority party senator (1.94:1).<sup>7</sup>

Multivariate analysis is needed to determine whether the widening differential in majority and minority amending behavior reflects changes in Senate floor strategy, or whether it is merely an artifact of ideological polarization. To the extent amendments reflect individual senators' policy-based dissatisfaction with proposals brought to the floor, senators should be more likely to offer an amendment and more likely to offer multiple amendments as the distance between their personal preferences and pending legislation grows.

One difficulty in studying amending behavior derives from the simple fact that there is no way to directly measure the ideological location of legislation brought to the floor. If we assume, however, that the majority leader does not want to waste valuable Senate floor time scheduling legislation that is unlikely to advance, then the Senate leadership will bring proposals to the floor that it reasonably expects the Senate to adopt. If so, then legislation brought to the floor should generally approximate the median ideological position in the chamber, as best as can be ascertained in an uncertain environment. This assumption is bolstered by the fact that Senate committees, unlike House committees, are representative of the chamber, not stacked in favor of the majority party. Note that this is a conservative assumption and sets a high bar for the thesis. Recent reports indicate that, for all matters aside from the majority's highest priority agenda items, the Senate leadership is reluctant to bring up legislation unless it is likely to gain the support of a super majority (Sinclair 2006, 227-233). If the Senate majority leader regularly demands that bill proponents demonstrate bipartisan support before scheduling bills for

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<sup>7</sup> The 108th Congress (2003-2004) was especially remarkable, in that the average minority party Democrat offered 2.7 times more floor amendments than the average majority party Republican.

consideration, the location of legislation may be closer to minority party preferences than to the chamber median.

If legislation brought to the Senate floor is designed to attract support from the chamber median, then one would expect that the greater a senator's distance from that median, the more dissatisfied s/he is likely to be with legislation brought to the floor. If ideological polarization is the root cause of the changing behavior evident in Figure 1, then a variable measuring senators' distance from the chamber median should account for the widening differences between majority and minority party amending activity. The higher amending activity would simply reflect a minority party that is more dissatisfied with legislation. If, however, these changes are also driven by senators' use of floor amendments to advance partisan PR and agenda-setting strategies, then ideological differences will not fully account for the shifts in behavior.

Table 1 reports results from negative binomial regression analysis of Senate amending activity over the 1959-2008 period. The dependent variable is a count of the *number of roll-call amendments offered by each senator in each Congress*.<sup>8</sup> *Majority party* is a dummy variable (coded 1 for majority party members, 0 if not). *Distance from the chamber median* is measured by the absolute difference between each senator's first dimension DW-NOMINATE score and

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<sup>8</sup> Because the number of amendments offered is a count variable, OLS results may be biased and inefficient (Long 1997). Furthermore Poisson regression is inappropriate because of overdispersion in the dependent variable (variance = 31.8, mean = 4.5). To address these concerns, negative binomial regression was estimated using STATA 9.1.

the chamber's first dimension DW-NOMINATE score in each Congress.<sup>9</sup> If informational or staff resources enable senators to prepare and offer amendments, senior members should have an advantage.<sup>10</sup> To adjust for the fact that a senator's overall level of amending activity reflects a particular Senate style—with some senators consistently seeking a more visible presence on the floor than others—the model is estimated using robust standard errors clustered on the individual senator (Arceneaux and Nickerson 2009). Finally, the models include fixed effects for each Congress, in order to capture shifts and trends in the overall number of amendments offered from year to year.<sup>11</sup> To examine amending behavior before and after the Senate entered an era of competition for majority party control of the chamber, two models are estimated, one for senators serving in the 86th-96th Congress and one for senators serving in the 97th-110th Congresses.<sup>12</sup>

[Table 1 here]

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<sup>9</sup> Data on senators' first dimension DW-NOMINATE scores and chamber medians over time was downloaded from the website graciously maintained by Keith Poole and Howard Rosenthal, [www.voteview.com](http://www.voteview.com).

<sup>10</sup> *Seniority* is coded 0 for freshmen senators, 1 for senators in their first term after reelection, 2 for senators serving after having been reelected twice, and 3 for senators reelected three or more times.

<sup>11</sup> For sake of brevity, fixed effects are not shown. The author will provide them upon request.

<sup>12</sup> It is difficult to determine the precise date for the beginning of the party competition era. Certainly, party control of the Senate has been strongly contested since 1980. Results do not change substantially if the data are divided at the 96th Congress (1979-1980) instead of at the 97th (1981-1982).

The results confirm that policy dissatisfaction is indeed a strong motivation for a senator's amending activity in both time periods. The coefficient for *distance from the chamber median* is positive and statistically significant ( $p < .001$ ), indicating that as senators' preferences diverge from the chamber median, they are likely to offer more amendments on the Senate floor. The predicted effect is substantial. In the early time period, senators located a distance between 0 and .1 from the chamber median offered 3.5 amendments per Congress, while senators located at a distance of .8 or higher offered 8.7 amendments, an increase of more than 140%. The effect is larger in the second time period, with the most centrist senators (0-.1 distance) offering only 1/3 as many amendments as ideologically extreme senators (.8 or higher).

As expected, however, party status affects senators' behavior differently in the two time periods. *Party* has no statistically significant effect on senators' amending activity in the early time period. After controlling for their distance from the chamber median, minority party senators are not reliably more active in offering amendments than majority party senators. According to predicted counts generated from the model of the 1959-1979 period, the difference between the number of amendments offered by majority and minority party senators is never statistically significant, neither for the model overall nor for particular subgroups of senators across the range of *distance from the median*. However, in the post-1980 period, minority party senators offer more amendments than senators of the majority party, controlling for *distance from the chamber median* ( $p = .001$ ).

To provide a more complete picture of the model's effects, Figure 2 plots the predicted number of amendments offered by majority- and minority-party senators across the range of the

ideological spectrum.<sup>13</sup> All the differences between majority and minority senators across the subgroups shown in this figure are statistically significant.

[Figure 2 here]

As is clear from this figure, contemporary senators who are otherwise similar in ideological profile engage in different levels of floor activism, depending on their party status. Minority party senators are 16% more active in offering floor amendments than majority party senators, controlling for ideology. Given the substantial effect of the *distance from the chamber median* control, it is clear that party polarization can indeed account for a substantial share of the growing differences between the floor activism of majority and minority party senators displayed in Figure 1. But these results suggest that there has also been a genuine shift in Senate behavior. In other words, minority party senators' level of amending activity is "excessive" relative to the policy objections they are likely to have to the legislation being considered on the Senate floor.

In short, the models reveal that in the contemporary era—but not in the earlier period—otherwise similarly situated senators offer more amendments while in the minority than in the majority. These results are consistent with a theory that heightened competition for party control of the Senate gives minority party senators stronger political incentives to use the floor for partisan PR. Of course, individual senators of both parties continue to have policy and political reasons to offer floor amendments in the contemporary era, just as they did in the earlier period.

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<sup>13</sup> Predictions calculated on the basis of the coefficients shown in the second column of Table 1 while holding all other independent variables at the observed values for each senator in the period. For more information on the observed value approach to calculating predicted counts and probabilities for limited dependent variable models, see Hanmer and Kalkan (2009) and Herron (1999).

But in the context of more intense competition for Senate control, party has an additional effect on members' behavior. In this environment, minority party senators step up their floor activism, using more amendments to criticize the majority, challenge agenda priorities, and force tough votes—all of which assist the party in building a campaign message against the majority's continuation in power.

### Changing Patterns in Floor Success

Scholarship has characterized the Senate as collegial and nonhierarchical, with its open access to the floor permitting individual senators opportunity to influence legislative outcomes. A second important question in reassessing contemporary Senate floor politics is the extent to which senators use floor amendments to actually shape public policy on the floor. Although all senators, regardless of party, have reason to use amendments to advance individual political and policy goals, the central argument of this paper is that more intense competition for chamber control has reshaped members' *partisan* calculations as they consider offering floor amendments. If so, these changed incentives are also likely to show up in patterns of senators' success and failure on the floor.

A defining characteristic of partisan “message politics” is that “passage and credit claiming are less important than framing and position taking” (Evans and Oleszek 2002, 122). Amendments offered as part of coordinated partisan campaigns do not need to succeed in order to achieve their political purpose. In fact, they work *better* for partisan PR when amendments reveal the majority party voting en bloc against the politically appealing proposals that the minority party champions. The previous analysis pointed to a shift in Senate behavior, with minority party senators taking a more active role in offering floor amendments than majority

party senators in the contemporary era. If a primary purpose of these “excessive” minority party amendments is electioneering, then one would also expect to find wider differences between majority- and minority-party senators in their rates of floor success in the contemporary era.

To test these expectations, it is necessary to control for any effects of partisan polarization on the amending success rates of majority- and minority-party senators. Party polarization will depress minority party senators’ ability to prevail on amendments, simply because in a polarized chamber minority party senators are more likely to be too far out of step from the chamber median to attract a majority. To control for this, I have estimated a multivariate probit model of amendment success. The dependent variable is *amendment success* (coded as 1 when the amendment is adopted, 0 when not). The key control variable in the model, *distance from the chamber median*, is the distance between the DW-NOMINATE position of the amendment sponsor and the chamber median, with the expectation that senators more distant from the chamber median are likely to be less successful on the floor than senators close to the median. This control should adequately account for how widening ideological polarization depresses the ability of minority party senators to succeed on the floor. Beyond this, the model also includes a control for seniority, on the expectation that more senior members should have a higher likelihood of success. Two models are estimated: before and after the emergence of two-party competition for Senate control.

The full results of these models are displayed in Appendix A. All three explanatory variables have the expected, statistically significant effect on the success or failure of amendments in both time periods. But because the probit function is nonlinear, predicted probabilities are more interpretable than the coefficients. Figure 3 displays the predicted

probabilities that an amendment will be successful in the two time periods by party and across the ideological continuum, along with the relevant confidence intervals around the estimates.<sup>14</sup>

[Figure 3 here]

Panel A in Figure 3 displays the model results from the 1959-1979 era. Amendments offered by centrist senators of both parties are markedly more likely to succeed than amendments offered by more ideologically extreme senators. For both parties, centrist senators are more than twice as likely to succeed on roll-call votes on their amendments than senators in the most extreme category.<sup>15</sup> As can be seen here, party also has a small effect on amending success. Majority party senators are slightly more successful at equal distances from the chamber median than minority party senators: majority senators' probability of success overall is .29, as compared to .25 for minority party senators. However, the confidence intervals around the model estimates for the majority and minority party overlap during this period, raising question about how different the two parties' success rates are, especially among centrists and extremists for whom the amount of overlap is the greatest.

Panel B of Figure 3 presents the model results from the 1980-2008 period.<sup>16</sup> The contrast with the previous era is stark. Party has a powerful association with amending success in the

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<sup>14</sup> Predicted probabilities are calculated holding all other independent variables in the model at the observed value for each case, and confidence intervals were calculated via statistical simulation (Hanmer and Ozan 2009, Herron 1999).

<sup>15</sup> The probability that a centrist's amendment will succeed is .35; the probability that a member with a distance from the median of greater than .7 is .13.

<sup>16</sup> As with the models of amending activity, results do not change substantially if the two periods are divided at the 95th Congress, instead of at the 96th.

contemporary era. Majority party senators' amendments are 71% more likely to be adopted than minority party senators, after controlling for the effects of party polarization. The predicted probability that a majority party senator's amendment will be successful is .41, as opposed to a mere .24 for minority party senators. As in the previous era, amendments offered by centrists of both parties are more likely to succeed than amendments offered by extremists. But across the full range of ideology, majority party senators are *much* more successful than minority party senators. Indeed, the most extreme members of the majority party are more successful than the most centrist members of the minority party.<sup>17</sup>

These findings comport well with a theory that minority party senators use floor amendments for different purposes during the contemporary era of competition for majority party control. In the pre-1980 period, senators' success or failure in amending activity was largely a function of their individual policy preferences, with centrists more likely to succeed on the floor than extremists. Party had little effect on amending success after *distance from the chamber median* was controlled for. In the post-1980 period, minority party senators are dramatically less successful than majority party senators, controlling for their individual policy preferences. The analysis reveals that party polarization cannot account for this shift. But this pattern does make sense in light of the emergence of "message politics" on the Senate floor. As the two parties compete for majority control of the Senate in the contemporary era, the minority party engineers more votes to highlight the differences between themselves and their opponents.

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<sup>17</sup> Amendments offered by the most extreme group of majority party senators (those with distances from the chamber median of .7 or greater) have a probability of success of .36. Amendments offered by the most centrist group of minority party senators (those with distances from the chamber median of .1 or less) have a probability of success of .30.

In short, minority party senators' amendments succeed less often, because a larger share of their amendments are *designed to fail*. When the majority party rejects the minority's appealing amendments, the minority party scores political points as it constructs a message to take to the voters in the next election.

### The Permanent Campaign on the Senate Floor

“The real question is, how is the Senate going to find a path to move beyond just trying to score points, trying to score political points, and getting to the substantive questions? [W]hat are you going to do with this hugely important position, where there are only 100 [senators], other than scheming to keep it?”

--Senator Ron Wyden (D-Ore) <sup>18</sup>

Sen. Wyden is not alone in decrying the Senate “hothouse” where “Republicans and Democrats spend their time beat[ing] up on one another.”<sup>19</sup> In the midst of the lengthy Vote-o-Rama that concluded the debate over health care reform in 2010, Sen. Jon Kyl (R-Ariz.) conceded, “it’s very partisan, and it’s not fun, and it’s not productive.” But when a journalist asked why the minority party nevertheless insisted on all those futile roll-call votes on its amendments, Kyl replied, “You hope for a better day.”<sup>20</sup>

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<sup>18</sup> Transcript, “The State of the U.S. Senate: Understanding the Filibuster and the Emergence of the 60-Vote Majority,” The Brookings Institution, Washington, DC, May 17, 2010, [http://www.brookings.edu/~media/Files/events/2010/0517\\_senate/20100517\\_wyden.pdf](http://www.brookings.edu/~media/Files/events/2010/0517_senate/20100517_wyden.pdf), 7-8.

<sup>19</sup> Ibid.

<sup>20</sup> Quoted in Senior (2010).

Senators' hoping for "a better day" has changed Senate floor politics. With the emergence of intense competition for majority party control of the Senate, an increased share of floor time is consumed with "message politics" (Evans 2001; Evans and Oleszek 2002). In this sense, the 1980 elections represent an important turning point in the history of the modern Senate. Democrats had held the Senate for all but four years between 1932 and 1980. During much of that extended period, there was little sense for the minority party to look toward "a better day" because the Senate majority seemed fixed in the hands of one party. After 1980, however, there has been more or less continuous competition for majority party status in the Senate.

"The central variable in a party system is competitiveness" (Schlesinger 1985, 1154). The emergence of competition has given senators powerful incentive to exploit their institutional resources in the service of electoral competition. They have beefed up their party leadership institutions, with special focus on improving capacities for outreach and public relations. And they have learned to use the Senate floor debate in tandem with their electoral efforts.

A number of recent scholars have observed that contemporary senators make more use of the Senate floor for partisan electoral purposes than senators of the past (Evans 2001; Evans and Oleszek 2002; Sinclair 2006). Debate is arranged so as to frame a message for public consumption, "regardless of whether the legislation in question gets passed" (Rae 2008, 4). This study offers new empirical support for those observations. In particular, I have focused on the politics of floor amendments. Amendments are useful for all senators as they pursue their own personal political and policy goals, and previous scholarship has documented how, over the course of the 1960s and 1970s, all senators became more willing to use them (Sinclair 1989; Smith 1989). But the Senate's open amending process provides unique political opportunities

for the minority party. Floor amendments permit the minority party to force the majority to respond to their criticisms, to take positions on embarrassing issues, and to highlight their own alternative agenda. The minority party has not hesitated to exploit these opportunities more aggressively in an environment of intensified party competition.

Examining the offering and outcomes of floor amendments receiving roll-call votes between 1959 and 2008, I found two patterns that shed new light on how message politics have transformed the Senate. First, the minority party has become notably more active in offering amendments relative to the majority party. In the 1960s and 1970s, there was no systematic relationship between senators' floor activism and their majority- or minority-party status. Since the 1980s, minority party senators have become reliably more activist. Although party polarization offers part of the reason for the minority's greater use of floor amendments, their increased activism cannot be fully explained by the widening distance between the typical minority party senator and the median senator. Even controlling for this ideological distance, minority party senators still offer more amendments than majority party senators.

Second, there is a much wider differential between the success majority and minority party senators have in getting their amendments adopted in the contemporary era. Again, the analysis confirms that this difference cannot be explained simply by ideological polarization. Indeed, the most centrist senators of the minority party have a lower rate of amending success than the most extreme members of the majority party. This finding comports well with a "message politics" thesis. If minority party senators are using floor amendments more for the purpose of framing debate, then it is not surprising that they are less successful in getting their amendments adopted. The whole point of offering amendments for partisan message purposes is to draw a sharp line between the parties, and when the minority party succeeds in doing so, it

necessarily loses. The value of such amendments is political: they highlight unpopular aspects of the majority party's legislative initiatives, raise the visibility of the minority's alternative proposals, and provide fodder for the next election campaign. With such amendments, the minority party wins even when it loses.

This study speaks to the literature on partisan agenda control in the Senate. Recent scholarship has rightly confronted how rarely a majority party loses on final passage in the Senate, despite the fact that the majority leader lacks the impressive procedural prerogatives of the House majority leadership (Den Hartog and Monroe 2006; Smith 2007). Nevertheless, the growing floor activism of the Senate minority party documented here means that the contemporary Senate majority party is forced to allocate a significantly greater share of floor time to considering amendments sponsored by the minority party. Indeed, the Senate minority party has offered at least 60% of all the amendments considered on the Senate floor since the 96th Congress, even though there are by definition fewer senators affiliating with the minority party.<sup>21</sup> Although the majority party is rarely “rolled” on the passage of legislation, it obviously cannot exercise the sort of control a majority party would like to have over the content of the political messages conveyed to the public out of floor debate.

This study also has implications for the large and growing scholarship on the rise of partisan conflict in Congress. Most of the work investigating the causes of increased partisanship in Congress has emphasized how changes at the constituency level created pressures toward sharper partisan differences (Abramowitz 2010; Jacobson 2004; McCarty, Poole, and

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<sup>21</sup> In the 108th Congress, minority party amendments constituted fully 75.4 percent of all amendments on which recorded votes were taken. Between 1959 and 1979, minority-sponsored amendments were a smaller share of all amendments offered, 45% on average.

Rosenthal 2006), though others have highlighted the importance of institutional procedure (Theriault 2008). The findings presented here provide additional evidence that party strategy plays a key role (Lee 2009; Roberts and Smith 2003), in this case *minority* party strategy. Furthermore, if minority party senators are offering amendments for the purposes of highlighting differences between the parties, then some of the increased party conflict in more recent Congresses occurs because it was deliberately engineered for public consumption. In that sense, not all party conflict is “polarization,” a widening difference in the two parties’ policy preferences. Instead, driven by electioneering in a more party competitive context, a considerable amount of party conflict in the contemporary Senate is position taking for partisan public relations.

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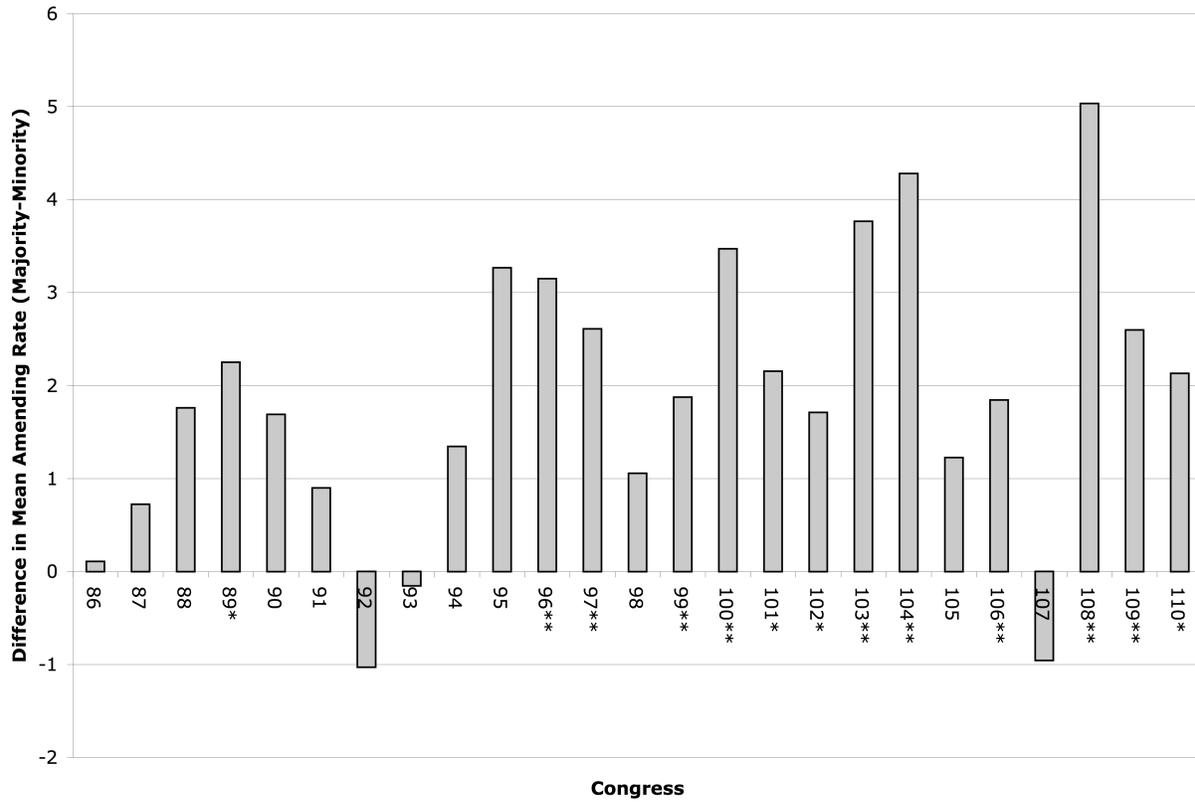
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Table 1: Negative Binomial Regression Analysis of Senators' Amending Activity

	86th-96th Congresses	97th-110th Congresses
Majority party (-)	-.14 (.16)	-.21*** (.06)
Distance from chamber median (+)	1.43*** (.32)	1.73*** (.29)
Seniority (+)	.02 (.05)	.11** (.04)
Constant term	.35 (.22)	1.29*** (.14)
N	1123	1416
<i>Wald</i> $\chi^2$ (d.f.)	118 (13)	201 (16)

*Note:* All coefficients generated in Stata 9.1, with robust standard errors, clustering on the individual senator (number of clusters=246). Fixed effects for each Congress were included but are not shown here. The hypothesized direction of the coefficients is labeled, where appropriate. The unit of analysis is the senator-Congress. The dependent variable is the total number of amendments that each senator offered each Congress.

\* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$



\* $p < .05$ ; \*\* $p < .01$ , t-test of difference of means

Figure 1: Majority and Minority Party Amending Activity, 1959-2008

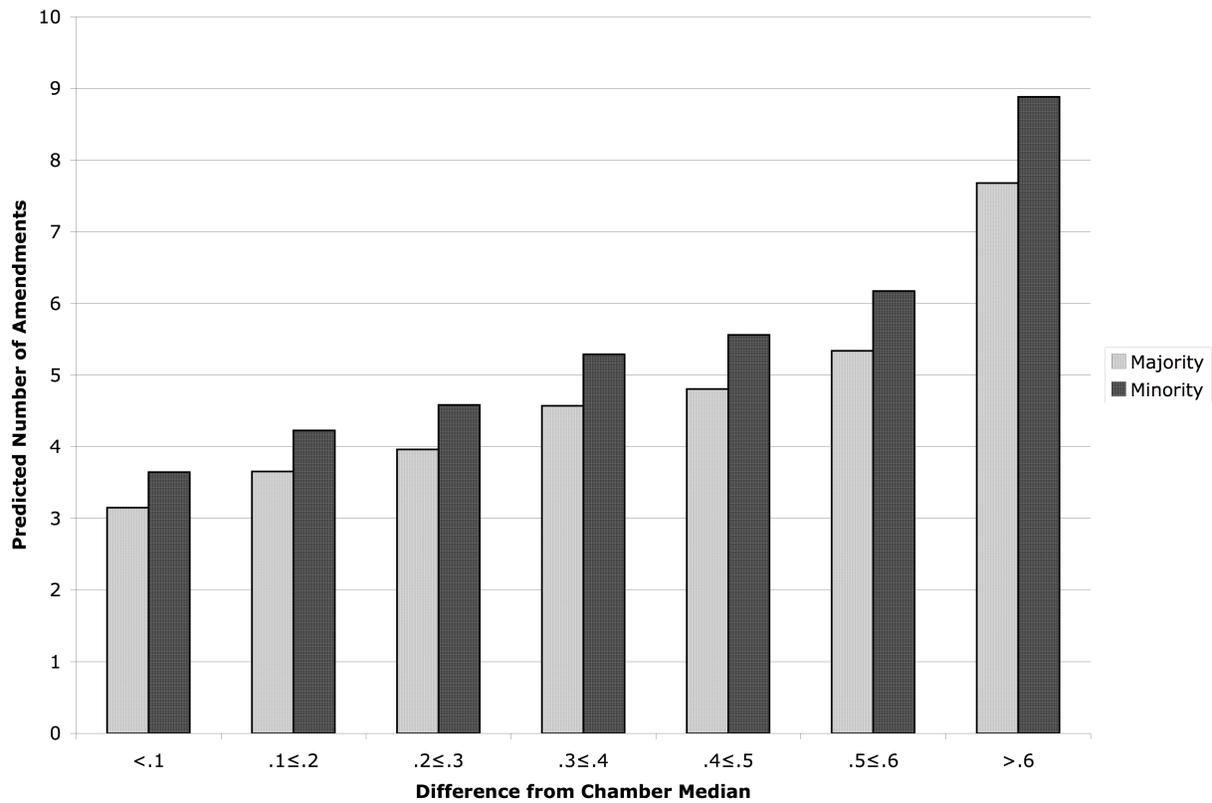
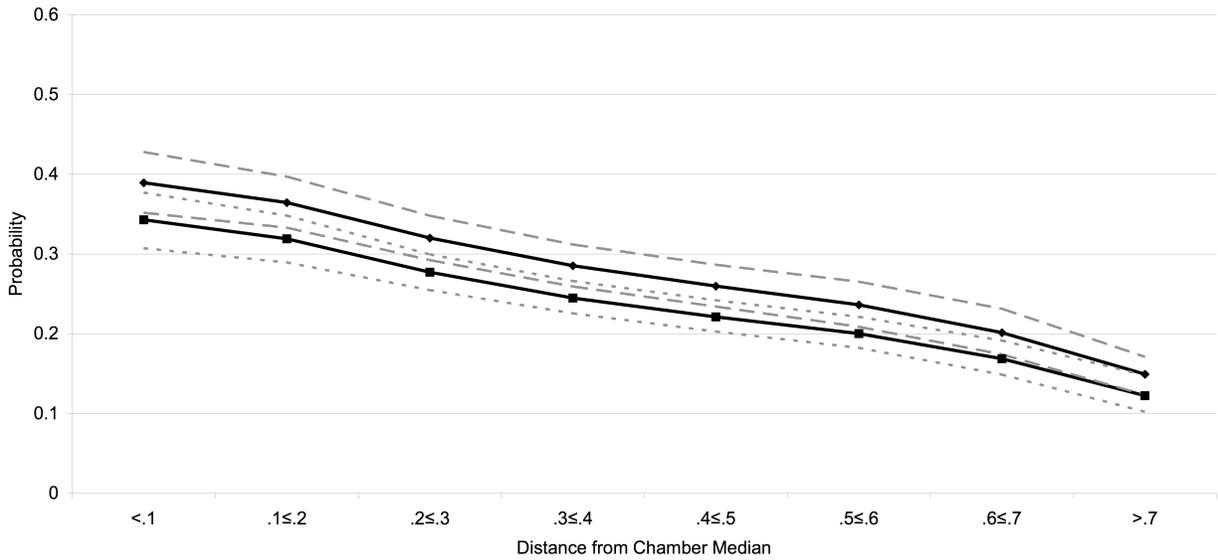


Figure 2: Predicted Count of Amendments Offered, 97th-110th Congress, by Party and Distance from Chamber Median

Note: Predictions for majority- and minority-party senators calculated based on the coefficients shown in the second column of Table 1 while holding all other independent variables at the observed values for each senator in the study time period. The differences between the predicted counts for the majority and minority party shown above are all statistically significant at  $p < .05$  or better.

Panel A: 86th-96th Congress



Panel B: 97th-110th Congress

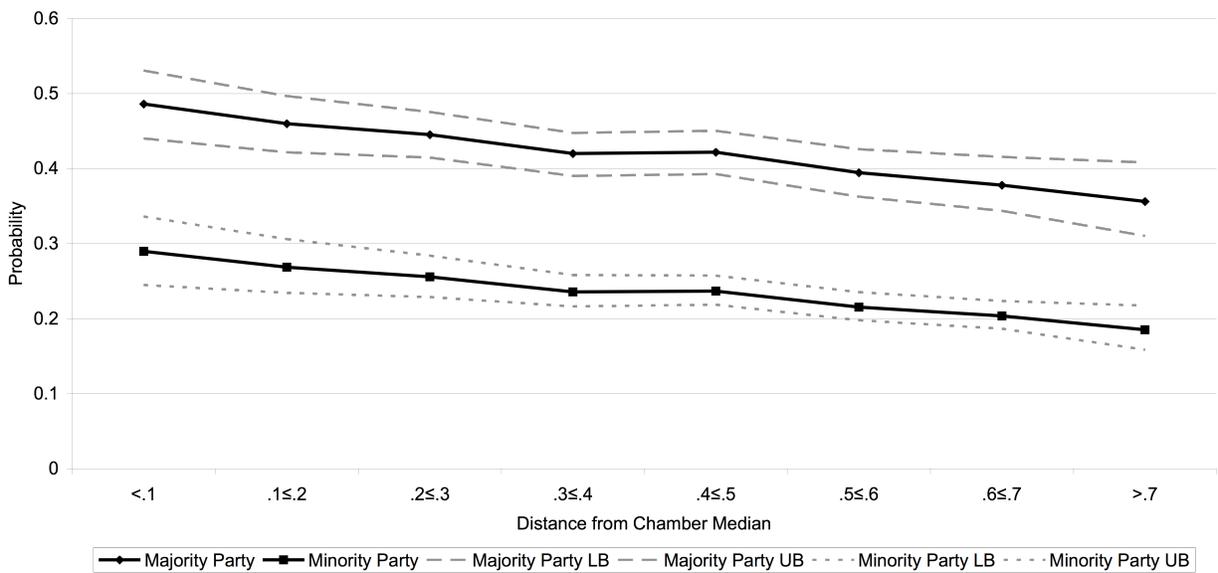


Figure 3: Majority and Minority Party Amending Success, by Distance from the Chamber Median

Note: Predicted probabilities for majority and minority party amendment success calculated based on the coefficients shown in Appendix A holding all other independent variables in the model at the observed values for each case. Confidence intervals were calculated via statistical simulation.

Appendix A: Probit Analysis of Amendment Success

	86th-96th Congresses	97th-110th Congresses
Majority party (+)	.13* (.06)	.53*** (.05)
Difference from chamber median (-)	-.93*** (.14)	-.64*** (.16)
Seniority (+)	.11*** (.03)	.08* (.03)
Constant term	-.38** (.12)	-.81*** (.08)
87th Congress	-.36* (.15)	
88th Congress	-.54*** (.14)	
89th Congress	-.21 (.12)	
90th Congress	-.01 (.15)	
91st Congress	.18 (.13)	
92nd Congress	-.01 (.13)	
93rd Congress	.04 (.12)	
94th Congress	-.18 (.12)	
95th Congress	-.22 (.12)	
96th Congress	-.08 (.11)	
98th Congress		-.01 (.10)
99th Congress		-.10 (.09)
100th Congress		.38*** (.08)
101st Congress		.28** (.10)
102nd Congress		.06 (.13)

Appendix B, continued

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103rd Congress		.37**
		(.11)
104th Congress		.19*
		(.09)
105th Congress		.23*
		(.11)
106th Congress		.41***
		(.11)
107th Congress		.38***
		(.10)
108th Congress		.32**
		(.11)
109th Congress		.46***
		(.10)
110th Congress		.52***
		(.10)
N	5172	5590
Log-likelihood	-2896.04	-3238.39
Pseudo R <sup>2</sup>	.05	.06

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*Note:* All coefficients generated in Stata 9.1, with robust standard errors, clustering on the individual senator proposing the amendment (number of clusters=228). The hypothesized direction of the coefficients is labeled, where appropriate. The unit of analysis is the amendment, with the dependent variable coded 1 when the amendment is successful, 0 if not. \* $p < .05$ ; \*\* $p < .01$ ; \*\*\* $p < .001$