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## *Minority Rights and Majority Power: Theoretical Consequences of the Motion to Recommit*

Motivated by the U.S. Congress's motion to recommit with instructions to report forthwith, we analyze a simple spatial model to clarify the relationship between early-stage agenda-setting rights of a committee or the majority party, a late-stage minimum parliamentary right of the minority party or a noncommittee member, and the distribution of power over outcomes. The extent to which certain parliamentary rights empower agents is dependent on the relative locations of the exogenous status quo and the preferences of the legislators. We derive comparative statics on the relationship between proposal order and power by considering a model that allows preference heterogeneity and status quo centrality to vary. Finally, we relate the findings to recurring substantive debates on majority party power and committee power.

*I appreciate the opportunity being afforded today to examine this important issue involving the motion to recommit. I know that many people regard the rules of the House as being [a] rather obscure and insignificant subject about which to get excited, but those of us on the minority side of the aisle know otherwise.<sup>1</sup>*

—Rep. David Drier (R-CA)

Analytic studies of legislatures have made great strides since the publication of Duncan Black's *The Theory of Committees and Elections* just over four decades ago. Much to the satisfaction of students of legislative politics, the general trend in modeling legislative behavior has been one of increasing attentiveness to institutional details regarded *a priori* as important to lawmaking. Kramer (1972) studied issue-by-issue consideration of proposals under sophisticated voting. Shepsle (1979) adopted a similar spatial setup but focused on committee-floor

decision making. Denzau and Mackay (1983) incorporated sophisticated behavior by committees under open and closed amendment rules, the latter having been introduced in a different context by Romer and Rosenthal (1979). Gilligan and Krehbiel (1987) endogenized committee specialization and modeled the choice of such rules by the median voter, given the committee's incentive to use its expertise strategically. Shepsle and Weingast (1987) focused on conference procedures, whereas Weingast (1989) looked more carefully than predecessors at amendment processes on the floor. The momentum continued to build in the 1990s with renewed attention to the procedural advantages of the majority party (Aldrich 1994, 1995; Cox and McCubbins 1993). This list is substantial, yet it is only the tip of an iceberg of formal analysis of legislative procedures.

Absent from the list of such procedures—although not conspicuously so—is the often used but rarely acknowledged motion to recommit. Perhaps its absence is due to the relative obscurity of the motion, as Representative Drier suggests in the introductory quotation. Perhaps researchers' subjective views are that the motion simply is not very important. Or, perhaps, as an objective matter, the motion is not very important. For whatever reason, the fact stands: the absence of the motion to recommit constitutes a gap in the formal study of collective choice in legislatures.

The premise of this study is not that the motion to recommit is important but rather that it *might* be. Section 1 develops the premise with references to existing theory, lively topics in contemporary legislative studies, and facts about the motion. Section 2 introduces a simple voting model with endogenous agenda formation. The model captures both agenda setting (e.g., by the majority party, a standing committee, or both) and a last-proposer right (e.g., including the motion to recommit which, historically, has been given to a minority party opponent of the bill). Section 3 relates the model to existing theoretical literature and corrects some substantively significant claims. Section 4 presents and illustrates more general propositions, focusing on the conditions under which the majority party (with the first-mover, or agenda-setting, right) is powerful compared to the minority party (with the right to offer the motion to recommit). Section 5 relates the propositions to similar models in the literature. Section 6 is a brief discussion of how the study of late-stage minimal minority rights (of which the motion to recommit is a good example) provides a more balanced view of the interplay of procedures, parties, and committees.

### 1. The Motion to Recommit

The potential importance of the motion to recommit can be established first by considering the formal theoretical work in legislative studies. As a whole, this literature is dependent upon agenda setting, gatekeeping, restrictions on amendments, vetoes, and monopoly proposal powers. Such procedures are exclusive because only prespecified legislators—and usually a minority—are assumed to possess the given procedural right. For example, gatekeeping means that the designated gatekeepers, and *only* the designated gatekeepers, can unilaterally keep a status quo policy in effect. Likewise, a committee endowed with an *ex post veto* is (analytically) the only group that can kill a bill. And, by definition, only a monopoly agenda setter can make the first proposal; all others are excluded.

The motion to recommit bears a resemblance to other formalized procedures. It, too, is a form of entitlement granted to a legislative minority. Compared with other procedures that have been modeled, the motion to recommit has two additional, unique properties. First, the motion to recommit is codified in a standing rule and a subsequent body of precedents.<sup>2</sup> Second, in contrast to previously formalized rights, the motion to recommit is positive rather than negative. Bill opponents are not empowered to alter the bill against the wishes of a majority, nor to kill the bill outright, as in other procedures subject to formal analysis. Rather, the motion is more aptly regarded as an institutionalized right granted to a minority (typically the minority party) to engage in a positive action to try to form a new majority and to do so at the end of the amendment process during floor consideration of legislation.

The key to this positive potential is that the recommittal motion may come not only with instructions but also with instructions “to report forthwith,” meaning that the instructions, in effect, become a final substantive amendment to the bill. Moreover, the bill never physically returns to the committee but instead immediately is brought to the assembly for its consideration as if the committee had instantly met and complied with the assembly’s instructions.

To understand the potential importance of the motion to recommit with instructions to report forthwith, consider the following sequence:

1. A preference-outlying majority-party-stacked standing committee proposes a noncentrist bill.
2. The committee testifies before the Rules Committee of its need to protect its legislation from amendments and requests a pure closed rule.

3. The majority-party-stacked Rules Committee accedes to the request and drafts a resolution to put the procedural matter before the House.
4. Majority party leaders effectively pressure their members to support the rule, so the procedural majority is cohesive a la Jones (1968).
5. The bill is debated but, in accordance with the rule, not amended.

The bill seems destined to pass, given the first-mover status of the standing committee and procedural protection afforded by the rule. Opponents (as precedents have it, minority party members) are entitled, however, to offer the motion to recommit and, at the recognized member's discretion, to recommit with instructions to report forthwith.

Elementary voting theory is informative about what happens next. In the single-dimension case, a motion to recommit with instructions to report forthwith will be offered by any opponent of the bill whose ideal point lies on the side of the median voter opposite the majority party. The best-response bill (conditional on a noncentrist bill having been proposed by the outlying committee) is that which leaves the median voter indifferent to any distinction between the original bill and the bill with instructions, and the latter will pass.<sup>3</sup> So, as an analytic matter, the motion is significant in this simplest case.

Yet two follow-up questions deserve attention. First, how general is the intuition gained from this unidimensional example? Second, are actual expectations about, or exercises of, the motion to recommit sufficiently well defined or regular to justify taking it this seriously? The first question is predominantly theoretical and occupies most of our attention below. As discussed in Section 3, two researchers— independently and for different reasons than our own—have analyzed a model almost identical to the one we choose, but they come to different conclusions. Before turning to theory, however, the second question, which pertains to empirical facts about the motion, may be addressed.

Ironically, the motion was codified during the turbulent and seemingly highly partisan Cannon era.<sup>14</sup> In March 1901, the House adopted, with the support of Cannon's lieutenants, a package of rules changes that, among other things, affected the recommittal motion in two ways. First, rule XVI was amended to give opponents of a bill priority in recognition to move to recommit it. Second, rule XI was amended to prevent this committee [Rules] from reporting a rule "that would prevent the motion to recommit from being made as provided in clause 4 of rule XVI" [the clause that expressly provides for the motion to recommit]. (U.S. Congress 1992, 4)

As noted above, the motion can also be coupled with instructions that are tantamount to amendments (see comments by Senior Specialist in the Legislative Process, Stanley Bach [U.S. Congress 1992, 5]). Nearly a century of history suggests that House practices have been largely consistent with House rules. With the exception of a short period in the 1980s and early 1990s, the Rules Committee abided by the dictum that special orders shall not infringe on this right.<sup>5</sup> Furthermore, precedents have collectively identified a specific order of members who may offer the motion.

Among members opposed to the bill, the Speaker will first look to the Minority Leader, then to minority members of the committee reporting the bill in their order of seniority on the committee, then to other members of the minority, and finally to majority members opposed to the bill (Deschler and Brown 1982, 792, based on precedents from 1967, 1968, 1975, and 1979).

Finally, the procedure is used regularly.<sup>6</sup> Between the 80th and 104th Congresses, 932 motions to recommit were subject to roll-call votes. Of these, 695 (three-fourths) included instructions. For the 695 motions to recommit with instructions, the motion also stipulated that the measure be reported to the House forthwith 503 times (72.4%). In 95.7% of the instances in which the motion was offered and subject to a roll call, a member of the *minority* party offered the motion.<sup>7</sup>

As a whole, these historical facts suggest that a study of the motion to recommit holds promise for clarifying some currently contentious issues about the nature and extent of power of parties and, likewise, the somewhat older debate about committee power. The purpose of the remainder of the paper, then, is to operate at two levels. At the more concrete level, we adhere to our interest in the U.S. House of Representatives and its motion to recommit with instructions to report forthwith. At a more abstract level, however, our study addresses a general question: Is the advantage of first movers or so-called agenda setters still substantial even in the presence of a minimal minority right at the end of a multistage agenda formation process?

## 2. A Model

To facilitate comparisons with existing literature, we analyze a game with structural properties very similar to those appearing in at least six prior works: Aldrich 1994, 1995; Aldrich and Rohde 1998; Shepsle and Weingast 1987; Weingast 1989; and Banks and Gasmi 1987.<sup>8</sup> The game consists of proposal and voting behavior in a unicameral legislature. Information is complete and perfect. Three players

have Euclidean preferences. A more formal version of the model, including proofs, is available online (<http://wesley.stanford.edu/krehbiel>).

To convey partisan content, committee content, or both, we denote players as  $M_1$ ,  $M_2$ , and  $m$ . In the party context, majority party members are capitalized and the minority party member is not.<sup>9</sup> So,  $M_1$  may be interpreted as the majority party leader and agenda setter,  $M_2$  is a majority backbencher, and  $m$  is a minority party member. Similarly, in a committee context such as Weingast's,  $M_1$  can be interpreted as the committee member who brings a bill to the floor,  $m$  is a member who can challenge the committee's proposal on the floor with an amendment or the motion to recommit, and  $M_2$  is a backbencher who does not propose but who votes on all bills and amendments.

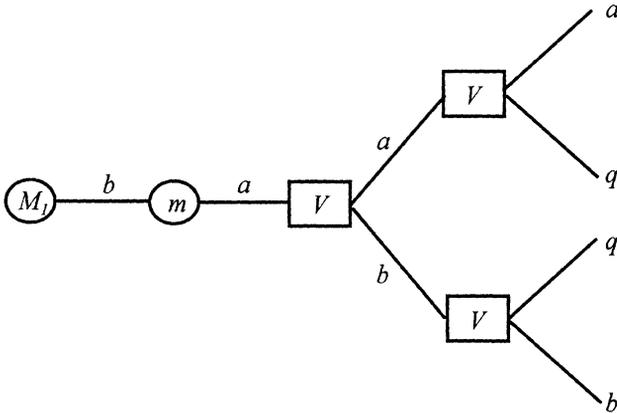
To keep the choice space nontrivial, we assume that no two players have identical preferences and that ideal points cannot be connected with a straight line.<sup>10</sup> We confine the primary analysis to the case of a two-dimensional choice space  $X$ .

The sequence of play is shown in Figure 1, which highlights the difference between proposal behavior (round nodes) and voting behavior (square nodes). The game begins with an exogenous status quo  $q$ . As is consistent with a voluminous literature in legislative studies focusing on parties and agenda setting, the first mover is  $M_1$ , who, as agenda setter, proposes any bill  $b \in X$ . Next, in a manner consistent with the motion to recommit as codified in the House of Representatives, the last mover  $m$  proposes an amendment  $a \in X$ . Finally, under a simple majority rule, players vote on pairs of alternatives in the two-stage amendment game implied by the proposal behavior.<sup>11</sup>

Any specific game is parameterized by three ideal points and a status quo  $q$ . This approach is not only consistent with a large body of research that suggests that the status quo has a bearing on outcomes (e.g., Rosenthal 1989) but also conducive to analytic claims about agenda-setting power and whether it generally resides with the first mover or last mover. It follows from these assumptions that the Pareto set—in which  $q$  is assumed to lie—is the triangle that connects the players' ideal points. The equilibrium concept is subgame perfect Nash in weakly undominated strategies.

Two notions of power are used casually and interchangeably in the literature but are defined formally and discussed separately here. One notion, called  $q$ -power, is qualified by, or conditional on the location of, the status quo point  $q$ . Specifically,  $q$ -power refers to the ability of a player or group of players to ensure that, for a given status quo, the outcome of the game results in a payoff no worse than the status quo payoff. A stronger notion, called  $u$ -power, is unqualified by the

FIGURE 1  
Sequence of play



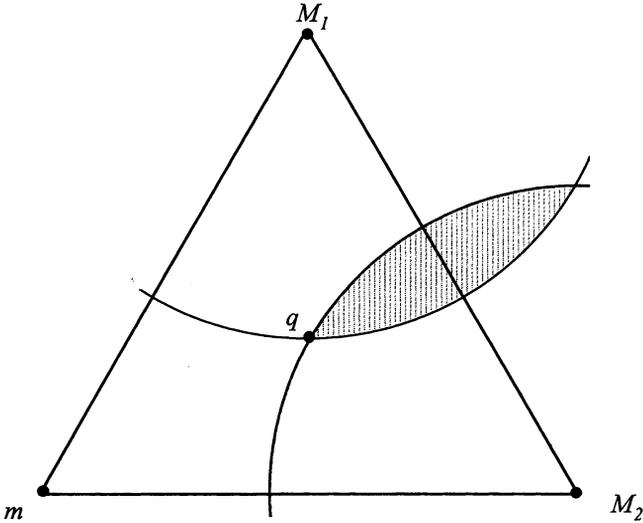
status quo and, thus, refers to the ability of a player or group to ensure for all  $q$  that the outcome of a game is no worse than the status quo. Therefore,  $u$ -power implies  $q$ -power, but the converse is not true.

Although this game is stylized, it embodies several fundamental features of democratic parliamentary bodies. First, a designated player,  $M_j$ , is given the opportunity (arguably, the responsibility) to initiate the agenda formation process. Second and more important, although the other players do not have a right to initiate policy change, the agenda setter does not have a monopoly right to propose. Specifically, a stipulated player,  $m$ , has the minimal parliamentary right to offer one proposal, such as a motion to recommit with instructions to report forthwith, in response to that of the first mover.

### 3. Reexamining Some Substantive Claims

Before presenting the main results, we reconsider several substantive claims that other researchers have made based on examples of the model presented in Section 2. Working through the relevant examples illustrates the behavioral intuition in models with strategic proposals. In the broadest sense, our aim is to clarify the nature of power as an endogenous phenomenon, as opposed to power as an exogenously granted parliamentary right. As formulated, the model highlights the relationship between (exogenous) parliamentary rights pertaining to order of proposing and the (endogenous) power to obtain preferred noncentrist outcomes.

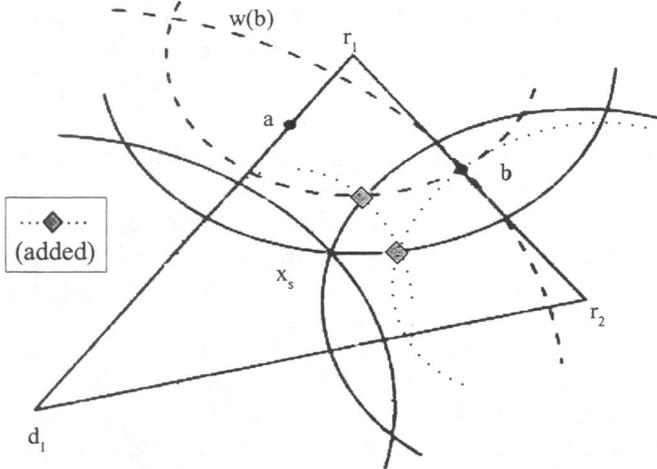
FIGURE 2  
Majority party  $q$ -power



A central claim in the literature concerns  $q$ -power. In Aldrich and Rohde's terms,  $q$ -power is simply "power." The authors do not analyze, however, status quo points that are not centrally located, leaving open the question of  $u$ -power. Suppose ideal points of the three players form an equilateral triangle as in Figure 2 and the status quo lies in the center of the triangle. Analytic support for the claim of majority party power requires two steps: (1) characterizing equilibrium proposal and voting behavior and (2) showing that such behavior culminates in policy change within the  $q$ -power lens, which defines policies that make a majority of the majority party at least as well off as they are under the status quo  $q$ .

In the game introduced by Aldrich (1988) and employed and defended in several subsequent works, the claim is that majority party  $q$ -power occurs in equilibrium for centrally located status quo points.<sup>12</sup> The argument is revised and refined in the earlier of two recent papers that explicitly link two important strands of party research: Aldrich's models of majority party strength and Rohde's empirical work on conditional party government. Specifically, the argument in Aldrich and Rohde (1998) has two components.

FIGURE 3a  
 Example of alleged majority-party power  
 (Aldrich and Rohde's Figure 3)



**Claim 1** *If ideal points form vertices of an equilateral triangle in whose center lies the status quo point, then the parliamentary rights in the game are not sufficient for majority party q-power. (By implication, they are not sufficient for majority party u-power either.)*

**Claim 2** *If ideal points meet the condition for conditional party government (i.e., form an isosceles triangle with endpoints of the shortest segment representing the majority party), and if the status quo point is centrally located, then the parliamentary rights in the game are sufficient for majority party q-power.*

Claim 1 is a substantively significant amendment to earlier arguments about majority party power. It also serves as a helpful baseline case for Claim 2, which embodies the core argument of what has come to be known as the conditional party government thesis; namely, party strength is increasing in intraparty preference homogeneity and interparty preference heterogeneity.<sup>13</sup> To illustrate and defend Claim 2, Aldrich and Rohde reason from Figure 3a as follows.

[I]ncreasing the degree to which conditional party government is satisfied yields outcomes that do benefit the majority at the expense of the minority. Let the equilateral triangle become an isosceles triangle, with the ideal points of members of party *r* relatively closer together and thereby being relatively farther from that of the minority party member... [T]here is no longer an amendment that *d*<sub>1</sub> can offer that both defeats *b* (i.e., that she can get a member of

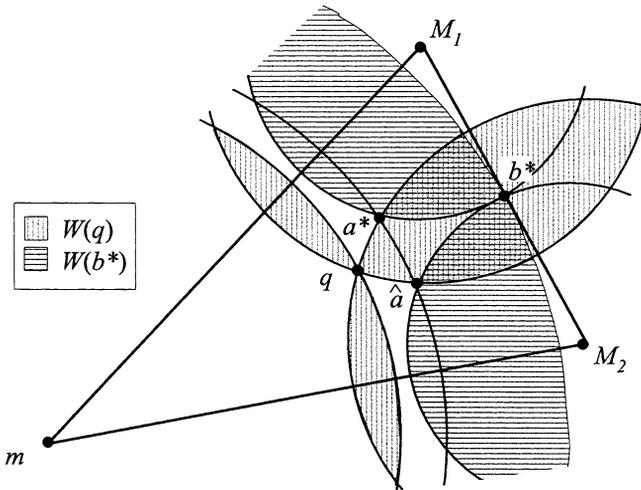
of party  $r$  to support her) and defeats the status quo. Thus, if party  $r$  proposes  $b$ , it is feasible and, for them, desirable to the status quo, and the minority party has no amendment to offer to make anyone in party  $r$  better off. Thus, as the condition in conditional party government has become increasingly satisfied, there emerged an equilibrium outcome that, in this instance at least, changed the status quo from one at the center of preferences for the whole Congress to one that [is] *at the center of the majority party*. (Aldrich and Rohde 1998, 8–9, emphasis added)

Initially, the description and figure seem intuitive, but they do not withstand closer scrutiny.<sup>14</sup> The argument implicitly assumes that the stipulated bill  $b$  is  $r_i$ 's optimal proposal, yet this assumption is neither proved nor discussed. When the equilibrium bill  $b^*$  is derived and identified, Aldrich and Rohde's claim is in need of significant technical and substantive amendments.<sup>15</sup>

Figure 3b is a correction using the triangle that most closely resembles Aldrich and Rohde's subject to conform with their assumptions of circular indifference curves and ideal points that form an isosceles triangle. The correction rests on an observation about the intersection of two sets of points: the win-set of the status quo,  $W(q)$ , and the win-set of the allegedly optimal bill,  $W(b^*)$ . As shown by the shading in Figure 3b, this intersection is nonempty. The practical significance of this fact is that it ensures that the last proposer, the minority party member  $m$ , can select an amendment,  $a$ , that maximizes his or her utility, subject to the constraint that it defeats both  $q$  and  $b^*$  under sophisticated voting. This proposal is  $a^*$ .

The correction is significant in two respects pertaining directly to the quoted excerpt above. First, in the correct equilibrium, the winning proposal  $a^*$  elicits a winning coalition that is nominally partisan: the final vote has the majority party players voting yes and the minority player voting no. Notice, however, that, although majority party  $q$ -power exists, as indicated by a northeasterly policy change from  $q$  to  $a^*$ , one majority player,  $M_2$ , is no better off than under the status quo. Furthermore, the actual equilibrium  $a^*$  in Figure 3b is a more centrist policy than the alleged equilibrium  $b$  in the figure. In other words, a minimal procedural right, such as the motion to recommit, when granted to the minority party, functions as a significant damper on majority party power. In the single example on which Aldrich and Rohde stake their claim, the policy moves slightly toward majority party members, but the correct equilibrium is not "at the center of the majority party." Furthermore, contrary to often repeated assertions in the literature, and as we show below, Claim 2 is false because, in many cases that satisfy the condition, majority party  $q$ -power simply does not exist.

FIGURE 3b  
Actual equilibrium is  $a^*$



Reconsideration of Figure 3a shows that the equilibrium does not rest crucially on circular indifference curves or isosceles triangles. Rather, the oversight was simply that, as the two diamonds show, amendments do exist that lie in the intersection of win-sets of  $q$  and  $b$ , and one of these will be proposed in response to  $b$  and selected under the behavioral assumptions of the model. Similarly, the bottom diamond and indifference curve show the counterpart of  $\hat{a}$  in Figure 3b. This counterpart is essentially a threat point that allows the minority member to play majority members off against one another. Knowing that  $m$  has a credible outside option in  $M_2$ , the initial agenda setter,  $M_1$ , is constrained in his or her selection of  $b$ . This logic is pervasive in the more general results that follow.

Finally, and coincidentally, a comparable claim is made in the committee power literature. Discussing his agenda game 1 as illustrated in his Figure 2, Weingast (1989) asserts that the equilibrium is the midpoint between the two proposers  $M_1$  and  $m$ . This analysis is inconsistent with the Aldrich claim but consistent with the revised Aldrich–Rohde claim. In the next section, we investigate the extent to which these examples generalize.

#### 4. Results

Nontechnical versions of four general propositions are stated and illustrated graphically in this section. Proofs are available at <http://wesley.stanford.edu/krehbiel>.

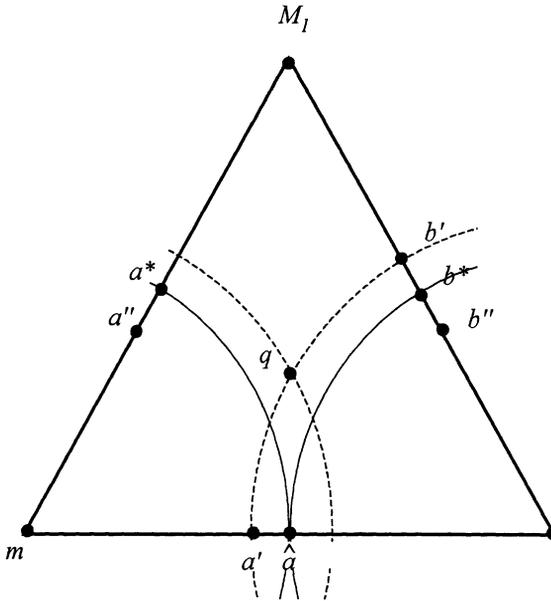
**Proposition 1** (*Equilateral triangle, central status quo*) *If ideal points form an equilateral triangle and the status quo is centrally located, then:*

- (a) *a unique equilibrium exists,*
- (b) *the equilibrium bill  $b^*$  for the majority-party agenda setter is the midpoint between ideal points  $M_1$  and  $M_2$ ,*
- (c) *the equilibrium amendment  $a^*$  for the first mover is the midpoint between his or her ideal point,  $m$ , and the proposer's ideal point,  $M_1$ ,*
- (d) *the amendment  $a^*$  defeats the bill  $b^*$ , and the amended bill  $a^*$  then defeats the status quo  $q$ , and*
- (e) *in equilibrium, the first and second movers are  $q$ -powerful and the nonproposer is not.*

Figure 4 illustrates the proposition. The first mover must select a bill,  $b$ , whose best-response amendment,  $a$ , meets an indifference condition. The condition is that the last mover is indifferent to the distinction between  $a^*$  (which attracts the support of  $M_1$  over  $b$ ) and  $\hat{a}$  (which attracts the support of  $M_2$  over  $b$ ). The figure illustrates and the appendix (<http://wesley.stanford.edu/krehbiel>) proves that  $b^*$ , which is the midpoint between  $M_1$  and  $M_2$ , is such a proposal. Any deviation from  $b$ , such as  $b'$  or  $b''$ , violates this indifference condition. For example, if  $M_1$  were to propose  $b'$ , then this proposal would elicit a best response from  $m$  of  $a'$ , which would leave  $M_1$  out of the winning coalition. Similarly, if  $M_1$  were to propose  $b''$ , then this proposal would elicit a best response from  $m$  of  $a''$ , which, although it includes  $M_1$  in the winning coalition, would leave him or her less well-off than the best response  $a^*$  that is elicited by  $b^*$ . Therefore, neither  $b'$  nor  $b''$  are optimal proposals.

Interpreted in the context of the rapidly growing analytic literature on parties in legislatures, Proposition 1 has almost exactly the opposite characteristics of claims that are regularly repeated and widely accepted, yet unproven. The second mover is strictly  $q$ -powerful and, as such, enjoys a utility gain from the equilibrium outcome  $a^*$  relative to the status quo  $q$ . Likewise, the more commonly emphasized agenda setter—be it a committee leader, a majority party leader, or both—also has a utility gain. This first mover's gain is no greater than that of the second mover, however. Moreover, to receive it, the optimizing

FIGURE 4  
 Illustration of Proposition 1:  
 bipartisan equilibrium with minority  $q$ -power



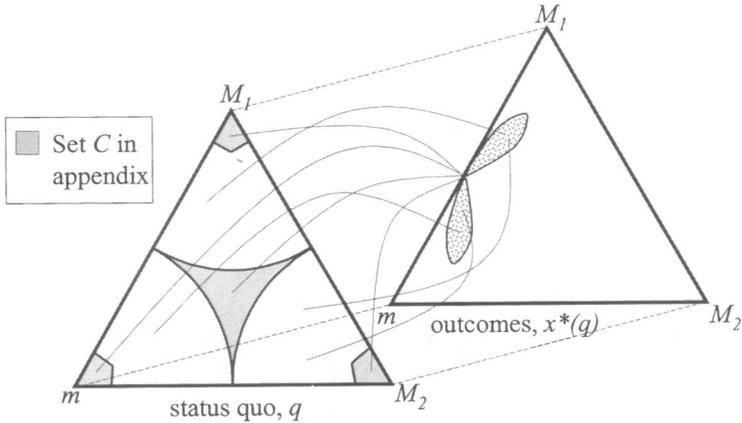
agenda setter essentially initiates a large utility loss for the other half of his or her party (or committee) en route to the formation of a bipartisan winning coalition. Therefore, the majority party as a collective entity is not  $u$ -powerful; it is not even  $q$ -powerful for the most neutral and natural instance of a centrally located status quo.

To facilitate comparisons with other models, Proposition 1 makes strong assumptions. Thus, it is important to assess the sensitivity of the equilibrium (and its substantive interpretation) to adjustments in the exogenous parameters, namely, the location of the status quo and the similarity of  $M_1$ 's and  $M_2$ 's preferences. One interpretation of this preference similarity is that it represents a condition for conditional party government (Rohde 1991). Propositions 2, 3, and 4 take up these issues.

**Proposition 2** (*Equilateral triangle, Pareto status quo*) *If ideal points form an equilateral triangle and the status quo is located in the Pareto set, then:*

- (a) *a unique equilibrium exists,*
- (b) *the outcome resembles a bipartisan compromise, subject to being in  $W(q)$ ,*

FIGURE 5  
Illustration of Proposition 2:  
 $q$ -dependence of equilibrium outcomes



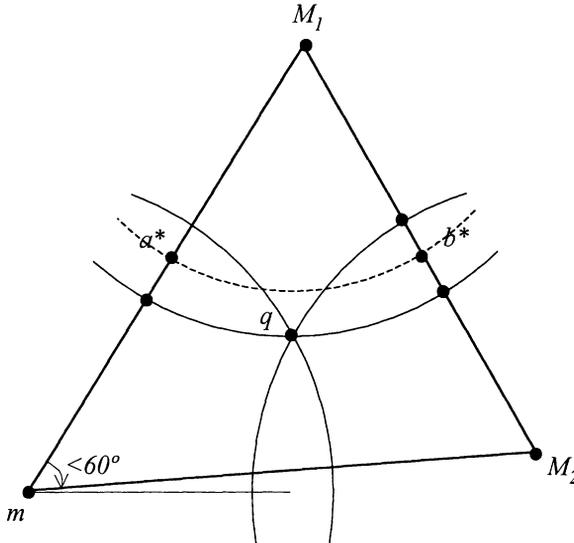
- (c) for centrally located status quo points, both proposers have  $q$ -power,
- (d) for status quo points sufficiently close to any given player's ideal point, that player does not have  $q$ -power, and
- (e) no player has  $u$ -power.

Proposition 2 is summarized in Figure 5, which characterizes the mapping from any Pareto optimal status quo point (the front triangle) to its  $q$ -dependent outcome (the back triangle). Three features are noteworthy. First, for reasons spelled out exhaustively in the appendix, many status quo points elicit changes in policy identical to those in Proposition 1 and Figure 4. The new outcome lies at the midpoint between the two proposers,  $M_1$  and  $m$ . Second, all remaining status quo points result in new policies near the same midpoint, as shown by the two darkened petals. Third, and of greatest significance in the context of the literature, neither first mover nor last mover has  $u$ -power.

**Proposition 3** (General triangle, Pareto status quo) *If ideal points are distinct and if the status quo is located in the Pareto set, then:*

- (a) a unique equilibrium exists,
- (b) the outcome resembles a bipartisan compromise, subject to being in  $W(q)$ ,

FIGURE 6  
 Bipartisan equilibrium ( $a^*$ )  
 when A-R's isosceles condition is met



- (c) for status quo points close to a player's ideal point, the player does not have  $q$ -power, and
- (d) no player has  $u$ -power.

A comparison of Propositions 2 and 3 reveals that the interpretation of majority party preference homogeneity as an isosceles triangle (as in Aldrich and Rohde 1998) does not support claims of majority party  $u$ -power. On the contrary, when the condition for conditional party government is satisfied, the parliamentary rights in the model are not, in general, sufficient even for a player—much less a party—to fare at least as well under the new policy as under the status quo for all status quo points. Nor is the condition for conditional party government sufficient for majority party  $q$ -power in the special case of centrally located status quo points. This fact is illustrated in Figure 6, in which the equilibrium outcome lies on the contract curve between the majority and minority proposers. The figure illustrates yet another instance of bipartisanship rather than majority party power or committee power, and the source of the bipartisanship is the motion to recommit or, generically, a last-proposer right conferred to the minority.

## 5. Interpretations and Extensions

The model serves as a useful device to generate conclusions regarding several salient issues in legislative politics.

### 5.1 Committee Power

Shepsle and Weingast's (1987) results are significantly different from ours because the assumptions of the two models are significantly different. Selection between the two models might, therefore, be based on empirical analysis or the extent to which the parliamentary rights of the model are codified. To illustrate the latter approach, we note that the last-proposer advantage of the ex post veto model hinges on the assumptions that the committee has a gatekeeping right in conference and that the conference committee's report cannot be amended. Neither of these assumptions is codified in Congress, whereas committee discharge is possible and occurs, and the conference report may be recommitted at this stage, too. For these reasons, it seems desirable that a model not assume gatekeeping at any stage and that it allocate minimal amendment rights so there is not a monopoly proposer. The model of Section 2 meets these criteria, and, when applied to the Shepsle–Weingast focus of conference committee and postconference behavior, the consequences are striking.

Let  $M_1$  be the majority party committee leader who does *not* have a gatekeeping right. Let  $m$  be the minority party that, while not represented adequately in the conference committee, is nevertheless granted the right to offer  $a$  the motion to recommit with instructions. Let  $M_3$  be the majority party backbencher. This model is simply a relabeled version of the model used above (Section 2), and it supports a much different interpretation of who benefits during final stages in the legislative process. In our model, the committee does have some power, but Propositions 2 and 3 illustrate that this power is not universal: there are some status quo cases in which the collective process moves policy in ways that are undesirable to the committee leader. Similarly, the minority party, given the motion to recommit, has some power, but neither is this power universal. For all profiles of preferences and status quo locations, there is some degree of bipartisan and committee-floor compromise in equilibrium. These two features of the equilibrium differ significantly from existing theoretical results but are consistent with the empirical evidence that winning coalitions on major and minor bills alike are typically supported by a bipartisan supermajority.<sup>16</sup>

An important empirical caveat accompanies this interpretation, however. The minority party has a right to recommit a conference report to the conference with instructions, but typically the conference will have disbanded. Furthermore, although the recommittal motion may include instructions, the instructions do not bind the House conferees and may not bind Senate conferees. In light of these procedural facts, the model almost surely has less bite in the context of postconference procedures.

### *5.2 Fighting Fire with Fire*

Weingast (1989) presents and solves three models for an extreme case in which the status quo is well outside the Pareto set. We restrict attention to his agenda game 1, which is identical to the model of Aldrich except that Aldrich's considers an example with the status quo in the center of the Pareto set. The correct equilibrium policy in both examples should lie at the midpoint of the contract curve between the first and last proposers,  $M_1$  and  $m$ .

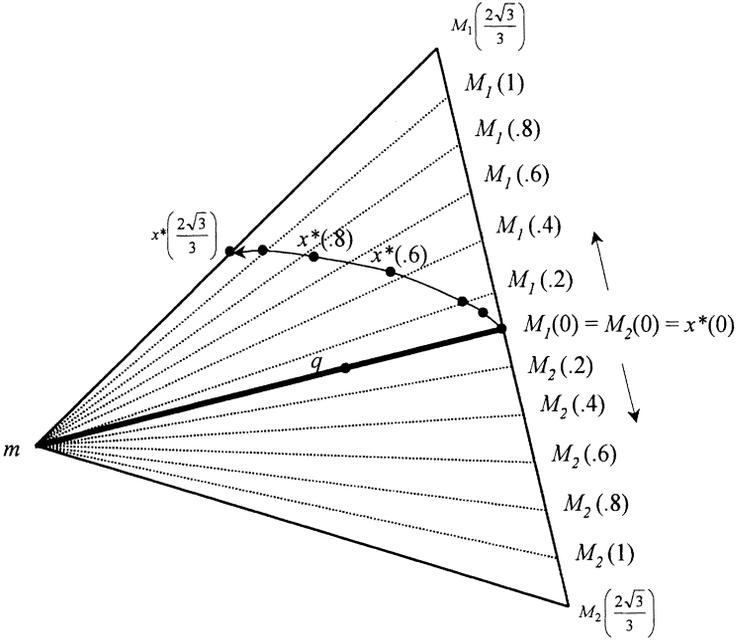
Our propositions reveal that Weingast's example and intuition are sound even for more realistic, centrally located status quo points. In contrast, Aldrich's example-based general claim does not hold. We therefore see again that first- and last-mover advantages are not absolute—a result that is not apparent in studies based on examples only.

A second point relates to the empirical validity of Weingast's framing of the model. The clear but questionable assertion is that the committee (and, more specifically, its bill manager, who is almost invariably in the majority party) is the last proposer and is thereby entitled to "fight fire with fire." We mostly concur with Weingast at the level of analysis—often there is a last-proposer advantage—but we strongly disagree at the level of House procedures that define who has the right to offer the last proposal. Again, the codified procedures of the House seem to support the claim that it is the minority party that is endowed with the right of last amendment.<sup>17</sup> Weingast's analysis-based instinct—that the last mover in the proposing stage often has an advantage—is dead right. Yet the interpretation that, under the open rule, this last mover is the committee leadership, majority party leadership, or both is not tenable.

### *5.3 Conditional Party Government*

In the framework that Aldrich and Rohde propose, there is, indeed, a relationship between majority party preference homogeneity (ideal

FIGURE 7  
 Path of equilibrium outcomes when heterogeneity is varied

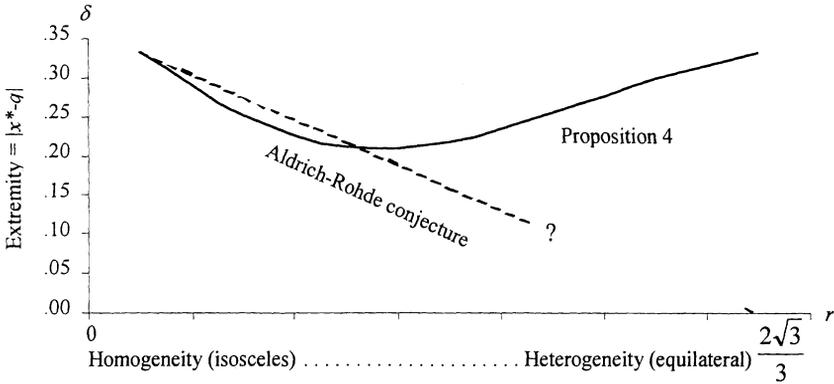


point proximity) and the desirability of policy relative to a moderate status quo.<sup>18</sup> Further analysis suggests that the relationship is more subtle than suggested in Aldrich and Rohde (1998).

Figure 7 presents a sequence of isosceles triangles. The analysis begins with a base case corresponding to Rohde's condition being minimally satisfied, that is, majority party members have ideal points that are no closer to each other than they are to the minority party's ideal point. We then progress through isosceles cases in which the ideal points of majority party members gradually converge (and, thus, the condition is satisfied to an increasing degree). The analysis concludes with the case of a unidimensional Pareto set representing no divergence of majority party ideal points. The question is: How does individual utility of equilibrium outcomes vary with respect to variation in Rohde's condition?

Aldrich and Rohde's expectations seem clear, at least with respect to the homogeneous-party end of the spectrum. When the majority party is homogeneous, the outcome should be extreme (favoring both majority party members) relative to a centrally located status

FIGURE 8  
Policy extremity as a function  
of majority-party preference heterogeneity



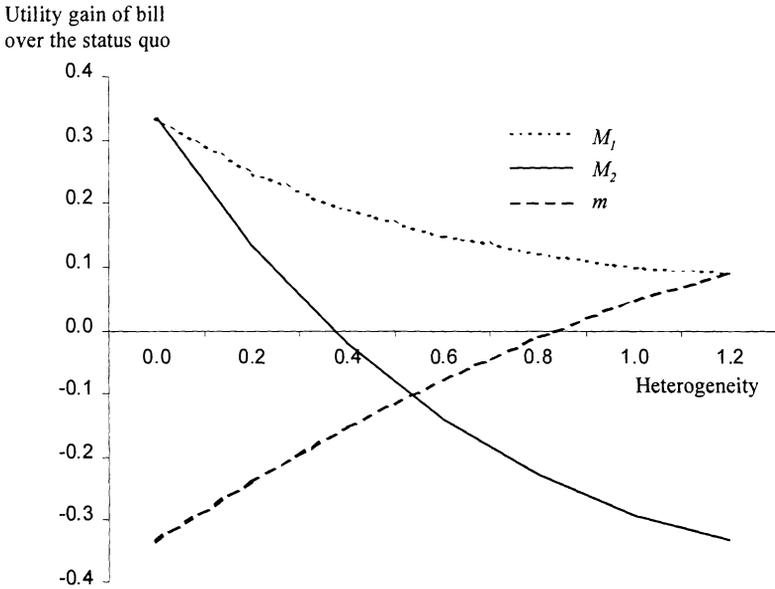
quo. This is the essence of majority party power. As majority party preferences become more heterogeneous, however, conditional party government theory suggests that both policy extremity and majority party power should diminish. The claim about majority party power is true but ultimately trivial; the claim about policy extremity is true only sometimes.

**Proposition 4** (*Heterogeneity and majority party biased outcomes*)  
As a function of majority party preference heterogeneity,

- (a) the utility gain from passage of the final policy  $a$  over  $q$  is decreasing for members of the majority party and increasing for the minority party and
- (b) the extremity of the final policy is first decreasing and then increasing.

Figure 7 plots the trajectory of equilibrium outcomes as preferences become increasingly homogeneous. Based on Figure 7, Figure 8 graphs the resulting difference between the final policy and status quo. In contrast to a reasonable reading of the conditional party government literature, the relationship between the condition and noncentrality is not monotonic. The insight is that when the majority party is heterogeneous, the final policy is a bipartisan compromise and a noncentrist policy. As majority party heterogeneity decreases, the trajectory of outcomes first moves toward the centroid and then becomes noncentrist again. The observation that increased homogeneity results in increased noncentrality on the homogeneous end of the

FIGURE 9  
Power of players as a function  
of majority-party heterogeneity



spectrum should be qualified, however. First, at the right end of the spectrum, the Pareto set collapses to a line whose endpoints are perfectly homogeneous parties,  $m \neq M_1 = M_2$ . Second, the extremity result, which seems consistent with theories of majority party strength, is ultimately tepid insofar as the so-called partisan equilibrium outcome,  $x^* = M_1 = M_2$ , is also that predicted by an utterly nonpartisan theory: Black's median voter theory.

The trajectory in Figure 7 yields another insight when used to calculate the gain or loss to each individual from the collective choice decision process. Figure 9 illustrates the gain to each player from a policy change from the centrally located status quo to the equilibrium policy.  $M_1$ 's gain is always positive, which illustrates that, when the status quo is centrally located, there is a first-proposer advantage for all degrees of preference homogeneity. In contrast,  $M_2$ 's gain is negative when the majority party is heterogeneous. This fact serves as a good illustration that the often-used term *majority party agenda-setting power* is misleading. Use of the noun *power* is justified because the first proposer reaps the greatest benefits. Of the two adjectives,

however, only one can be used defensibly. The power exhibited in equilibrium is due to agenda setting (more precisely, proposing first). It has nothing to do with so-called party strength, as is illustrated by the utility of the other majority party member and the bipartisan winning coalition in instances of heterogeneous preferences.<sup>19</sup>

## 6. Conclusion

The simple spatial model suggests that the relationship between rights to make proposals and power over outcomes is not as clear as prior works have suggested. The right of the first mover, agenda setting, is valuable, to be sure. Yet the right for other players to make a final proposal and the power over outcomes that corresponds with this last-proposer status are often overlooked.

The codified motion to recommit, when embedded in a simple legislative bargaining model, is tantamount to allocating the last-proposer right to the minority party or opponent of a bill. Our analysis illustrates that majority party power is not universal but rather is dependent on the location of the status quo and the preferences of legislators. For a nontrivial set of status quo locations, the motion to recommit has a significant effect on the ultimate distribution of power in a legislature. This right enables the minority party to fare much better in legislative bargaining than most existing models suggest. The minority party is powerful because it can construct—or credibly *threaten* to construct—an amendment that attracts bipartisan support over the status quo.

The extent to which the minority party gains and the majority party loses due to the motion to recommit raises a puzzle whose importance seems largely unrecognized. It is well known that a generic majority has the capacity to “determine the rules of its proceedings” a la Article 1, Section 5 of the Constitution. Furthermore, conventional wisdom has it that the specific majority, in cases of the choice of rules, is the majority party. The puzzle is: Why does the majority party implement and abide by rules that have the distributional properties we have identified? A comprehensive answer to this question is beyond the scope of this study. Nevertheless, we think that future research may benefit from examination of three possible answers.

First, although it may seem improbable, legislators might simply hold principled views on fairness of procedures. Such views would explain the seemingly incongruous actions of Republicans under Cannon and again under Gingrich as efforts to achieve a procedurally correct system. Recall that Cannon presided over the codification of

the minority right and Gingrich presided over the consolidation of that codification after an era of slippage. Of course, this hypothesis prompts the question of why Republicans would be principled yet recent Democrats would encroach on the minority's historic right. When studying the Senate filibuster—also a minority institution—Binder and Smith (1997) explored a similar hypothesis and found it lacking.

Second, legislators may have long-time horizons, be risk averse, or both possibilities may hold. When in the majority, legislators are aware that they could, figuratively, take the money and run by choking off minority rights to amend or to offer the motion to recommit. To the extent that they fear being in the minority someday, however, they forego some current power in exchange for a more even distribution of power in the future. Research by Axelrod (1984) and Diermeier (1995) uses this kind of behavioral underpinning.

Third, a theory without repetition may help to explain the tolerance by the majority party for the motion to recommit. The argument begins with the observation that the majority party typically is not a homogeneous entity. Instead it is composed, in part, of a contingent of like-minded extremists with respect to party leaders but moderates with respect to the legislature as a whole. Voting on House rules typically occurs on the opening day of a Congress and can be viewed as a collective choice about the distribution of procedural rights. Our model shows explicitly how a relatively equal distribution of procedural rights produces a relatively equal distribution of power, represented spatially as centrally located outcomes. In light of these facts, it is not so puzzling that moderates (roughly, pivotal voters) tend to prefer the more open to the more closed procedure. Majority party leaders, whether short- or long-sighted, would like to encroach upon minority procedural rights. To do so, however, they must effectively strong-arm moderates within the legislature to vote contrary to moderates' immediate interests. These tensions are, of course, common in instances of policy choice, and the model in this paper provides a reason for expecting that the procedural choice phase would inherit the same tensions.

From these perspectives, and with the several qualifications noted above, the durability of the institution of the motion to recommit is consistent with claims about the relative weakness of U.S. congressional parties. Granted, many students of Congress would dispute this interpretation (see, for instance, Binder 1997 and Dion 1997). After all, "procedural majorities" often form along party lines when the legislature organizes itself (Jones 1968), at least as measured by partisan voting on roll calls (see, for example, Cox and McCubbins 1993). The typical inference from such coalition formation is that these are

instances of party discipline. On the other hand, some analytic research suggests that this interpretation is questionable (e.g., Krehbiel 2000). The inference of discipline can be questioned empirically, too, inasmuch as the majority party's intraparty bargaining behind the scenes and prior to the vote results in concessions in procedures that favor the minority party or moderates in the chamber. House rules invariably include many elements of procedural moderation, and the 1901 and 1995 rules pertaining to the motion to recommit are good examples.

These conjectures are necessarily sketchy, but the purpose of the discussion is limited. Procedural choice regularly occurs by a legislative majority that bears a remarkable resemblance to the majority party. Yet, the outcome of such choice processes, with considerable regularity, is highly protective of minority party rights. This puzzle of partisanship and procedural choice seems challenging, important, and thus worthy of further study.

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## NOTES

Comments from Jeff Banks, Alan Gerber, Mo Fiorina, Howard Rosenthal, Ken Shepsle, Steve Smith, and Jim Snyder are gratefully acknowledged.

1. This was the opening statement of Representative David Drier, Ranking Minority Member of the Subcommittee on Rules of the House, for the *Roundtable Discussion on the Motion to Recommit* (U.S. Congress 1992, 1).

2. Although subject to gray areas of interpretation, the aforementioned procedures generally do not share this codified lineage. So-called monopoly agenda-setting rights are easily trumped by bill referral rights. Committees' gatekeeping authority can be overridden by discharge petitions. Closed rules require majority consent. And ex post vetoes can be pre-empted by the House or Senate's refusal to appoint conferees or addressed ex post by voting down the conference report and reconciling House-Senate differences in other ways.

3. The example is technically an equilibrium of the subgame in which the committee had mistakenly proposed a noncentrist bill. In the complete information case, the equilibrium proposal for the committee is the median voter's ideal point, after which the best response for the last proposer is either to propose the same bill or to decline to propose.

4. For revisionist views of Bolles's account of the "tyrant from Illinois" (1951), see Krehbiel and Wiseman (2001) and Lawrence, Maltzman, and Wahlbeck (1998).

5. The period during which the generalization holds less strictly came to an abrupt and somewhat ironic halt on the first day of the 104th Congress. Republicans—in the majority for the first time in 40 years—passed a rules change that reversed some rather arcane and questionable precedents. Rulings triggered by a procedurally aggressive Rules Committee resulted in the gradual erosion of the 1901 rule via occasional restrictions on making the motion amendatory (see U.S. Congress 1992 for a superb discussion by Bach). The restored rule stipulates that the Rules Committee cannot report a special rule denying the minority the right to offer amendatory instructions in a motion to recommit if offered by the minority leader or designee (*Congressional Record*, 4 January 1995, 471). In yet another ironic twist, the new minority whip, David Bonier, offered a motion to commit with instructions to amend the majority party's package of rules changes.

6. Of course, for many procedural rights, such as legislative-executive interaction when the president has a veto, the mere ability to exercise a procedural right can have consequences apart from the actual exercise. So, too, in the case of the motion to recommit. If its use were uncommon, it would not follow that it was unimportant. In other words, regularity of use of the motion may be sufficient, but not necessary, for importance.

7. We obtained data from the Interuniversity Consortium for Political and Social Research (ICPSR) codebooks' vote descriptions and, in so doing, discovered several false positives (such as a vote on the previous question on the motion to recommit). To eliminate these false positives, we authenticated all 900-plus hits from a codebook query by using the *Congressional Record* or we omitted them from the final, confirmed list of motions.

8. Aldrich (1994; 1995) and Aldrich and Rohde (1998) occasionally claim to assume gatekeeping, which we do not. Shepsle and Weingast's (1987) model uses a similar setup in preferences and sequence but differs from ours procedurally. Weingast (1989) analyzes several models, one of which is identical to ours. Banks and Gasmí (1987) analyze a similar game, albeit one without a status quo point and without explicit legislative interpretations.

9. The respective counterparts in Aldrich and Rohde (1998) are  $r_1$ ,  $r_2$ , and  $d_l$ .

10. In the analysis of Proposition 4, this diversity of preference restriction is relaxed, as we consider also the case in which  $M_1$  and  $M_2$  have identical preferences, and thus the policy space may be thought of as unidimensional, since the Pareto set is unidimensional.

11. The voting nodes  $V$  in Figure 1, therefore, refer to collective rather than individual choices. See the appendix at <http://wesley.stanford.edu/krehbiel> for elaboration.

12. See also Aldrich 1995 and Aldrich and Rohde 1995, 1998, 2000.

13. The term *constitutional party government* is due to Rohde (1991), but the argument captured in Claim 2 has been prevalent in the literature for decades. See Cooper and Brady 1981; Cooper, Brady, and Hurley 1977; Froman and Ripley 1965; and Huitt 1961. For other recent rediscoveries, see Binder 1997; Brady, Brody, and Epstein 1989; and Cox and McCubbins 1997. See Schickler 1998 for empirical analysis that questions some of the above studies.

14. A minor matter due to a printing or photocopying problem is that the figure on which Aldrich and Rohde base their claim does not conform to their assumptions;

the indifference curves in their Figure 3 are not circular and the triangle is not an isosceles triangle. The figure is scanned and labeled 3a here. The two diamonds and two small-dotted indifference curves are added for purposes of discussion below.

15. In evident disagreement with, or disregard for, the analysis that follows (dating back to 1998), the authors have continued to cite and write about their earlier work as if their claims about conditional party government remain both true and general. The most recent instance of unqualified reiteration serves as a fuse to an explosive assault on a select few works that question the persuasiveness of extant evidence of party strength (see Aldrich and Rohde 2000).

16. The key here is *bipartisan* rather than supermajority, since an apparent supermajority of two-thirds is a bare majority in a three-person model.

17. Recall the short period during which some erosion of the right occurred, only to trigger the clarification and recodification (see note 5).

18. For purposes of this analysis, *moderate status quo* is defined as the average (centroid) of ideal points.

19. Minority party power is not universal either. Intuitively, we can grasp that the gain of *m* increases with majority party heterogeneity and is sometimes negative.

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