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In Search of Killer Amendments In the Modern U.S. House

Numerous studies have examined the incidence of killer amendments in Congress, but most of these studies have been either case specific, focusing on the legislative maneuverings around a single issue or bill, or temporally limited, focusing on strategic activity in only one or two Congresses. In this article, we present the beginning of a comprehensive research agenda for the systematic study of killer amendments. Using roll-call data from the 83d through the 108th U.S. House (1953–2004), we identified those bills that (a) were successfully amended and (b) subsequently went down to defeat, a necessary condition for the existence of a killer amendment. We then examined these cases in greater detail, using both spatial analyses and case studies. Our analysis uncovered five cases, four of which are new, that appear to have the characteristics of true killer amendments, thus setting the stage for future analyses across time and legislative chambers and bodies.

The “killer amendment” phenomenon is well known within the general literature on legislative behavior (Enelow 1981; Enelow and Koehler 1980; Jenkins and Munger 2003; Wilkerson 1999). An amendment qualifies as a “killer” if its addition causes a bill, which previously had majority support, to fail. Although conceptually interesting, killer amendments are more of a theoretical possibility than an empirical regularity—congressional scholars have identified only five cases across time that appear to fit the profile of a likely killer (see Jenkins and Munger 2003, Poole and Rosenthal 1997, and Riker 1982). Moreover, the discovery of these five cases has been little more than accidental, resulting from passing observations of the historical record rather than a systematic search.

In this article, we present a methodological framework for the systematic identification and study of killer amendments. First, applying some simple tenets from the social-choice literature, we elaborate the theoretical underpinnings that would allow a successful killer amendment to emerge. In short, we argue that killer amendments can only

exist if voting occurs along more than one issue dimension. Stated differently, a successful killer amendment requires an intransitive social-preference ordering, which can only occur beyond a one-dimensional choice space. A successful killer amendment then becomes a matter of “heresthetics”: potential losers search for a second issue (dimension) to alter the strategic voting dynamics and expedite the defeat of a bill, which previously had majority support along a different dimension. Since agenda manipulation (as in the case of killer amendments) can always be defeated by sophisticated voting, herestheticians, to be successful, must find secondary issues that are of sufficient importance to some legislators that these members cannot afford to cast anything other than a sincere vote. As Poole and Rosenthal (1997, 147) note, when “there is a mixture of sincere and sophisticated types, agenda manipulation is possible.”

We then present a means to operationalize the killer-amendment phenomenon, so as to sketch out a process for identifying likely killers. Using a dataset that codes all roll-call votes in the U.S. House of Representatives from the 83d through 108th Congresses (1953–2004), we identify all cases where an amendment passed and the amended bill was then defeated. For each case, we outline the dimensionality of voting, via a NOMINATE analysis, at *both* the amendment and final-passage stages to determine if more than one dimension was in play and thereby narrow the set of possible killer amendments. Next, we analyze the resulting cases using two common spatial-fit statistics as well as spatial “cutting lines,” which help determine if the underlying voting coalitions change substantially across the amendment and final-passage votes, to narrow the field further. Finally, we examine the remaining cases using qualitative evidence, following the tenets laid out by Jenkins and Munger (2003), to determine if the substantive context in each case points toward the existence of a true killer.

Theory and Methodological Framework

The basic structure underlying killer amendments is related to the general phenomena of agenda manipulation and sophisticated voting (Farquharson 1969; McKelvey and Niemi 1978). For an amendment to qualify as a killer, when we assume pairwise majority-rule voting, the following conditions must be met:

Condition 1: The bill (B) under consideration would beat the current status quo (SQ).

Condition 2: B would lose to at least one amended form of the same bill (AB).

Condition 3: AB (containing the killer amendment) would lose to SQ.

If any of these conditions is violated, then the amendment is *not* a killer. For example, if Condition 3 is false, then AB will beat SQ. Thus, the amendment simply weakened B; it did not kill B. If Condition 2 is false, then the amendment will not pass because B is a Condorcet winner. If Condition 1 is false, then B would not have defeated SQ in the first place, and thus B was never “alive” enough to be killed (or to generate a killer attempt).¹

To understand the amendment process better, consider a simple agenda in which B is pitted against AB in round one, with the winner pitted against the current SQ in round two.² This agenda, combined with our three conditions, reveals something about the consistency of expectations. We can rewrite the conditions in terms of the asymmetric binary relation \succ , which we will take to mean “majority preferred to.”

Condition 1: $B \succ SQ$.

Condition 2: $AB \succ B$.

Condition 3: $SQ \succ AB$.

Combining these statements, we obtain the following social-preference ordering:

$$SQ \succ AB \succ B \succ SQ.$$

Clearly, this social-preference ordering is intransitive. The only way this set of expectations can be consistent is if there is a cycle over alternatives.

One set of preference orderings, with three legislators and three alternatives, that would give rise to such a cycle is the following—Legislator 1: $B > SQ > AB$; Legislator 2: $AB > B > SQ$; Legislator 3: $SQ > AB > B$. This example, known as the “Condorcet paradox,” illustrates why killer amendments are always possible if legislators vote sincerely. Legislator 3, for instance, knows that B (her least-preferred outcome) will defeat SQ. But if she introduces AB, then Legislator 2 will join her in defeating B. Then, of course, when AB is voted against SQ, Legislator 3 can count on Legislator 1 to join her in defeating (her own) AB. The outcome is Legislator 3’s (the amender’s) most preferred result: retaining SQ.

This example also highlights why sincere voting may not be a useful assumption. If SQ is, in fact, the result, then Legislator 2 is abetting 3 in ensuring Legislator 2's least preferred outcome. It seems unlikely, however, that Legislator 2 would agree to such a deal. All Legislator 2 has to do is cast a sophisticated vote in the first round, voting against AB, thereby ensuring that B is the outcome.³ But, in that case, AB is not a killer! This scenario illustrates a more-general theoretical point: strategic agenda manipulation by the amender (such as a killer-amendment attempt) can always be defeated via sophisticated voting by the bill's proponents.

If this strategy is so effective, then why should we ever observe successful killer amendments? Scholars have offered two reasons. First, the foregoing treatment assumes a perfect-information environment, wherein all members of Congress know each other's preferences as well as the agenda under consideration. If uncertainty and asymmetric information are prevalent, however, then outcomes could differ from those that would emerge under a perfect-information setting (Krehbiel and Rivers 1990; see also Calvert and Fenno 1994). While we acknowledge this possibility, we follow Enelow (1981) and Jenkins and Munger (2003) and adopt the "classic" approach, assuming a perfect-information environment. We contend that if information asymmetries exist in congressional voting agendas, then they will be reduced significantly (or eliminated) by readily available information cues provided by party leaders, senior legislative colleagues, interest groups, and other social networks (see Arnold 1992, Hall 1996 and Kingdon 1973). As Enelow (1981, 1065) points out, "[in] the U.S. Congress, perceptions of a critical amendment as either a saver or a killer will probably be widely shared."⁴

A second reason successful killer amendments may arise stems from some members consciously deciding to vote sincerely at the amendment stage when they would be better off voting sophisticatedly. This shift in strategy usually occurs when the issue at the amendment stage is more important to a member (or, more specifically, a member's *constituency*) than the issue in the original bill. A member may know that a sincere vote at the amendment stage may lead to the original bill being amended and killed—an outcome at odds with that member's own preferences—but the legislator casts a sincere vote regardless, feeling unable to adequately explain the multistage agenda dynamics, and her or his series of votes, to constituents. In effect, the member eschews sophisticated voting and casts a sincere "position-taking" vote to avoid losing constituent trust (see Austen-Smith 1992, Bianco 1994, Denzau, Riker, and Shepsle 1985, Jenkins and Munger 2003, and Wilkerson 1990).

Of the five killer amendments documented in the literature—the Wilmot Proviso, the DePew Amendment, and the Powell Amendment, all identified by Riker (1982) and Poole and Rosenthal (1997), and the College of William and Mary Amendment and the Sumner Amendment, identified by Jenkins and Munger (2003)—all have been of the second type, cases in which members of Congress were unwilling to vote sophisticatedly at the amendment stage for fear of losing constituent trust.⁵ It should also be noted that these five cases have not been universally hailed as “true” killer amendments. The Powell Amendment, in particular, has been the subject of numerous analyses.⁶ The key conflict in these debates involves the expectations conditions outlined previously. Specifically, evidence rarely exists to corroborate the first condition, in which a majority initially prefers B to SQ, since B is typically amended and thus is never pitted in its unamended form against SQ.⁷

With the latter critique taken as a qualifier, how might we begin to operationalize the killer-amendment phenomenon so that we can sketch out a process for identifying likely killers? The natural theoretical extension—as adopted by Enelow (1981), Enelow and Koehler (1980), Poole and Rosenthal (1997), Riker (1982), and Wilkerson (1999)—is the spatial theory of voting. Put simply, the spatial theory of voting assumes that policy alternatives can be arrayed on one or more dimensions, with members voting for the alternative closest to their ideal policy preference, or ideal point.

The next question becomes: how many dimensions of choice are needed to identify a killer amendment? As previously noted, killer amendments can only exist if there is an intransitive social-preference ordering, or preference cycle (Ordeshook 1986, 65–67; Strom 1990, 45). If Black’s (1958) conditions hold—that is, if all legislators possess single-peaked, symmetrical preferences and vote sincerely—then a killer amendment cannot occur in a one-dimensional setting.^{8,9} When we move to two dimensions, however, Black’s theorem breaks down. Without restrictive institutional rules in place (like division-of-the-question or agenda-limiting rules) to mimic a unidimensional setting, majority rule typically fails, as a transitive social-preference ordering will rarely exist (McKelvey 1976; Plott 1967).¹⁰ While this result has negative implications for majority rule generally, it provides hope to potential users of killer amendments. Specifically, in a two-dimensional setting where members vote sincerely, preferences will be cyclical and the passage of a killer amendment will be possible.

Hence, as Riker (1982, 1986, 1990) argues, the pursuit of a successful killer amendment then becomes a matter of heresthetics, or

political strategy. In the simplest scenario, the initial decision between B and SQ operates along a single dimension, and B has majority support. In order for B's opponents to block its passage, they must identify a second issue (specifically, a second *dimension*) that will transform the choice space from one to two dimensions and upset the initial majority coalition. Alternatively, the initial decision between B and SQ might involve a certain *combination* of issues (or issue dimensions); B's opponents may then seek to reweight the dimensions with an amendment in an attempt to kill the measure. In either case, the majority typically defeats such killer initiatives either by agenda control (denying recognition to the proposed amender) or sophisticated voting (defeating the amendment on the floor). Yet the majority may not always be successful; as noted, scholars have argued that several successful killer amendments have occurred across U.S. congressional history. In each case, B's opponents—led by dissident members of the *majority* party, one of whom gained recognition and offered the killer amendment—have successfully transformed the initial one-dimensional choice setting into a two-dimensional choice setting with the introduction of a salient, “easy” issue that fractured the coalition supporting the underlying bill (see Jenkins and Munger 2003).

This logic provides a framework for empirical verification. The first condition (B versus SQ) is often unobservable, but the remaining two conditions (AB versus B, and AB versus SQ) *are* observable. We are then left to identify cases in which the amendment passes (AB is preferred to B) and the amended bill fails (SQ is preferred to AB). With this set of potential killer amendments in hand, we can follow Poole and Rosenthal's (1997, 157–63) lead, examining each case, one by one, using a NOMINATE-based analysis.

We expect that in the case of a successful killer amendment, the *final* vote, in which AB is paired against SQ, should be two dimensional, since AB *by definition* incorporates two dimensions: the amendment (based on the secondary issue) and the original bill (based on the primary issue). Moreover, as the final vote is the last round of a multi-stage game, all members should vote sincerely. The dimensionality of the prior stage, when AB is paired against B, is less clear. Conflict could be one dimensional, with the issue underlying the amendment structuring the voting, or two dimensional, with the issues underlying *both* the original bill and the amendment structuring voting. Amendment and final-passage votes that are explained by the *same single dimension* would provide evidence that the amendment was not a killer but rather a *strengthening* or a *weakening* amendment. In this case, the amendment simply moved the roll-call alternative along the given

dimension, which had the affect of increasing (a weakening amendment) or decreasing (a strengthening amendment) the size of the original coalition.

We also expect to observe some sophisticated voting at the amendment stage, because some members will attempt to defeat the killer attempt by focusing on sophisticated equivalents rather than the immediate alternatives. Therefore, we expect cases of successful killers to exhibit a poorer overall fit in our roll-call analysis at the amendment stage, when there is a mixture of sophisticated and sincere voting, relative to the final-passage stage, when all voting is sincere. Stated differently, we expect more classification errors at the amendment stage. The NOMINATE procedure assumes sincere voting; the mix of sincere and sophisticated types at the amendment stage should yield more classification errors. Moreover, the distribution of errors should be different across the two stages, with a higher proportion of errors falling near the cutting line in the final-passage stage.

Finally, we expect the coalitions on the amendment and final-passage votes to differ. If an amendment is indeed a killer, then the issues (or combination of issues) underlying the amendment and final-passage votes should vary. This discrepancy should create different issue cleavages and thus different coalitions of support and opposition. One way to analyze coalitional change in this fashion is to use “cutting lines,” spatial instruments that indicate how the issue space is being divided (see Poole and Rosenthal 1997, 155). The angle of a cutting line indicates the relative weight each dimension plays in classifying individual vote choices on a roll call. If the cutting-line angles on the amendment and final-passage votes differ considerably, then the issues (dimensions) underlying each vote *and* the coalitions across the two votes differ. We would interpret this difference as evidence in support of a potential killer-amendment story. If the cutting-line angles are roughly the same, then the issues (dimensions) underlying each vote *and* the coalitions across the two votes are nearly identical, providing evidence against a potential killer-amendment story.

Once the initial set of cases is winnowed using these spatial techniques, one can examine the specifics of the remaining cases in greater detail, using tenets laid out by Jenkins and Munger (2003). Specifically, to be consistent with a “trust-based” killer, an amendment must be (a) characterized by a cross-cutting coalition, wherein the majority and minority parties are split into competing factions (and, very likely, where a member of the majority party offers the amendment); (b) of a high level of salience, to spur attentive constituent monitoring; and (c) “easy,” in the sense of being straightforward for constituents to understand, regardless of political awareness or sophistication, thus making

members of Congress leery of casting sophisticated votes. A sweep of journalistic accounts of each case, along with expert-level commentary in sources like *CQ Weekly* and the *CQ Almanac*, and an investigation of the floor dynamics via examination of the *Congressional Record* helped us to determine if the individual cases fit these criteria.

Before proceeding to the empirics, we must identify what our search may uncover and what it must leave to future analysis. First, our screening procedures identified only those bills receiving a negative vote on the House floor that were preceded by a successful vote on an amendment—what we classify as a potential killer amendment. Thus, for example, House bills that did not make it to a final-passage vote (killed in committee, by the threat of a floor amendment, and so on), bills that were killed in one chamber because of an amendment added in the other, and successful killer amendments in the Senate will not be identified here.¹¹ We can therefore only tell a part of the potential killer-amendment story here, despite the very real possibility that killer amendments occur (and are successful) in these and other contexts. Nevertheless, identifying potential killers at the roll-call stage of the House agenda process is an important research endeavor, and one that has received scant systematic attention in the literature.¹² The House serves as a difficult test of the killer-amendment thesis. The germaneness requirement in clause 7 of House Rule XVI limits the subject of an amendment to that of the underlying bill, increasing the difficulty of finding a relevant second dimension to expedite a killer scenario, as compared to finding one in a setting without germaneness requirements, like the Senate. If we uncover cases in the House that appeared to be successful killer amendments, then this discovery will strongly suggest that additional successful killers exist in other, more-procedurally permissible contexts.

Second, our spatial analysis is based on NOMINATE. While ubiquitous in the literature, NOMINATE does impose some constraints on our mode of analysis. To the degree that the issues embedded in the amendment and underlying bill are not tapped by the first and second dimensions of NOMINATE, our empirical results will reveal null effects. We believe there is good reason to expect successful killer amendments to fall on the primary dimensions, since successful proposals must raise highly salient issues (to date, each of the prime suspects has involved race, which falls clearly on the second dimension), but we acknowledge that we must be sensitive to this possibility.¹³ If we discover cases that are *not* explained well by the first two NOMINATE dimensions, especially in terms of the vote on the amendment, then we will have to flag and examine these cases in more detail.

Data

To identify potential cases of killer amendments in accord with our theoretical expectations, we employed a dataset coding each House roll call from the 83d through 108th Congresses (1953–2004) by, among other things, issue content and type of vote (Rohde 2004). To each roll call in this dataset, we added the corresponding bill number to allow easy tracking between amendments and their underlying bills.¹⁴ These integrated data allowed us to identify all cases between 1953 and 2004 in which an amendment passed on a recorded vote and the amended bill was later defeated on a recorded final-passage vote, a necessary first step before proceeding to a detailed set of analyses.

After a thorough canvassing of the data, we found 26 cases meeting the necessary conditions for a killer amendment. That is, of the 134 House measures defeated on a recorded final-passage vote from 1953 through 2004, 26 had one or more amendments adopted via a roll call beforehand. (The list of cases, along with the outcome on the vote and the substantive issue at stake on each of the amendments, appears in the Appendix on the *Legislative Studies Quarterly* website, http://www.uiowa.edu/~lsq/Finocchiaro_Jenkins_Appendix). With these 26 cases in hand, we proceeded to investigate our theoretical expectations via a systematic set of spatial analyses that allowed us to determine the degree to which each case met the initial qualifications of a killer amendment. We then advanced to more-in-depth qualitative analyses of those cases that passed the initial spatial cut.

Before discussing the spatial analysis, however, we think it important to note that our primary screening mechanism relied on recorded votes. Since most consideration of amendments in the House occurs in the Committee of the Whole (COW), and recorded votes were less frequent in the COW prior to the reforms that commenced in 1971, it is conceivable that we missed some non-roll-called amendments that killed bills in the pre-1971 period. There are strong empirical and theoretical reasons to believe that such amendments did not occur—the successful killers previously identified involved salient issues that allowed constituents to easily observe the actions of members, something that is not possible in the context of unrecorded division and teller votes.¹⁵ Nevertheless, we decided to err on the side of caution. After identifying each of the 23 instances prior to 1971 in which a bill was defeated on a roll-call vote without a corresponding affirmative recorded vote on an amendment, we examined the coverage in the *CQ Almanac* to determine if a bill's demise was associated with a controversial amendment. In *no* instance did we find any evidence to support

a possible killer story, thus providing further assurance that the roll-call record we employed provides a reliable sample from which to draw potential cases of killer amendments in both the pre- and post-reform House.

Spatial Analyses

To reiterate, the theoretical underpinnings of the killer-amendment phenomenon suggest an inherent multidimensionality of the issue space resulting from the successful introduction of a killer. The amendment itself may or may not reside solely on a single dimension, but the vote on final passage will be multidimensional. To address this expectation, and winnow our set of 26 cases, we conducted a vote-by-vote probit analysis employing Poole and Rosenthal's (1997, 2007) NOMINATE measure. For each case, we estimated separate equations at the individual, member level for the adopted amendment(s) and final-passage votes. For each roll call, we included both first- and second-dimension NOMINATE scores as covariates, so we could determine whether one dimension or both dimensions explained members' vote choices at each agenda stage.

Of the 26 cases, six turned out to be inconsistent with the dimensional criteria for true killers. In two cases (H.R. 13853 and H.R. 11180, in the 92d and 95th Congresses, respectively), both the amendment and final-passage roll calls exhibit significance on only the first NOMINATE dimension, consistent with the existence of a strengthening or weakening amendment. In one case (H.J.Res. 247 in the 99th Congress), both NOMINATE dimensions are significant on the amendment, with only the first dimension displaying significance on final passage. Finally, in three cases (H.R. 7545, H.R. 5229, and H.R. 6, in the 94th, 96th, and 102d Congresses, respectively), neither NOMINATE dimension is significant at the amendment stage. To ensure that a "higher" dimension—for example, a special dimension, relating *only* to the voting dynamics on the amendment itself—did not drive the amendment voting in these three cases, and thus operate as a higher-dimensional killer amendment, we searched the qualitative record for any potential evidence. And, in fact, we found no such evidence; in none of the three cases did defeat of the bill demonstrate a qualitative linkage to adoption of the amendment.¹⁶

The remaining 20 cases exhibit a dimensional structure consistent with a possible killer amendment. These cases are listed in Table 1, with the first shaded column indicating the results of the probit analyses. Two cases line up neatly with the expectations regarding a classic killer,

with the amendment vote driven by a secondary dimension (here, the second NOMINATE dimension) while the final-passage vote is two dimensional. The first case is the well-known Powell Amendment to the School Construction Aid Bill in the 84th Congress, which required that states be in conformity with *Brown v. Board of Education* (1954) in order to receive grant money. The second case is an amendment to a bill (H.R. 12473) in the 93d Congress that would have funded the construction of a civic center named after former President Eisenhower in the District of Columbia. The amendment called for a nonbinding referendum to be held in the District on the center's construction and broadened the scope of debate to include the issue of home rule.

In three other cases, voting on the amendment centered on the first NOMINATE dimension, with the vote on final passage tapping both NOMINATE dimensions. Two of the three bills were considered by the 96th Congress and involved a congressional pay raise. The first was H.R. 4390, the annual legislative appropriations bill, on which the Murtha Amendment scaled back the increase for certain government employees. After defeat of this legislation, the issue emerged again later that year in a continuing appropriations bill (H.J.Res. 399); the Lungren Amendment dealt with a comparatively minor issue and was adopted with little controversy. The third bill, H.R. 3518 in the 97th Congress, was a state department authorization, and the Beard Amendment, dealing with the free flow of information, was adopted with little dissension and appears not to have tapped into the underlying divisions over foreign aid to which journalists ascribed the bill's demise.

In addition, 15 cases (15 bills, 29 amendments) are broadly consistent with our initial dimensional criteria, and we list them in the second section (below the line) of Table 1. In each of these cases, *both* NOMINATE dimensions are significant at *both* the amendment and final-passage stages.¹⁷ Thus, these 15 cases, along with the five others already discussed, qualify for further examination regarding their killer-amendment properties.

To reiterate, in cases of true killers, we should observe a better two-dimensional spatial fit at the final-passage stage, the last stage in the agenda process, when all voting is sincere, than at the amendment stage, when there is a mixture of sincere and sophisticated voting and thus more classification errors in our spatial-voting analysis. Stated differently, the *combination* of types (sincere and sophisticated voters) at the amendment stage will produce more classification errors, relative to the *one* type (sincere voters) at the final-passage stage. Moreover, the errors should be distributed differently across the two stages. At the final-passage stage, when voting is wholly sincere, a greater

TABLE 1
Results of Spatial Analyses of Potential Killer Amendments

Congress Bill	Bill Title/Amendment Sponsor	Significance 1st Dim	Significance 2d Dim	PCP	GMP	Cutting Line Angle	Summary
84	H.R. 7535 School Construction Aid Powell	*	*	0.867	0.744	144.0	
93	H.R. 12473 Eisenhower Convention Center Diggs	*	*	0.785	0.629	173.8	Likely
96	H.R. 4390 FY 1980 Legislative Branch Appropriations Murtha	*	*	0.747	0.605	142.9	Possible
96	H.J.Res. 399 Continuing Appropriations 1980 Lungren	*	*	0.801	0.602	51.7	
97	H.R. 3518 FY 1982, 1983 State Dept. Authorization Beard	*	*	0.769	0.605	78.3	Unlikely
		*	*	0.964	0.840	78.4	
		*	*	0.719	0.583	72.6	
		*	*	0.923	0.795	83.9	Unlikely
		*	*	0.732	0.602	120.3	
		*	*	0.962	0.921	98.1	Unlikely
93	H.R. 14747 Amendments to the Sugar Act of 1947 Ford	*	*	0.721	0.562	16.6	Possible
	O'Hara	*	*	0.856	0.720	142.6	
		*	*	0.858	0.714	137.7	Possible
95	H.Con.Res. 195 FY 1978 Budget Targets Pike (135)	*	*	0.795	0.698	28.1	Possible
	Burleson	*	*	0.763	0.602	69.1	Possible
	Pike (139)	*	*	0.871	0.759	139.1	Possible
	Holtzman	*	*	0.868	0.766	138.4	Possible
	Anderson	*	*	0.617	0.523	145.6	Possible
95	H.R. 1037 Cargo Preference McCloskey	*	*	0.740	0.601	34.2	Unlikely
		*	*	0.767	0.622	49.7	Unlikely

(continued on next page)

TABLE I (continued)

Congress Bill	Bill Title/Amendment Sponsor	Significance 1st Dim	2d Dim	PCP	GMP	Cutting Line Angle	Summary
95	H.R. 4250 Common Site Picketing Ashbrook Erlenborn Sarasin	*	*	0.874 0.869 0.876 0.888	0.729 0.746 0.748 0.752	113.7 100.6 97.5 122.8	Unlikely Unlikely Unlikely
96	H.Con.Res. 186 Fiscal 1980 Binding Budget Levels Coughlin	*	*	0.862 0.824	0.741 0.659	56.0 76.9	Possible
97	H.Con.Res. 345 First Budget Resolution, FY 1983 Oakar (463) Oakar (464) Hoyer Downey Whitten (472) Whitten (473)	*	*	0.816 0.825 0.777 0.804 0.827 0.784 0.871	0.659 0.668 0.602 0.661 0.692 0.619 0.715	52.5 138.7 132.9 91.4 84.6 54.9 67.0	Unlikely Possible Possible Unlikely Unlikely Unlikely Unlikely
98	H.J.Res. 403 FY 1984 Continuing Appropriations Long Wright (427) Wright (429) Wright (430) Wright (431) Wright (432) Wright (433) Wright (434)	*	*	0.883 0.722 0.849 0.902 0.894 0.924 0.885 0.908 0.927	0.728 0.584 0.734 0.792 0.818 0.792 0.767 0.814 0.825	81.3 125.9 92.4 100.1 104.4 100.1 103.9 87.4 98.4	Unlikely Unlikely Unlikely Unlikely Unlikely Unlikely Unlikely Unlikely Unlikely
98	H.R. 1398 Daylight Saving Time Coats	*	*	0.643 0.716	0.535 0.575	142.7 128.9	Unlikely

(continued on next page)

TABLE I (continued)

Congress Bill	Bill Title/Amendment Sponsor	Significance 1st Dim	2d Dim	PCP	GMP	Cutting Line Angle	Summary
98	H.R. 3191 FY 1984 Treasury, Postal Service, and General Government Appropriations Jacobs Smith	*	*	0.710	0.572	39.4	Unlikely Possible
99	H.R. 1616 Plant Closing Notification Jeffords	*	*	0.739	0.603	132.5	Unlikely
100	H.J.Res. 484 Contra Aid Bonior	*	*	0.888	0.765	117.9	Unlikely
101	H.R. 4636 FY 1990 Foreign Aid Supplemental Authorization Moakley	*	*	0.891	0.765	118.3	Unlikely
105	H.R. 2515 Forest Recovery Boehlert	*	*	0.883	0.723	63.8	Unlikely
106	H.R. 2122 Gun Shows Dingell	*	*	0.911	0.773	79.2	Unlikely
		*	*	0.816	0.696	127.8	Unlikely
		*	*	0.916	0.810	120.6	Unlikely
		*	*	0.911	0.768	146.3	Unlikely
		*	*	0.897	0.744	146.5	Unlikely
		*	*	0.801	0.659	47.6	Unlikely
		*	*	0.869	0.738	149.3	Unlikely
		*	*	0.836	0.713	151.3	Unlikely
		*	*	0.884	0.742	126.1	Unlikely
		*	*	0.863	0.737	144.7	Unlikely
		*	*	0.860	0.671	152.4	Unlikely
		*	*	0.888	0.747	144.7	Unlikely
		*	*	0.936	0.830	120.4	Unlikely
108	H.R. 4663 Budget Enforcement Brady Kirk	*	*	0.843	0.749	60.5	Unlikely
		*	*	0.879	0.760	125.3	Unlikely
		*	*	0.815	0.658	105.7	Possible

Note: The substance of each amendment is described in our online Appendix, available at http://www.uiowa.edu/~lsq/Finocchiaro_Jenkins_Appendix.
 PCP = percent of votes correctly predicted. GMP = geometric mean probability.
 * Indicates dimension is significant in a probit model: $y(\text{vote}) = \alpha + \beta_1(\text{NOMINATE 1st Dimension}) + \beta_2(\text{NOMINATE 2d Dimension})$.

proportion of the errors should be close to the cutting line; at the amendment stage, because of the presence of some sophisticated voting, a wider distribution of errors should exist.

The evidence for our set of 20 cases is presented in the PCP and GMP columns of Table 1. To assess the fit of the model, we used the percent of individual votes correctly predicted (PCP) as well as the geometric mean probability (GMP), a statistic that penalizes errors far from the cutting line (Poole and Rosenthal 1997, 31). The cleanest example of an amendment exhibiting the characteristics of a killer is the Powell Amendment: both the PCP and GMP are significantly higher on the final-passage vote. The Eisenhower Convention Center case is less clear because the PCP is larger on the amendment, but the GMP is larger on the final bill. The two appropriations bills involving the pay raise (H.R. 4390 and H.J.Res. 399) and the bill involving the State Department authorization (H.R. 3518), on which the amendment voting was exclusively first dimensional, do not fit the expected profile for a killer in terms of either PCP or GMP.

Of the remaining cases, the cleanest examples in terms of PCP and GMP are the Holtzman and first Pike Amendments to H.Con.Res. 195 in the 95th Congress, the Coughlin Amendment to H.Con.Res. 186 in the 96th Congress, the second Oakar and first Whitten Amendments to H.Con.Res. 345 in the 97th Congress, the Long Amendment to H.J.Res. 403 in the 98th Congress, and the Boehlert Amendment to the Forest Recovery Bill in the 105th Congress. Other, less-distinct cases show similar PCP and GMP results between the amendment and final-passage stages, with the amendment stage slightly larger on both measures.

In terms of spatial cutting lines, we were interested in whether or not the amendment and final-passage votes tapped into different issue cleavages and thus whether or not the membership sorted along different issue dimensions. This shifting of cutting lines is one key indicator that Poole and Rosenthal (1997, 155) use to identify true killers. Alternatively, when amendment and final-passage votes produce roughly parallel cutting lines, Poole and Rosenthal interpret this parallelism to mean that the same issue (or combination of issues) was predominant on each vote. Rough parallelism would constitute evidence against the amendment being a killer.

To identify potential killers in this manner, what one looks for, in effect, is an amendment cutting line that intersects the final-passage cutting line in a *roughly* orthogonal manner. Of course, it is highly unlikely that any two votes will be exactly orthogonal—indeed, as illustrated in Figure 1, the difference between the cutting line on the

FIGURE 1
Cutting Lines on the Powell Amendment
and School Construction Aid Bill

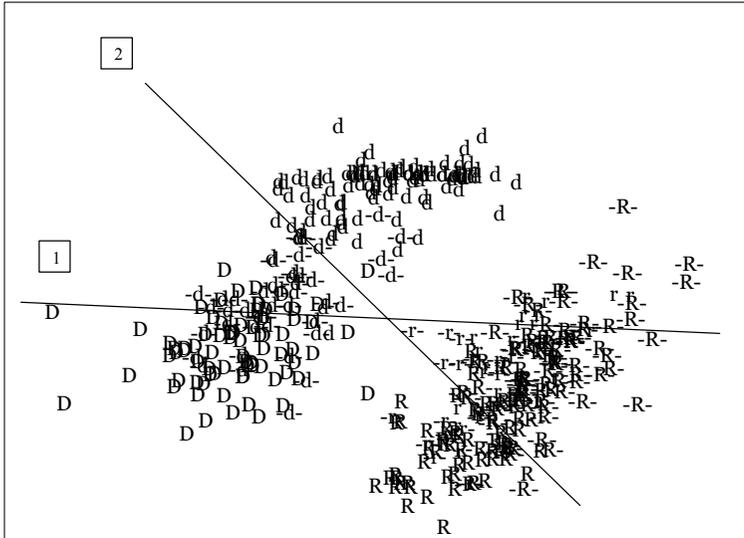


Figure coding is as follows:

- Uppercase (D or R): Yea-Yea
- Lowercase (d or r): Nay-Nay
- Dashed Uppercase (-D- or -R-): Yea-Nay
- Dashed Lowercase (-d- or -r-): Nay-Yea

Where Democrat = D/d, and Republican = R/r.

Example: A -D- would represent a Democrat who voted yea on the Powell Amendment and nay on the School Construction Aid bill.

Note: Line 1 is the cutting line on the Powell Amendment; Line 2 is the cutting line on final passage of H.R. 7535, the School Construction Aid Bill. Data is taken from Poole and Rosenthal's (2003) "Voteview 3.0.3." Vote numbers 122 and 124 in the 84th House on July 5, 1956.

Powell Amendment and final passage of the School Construction Aid Bill was only about 30 degrees. We therefore employed a somewhat looser standard in our search, our intent being to identify cases in which the cutting lines intersect such that a reasonable number of members are separated into four regions of the voting space. We regard this stage of the analysis as offering an additional piece of evidence that, when combined with the previous dimensional and spatial-fit evidence, pushes us further along the path of identifying likely killer amendments.

FIGURE 2
Cutting Lines on the Smith Amendment and H.R. 3191

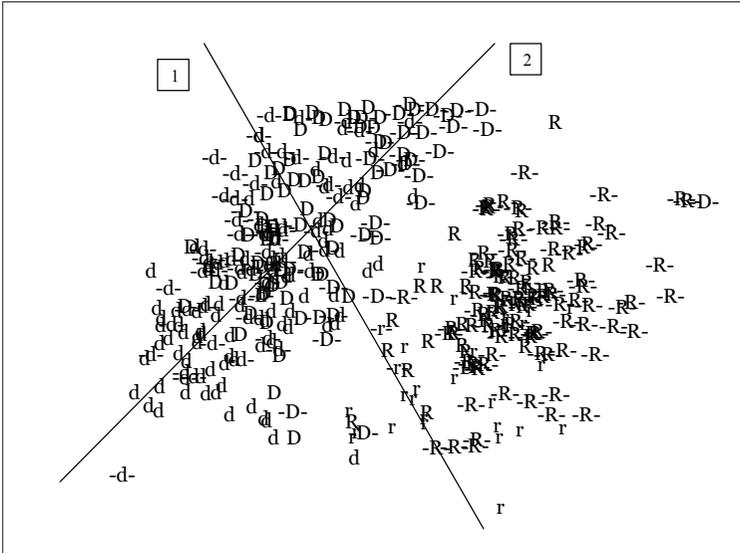


Figure coding is as follows:

- Uppercase (D or R): Yea-Yea
- Lowercase (d or r): Nay-Nay
- Dashed Uppercase (-D- or -R-): Yea-Nay
- Dashed Lowercase (-d- or -r-): Nay-Yea

Where Democrat = D/d, and Republican = R/r.

Example: A -D- would represent a Democrat who voted yea on the Smith Amendment and nay on H.R. 3191.

Note: Line 1 is the cutting line on the Smith Amendment; Line 2 is the cutting line on final passage of H.R. 3191, the FY 1984 Treasury, Postal Service, and General Government Appropriations Bill. Data is taken from Poole and Rosenthal's (2003) "Voteview 3.0.3." Vote numbers 170 and 171 in the 98th House on June 8, 1983.

One example of a potential killer amendment, using cutting lines as our guide, is illustrated in Figure 2. This case involved H.R. 3191 (the FY 1984 Treasury, Postal Service, and General Government Appropriations Bill in the 98th Congress). The amendment concerned allowing government funds to be used for abortion procedures. The PCP and GMP are slightly higher on the amendment, relative to the amended bill. Yet the cutting lines tell an interesting story. The first vote, on the amendment, shows a cutting line in the 130-degree range, while the second vote, on final passage, shows a cutting line in the 40-degree range. The two cutting lines therefore indicate significantly

different coalitions on the two votes. And because of the sensitive and salient nature of the amendment's content, the coalitional shift could indicate the sort of trust-based sincere voting by a number of members that typically underlies a killer amendment (see Denzau, Riker, and Shepsle 1985 and Jenkins and Munger 2003).

Cutting-line angles for our set of 20 cases appear in the second shaded portion of Table 1.¹⁸ Two of the first five cases, the Powell Amendment to H.R. 7535 and the Diggs Amendment to H.R. 12473, continue to look like promising candidates for killer amendments. In both cases, there is a marked difference in cutting-line angles between the amendment and final-passage votes. Of the additional cases, the cutting-line angles reveal support for the amendments to H.R. 14747 (amendments to the Sugar Act of 1947), H.Con.Res. 195 (FY 1978 Budget Targets), H.Con.Res. 186 (Fiscal 1980 Binding Budget Levels), H.Con.Res. 345 (First Budget Resolution, FY 1983), the Smith Amendment to H.R. 3191 (FY 1984 Treasury, Postal, and General Government Appropriations, discussed earlier), and the amendments to H.R. 2122 (Gun Shows) and H.R. 4663 (Budget Enforcement). In each, the divergence between the amendment angle and the final-passage angle reaches a threshold at which a distinct spatial division emerges. That threshold seems to require a minimum of 20 to 25 degrees of separation.¹⁹

In the remaining cases, the differences in cutting-line angles are such that nothing close to the approaching-orthogonal picture evident in Figures 1 and 2 is observed. Two of these cases, however, are illustrative and merit further discussion. The first is H.J.Res. 403, in which the 20-to-25-degree difference criterion is met, but the intersection of the cutting-line angles occurs well outside the constellation of ideal points and thus does not provide room for separation into four distinct regions (see Figure 3).²⁰ The second is H.R. 2515, the Forest Recovery Bill and the accompanying Boehlert Amendment, which is perhaps the best case of an amendment-passage pair moving along the same dimension (or same *combination* of dimensions), as manifested in parallel cutting lines (see Figure 4). As such, this is quite compelling evidence *against* the Boehlert Amendment being a killer, despite the PCP and GMP findings. More generally, this finding speaks to the benefit of a multipronged approach to assessing potential killer amendments: no single piece of the analysis offers a critical test.

To summarize, we view each stage of our empirical spatial analyses—dimensionality results, fit statistics, and cutting-line angles—as providing complementary evidence in our search for killer amendments. By comparing results across each stage, we can establish a rough idea of the degree to which a particular bill-amendment

FIGURE 3
Cutting Lines on the Long Amendment and H.J.Res. 403

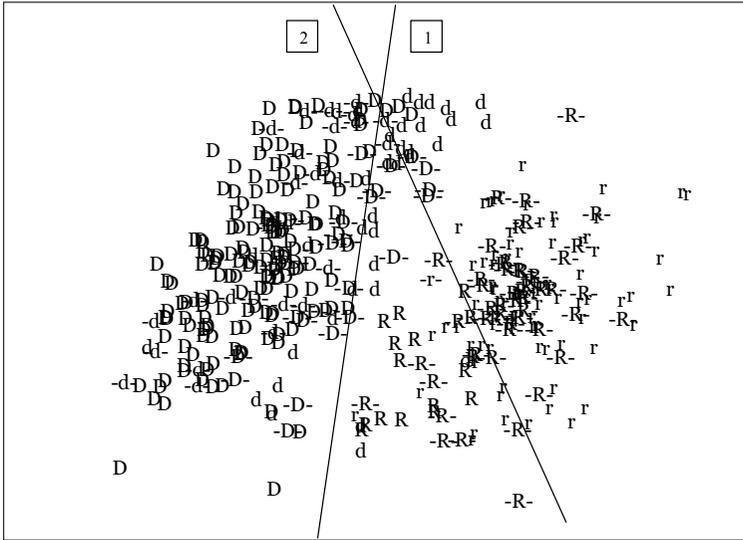


Figure coding is as follows:

- Uppercase (D or R): Yea-Yea
- Lowercase (d or r): Nay-Nay
- Dashed Uppercase (-D- or -R-): Yea-Nay
- Dashed Lowercase (-d- or -r-): Nay-Yea

Where Democrat = D/d, and Republican = R/r.

Example: A -d- would represent a Democrat who voted nay on the Long Amendment and yea on H.J.Res. 403.

Note: Line 1 is the cutting line on the Long Amendment; Line 2 is the cutting line on final passage of H.J.Res. 403, the FY 1984 Continuing Appropriations Bill. Data is taken from Poole and Rosenthal’s (2003) “Voteview 3.0.3.” Vote numbers 426 and 436 in the 98th House on November 8, 1983.

pair exhibits the properties typically associated with a true killer amendment. Because the size of our sample prevents the derivation of issue- or bill-specific measures of preferences, we consider most promising those cases that meet the hypothesized patterns for a majority of the criteria outlined.²¹ This method leaves us with cases falling into one of three groups. One case, the Powell Amendment to H.R. 7535, consistently reveals the spatial characteristics of a killer amendment—and a classic killer amendment, at that—and thus seems to be a likely case based on the spatial criteria. In contrast, 12 bills (and associated amendments) revealed features contrary to what we would expect to observe in the case of a killer amendment and were winnowed from the analysis.

FIGURE 4
Cutting Lines on the Boehlert Amendment and H.R. 2515

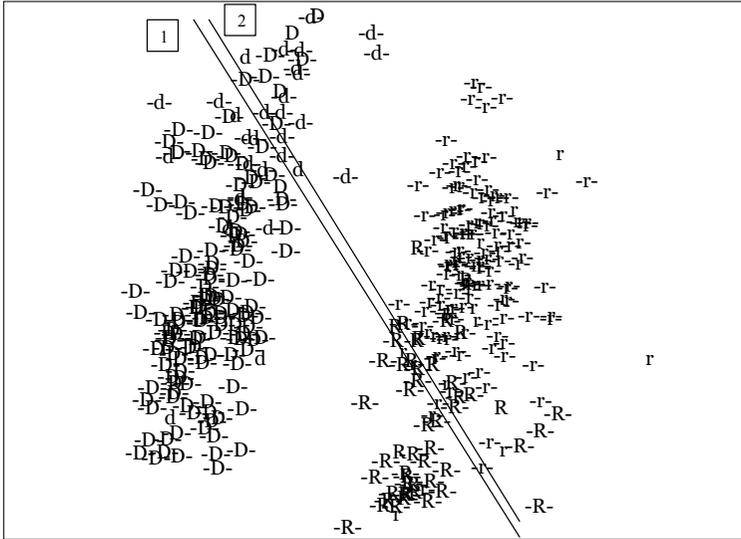


Figure coding is as follows:

- Uppercase (D or R): Yea-Yea
- Lowercase (d or r): Nay-Nay
- Dashed Uppercase (-D- or -R-): Yea-Nay
- Dashed Lowercase (-d- or -r-): Nay-Yea

Where Democrat = D/d, and Republican = R/r.

Example: A -d- would represent a Democrat who voted nay on the Boehlert Amendment and yea on the Forest Recovery Bill.

Note: Line 1 is the cutting line on the Boehlert Amendment; Line 2 is the cutting line on final passage of H.R. 2515, the Forest Recovery Bill. Data is taken from Poole and Rosenthal's (2003) "Voteview 3.0.3." Vote numbers 709 and 710 in the 105th House on March 27, 1998.

Certain other amendments (or sets of amendments) to the seven remaining bills fall into a middle ground, meeting some but not all of the killer-amendment characteristics. The Coughlin Amendment to H.Con.Res. 186, the second Oakar and Hoyer Amendments to H.Con.Res. 345, the Kirk Amendment to H.R. 4663, and several amendments to H.Con.Res. 195, for example, meet all of the spatial expectations—but to a lesser degree than the Powell Amendment—of a likely killer. The Diggs Amendment to H.R. 12473 exhibits strong initial signs of being a classic killer, and the cutting lines bolster this belief, but the fit statistics (especially the PCP results) are considerably less supportive. The Smith Amendment to H.R. 3191 and the Ford and

O'Hara Amendments to H.R. 14747 are similar to Diggs, falling a bit short in terms of the fit statistics. Nevertheless, the latter three cases also merit further analysis.

With these “surviving” cases in hand, we turn to a description of the contextual and coalitional nature of each case. In doing so, we move from a spatial analysis to a more-qualitative examination in our pursuit of likely killers.

A Closer Look at the Potential Killers

Most analyses of killer amendments in Congress have focused on only one or very few cases. Scholars have generally sought to identify in great detail the agenda tree, the information at hand for legislators, and a variety of other data that are often discernible (if at all) only through extensive qualitative research. Our aim here is not to answer definitively the question of whether or not each possible case is a true killer—doing so extends well beyond the scope of a single article (the voluminous literature on the Powell Amendment demonstrates how much attention even a single case may attract)—but rather to shed additional light on the individual cases and further narrow the search to a set of amendments that appear most promising on the basis of their killer properties. We incorporated the tenets laid out by Jenkins and Munger (2003) to make reasoned assessments regarding the killer status of each case. Jenkins and Munger contend that likely killers are characterized by (a) cross-cutting coalitions, especially those in which the majority party is split into competing factions (and a member of the majority party is recognized and offers the amendment); (b) a high degree of salience attached to the issue evoked by the amendment, thus leading to high levels of constituent monitoring; and (c) ease of understanding, à la Carmines and Stimson's (1980) work, with the issue underlying the amendment being understandable at a gut level by all involved, making it difficult for members of Congress to explain their potentially deviant (that is, sophisticated) votes at the amendment stage to their constituents.

Why are these considerations important? Recall that a successful killer requires a high-visibility issue that places some members, particularly of the majority party, in a situation that encourages sincere voting due to concerns about maintaining constituent trust, even though sophisticated voting would produce the preferred result (passage of the bill).²² Because the Powell Amendment has been the subject of so much attention, we confined our analysis to the seven remaining cases considered “Possible” after our spatial analyses.

The Diggs Amendment to H.R. 12473 (Eisenhower Convention Center) evoked the issue of home rule for the District of Columbia by calling for a local referendum on the facility's construction. In the House debate, one member questioned "the motives of some of the proponents or advocates of this referendum. . . . I suspect that they feel that it is a means of killing the proposed Civic and Convention Center, and some of them have been brazen enough to admit it" (*Congressional Record* 1974, 10105). It is somewhat difficult, however, to determine if this issue was of adequate salience to affect a wide segment of the majority party, and the vote on the amendment did not produce a stark demarcation within either party caucus, although the vote on final passage did splinter the majority party's liberal and southern wings. Furthermore, the amendment's sponsor chaired the House Committee on the District of Columbia—hardly a prime suspect for the heresthetic maneuvering required for a killer amendment.

In contrast, the other case from the 93d Congress, H.R. 14747 (a bill to amend the Sugar Act of 1947) faced two recorded amendment votes involving pro-labor positions. These issues were clearly quite salient, and the Agriculture Committee chair argued on the floor that these amendments were "dangerous, and I hope that we will bear in mind that if we really want a sugar program, we have got to confine this to a sugar program and not make a social welfare program out of it" (*Congressional Record* 1974, 17865). Other legislators remarked on the possibility of the bill being "killed from overloading" attending to "the action of organized labor" (17866–7). Like the killer amendments identified in the literature, these amendments were offered by members of the majority party, and they struck at differences within the party over labor, a fairly easy issue, with conservative southern Democrats voting in opposition. Contemporary accounts suggest that the labor amendments may well have been the crucial blow to the bill: a number of Republicans were unwilling to support the legislation with the added provisions (*CQ Almanac* 1974, 225). The southern Democratic and conservative Republican coalition that protested the labor amendments fractured on final passage, with the latter group bolting and voting alongside the generally more-liberal and northern factions of the House in opposition. By all indications, this case could be that of a true killer amendment.

With regard to H.Con.Res. 195 (involving FY 1978 Budget Targets), two matters appeared to work in tandem to defeat the bill. The first was adoption of the Burlison Amendment, which increased defense spending and thereby pitted conservative Democrats against the liberal wing of the majority party. The conflict between defense-

spending and social-spending priorities was certainly a salient and easy issue, and the adoption of this amendment cost the leadership the support of the liberals on final passage. With Republicans unlikely to support a Democratic budget resolution in the first place because of, at least in part, concerns about the budget deficit, plus the adoption of additional amendments that contributed to the deficit and continued to undermine Republican support, the bill's prospects were dim.

In the 98th Congress, H.R. 3191 (FY 1984 Treasury, Postal Service, and General Government Appropriations) faced an amendment that, once adopted, splintered the bill's supporting coalition. The amendment dealt with abortion, a highly salient and easy issue (Adams 1997). Members were well aware of the risk the amendment posed; the amendment debate was preceded by a battle over the special rule that allowed for its consideration. The amendment's goal was to prohibit the use of health-benefit funds to pay for abortion procedures unless the woman's life was in danger. Republicans entered the debate opposing the Democratic-sponsored appropriations legislation, a position that the party maintained despite adoption of the Smith Amendment. Once the abortion restrictions were tacked onto the bill, however, a number of liberal Democrats who would have otherwise supported the bill defected and the measure went down to defeat. As one member explained, "if you had the pro-choice people voting for this [bill], it would have passed" (*CQ Almanac* 1983, 533).

In the latter two cases, the amendment sponsors may have been acting more to affect policy than to kill the bill, although the by-product of their actions (defeat of the majority-party-supported legislation) was probably a pleasing outcome for many of the amendments' supporters. Furthermore, in each instance, evidence suggests that the amendments fundamentally affected the issue space and thereby contributed to defeat of the bills.

Two of the other cases that possessed the spatial characteristics associated with a killer amendment were dismissed on the basis of the qualitative evidence. First, the defeat of H.Con.Res. 186 (involving FY 1980 Binding Budget Levels) was attributed not to the adoption of the Coughlin Amendment—which sought to eliminate funding for Basic Education Opportunity Grants and to establish higher-education tax credits—but rather to member absences during the late-night vote on passage, a breakdown in party discipline, and a hurried budget process (*CQ Almanac* 1979, 180). It also does not appear that the Coughlin Amendment was viewed as especially salient by constituents (little attentive monitoring was reported), and the bill may have been hampered by larger, unrelated problems. Second, H.R. 4663 (the

Republican-sponsored Budget Enforcement Act) in the 108th Congress was brought to the floor as part of a deal with wavering conservatives to garner their support for the fiscal 2005 budget resolution. As such, it was not clear that the leadership was fully behind the bill, and Appropriations Committee members lobbied heavily against it while “few Democrats paid much attention to the debate” (Taylor 2004, 1548). The Kirk Amendment, which was the focus of even less attention, contained language requiring the Congressional Budget Office to produce annual reports of budgeted-versus-actual entitlement spending. Accounts of the lead-up to the bill’s floor consideration indicate that it was clear to members that the legislation lacked the necessary votes for passage.

The last case, comprising the Oakar and Hoyer Amendments to H.Con.Res. 345 (the First FY 1983 Budget Resolution), illuminates some of the issues to which we will return in our conclusion. More detailed review of these amendments reveals that each was an amendment to a substitute for the underlying bill. The amendments were adopted, but the substitutes were not; thus, the former could not have directly affected the fate of the bill as posited in the traditional definition of a killer amendment. That said, because of the unique parliamentary context in which the substitute amendments were considered—a “king-of-the-hill” special rule, which specifies that the substitute with the most votes wins—the addition of the Oakar Amendment to the Republican substitute may well have killed the latter’s prospects, which many observers expected to carry the day much as it had in 1981 (*CQ Almanac* 1982, 194).²³ In this case, the minority party, working in tandem with “Boll Weevil” Democrats, may have been in line to win until the dominant wing of the majority party offered an amendment shifting funds from defense to Medicare and effectively splintering its opposition with an issue of great salience in the early 1980s, one that members knew would be easily assessed by their constituents in the summer of an election year. This account suggests that we can learn much about strategic behavior in Congress by moving beyond the confines of the conventional definition of a killer amendment.

In summary, our qualitative analysis suggests that only four of the seven cases that were deemed possible killers by our spatial analyses are consistent with the criteria for a true killer amendment. Each of these cases would appear to merit the type of lengthy treatment that scholars have devoted to the Powell Amendment, which our spatial evidence reinforces as a likely fifth killer-amendment case in the modern House.

Conclusion

This article represents the first step in a comprehensive research agenda on killer amendments in Congress. After identifying 26 cases from the modern House in which an amendment was adopted prior to the defeat of a bill (a necessary condition for the existence of a killer amendment at the floor stage of the legislative process), we set out to determine if any of these amendments were likely killers. We began our investigation with a NOMINATE-based dimensional analysis, which allowed us to winnow our set of possible cases to 20. We then conducted additional spatial analyses, using fit statistics and cutting lines, and determined that only 8 cases—among them the well-known Powell Amendment—met the criteria of potential killers. Preliminary qualitative analysis further reduced the pool of likely killer amendments that defeated a bill on the House floor to no more than 5 cases between 1953 and 2004.

Thus, *successful* killers at the roll-call stage of the House agenda process appear to be relatively rare—at most, 5 cases emerged in more than 50 years. While this finding may seem to be at odds with the prominence ascribed to killer amendments, and sophisticated behavior more generally, the relative infrequency of empirically verifiable cases does not diminish the potential significance of the killer-amendment phenomenon, for we are viewing activity at only one stage of the legislative process. For example, bills may not be scheduled because of the threat of a killer amendment, potential amendment sponsors may be placated via legislative exchange, and so on. The degree to which these sorts of pre-floor House activities occur will minimize the observed effect of killer amendments. Moreover, as we discussed previously, the House provides a difficult test venue for the killer-amendment thesis because the chamber's germaneness rule severely limits what can be offered as an amendment to a given bill. The discovery of new cases of killer amendments, despite the House's germaneness hurdle, suggests, in our minds, that other venues—like the Senate, which does not have a germaneness restriction—will be fertile research grounds for killer-amendment investigations. And if we consider sophisticated behavior *across* chambers, the likelihood of finding additional cases of successful killer amendments should increase further.

There are also a few interesting things to be said regarding the prospects for observing successful killers. A review of the cases highlighted in our House analysis alongside those already identified in previous research indicates a particular set of circumstances common

to each. In particular, successful killer amendments are more likely to exist when there is disagreement within the majority party on a salient issue. This disagreement often leads to a member of the majority party—specifically, a member of the out faction of the majority party—gaining access to the floor and offering the killer amendment. Thus, such amendments may be best conceptualized as a failure of agenda control on the part of the majority-party leadership. Perhaps not coincidentally, the failures we observe in this area all occurred prior to the mid-1980s, when members were offered increased amendment opportunities by virtue of recorded votes in the Committee of the Whole and the restrictive rules that would come to dominate the agenda process had not yet begun to clamp down on amendment-related strategies (see, for instance, Bach and Smith 1988). This correlation provides some face validity that our combination of tests, when pointed in the direction of a killer amendment, square with what one might expect to observe temporally.

A number of interesting avenues remain for future work. An obvious first step is to conduct in-depth case studies based on more-detailed readings of the *Congressional Record*, expert analyses in venues like *CQ Weekly* and *Roll Call*, and more-traditional press accounts in order to examine further the four new cases of likely killer amendments discussed here. Such qualitative analyses will provide additional context—illuminating voting patterns, exposing issue-oriented arguments and strategies, and uncovering rhetorical statements and possibly votes on an unamended version of the bill, for example—to help us make reasoned judgments before definitively ascribing killer status to each case. Analyses along the lines of Clinton and Meirowitz's (2004) work, incorporating alternative techniques for assessing member preferences, also hold great promise for shedding light on individual cases.

In addition, further studies will benefit from casting a wider net and perhaps broadening the definition of a killer amendment. For example, as Oleszek (2004) notes, a vote on the motion to recommit a bill in the House generally precedes the vote on final passage. While rarely adopted (see Roberts 2005), this motion, which is reserved for the minority party and often contains instructions that effectively amend the bill, could presumably function in an identical manner to a traditional amendment as defined in the killer-amendment literature. And, as noted, the Senate is ripe for analysis, because its comparatively weak agenda-control mechanisms provide senators with more opportunities to offer any amendments of their choice on practically any bill. Finally, as Wilkerson (1999) and Nunez and Rosenthal (2004)

assert, there is surely an interesting interchamber dynamic to the killer-amendment phenomenon, which, despite being a challenge to analyze empirically, would surely provide interesting lessons for legislative scholars. Moving forward in each of these respects will offer a more complete picture of both the theoretical *and* empirical effects of killer amendments in Congress.

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NOTES

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1. This initial setup (in a similar form) also appears in Jenkins and Munger (2003).

2. We have depicted the process as simply as possible here; more-complicated agendas can be introduced without any change in the conclusions, as shown by Enelow (1981).

3. Here we assume that the “status quo voted last” rule is in place; thus, Legislator 2 has no ability to alter the agenda. Legislator 2’s only option, then, is a sophisticated vote in the first round, a “second-best” solution.

4. This view seems to be shared by Wilkerson (1999), as well, who bases his analysis of potential killer amendments in the 103d and 104th Congresses upon members’ identification of a proposal as a killer. The approach we adopt is, of course, not without consequence. If members are not as sophisticated as we assume, then a successful killer might arise by catching some members off-guard. Nevertheless, we utilize this paradigm, in part because each historical case that has been uncovered to date has involved issues of high visibility (and the attending information that goes hand-in-hand with salience), and in part for the sake of analytic tractability.

5. In each case, the substance of the amendment dealt with the issue of race, an issue that, as Jenkins and Munger (2003) note, is highly salient and easy for constituents to process.

6. Since Riker’s work on the Powell Amendment, several scholars have questioned if it was truly a case of a killer amendment, Gilmour (2001), Krehbiel and Rivers (1990), and Mackie (2003, 197–216) being the most prominent. While varying

in their methodologies, all have questioned Riker's assumption that a majority of southern Democrats initially supported the school construction bill before Powell offered his amendment. Recently, Evans et al. (2003) have uncovered evidence that appears to vindicate Riker's account. Using whip-count data heretofore unavailable, Evans and his colleagues found that a substantial number of southern Democrats were classified as "yes" or "leaning yes" prior to a straight up-or-down vote on the school construction bill, enough so that the measure would have easily passed. As the authors note, "the best archival evidence suggests that the episode was indeed characterized by a voting cycle . . . and that the Powell Amendment did indeed kill the measure" (8).

7. One exception is the College of William and Mary funding bill, which emerged and was voted on *in its original form* two months after it was killed with a race-based amendment. See Jenkins and Munger (2003).

8. As Poole and Rosenthal (1997, 157) state succinctly, "If there were a truly unidimensional killer amendment . . . the amendment should never pass in one dimension. If the original bill is liberal in relation to the status quo, for example, the killer amendment needs to be more liberal. In this case, a sincere majority would prefer the original bill If voters are sincere, [killer] amendments might well succeed, but only in two or more dimensions."

9. Both Poole and Rosenthal (1997, 155–57) and Wilkerson (1999) modify the classic killer-amendment perspective by relaxing the sincere-voting assumption. As a result, a single-dimensional killer amendment can exist, via "ends-against-the-middle" voting. That is, a member from an extreme part of the distribution can offer an amendment that is more extreme *on the other side of the distribution* than the bill under consideration. Thus, the two extreme ends of the distribution will support the amendment (one side voting sincerely, the other side voting strategically), leading to the amendment's passage. The amended bill would then be considered too extreme by the median voter, relative to the status quo, and be defeated. Unlike the classic killer-amendment case, in which sincere voting leads to a killer's passage, this modified one-dimensional killer scenario *requires* strategic voting to ensure a killer's passage. Poole and Rosenthal, while acknowledging that some ends-against-the-middle voting occurs, have found little systematic evidence to suggest that such cases are at all frequent (1997, 156–57). For the purposes of this article, we therefore confine our analysis to the classic case, which seems more tractable empirically.

10. The primary way that a transitive social-preference ordering can be achieved in a multidimensional setting is if a "median in all directions" (i.e., a multidimensional Condorcet winner) exists. This scenario is known as the "Plott Condition." See Enelow and Hinich (1984) and Plott (1967) for discussion.

11. In addition, as Volden (1998) has demonstrated, sophisticated voting can occur even on one dimension when supermajority rules are invoked. This possibility would, of course, matter more in an analysis of a supermajoritarian body, such as the Senate.

12. The sole exception is Wilkerson's (1999) analysis of potential killers in the 103d and 104th Congresses. Our analysis differs from his because we cast a wider temporal net and adopt an approach that could be extended to the pre-modern House and Senate. Wilkerson's screening mechanism relies on the mention of relevant phrases relating to a killer amendment identified in text searches of the *Congressional Record*, whereas our approach identifies potential killers when such data are unavailable (nearly

the entire history of the House and Senate) and incorporates additional criteria, such as those suggested by Jenkins and Munger (2003).

13. As an anonymous reviewer pointed out, one might also imagine budget-related bills as 435-dimensional issues, given members' opportunities for side-payments or the potential for a series of amendments combining to kill a bill.

14. We filtered bill numbers for the roll calls from the codebooks of ICPSR Study # 0004 and then merged them with Rohde's roll-call dataset. We coded recent Congresses using data provided by Keith Poole.

15. The lack of openness in division and teller voting also likely contributed to the arsenal of tools available to party and committee leaders in preempting potential killer amendments. According to Froman (1967, 85), "this whole set of procedures . . . is probably the most glaring example of how the rules and procedures of the House can favor the leadership."

16. In the first case, the amendment to reduce the ceiling in the Debt Limit Extension in the 94th Congress, the vote exhibited little spatial structure. In the other two cases, the Public Debt Limit amendment in the 96th Congress and the Banking Reform amendment in the 102d Congress, the votes were virtually unanimous and appear to have been simply "motherhood and apple pie" amendments. The amendment to the public debt limit bill changed the date for extending the limit and reduced the debt ceiling by a few percent; the amendment to the banking bill gave states three years to opt out of the interstate branching system.

17. In certain cases, the same NOMINATE dimension is predominant at both stages, and some of the bills included amendments significant only on the first NOMINATE dimension.

18. Keith Poole generously provided us with the R code to ascertain the cutting-line angles.

19. The cutting-line angle, in tandem with the distribution of ideal points (of which it is a function), determines the necessary degree of separation. On a close vote, the switch of merely a few members could mean the difference between victory and defeat, and so less separation of the cutting lines is necessary.

20. H.R. 3518 also lacks room for separation into four regions. Such cases are the flip side of the distribution of ideal points already discussed.

21. For the dimensional probit results, we did not consider those cases in which the same NOMINATE dimension was predominant for both the amendment and final-passage votes as being suggestive of a killer amendment. Although space limitations prevent the inclusion of this material in Table 1, it is incorporated in our classification of each case and explains why, for instance, the Sessions Amendment is "Unlikely" while the Bursleson Amendment is "Possible."

22. Note that this trust motivation is different from uncertainty, in which members are unsure of the implications of a particular vote. Such uncertainty is unlikely—it is much more common for constituents to be in the dark about legislative procedure and issues. When a salient issue arises, however, some members may be constrained in their ability to behave strategically, as position-taking trumps efficiency (Denzau, Riker, and Shepsle 1985).

23. David S. Broder, "Tactic Reveals GOP Split; Conservative 'Yellow Jackets' Buzz Michel," *Washington Post*, May 28, 1982, p. A4.

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