

# Partisanship, the Electoral Connection, and Lame-Duck Sessions of Congress, 1877–2006

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*We disentangle constituent and partisan influences in Congress by taking advantage of a largely unexamined institutional setting—lame-duck sessions. Lame-duck sessions of Congress are comprised of exiting members, who are freed from both constituency and party constraints, and returning members, who face a significantly reduced constituency constraint but a still strong party constraint. Comparing exiting and returning House members thus provides meaningful leverage in assessing the constraining influence of party. In the regularly occurring lame-duck sessions between 1877 and 1933, exiting House members exhibited greater movement away from the median party position than did returning members, consistent with expectations regarding party influence. In addition, party leaders' ability to apply pressure was significantly reduced in lame-duck sessions due to the presence of a large group of exiting members. Finally, majority-party leaders were able to exercise negative agenda control in lame-duck sessions when their party maintained control of the next Congress, but they often acted to roll their own party members (an occurrence we dub a "strategic roll") when their party lost control of the next Congress, as a way to minimize policy loss. In the post-1933 era, after the passage of the 20th Amendment, lame-duck sessions (those portions of the second session that stretch beyond the November elections) are more accurately characterized as extensions of regular sessions, with party leaders' ability to pressure members and exercise negative agenda control remaining virtually constant across sessions. Lower levels of turnover in the modern era appear to contribute to an enhanced ability of majority-party leaders to wield influence.*

In seeking to perform their duties, members of Congress typically serve multiple interests. The traditional principal in a member's representational arrangement is his underlying geographic constituency. This is the well-known "electoral connection," wherein a member represents a geographic unit—states for Senators, districts for House members—and seeks to meet his constituents' needs in exchange for reelection.<sup>1</sup> Another principal for members is the party to which they belong. Party membership conveys an assortment of private and public benefits; such benefits are disproportionately larger for members of the majority party (Cox and McCubbins 2005). Thus, members also face a "partisan connection," wherein they are expected to follow the dictates of party leaders and support the party's legislative agenda.

Parsing out the differential effects of party and constituency on the voting behavior of members of Congress has been a goal of social scientists for

decades (see, e.g., Brady 1973; Kingdon 1989; Levitt 1996; Peltzman 1984; Poole and Rosenthal 1997; Turner 1951). Methodological issues have often hampered causal inference, however. One such issue involves the use of roll-call votes as the empirical measure. Because there is such a high correlation between a member's party affiliation and his constituency-induced preferences, isolating the key determinant of vote choice is often problematic. As a result, clear and consistent findings regarding the underlying nature and dynamics of members' voting behavior have not emerged.<sup>2</sup>

To overcome the methodological problems in using roll-call votes as explanatory measures, scholars have adopted creative research designs to identify (or create) contexts in which party or constituency effects will be significantly reduced or nonexistent (Binder, Lawrence, and Maltzman 1999; Cox and Poole 2002; Jenkins, Crespin, and Carson 2005; McCarty, Poole,

<sup>1</sup>There are also smaller constituencies within the larger geographic constituency to which members of Congress attend, like "primary constituencies" and "reelection constituencies." See Fenno (1978) for a discussion.

<sup>2</sup>See Krehbiel (2000) for a discussion of the difficulties in using roll-call votes to show party influence in Congress.

and Rosenthal 2001; Snyder and Groseclose 2000). Hypotheses are derived that are consistent with a reduced (or severed) electoral or partisan connection, and tests are conducted to determine if the evidence is consistent with the hypotheses. As a result, scholars have gained leverage on the vexing problem of untangling constituency and partisan pressures.

We add to the literature by focusing on a political context largely ignored by scholars,<sup>3</sup> but also uniquely relevant to the question at hand: lame-duck sessions of Congress. Prior to the adoption of the 20th Amendment in 1933, Congress was split into two sessions: a long session, which convened *before* the elections to the next Congress, and a short session, which convened *after* the elections to the next Congress. Thus, the short session was often referred to as the “lame-duck session,” since it was comprised in part by members who would be exiting the chamber in a few months (because they either did not run for reelection or lost their reelection bids). The lame-duck session thus becomes a useful context to study the conflicting bases of member voting behavior: for exiting members, both the electoral and partisan connections were effectively severed, while for returning members, the electoral connection was greatly reduced (as the next set of elections were almost two years in the future) but the partisan connection remained strong.<sup>4</sup> Thus, examining lame-duck sessions, we contend, provides a rare opportunity to sort out the independent role that *party* plays in shaping members’ vote choices.

We can also use lame-duck sessions to examine the strategic role party leaders played in constructing the legislative agenda. As the distribution of member types changed in lame-duck sessions, majority-party leaders may have responded by altering which issues were sent to the floor for a vote. While the notion of “negative agenda power”—the ability of majority-party leaders to prevent issues from reaching the floor that are opposed by a majority of the majority—is typically considered “unconditional” (Cox and McCubbins 2002, 2005), in that it does not vary by party homogeneity or size, leaders may have seen options in lame-duck sessions that were not available (or desired) in regular sessions. Thus, the *application* of negative agenda power by majority-party leaders may have varied with the electoral context, a possi-

bility that we can explore by examining outcomes on final-passage votes across congressional sessions.

Variation in members’ vote choices and party leaders’ strategies can also be examined in the contemporary period, as a new lame-duck “session” has emerged in the modern Congress. Specifically, the second session of Congress has extended *beyond* the November elections on 16 occasions since the adoption of the 20th Amendment, to the point of becoming a regular event in recent years. We examine whether this “modern” lame-duck session (i.e., the postelection portion of the second session) is a function of increasing workload, or alternatively if majority-party leaders find such a session useful for their strategic purposes.

The paper proceeds as follows. We first detail the history of lame-duck sessions of Congress, both before and after the 20th Amendment. We then conduct a set of analyses on pre-20th Amendment Congresses (the 45th through 72nd; 1877–1933), leveraging lame-duck sessions to examine (a) the extent to which House members’ voting was influenced by party and (b) the variation in House party leaders’ efforts to pressure members and exercise negative agenda control. We then examine whether partisanship has been a factor in modern lame-duck sessions, conducting similar analyses to those in the previous section, after which, we conclude.

## **Establishing the Context: Lame-Duck Sessions of Congress**

The lame-duck session of Congress traces its origins back to the founding of the Nation. Article I, Section 4 of the Constitution stipulated that Congress would assemble at least once per year, with the date set as the first Monday in December. While the *technical* opening of each Congress was in March (specifically, March 4), harkening back to a law passed by the Confederation Congress in 1788, December thus became the *effective* opening date. The stipulation of an annual meeting led to the creation of a two-session format, with a first (“long”) session extending typically from December through May or June and a second (“short”) session extending from December through noon on March 4, the official end date of the Congress.<sup>5</sup>

As a result, a peculiar institutional arrangement emerged, whereby the short session of a given Congress

<sup>3</sup>For exceptions, see Poole and Rosenthal (1997, 220–21), Goodman (2004, 97–145), and Nokken (2007).

<sup>4</sup>For evidence that an electoral connection operated in the premodern era, especially during the nineteenth-century Congress, see Bianco, Spence, and Wilkerson (1996) and Carson and Engstrom (2005).

<sup>5</sup>On occasion, an “extra” session was held *before* the December opening of Congress, that is, before the long session. This usually occurred in response to a presidential proclamation. In the 72 Congresses prior to the 20th Amendment, a pre-December extra session was convened 21 times. In the 28 Congresses at the heart of our study (the 45th through 72nd), a pre-December extra session was convened 12 times.

convened *after* many states held their elections to the *next* Congress. This was made all the more stark by the Apportionment Act of 1872, which mandated that all Federal elections be held on the *same* day, the first Tuesday after the first Monday in November.<sup>6</sup> This led to the short session being comprised of three different member types: those who had won reelection and would be returning to the next Congress; those who had lost their reelection bids; and those who had decided to retire. The short session thus became known as the lame-duck session, since it was populated in part by members (election losers and retirees) who would be exiting the chamber in a few months. These exiting members—the lame ducks—were no longer tied to their constituents or parties; yet, they enjoyed all the powers of returning members, most notably the ability to cast roll-call votes, creating a clear “agency problem” in representation. Moreover, the number of lame ducks in the House was often considerable: between the 45th and 72nd Congresses (1877–1933), lame-duck members constituted 30.5% of the chamber on average, ranging from a low of 11.5% in the 69th Congress (1925–27) to a high of 52.2% in the 47th Congress (1881–83). (A complete breakdown appears in the the online appendix at <http://journalofpolitics.org/articles.html>). Given the size of this group and the aforementioned agency problem, lame-duck sessions often proved contentious and controversial; sessions were frequently characterized by poor attendance as well as filibusters and other delaying tactics used to string business along until adjournment.<sup>7</sup> Adding to the controversy was the potential pivotal status of lame-duck members on important pieces of legislation, and occasional charges of side deals being cut and Presidential influence exerted on votes in exchange for executive appointments (Crowe 1969; Norris 1945).

Such allegations of lame-duck “shirking” eventually led to efforts to modify the congressional calendar. In the late-1880s, Rep. William Crain (D-TX) proposed that members be seated far earlier in the

calendar year—January instead of December—which would eliminate the underlying agency problem, but his efforts were stymied (Crowe 1969). Crain continued his push to abolish the lame-duck session through the mid-1890s, after which the baton was passed to Sen. George Frisbie Hoar (R-MA), Rep. Robert Lee Henry (D-TX), and Rep. Richard W. Parker (R-NJ), who carried it into the twentieth century. But the status quo always prevailed.

Reform efforts picked up steam during the Progressive Era, when filibusters ended all four lame-duck sessions during President Woodrow Wilson’s Administration. A critical point was reached in 1922 with the House passage of the ship subsidy bill, a controversial and costly piece of legislation supported by President Warren Harding and passed with considerable Republican lame-duck support (Goodman and Nokken 2004).<sup>8</sup> Angered by the politics of the shipping bill, Sen. George W. Norris (R-NE) introduced a resolution to move the starting date of Congress forward—harkening back to Crain’s earlier efforts—and eliminate the lame-duck session (Norris 1945). Norris pushed his resolution through the Senate, but was blocked by the conservative Republican leadership in the House. This pattern continued for the next four Congresses. Finally, in 1932, Norris succeeded; on his sixth overall attempt, his resolution was passed in both the (now Democratically controlled) House and Senate. And within a year the 20th Amendment was ratified by three-fourths of the states and officially took effect in 1933.

The 20th Amendment (which is perhaps best known for moving the presidential inauguration from March to January) significantly reconfigured the congressional calendar. The opening of Congress was moved to early January, and the short (lame-duck) session was eliminated and replaced by a second “long” session that also convened in January. In effect, since the 20th Amendment, Congress has been governed by two regular sessions, often characterized as “odd” and “even,” based on whether they begin in an odd- or even-numbered year. The key substantive consequence was the firming up of the agency relationship—the timing of sessions was altered so that elections to the next Congress would normally take place during the adjournment *between Congresses*, instead of during the adjournment *between sessions of a given Congress*. (See the online appendix for a graphical illustration.)

<sup>6</sup>Before the 1872 Act, many states held their elections to a given Congress *after* that Congress opened on March 4. Since Congress did not convene officially until December, states often scheduled their elections throughout the year, but before December. By doing so, they sidestepped the agency issues involved in lame-duck sessions.

<sup>7</sup>These problems aside, a number of important laws—like the Pendleton Act (1883), the Interstate Commerce Act (1887), and the Elkins Act (1903)—were passed in lame-duck sessions. More specifically, based on data compiled by Stathis (2003), 28.5% (63 of 221) of the “major acts of Congress” between 1877 and 1933 were passed in lame-duck sessions. See the online appendix for a list of these major lame-duck session acts.

<sup>8</sup>Of the 114 lame duck Republicans in the House, 94 voted in favor of final passage. According to Murray (1969), part of this support was due to the not-so-implicit promise of executive patronage. The ship subsidy bill later faced a filibuster in the Senate and never became law.

While the 20th Amendment eliminated the *regularly occurring* lame-duck session, it did *not* preclude Congress from reconvening in the time between the November elections and the seating of new members the following January. In fact, since 1933, Congress has met in a postelection lame-duck session 16 different times. Beth and Sachs (2006) list five ways in which modern lame-duck sessions can be convened: “pursuant to a previously enacted law” requiring an additional session; following a recess within a session that includes the election; under authority granted to the leadership at the recess or adjournment of a session; by simply continuing to meet during a span that includes the elections; or by the President invoking his constitutional authority (Article II, Section 3) to convene Congress “on extraordinary occasions.”

## Pre-20th Amendment Analysis

In this section, we analyze the influence of parties and leaders in lame-duck sessions from the 45th through 72nd Congresses (1877–1933). First, we compare the roll-call voting behavior of House members in regular and lame-duck sessions, leveraging the different political contexts to evaluate whether party influences vote choice. We then use expected Rice cohesion scores to evaluate patterns of party pressure across regular and lame-duck sessions. Finally, we calculate majority- and minority-party “roll rates” to assess the nature of negative agenda power, and the strategies of majority-party leaders in the House, across regular and lame-duck sessions.

### Examining the Influence of Party on Roll-Call Voting

The lame-duck sessions of the pre-20th Amendment House provide a suitable context to assess the degree to which party serves as a constraint on member voting. That is, the standard difficulty in separating constituency effects from partisan effects can be alleviated, thanks to the unique features of lame-duck sessions. Specifically, the variation in voting behavior between returning members (those who won their reelection bids) and exiting members (those who either lost their reelection bids or retired) across regular and lame-duck sessions can be compared, with the difference serving as a rough estimate of party’s institutional influence.

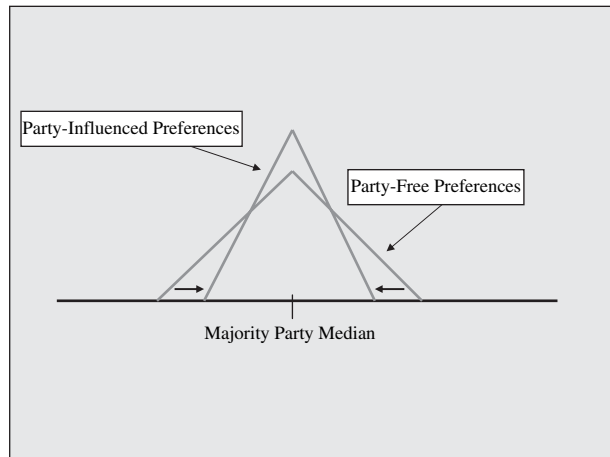
The logic is as follows. Exiting members were no longer beholden to constituency or party in lame-duck sessions and thus can be said to have severed

both the electoral and partisan connections. Returning members, on the other hand, were still beholden to party in lame-duck sessions—as party leaders controlled the committee assignment process and the scheduling of legislation—but they maintained a greatly reduced link to their constituents. Given their recent election (the previous November, a few weeks before the December convening of the lame-duck session) and the realization that their next election would be almost *two years* in the future (after the completion of the regular session of a *new* Congress), returning members were quite insulated from constituency pressures in lame-duck sessions. While it would not be *technically* correct to say that returning members enjoyed a severed electoral connection during lame-duck sessions, we contend that the lengthy time horizon until their next election (and the non-continuing nature of the House organization) allowed returning members to significantly discount constituency pressures. Thus, the critical difference between returning and exiting members in lame-duck sessions, we contend, is the party constraint.

By comparing the differential behavior of returning and exiting House members across regular and lame-duck sessions, then, we can identify the degree to which party influenced member behavior. Given the emphasis on *majority-party* power in the literature (Aldrich and Rohde 1997, 2000; Cox and McCubbins 1993, 2005), due to the majority’s disproportionate control of institutional resources, we focus our attention on majority-party influence. Following Cox and McCubbins (1993) and Aldrich and Rohde (1997), we conceive of majority-party influence as representing a moderating “pull” on the extremes of the party. That is, majority-party leaders adopt a legislative agenda for the party, the location of which centers on the preferences of the median party member, and members are then prodded with various carrots and sticks to support the agenda. This dynamic is captured graphically in Figure 1. The initial distribution of preferences is somewhat wide, while the “revealed” set of preferences (after party leaders have used their influence) is narrower. This narrowing occurs from either side, as the ends of the party are drawn, or pulled, toward the middle.<sup>9</sup>

<sup>9</sup>We expect that much of this pull occurs from one side of the party distribution, specifically the side closest to the chamber median. In this case, policy is pulled *away* from the chamber median *toward* the majority-party median. However, as Cox and McCubbins (2005, Chapter 4) show, there are also a sizeable number of status quo policies on the *extreme* side of the party median (the side opposite the chamber median) that are shifted inward. So, conceiving party influence as a “pull” from either side of the party median seems to comport with the empirical evidence.

FIGURE 1 Conceptualizing the “Pull” of Party



To capture this dynamic, we specify the following dependent variable:

$$\frac{|MajMember_{LD} - MajMedian_{LD}| - |MajMember_{REG} - MajMedian_{REG}|}{|MajMember_{LD} - MajMedian_{LD}| + |MajMember_{REG} - MajMedian_{REG}|}$$

Using “modified” DW-NOMINATE scores,<sup>10</sup> estimated on all scalable roll-call votes in the House by session from the 45th through 72nd Congresses,<sup>11</sup> we calculate the absolute value of the distance of each majority-party member to the majority-party median in both lame-duck and regular sessions and then take the difference of those distances. (Lame-duck-session roll calls constituted 30.2% of all roll calls, on average, during this period; see the online appendix for a breakdown.) As exiting members are no longer beholden to party, whereas returning members still are, we can identify party influence as the degree to which exiting members exhibit *greater* differential

<sup>10</sup>These modified DW-NOMINATE scores were created by Craig Goodman and used in Goodman (2004). They were estimated using an extension of the DW-NOMINATE procedure developed in Nokken and Poole (2004) and Poole (2005, 173–78). In short, these modified scores are based on a constant model in which members of Congress have *one* DW-NOMINATE score for regular sessions and *one* DW-NOMINATE score for lame-duck sessions across their entire congressional careers, *except* that they are “freed” in their last lame-duck term, which allows them to deviate in their voting behavior (in a linear fashion) from their established career lame-duck-session position.

<sup>11</sup>As the session-by-session scores are generated in a *single* DW-NOMINATE estimation, and DW-NOMINATE scores are comparable within the same chamber at different points in time, concerns regarding scale equivalence that plague some studies (such as those that use W-NOMINATE scores) are not an issue for us. For an overview of the various forms of NOMINATE, see Poole and Rosenthal (1997, 2001, 2007) and Poole (2005).

distance from the party median. That is, the calculation above should be both *positive* (indicating greater distance in the lame-duck session than the regular session) and *significantly greater* for exiting members (as they have severed the party connection, while returning members have not).<sup>12</sup>

Thus, we regress the specified dependent variable on a dummy variable for retiring members and a dummy variable for members who lost their election bids. As there are two types of exiting members, we specify different independent variables to capture their separate effects. Both variables should be positive and significant if party influences members’ voting. Whether the two variables will be significantly different from *each other* is unclear, however, as we do not have clear priors regarding their relative distributions within the party. Results appear in Table 1, in a basic form (column 1) and a more elaborate form with time-specific (Congress-specific) and member-specific fixed effects (column 2). We find that both exiting variables are positive and significant, as expected, even after including fixed effects.<sup>13</sup> The coefficients are nearly identical in magnitude, and in fact pool ( $p < 0.98$  and  $p < 0.41$ , in the two models respectively). In practical terms, a move from returning to exiting status results in a roughly one-fifth of a standard deviation increase in the specified dependent variable (differential distance from the party median). Thus, the pull of party—and the resulting “recoil” teased out from estimation above—is both statistically and substantively significant.

### Analyzing Party Pressure

The prior analysis illustrated the significant effect that party has on members’ voting behavior. The analysis in this section focuses on the pressures placed *on* members by party leaders. The prior section thus provides a “demand side” take, while this section represents more of a “supply side” take. The results, however, should be similar. Just as members were

<sup>12</sup>Brady, Buckley, and Rivers (1999) suggest that parties may have operated as “insurance mechanisms” around the turn of the twentieth century, by providing members with political positions in the event they lost their reelection bids. Under such an arrangement, parties would presumably maintain some control of members even after they became lame ducks. This argument has never been fully examined or tested, but if true, it should bias the results of our regression toward the null hypothesis of no difference.

<sup>13</sup>We also included additional covariates, like seniority, seniority-squared, and whether the Australian ballot was in effect. Our main effects remained unchanged. See the online appendix for the results of these estimations.

**TABLE 1** Change in Ideological Distance from Majority-Party Median, 45th–72nd Congresses (1877–1933)

	(1)	(2)
Constant	0.0111*** (0.0021)	0.0096 (0.031)
Retire	0.0122** (0.0041)	0.0171*** (0.0045)
Lost	0.0124*** (0.0037)	0.0125** (0.0041)
Fixed Effects	No	Yes
N	4614	4614
R <sup>2</sup>	0.004	0.839
Adj R <sup>2</sup>	0.003	0.666
F	8.55**	2.93***

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

Note: OLS estimates with standard errors in parentheses. The fixed-effects model includes both time (Congress) and member effects.

less responsive to party in lame-duck sessions, we should expect (by the same token) that party leaders were less able to pressure members in lame-duck sessions.

To evaluate the magnitude of party pressure across roll-call votes, we draw upon a measure developed by Cox and Poole (2002). In conceptualizing their measure, Cox and Poole contend that party pressure is variable. For example, party leaders may exert a level of pressure that does not differ appreciably from an “average” (or constant) pressure level. On the other hand, party leaders may exert a level of pressure that is either greater or lower than expected. For simplicity, we refer to votes with greater than expected pressure as positive pressure votes and those with lower than expected pressure as negative pressure votes.

Cox and Poole identify positive and negative pressure votes by computing the difference between the actual Rice cohesion score—the absolute difference between the proportion of each party voting “yea” (see Rice 1928)—and an “expected” Rice cohesion score on each scalable roll call. To generate the expected Rice cohesion score, they use W-NOMINATE scores to predict each member’s vote on a given roll call and calculate the Rice cohesion score on the predicted yea coalition. Significant pressure votes are those in which the difference between the actual and expected Rice cohesion scores exceeds  $\pm 1.96$  standard deviations from the mean difference.

Given our previous results, we have clear priors regarding the application of party pressure across

regular and lame-duck sessions.<sup>14</sup> We expect party leaders to be less able to “turn the screws” on lame ducks, as they are no longer beholden to party; hence, party leaders will choose to pursue a more moderate agenda in lame-duck sessions. As a result, we should observe a greater proportion of negative pressure votes in lame-duck sessions vis-à-vis regular sessions. By contrast, party leaders maintain a significant level of influence in regular sessions, prior to elections, when members were largely beholden to them. Thus, party leaders should pursue a more aggressive agenda (all else equal) in regular sessions, which should be marked by a greater proportion of positive pressure votes relative to lame-duck sessions.

Turning to the data, we note first that there are relatively few significant pressure votes in the House from the 45th through 72nd Congresses: 699, or 11% of the total number of roll calls. Of those 699 pressure votes, 234 are positive pressure votes and 465 are negative pressure votes. Broken down further, there were 473 significant pressure votes in regular sessions (169 positive and 304 negative) and 226 in lame-duck sessions (65 positive and 161 negative). Data plots (which appear in the online appendix) show that the proportion of positive and negative pressure votes vary over time and exhibit a clear uptick at the end of the series.

In testing for differences across sessions, we expect to observe a greater proportion of *positive* pressure votes in *regular* sessions and a greater proportion of *negative* pressure votes in *lame-duck* sessions. Looking first at positive pressure votes, we find a greater proportion in regular sessions (3.8%) relative to lame-duck sessions (3.4%), as expected, but this difference is not statistically significant ( $p < 0.21$ , one-tailed test). With regard to negative pressure votes, we find a greater proportion in lame-duck sessions (8.4%) relative to regular sessions (6.9%), again as expected, and this difference is statistically significant ( $p < 0.01$ , one-tailed test).

We repeat the tests on individual Congresses. Results appear in Table 2. Looking first at the proportion of positive pressure votes, we find strongly significant ( $p < 0.05$ ) differences in the 53rd and 65th Congresses and weakly significant ( $p < 0.10$ ) differences in the 50th, 52nd, and 62nd Congresses. In three of these five Congresses, the proportion of positive pressure votes in the regular session exceeds that in

<sup>14</sup>Cox and Poole (2002) underscore that the proportion of pressure votes in a Congress is not an indicator of party strength but is more accurately thought of as a measure of the variance in party pressure across roll calls. We analyze the proportions of these pressure votes not to draw conclusions about the magnitude of party pressure, but rather to note variations in pressure across distinct subsets of roll-call votes. Simply put, our use of the data is consistent with the caveat offered by Cox and Poole.

TABLE 2 Equality of Proportions Tests, Positive and Negative Pressure Votes by Session, 45th–72nd Congresses (1877–1933)

Cong.	Years	Positive Pressure Votes (%)			Negative Pressure Votes (%)		
		Regular	Lame-Duck	z-score	Regular	Lame-Duck	z-score
45	1877-79	4.4	6.3	-0.78	10.4	9.0	0.40
46	1879-81	0.6	0.9	-0.31	8.5	5.6	0.99
47	1881-83	0	0	-	4.6	5.3	-0.25
48	1883-85	2.8	1.5	0.81	4.5	16.9	-3.62**
49	1885-87	1.0	2.0	-0.69	6.2	6.1	0.03
50	1887-89	1.8	0	1.35*	4.7	4.9	-0.07
51	1889-91	0.3	0	0.66	3.4	8.5	-2.46**
52	1891-93	13.3	6.7	1.53*	8.2	5.3	0.80
53	1893-95	9.2	17.4	-1.65**	15.1	13.0	0.36
54	1895-97	2.1	0	1.13	8.2	9.8	-0.34
55	1897-99	0.7	0	0.53	0.7	16.2	-4.22**
56	1899-1901	0	0	-	5.0	11.5	-1.42*
57	1901-03	0	2.1	-1.19	6.1	3.2	0.87
58	1903-05	0	0	-	3.8	6.5	-0.56
59	1905-07	0	0	-	2.2	6.3	-1.14
60	1907-09	0	0	-	2.7	9.1	-1.98**
61	1909-11	4.7	4.5	0.06	11.0	9.1	0.42
62	1911-13	2.7	0	1.33*	3.8	10.9	-2.14**
63	1913-15	4.5	1.5	1.09	5.9	10.6	-1.28*
64	1915-17	10.3	9.8	0.10	6.9	8.2	-0.30
65	1917-19	0.6	5.3	-2.24**	4.4	3.5	0.28
66	1919-21	1.5	1.3	0.17	2.6	3.8	-0.55
67	1921-23	6.8	9.8	-0.81	4.5	9.8	-1.63**
68	1923-25	12.4	13.7	-0.24	20.4	2.0	3.08**
69	1925-27	15.8	6.7	1.25	5.3	23.3	-2.75**
70	1927-29	8.0	5.6	0.34	14.0	5.6	0.95
71	1929-31	8.8	10.0	-0.19	16.2	10.0	0.81
72	1931-33	8.4	15.6	-1.13	18.1	12.5	0.72

Note: Cell values represent proportions (percentages) of pressure votes by session. For example, in the regular session of the 45th Congress, 4.4% of all roll calls were positive pressure votes.

\*\* $p < 0.05$ ; \* $p < 0.10$

the lame-duck session. Though somewhat mixed, these results correspond reasonably well with our expectations. Turning next to the proportion of negative pressure votes, we observe strongly significant ( $p < 0.05$ ) differences in the 48th, 51st, 55th, 60th, 62nd, 67th, 68th, and 69th Congresses and weakly significant ( $p < 0.10$ ) differences in the 56th and 63rd Congresses. In nine of these ten congresses, the proportion of negative pressure votes in the lame-duck session exceeds that in the regular session (the lone exception being the 68th). Overall, these results are *strongly* consistent with our expectations.

In sum, these pressure-vote results suggest that party leaders responded in a predictable manner to different political contexts. When faced with a distribution of House members that was largely beholden to them, as in regular sessions, party leaders actively

turned the screws, which resulted in positive pressure. Whereas, when faced with a distribution of House members that was mixed and included a sizeable group that was no longer beholden to them, as in lame-duck sessions, party leaders responded with a “light touch,” which resulted in negative pressure.

### Analyzing Negative Agenda Power

The previous two sections focused on party influence in terms of “positive agenda power” or the extent to which party leaders could pressure members or “twist arms” (and the degree to which members respond to said pressure or arm-twisting). Another aspect of party influence is “negative agenda power,” or the degree to which the majority party in the House can control the legislative agenda, by restricting the set of

issues that come to a vote. The variation in member types across regular and lame-duck sessions provides a means to assess whether party leaders' use of negative agenda power differs across political contexts.

To examine negative agenda power, we rely on "roll rates," a measure developed by Cox and McCubbins (2002, 2005). A party is "rolled" if a majority of its members unsuccessfully oppose the (final) passage of bill. A roll rate is then just the ratio of party rolls to final-passage votes in a given Congress (or Congresses). Examining roll rates is a way to assess the degree of negative agenda power wielded by the House majority; since the majority party disproportionately controls access to the floor through its control of various "veto" positions in the chamber (like committee/subcommittee chairs, the Rules Committee, and the Speakership), it should be rolled considerably less often than the minority party. That is, issues that would potentially roll the majority party should be blocked by one or more of the relevant veto players in the House. Since the minority party does not have these (or another relevant set of) veto players at its disposal, it will be much more susceptible to being rolled.

A key question is whether negative agenda power (and roll rates) can be usefully examined across regular and lame-duck sessions. Cox and McCubbins argue that negative agenda power is unconditional, in that it is *not* a function of the underlying homogeneity within or size of the majority party. The ability to block issues that a majority of the majority dislikes is a constant element of party power and simply accrues to the party that possesses a majority (however similar/dissimilar and large/small). While we do not dispute this, we believe that the degree to which a party *effectively* controls the agenda—and the issues that make it onto the agenda—will be a function of the political context. For example, Cox and McCubbins show that majority rolls often occur due to pressures from outside the House, usually emanating from the Senate and/or President, which often have a distinct direct or indirect electoral component.

Thus, there are two context-based arguments why negative agenda power might have been different across regular and lame-duck sessions. The first argument relates to the electoral connection, as majority-party leaders should have experienced less external pressure (or, more accurately, should have felt less compelled to *respond* to any external pressure) in lame-duck sessions relative to regular sessions. Since lame-duck sessions convened immediately *after* the elections to the *next* Congress, any direct or indirect electoral pressures would have had little bite; returning mem-

bers would not have to face elections for almost two years, and thus could largely ignore such pressures, while exiting members were completely immune.

The second argument relates to the strategic interests of majority-party leaders, who would on occasion enter a lame-duck session knowing that their party had lost control of the *next* Congress. In such cases, majority-party leaders had an incentive to limit what the *other* party could do agenda-wise upon its ascent to majority status. This could be achieved by allowing issues onto the lame-duck agenda that *a majority of their own members disliked*, as a way to accede to public demand for a policy (and thus beat the future majority to the punch) while also limiting the degree of policy change actually produced (by proposing a small rather than large change, for example, or tailoring the change to benefit particular elements within the current majority). Once in power, the new majority party may not take up the issues the former majority dealt with in the lame-duck session, because public demand for change on those dimensions had been sated; additional electoral benefits would be limited, and other issues (and potential policy changes) would thus appear more immediate and electorally rewarding. Thus, we introduce the notion of a "strategic roll," in which exiting majority-party leaders allow a majority of their *own* members to be rolled, as a way of minimizing policy loss for the party as a whole.

Incorporating these two arguments into standard procedural cartel theory (Cox and McCubbins 2002, 2005) generates two predictions.<sup>15</sup> First, in those Congresses in which the majority entered the lame-duck session as the *majority in the next Congress*, we should find that majority-party roll rates are lower on average in lame-duck sessions relative to regular sessions. Here, the first argument will define the legislative environment, and electoral pressures (which help produce majority rolls) should be greatly reduced in lame-duck sessions. Second, in those Congresses in which the majority entered the lame-duck session as the *minority in the next Congress*, we should find that majority-party roll rates are higher on average in lame-duck sessions relative to regular sessions. Here, the second argument will define the electoral environment, and strategic agenda behavior on the part of majority-party leaders (which will lead to more majority rolls) should be prevalent in lame-duck sessions.

Roll rates on House-originated final-passage votes by session from the 45th through 72nd Congresses

<sup>15</sup>Note that we adopt the Cox and McCubbins assumption about perfect information across *all* sessions.



appear in Table 3.<sup>16</sup> Overall, majority-party roll rates were higher in lame-duck sessions (7.9%) than in regular sessions (6%), though this difference is not statistically significant ( $p < 0.42$ , two-tailed test).<sup>17</sup> Once the data is split into Congresses in which the majority party knew it would be relinquishing power (46th, 47th, 50th, 51st, 53rd, 61st, 65th, and 71st) versus retaining power (all others), however, very different pictures emerge. When the majority knew it would be retaining power, majority-party roll rates were lower in lame-duck sessions (4.4%) relative to regular sessions (6.6%); while consistent with our first prediction, this difference is not statistically significant ( $p < 0.235$ , one-tailed test). When the majority knew it would be relinquishing power, majority-party roll rates were considerably higher in lame-duck sessions (13.3%) relative to regular sessions (5.1%), a statistically significant difference ( $p < 0.02$ , one-tailed test). This strong result is consistent with our second prediction.

To provide substantive context for our strategic-rolls argument, we briefly discuss three important cases. The first case was the congressional apportionment bill in the 46th Congress, sponsored by Samuel S. Cox (D-NY), which passed 145–113 (on the final day of the Congress) with the outgoing-majority Democrats voting 16–110. Cox and Democratic leaders wanted to select a new House size following the 1880 Census that would advantage the Democrats (i.e., Democrat-controlled states), rather than allow the Republicans to decide the issue when they assumed majority control. Cox proposed four different House sizes—322, 319, 315, and 307—which would be voted on individually in declining order (*Washington Post*, 3/4/1881, 2). The choice of 319 was the compromise solution for a sufficient number of Democrats: most Democrats' preferred size, 322, was voted down, while 315 and 307 were viewed as favoring Republican interests. Thus, Cox acted to minimize the harm the incoming-Republican majority could do by providing an agenda option that could attract enough Democrats to pass.<sup>18</sup>

<sup>16</sup>We follow Cox and McCubbins (2005) in restricting our attention to House-originated bills (HR bills).

<sup>17</sup>Roll rates are appreciable lower after the Reed Rules were adopted (initially in the 51st Congress and permanently in the 53rd). The majority roll rates in regular and lame-duck sessions drop to 3% and 5.6%, respectively.

<sup>18</sup>In fact, Cox's efforts went for naught, as the Senate failed to pass a similar bill before the close of the session. Once in the majority, the Republicans chose 325 as the new House size, in part because it provided identical state-seat distributions across competing apportionment methods (Balinski and Young 2001, 40).

The second case was the supplemental rivers and harbors appropriations bill in the 47th Congress, sponsored by Horace Page (R-CA), which passed 112–91 with the outgoing-majority Republicans voting 52–55. Faced with a large tariff-generated revenue surplus, the Republicans passed an \$18.74 million rivers and harbors bill—"an unprecedented appropriation" (Stathis 2003, 122)—during the regular session. As the lame-duck session was coming to a close, Page and Republican leaders sought an additional \$8 million supplemental rivers and harbors appropriation (*New York Times*, 3/4/1883, 4), to maintain (and build up) party interests in the Midwest and West. To insure its passage, the bill was stocked full of improvements for the South as well, to attract enough Southern Democrats. A majority of Republicans (most from the Northeast) opposed the bill's extravagance, but party leaders were banking on future Republican strength in the Midwest and West—and were unwilling to pass on revenue surpluses to the incoming-Democratic majority—and thus rolled the bulk of the current Republican membership.

The third case was the Canadian trade reciprocity bill in the 61st Congress, sponsored by Samuel McCall (R-MA), which passed 221–93 with the outgoing-majority Republicans voting 78–88. The Republicans had long been a party of protectionism and high tariffs, but a tariff reciprocity movement (whereby the United States and other nations would mutually agree to lower tariff rates on certain goods) had picked up steam within the party over the past decade. By 1911, President William H. Taft had become a strong proponent of tariff reciprocity, believing that free trade was the future of the party and country, and aggressively backed the proposed reciprocity bill with Canada (*New York Times*, 2/15/1911, 1). He also opposed allowing the Democrats to take credit for the legislation (and write it to their specifications) when they took the majority reins in the 62nd Congress. While a majority of Republicans remained firm and maintained their protectionist tendencies, McCall and Republican leaders (following Taft's lead) secured enough party support to join with the free-trade Democrats to pass the bill.

Finally, returning to the general roll-rate analysis, we expect the minority party's ability to influence the majority's negative agenda power should be greater in lame-duck sessions relative to regular sessions. As the lame-duck session had a definite end date (noon on March 4), the minority could effectively threaten to slow the majority's agenda and disrupt the course of business. Such threats, combined with a short,

TABLE 3 Roll Rates for Majority and Minority Parties by Session of Congress, 45th–72nd Congresses (1877–1933)

Cong.	Years	Regular Session					Lame-Duck Session					House Majority Party	Senate Majority Party	Party of President
		Majority Rolls	Majority Roll Rate (%)	Minority Rolls	Minority Roll Rate (%)	Total Votes	Majority Rolls	Majority Roll Rate (%)	Minority Rolls	Minority Roll Rate (%)	Total Votes			
45	1877-79	3	21.4	5	35.7	14	2	28.6	2	28.6	7	Dem	Rep	Rep
46	1879-81	4	10.3	18	46.2	39	1	6.3	1	6.3	16	Dem	Dem	Rep
47	1881-83	1	3.6	12	42.9	28	4	23.5	3	17.6	17	Rep	Rep	Rep
48	1883-85	1	3.2	7	22.6	31	0	0.0	1	6.7	15	Dem	Rep	Rep
49	1885-87	6	27.3	1	4.5	22	0	0.0	3	60.0	5	Dem	Rep	Dem
50	1887-89	3	33.3	3	33.3	9	0	0.0	0	0.0	1	Dem	Rep	Dem
51	1889-91	0	0.0	13	65.0	20	1	20.0	4	80.0	5	Rep	Rep	Rep
52	1891-93	1	5.6	4	22.2	18	—	—	—	—	0	Dem	Rep	Rep
53	1893-95	0	0.0	10	52.6	19	1	16.7	1	16.7	6	Dem	Dem	Dem
54	1895-97	0	0.0	6	60.0	10	0	0.0	2	100.0	2	Rep	Rep	Dem
55	1897-99	1	7.7	9	69.2	13	0	0.0	3	60.0	5	Rep	Rep	Rep
56	1899-1901	0	0.0	4	80.0	5	0	0.0	2	100.0	2	Rep	Rep	Rep
57	1901-03	1	14.3	2	28.6	7	2	33.3	2	33.3	6	Rep	Rep	Rep
58	1903-05	0	0.0	3	100.0	3	0	0.0	0	0.0	1	Rep	Rep	Rep
59	1905-07	1	11.1	4	44.4	9	0	0.0	1	50.0	2	Rep	Rep	Rep
60	1907-09	0	0.0	1	33.3	3	0	0.0	2	100.0	2	Rep	Rep	Rep
61	1909-11	0	0.0	8	100.0	8	1	33.3	2	66.7	3	Rep	Rep	Rep
62	1911-13	0	0.0	10	47.6	21	0	0.0	0	0.0	3	Dem	Rep	Rep
63	1913-15	1	5.6	8	44.4	18	0	0.0	2	40.0	5	Dem	Dem	Dem
64	1915-17	2	11.1	5	27.8	18	0	0.0	2	22.2	9	Dem	Dem	Dem
65	1917-19	0	0.0	5	19.2	26	0	0.0	1	9.1	11	Dem	Dem	Dem
66	1919-21	1	3.0	9	27.3	33	0	0.0	2	40.0	5	Rep	Rep	Dem
67	1921-23	0	0.0	15	48.4	31	0	0.0	1	33.3	3	Rep	Rep	Rep
68	1923-25	1	10.0	3	30.0	10	0	0.0	4	33.3	12	Rep	Rep	Rep
69	1925-27	0	0.0	5	27.8	18	0	0.0	1	50.0	2	Rep	Rep	Rep
70	1927-29	0	0.0	1	12.5	8	0	0.0	1	50.0	2	Rep	Rep	Rep
71	1929-31	0	0.0	5	55.6	9	0	0.0	0	0.0	1	Rep	Rep	Rep
72	1931-33	1	7.7	5	38.5	13	0	0.0	3	100.0	3	Dem	Rep	Rep
Total		28	6.0	181	39.1	463	12	7.9	46	30.5	151			

self-contained session and a weaker majority party—thanks to the large proportion of exiting members—suggests that majority-party leaders should have focused more heavily on bipartisan issues during lame-duck sessions, as a way to hasten their issue agenda. Thus, we expect that the minority party should have been rolled less often in lame-duck sessions relative to regular sessions. This is in fact what we find: as Table 3 indicates, the minority-party roll rate in lame-duck sessions was 30.5%, compared to 39.1% in regular sessions. This difference is statistically significant ( $p < 0.03$ , one-tailed test).

## Post-20th Amendment Analysis

The 20th Amendment eliminated regularly occurring lame-duck sessions, but did not eliminate the prerogative of Congressional leaders to convene such sessions if deemed necessary or politically expedient. In fact, Congress has convened lame-duck sessions on 16 occasions since 1933. While modern (post-20th Amendment) lame-duck sessions resemble those of the previous era, they are not identical. First, modern lame-duck sessions are much shorter, lasting less than two months (at most). Second, recent congresses exhibit much lower levels of turnover, especially turnover resulting from the defeat of incumbents (Fiorina, Rohde, and Wissel 1975; Stewart 2001). Given these important contextual differences, we might expect to observe different patterns of partisan influence across the eras. Thus, we examine the incidence of both pressure votes and roll rates since the 20th Amendment and augment the quantitative analyses with qualitative accounts of partisan strategy in modern lame-duck sessions.<sup>19</sup>

Looking more closely at these 16 modern lame-duck sessions, details of which appear in Table 4, we find that they cluster into three groups: six from the 76th through 83rd Congresses; four from the 91st through 97th; and six from the 103rd through 109th. The table also illustrates the high variance in activities undertaken in these lame-duck sessions as measured by the number of roll-call votes, which range from 0 in the 80th and 83rd Congresses to 91 in the 97th.

We first investigate the proportion of party pressure votes in regular and lame-duck sessions from the 76th through 109th Congresses. Unlike

the previous era, we find *no* statistically significant differences in the overall percentages of either positive or negative pressure votes across sessions. Positive pressure votes comprised 9.6% of roll calls in regular sessions and 11.2% in lame-duck sessions ( $p < 0.85$ , one-tailed test), and negative pressure votes totaled 9.6% in regular sessions and 11.5% in lame-duck sessions ( $p < 0.12$ , one-tailed test).<sup>20</sup> In addition, in examining cross-session party pressure by Congress (as in Table 2), we find only one significant difference—on negative pressures votes in the 109th Congress. (See the online appendix for a complete breakdown.) Two aspects of these findings stand out when compared to the pre-20th Amendment era. First, the proportion of both positive and negative pressure votes is effectively constant across sessions. Second, the overall proportion of both positive and negative pressure votes exceeds that of the previous era.

The consistently high level of party pressure across sessions, we believe, is related to decreased member turnover in the modern era. As the sixth column of Table 4 illustrates, the proportion of exiting members in modern lame-duck sessions is quite low, as few incumbents retire or lose their re-election bids as compared to the pre-20th Amendment era. The large contingent of returning members in modern lame-duck sessions provides party leaders with a sufficient number of responsive targets toward which to direct pressure. This makes the modern lame-duck session much more like the modern regular session, which allows party leaders to maintain a consistent “pressure strategy” across an entire congress.

We next investigate the majority party’s ability to exercise negative agenda power across sessions in the modern era. Majority and minority roll rates on House-originated final-passage votes from the 76th through 109th Congresses appear in Table 5. In our earlier analysis, we showed that majority-party roll rates varied across sessions. When the majority party retained power, majority roll rates in regular sessions exceeded those in lame-duck sessions; whereas, when party control of the chamber would change in the next Congress, majority roll rates in lame-duck sessions exceeded those in regular sessions. A somewhat different pattern emerges in post-20th Amendment lame-duck sessions. In Congresses in which the current majority party retained majority status in the ensuing Congress (all but the 80th, 83rd, 103rd, and

<sup>19</sup>Ideally, we would also replicate the party-voting analysis from the previous section, but we lack sufficient roll-call votes to generate NOMINATE scores for contemporary lame-duck sessions.

<sup>20</sup>We use the same directional pressure-vote hypotheses as in the previous section and thus incorporate one-tailed tests.

TABLE 4 Post-20th Amendment Lame-Duck Sessions

Cong.	Year	Starting Date	Ending Date	Exiting Members	% Exiting Members	Total Roll Call Votes
76	1940	Remained in Session	Jan. 3, 1941	22	5.1	4
77	1942	Remained in Session	Dec. 16	32	7.4	1
78	1944	Nov. 14	Dec. 19	22	5.1	7
80	1948	Dec. 31	Dec. 31	29	6.7	0
81	1950	Nov. 27	Jan. 2, 1951	29	6.7	11
83	1954	Nov. 8	Dec. 2	24	5.5	0
91	1970	Nov. 16	Jan. 2, 1971	30	6.9	71
93	1974	Nov. 18	Dec. 20	44	10.1	76
96	1980	Nov. 12	Dec. 16	34	7.8	54
97	1982	Nov. 29	Dec. 21	40	9.2	91
103	1994	Nov. 28	Nov. 29	43	9.9	2
105	1998	Dec. 17	Dec. 19	33	7.6	9
106	2000	Nov. 13	Dec. 15	41	9.4	9
107	2002	Remained in Session	Nov. 22	52	12.0	14
108	2004	Nov. 13	Dec. 9	40	9.2	14
109	2006	Nov. 9	Dec. 8	53	12.2	27

Note: Dates for the 83rd Congress are for the Senate, which called a lame-duck session to consider the censure of Sen. Joseph McCarthy (R-WI); the House did not convene. All other dates refer to the beginning and ending of House lame-duck sessions. Data through the 108th Congress compiled from Beth and Sachs (2006). Dates and roll calls for the 109th Congress were located at [www.house.gov](http://www.house.gov) and [http://clerk.house.gov/legislative/index.html?curr\\_month=11&curr\\_year=2006](http://clerk.house.gov/legislative/index.html?curr_month=11&curr_year=2006).

109th Congresses), roll rates *increased* from regular (1.8%) to lame-duck sessions (4.0%)—although this difference is not statistically significant ( $p < 0.87$ , one-tailed test).<sup>21</sup> In the four Congresses with lame-duck sessions that preceded changes in party control, there were only two final-passage votes: the first (in the 103rd) did not roll either party while the second (in the 109th) rolled only the minority. The lack of final-passage votes in these Congresses is likely due (at least in part) to the minority party blocking the legislative agenda in the lame-duck session, in anticipation of ascending to majority status in the next Congress.

In terms of minority-party rolls, we argued earlier that the minority should be better able to influence the majority's negative agenda power in lame-duck sessions relative to regular sessions. As modern lame-duck sessions are much shorter than those convened in the pre-20th Amendment era, the minority can even *more* credibly threaten to use procedural techniques to disrupt the majority's proposed course of action. At the same time, the majority party is much better positioned to succeed in post-20th Amendment lame-duck sessions, because incumbent turnover is so much lower in the

modern era. For example, our party pressure results suggest the emergence of a "brawnier" majority party in modern lame-duck sessions, driven by the much larger contingent of returning majority-party members in the post-20th Amendment era. This lower turnover should also allow the majority to push a party agenda more effectively.

We find that these opposing forces effectively cancel out. Minority roll rates are lower in lame-duck sessions (23.1%) relative to regular sessions (27.4%), but this difference is not statistically significant ( $p < 0.51$ , two-tailed test).<sup>22</sup> This result, along with our earlier party pressure results, suggests that *regular and lame-duck sessions are much more alike in the modern period*. Because the set of exiting members is so much smaller in modern lame-duck sessions, the majority party is able to maintain its regular-session strategies effectively throughout the entirety of a Congress.

### Agenda Construction in Recent Lame-Duck Sessions of Congress

In this section, we draw upon journalistic accounts of modern lame-duck sessions to gain additional insights on the nature of party influence. News stories of modern lame-duck sessions often describe party leaders balancing their desire to complete key agenda

<sup>21</sup>We use the same directional roll-rate hypothesis as in the previous session and thus incorporate a one-tailed test. Using a two-tailed test instead does not alter the substantive result ( $p < 0.27$ ).

<sup>22</sup>We use a two-tailed test here because of conflicting directional hypotheses.

TABLE 5 Roll Rates for Majority and Minority Parties by Session of Congress, 76th–109th Congress (1939–2006)

Cong.	Years	Regular Session(s)					Lame-Duck Session					House Majority Party	Senate Majority Party	Party of President
		Majority Rolls	Majority Roll Rate (%)	Minority Rolls	Minority Roll Rate (%)	Total Votes	Majority Rolls	Majority Roll Rate (%)	Minority Rolls	Minority Roll Rate (%)	Total Votes			
76	1939-41	2	6.3	10	31.3	32	–	–	–	–	–	Dem	Dem	Dem
77	1941-42	0	0	9	23.7	38	–	–	–	–	–	Dem	Dem	Dem
78	1943-44	3	12.0	1	4.0	25	1	25.0	0	0	4	Dem	Dem	Dem
80	1947-48	0	0	7	20	35	–	–	–	–	–	Rep	Rep	Dem
81	1949-51	2	5.4	12	32.4	37	0	0	2	50	4	Dem	Dem	Dem
83	1953-54	0	0	8	21.1	38	–	–	–	–	–	Rep	Rep	Rep
91	1969-71	4	2.9	11	8	137	0	0	1	7.7	13	Dem	Dem	Rep
93	1973-74	1	0.45	27	12.2	222	0	0	3	21.4	14	Dem	Dem	Rep
96	1979-80	–	–	31	20.1	154	0	0	0	0	3	Dem	Dem	Dem
97	1981-82	1	1.2	21	24	87	1	11.1	3	33.3	9	Dem	Rep	Rep
103	1993-94	1	0.6	56	35.2	159	0	0	0	0	1	Dem	Dem	Dem
105	1997-98	3	2.3	51	38.4	133	–	–	–	–	–	Rep	Rep	Dem
106	1999-2000	4	2.9	51	37.5	136	–	–	–	–	–	Rep	Rep	Dem
107	2001-02	1	1.1	31	33.3	93	0	0	1	50	2	Rep	Dem	Rep
108	2003-04	1	0.84	46	38.7	119	0	0	1	100	1	Rep	Rep	Rep
109	2005-06	2	1.85	51	47.2	108	0	0	1	100	1	Rep	Rep	Rep
Total		25	1.6	423	27.4	1553	2	3.8	12	23.1	52			

items with members' electoral concerns. As congressional workload may conflict with members' need to return to their districts in the fall to campaign, leaders are faced with a scheduling dilemma: postpone adjournment to complete business or recess and allow members to return home, knowing business will need to be completed after the elections. A workload argument has been offered to explain the lame-duck session in 1974 (93rd Congress), for example, as Congress was preoccupied with the Watergate scandal and had a number of important agenda items that required action, to which President Ford added additional proposals (Beth and Sachs 2006).

Party leaders may also view lame-duck sessions as a way to provide political cover for fellow partisans. Leaders may delay votes until after the November elections, thereby allowing their members to avoid taking unpopular positions on legislation before voters go to the polls. Lame-duck sessions provide adequate protection for returning members, allowing them nearly two years to engage in damage control. Leaders may find this strategy appealing, knowing that a large proportion of their fellow partisans will return to office, making them receptive pressure targets in the lame-duck session.

We find some evidence that electoral forces played a significant role in convening the lame-duck session in 1980 (96th Congress). Democratic leaders chose to delay consideration of budget legislation until after the November elections, to avoid putting members in the difficult position of supporting major deficit spending (Arieff 1980; Beth and Sachs 2006). And despite significant party losses that November, there were enough returning Democrats to comprise a House majority in the lame-duck session. As a result, leaders enjoyed an ample number of responsive targets at which to direct party pressure. Consistent with this account was the politically charged nature of the lame-duck session—in anticipation of the Republicans' control of the Presidency (thanks to Ronald Reagan's election) and Senate in the next Congress—which exhibited a high proportion of positive pressure votes (16.7%; 9 of 54 roll calls).

There is also evidence that electoral forces have been behind the rise of lame-duck sessions in recent Congresses, notably those controlled by the Republicans, with a postelection session occurring six or seven times since 1994 (the lone exception being 1996). An often narrow majority and a set of contentious issues led Republican leaders to postpone "difficult" votes until after the November elections. The Democratic leadership set the tone in 1994 (103rd Congress) as they prepared to give way to a

Republican majority by delaying final passage on GATT, an issue that divided their party. Republicans followed suit with postelection sessions to consider the Clinton impeachment and, more recently, a number of appropriations bills. In the latter case, fiscal and social conservatives within the Republican Party battled over increased Federal spending; to accommodate the fiscal conservatives, who feared an electoral backlash for supporting higher appropriations levels, Republican leaders pushed such decisions into the lame-duck session (Rapp 2004; Taylor 2002). The most extreme example was the lame-duck session in 2006 (109th Congress), as nine appropriations bills were put off until after the November elections. And, in the end, the Republicans passed none of the nine bills, as fiscal conservatives in the Senate blocked all action, and opted instead for a continuing resolution—thereby making the new incoming-Democratic majority responsible for the appropriations (Higa 2006).

Though idiosyncratic in nature, the post-20th Amendment lame-duck sessions do provide an avenue to make direct comparisons about partisan influence across congressional eras. We showed that modern lame-duck sessions are perhaps best thought of as extensions of regular sessions, as our statistical evidence uncovered no significant differences in either party pressure votes or roll rates across regular and lame-duck sessions. Consistency of this sort seems a likely consequence of the low levels of turnover in the modern era, which in turn enables party leaders to carry over regular legislative strategies into the lame-duck sessions.

## Conclusion

In this paper, we set out to disentangle partisan and constituency influences in Congress by examining exiting and returning House members across regular and lame-duck sessions. We exploited the analytical leverage provided by lame-duck sessions of Congress, which are comprised of exiting members, who are freed from both constituency and party constraints, and returning members, who face a significantly reduced constituency constraint but a still strong party constraint. Analyzing the behavior of exiting and returning members across regular and lame-duck sessions thus provides a novel way to assess the constraining influence of party.

We presented evidence of notable differences in member behavior and leadership strategy across regular and lame-duck sessions of Congress in the

pre-20th Amendment era. At the individual level, we found that exiting members voted in a significantly different way from returning members; exiting members moved further away from the median party position in lame-duck sessions, a result of their “shaking off” the partisan constraint. Likewise, we discovered that lame-duck sessions were characterized by lower levels of party pressure, as leaders were hampered by the glut of exiting members; specifically, a far greater proportion of *negative* pressure votes occurred in lame-duck sessions relative to regular sessions. We also found that majority-party leaders’ exercise of negative agenda power varied by session. First, majority roll rates were higher in lame-duck sessions prior to a majority relinquishing power, as majority leaders allowed bills on the agenda that would roll their own party members—which we dubbed “strategic rolls”—and thereby cut their losses and minimized what the incoming majority could do policy-wise. Second, minority roll rates were lower generally in lame-duck sessions, as majority leaders acknowledged the minority’s stronger dilatory position (thanks to the definite March 4 session end date) and thus chose a more consensual set of issues to pursue.

In comparing post-20th Amendment (or modern) lame-duck sessions to those from the pre-20th Amendment era, we identified important differences in the levels of party pressure. Unlike the previous era, we observed *no* significant changes in the proportions of party pressure votes or roll rates from regular to lame-duck sessions. In effect, lame-duck sessions in the modern era are simply extensions of regular sessions. This is due, in large part, to the low turnover that characterizes the modern Congress. Party leaders are able to exert influence effectively in lame-duck sessions because most of their members are reelected and, thus, are still responsive to party pressure.

The differences across the two eras provide meaningful insights into the importance of party influence in Congress. In the pre-20th Amendment era, large proportions of members in lame-duck sessions would be exiting the chamber in short order, and thus were effectively immune to party pressure. Party influence in those lame-duck sessions was minimal. In the modern era, however, party influence is present across the *entire* congress, thanks to the large number of returning members populating lame-duck sessions. More broadly, the elimination of the regularly occurring lame-duck session has been a boon to party leaders; in replacing the regular/lame-duck session arrangement with two regular sessions, both of which convene before the November elec-

tions, the 20th Amendment has provided party leaders with more agenda time to exert their influence and expedite party business.

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