

A Model of Majoritarian Negative Agenda Control

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Note to readers: This is second chapter of a book manuscript “Parties as Enablers: Individual Incentives for Partisan Legislative Organization.” For the purposes of this seminar, I will focus on the basic formal model introduced in this chapter, as well as the technical extensions that I present in the Appendix on pages 56-59.

CHAPTER 2

NEGATIVE AGENDA CONTROL AS LEGISLATIVE COVER

Chapter 1 argues that legislators vest agenda control power in legislative party organizations, so that the organizations can provide them cover that allows them to accomplish goals that appear to be mutually exclusive. Much the introduction focused on the possibility that recent growth in congressional polarization and delegation of new agenda setting powers to party organizations can be accounted for a growing disjuncture between the personal preferences of legislators and the centrist voters in their districts. However, it also noted evidence of a long-standing form of “negative” agenda control – majority parties keeping off the agenda policy changes that are not supported by at least half of their members (Cox and McCubbins, 2005).

This chapter develops a model of legislators’ roll call voting decisions, which allows the legislators to make a prior choice about whether to face a roll call on a policy proposal or to use “gatekeeping” power to exclude the proposal from legislative agenda entirely. The model formalizes the idea that keeping an issue off the agenda can provide legislators with “cover” that shields them from the electoral consequences of a roll call vote on the issue on which key voters in their primary and general electorate disagree. To ground the assumptions of the model, I first examine existing literature on how legislators and their constituents think about roll call votes and introduce a unique survey experiment on the topic. Next, I develop and analyze the model, arguing that its logic, combined with additional evidence from the survey experiment,

offer a compelling explanation for the pattern of majority party negative agenda control that we observe.

I. Constituent Reactions to Roll Call Votes

In theory, roll call votes offer citizens an opportunity to monitor the positions legislators take and reward or punish them accordingly at the ballot box. The two most recent election cycles have provided fresh anecdotal evidence of this process. Long-serving Republican incumbents like Robert Bennett (UT), Mike Castle (DE), and Richard Lugar (IN) lost high-profile senate primary battles with more conservative opponents. Tea Party-fueled challengers were able to highlight salient roll calls where the incumbents had broken from their party to vote with the Democrats—from Bennett and Lugar’s recorded support for the Troubled Asset Relief Program (TARP) to Castle’s vote in favor of cap and trade legislation in the House. The message from each of these challenges was clear: lawmakers whose roll call votes fail to toe their party line expose themselves to a potentially successful primary challenge. At the same time many Democratic incumbents appeared to be weighed down in the general election by their support of the unpopular Affordable Care Act, the signature accomplishment of their party in President Obama’s first two years in office (Nyhan et. al 2012). Thus, in both phases of the 2010 electoral cycle, voters appeared to hold incumbents accountable for their roll call records.

Initial research on constituency influence in the U.S. Congress offered reason for skepticism of this account, raising doubts about whether citizens are adequately equipped and motivated to vote based on the policy positions taken by incumbents (Miller and Stokes 1963; Stokes 1963). More recent research, however, has provided evidence that members of the electorate appear to take account of the roll call records of legislators. Improved methods and

measurement have allowed scholars to address long-recognized weaknesses of prior studies (Achen 1978; Erickson 1978; Stone 1979). There is now building evidence that the electorate is responsive in the aggregate – incumbents whose roll calls are “out-of-step” with their districts are more likely to fail in their re-election efforts (Ansolabehere, Snyder, and Stewart 2001; Canes-Wrone, Brady, and Cogan 2002). There is also a developing body of individual-level research, based on innovative survey methods, which indicates that voters are more likely to support legislators who have established agreeable roll call records (Ansolabehere and Jones 2010; Jessee 2009; Jones 2011).

As a starting point for modeling how voters react to roll call votes, I return to classic studies that view the process through the eyes of legislators (Fenno 1978; Kingdon 1973; Fiorina 1974; Mayhew 1974). These studies find that when incumbents cast potentially-unpopular roll call votes they fear that interest groups or challengers will raise them as issues at election time. In his classic study of voting decisions, for example, John Kingdon pressed one interviewee about whether anyone in his district would notice a vote he had just cast. The member responded: “No. I know that nobody will notice it right now. People never do. But it may be used against you in the next campaign. I learned that lesson in my first campaign for re-election” (1989, 60). Along the same lines, Fenno reports: “It is not the omniscient constituent armed with information on all their votes that concerns [members of Congress].” It is “the challenger’s task to probe for the votes that are most difficult for the incumbent to explain. And . . . the member cannot be sure before the actual campaign which ones they might be” (1978, 143).

The central lesson of these studies is that, while incumbents do not suffer from the illusion that voters are fully informed about their positions, they are quite convinced that challengers may publicize potentially damaging roll calls and voters will react accordingly.

Taken to an extreme, this view suggests that roll call votes carry only risk without the chance of reward. The votes incumbents cast might never become an issue, but if they do it will only be because they offer an edge to a wily challenger. There is no mention in these interviews that members look at their roll calls as possible electoral assets. Fiorina (1974), in fact, builds a model of legislators' roll call decisions that builds in this asymmetry with a "vengeful electorate" that punishes wayward legislators, without crediting those who are faithful. Fiorina's account is driven not by the actions of strategic challengers, but by an assumption that voters are inherently likely to impound disappointing roll call information into their view while taking favorable information for granted. This asymmetry by itself, would offer electorally motivated legislators reason to prefer to avoid all but the most non-controversial votes, making a formalization of their decision about whether or not to avoid votes almost superfluous.

To this point, however, we have no direct evidence that answers the question of how voters react when information about the roll calls of their incumbent legislators are brought to their attention? Working with Andrew Kelly, I administered a pair of experiments that we use to explore constituents' reactions information about the roll calls cast by their incumbent senators. The experiments were embedded in modules of the 2006 and 2008 CCES. We randomly assigned respondents to treatment and control groups. We then randomly assigned to each respondent in the treatment group one roll call from a subset of the CCES common content roll call items.¹ We then randomly selected one of the two senators from a state and provided individuals in the treatment group with information about how that senator voted on the assigned roll call using the following prompt (an immigration roll call provides the example):

¹ In the 2006 experiment we from roll calls on banning partial birth abortion, allowing federal funding of stem cell research, enacting comprehensive immigration reform, setting a timetable to withdraw from the Iraq War, raising the minimum wage, and cutting the capital gains tax. In the 2008 experiment we selected from roll calls on federal funding for stem cell research, the reauthorization of the Foreign Intelligence Surveillance Act (FISA), the extension of NAFTA to Peru and Colombia, and the expansion of the State Children's Health Insurance Plan (SCHIP).

Now we would like to return to some policy issues. We have examined the record to see how Senator X voted on various issues. The record indicates that Senator X [voted yes/voted no/did not cast a vote] when the Senate considered a bill that would offer illegal immigrants who already live in the U.S. more opportunities to become legal citizens.

In 2008 we repeated the experiment for some respondents in the treatment group using the other incumbent senator. When we did this we selected a different issue at random.

Subsequently, we asked both treated and control respondents to rate how well the assigned senator represented their views on a five-point scale (very well, somewhat well, neither well nor poorly, somewhat poorly, very poorly). This item provides a summary measure of each constituent's overall assessment of how well her senator represents her issue preferences. We chose this measure as our dependent variable instead of a more general evaluation (e.g. approval scale, thermometer, vote likelihood) that would be more likely to be colored by non-issue considerations. We consequently sacrifice the ability to examine how roll call information affects judgments more proximal to electoral choice in favor of isolating a logically prior link in the issue-voting process.

It is conceivable that constituents' sense of the quality of representation provided by their senators would not be tethered to their voting decisions. Our data suggest that this is unlikely. The ratings that respondents in our control group give senators on the representation scale have a strong positive relationship to the probability that they will vote for the senators. For instance, among respondents with a senator up for re-election, 75% of those who indicated that their senator represented their views "somewhat well" reported voting for that senator. In contrast,

only 5% of those who said a senator represented them “somewhat poorly” reported voting for the senator.

It is also important to note that this experimental design is intended to capture instant reactions of respondents to roll call information. It mimics, to some degree, the process by which a challenger or other third party might inform constituents of a vote. However, the survey measures the impact of the information immediately after providing it, effectively priming respondents to incorporate it into their judgments. As a result, the effects we observe will almost certainly overstate any long term re-evaluation that information about single roll call could prompt in a real campaign.

Along these same lines, Fenno (1978) and Kingdon (1989) report that incumbents are not particularly concerned about the reactions of their constituents to any single roll call. Instead, they believe a “string” of controversial votes would be necessary to move constituent opinion enough to raise the spectre of electoral defeat. The rare exceptions are votes in such discord with expectations that a legislator would never imagine casting them. These votes are not likely to exist in our dataset based on roll calls actually cast by senators. However, if we observe significant short-term reactions to information about a single roll call, it seems likely that a string of similar roll calls would form the basis of more enduring judgments that followed a similar pattern. Conversely, if we cannot identify instantaneous effects when we provide roll call information, it is unlikely that such information will have a significant long-term impact on attitudes.

Table 1 displays the experimental results for the whole sample stratified by whether respondents agreed or disagreed with the roll call votes of their senators. To construct the table we weighted the cases from 2008 at .7 and the cases from 2006 at .3 to reflect their share of the

total sample. Furthermore, each issue is assigned with equal probability within a given year and all the issues are pooled to create the table. The top row reports the average rating on the five-point representation scale that respondents in the control condition assigned to their senators. The second row reports the ratings by respondents who were treated with roll call information. The final row reports the between-subject estimate of the treatment effect of roll call information, which is simply the difference in mean ratings between the treatment and control groups.

Table 2.1: Effect of roll call information on perceived representation

| | Disagree with Senator's Vote | | Agree with Senator's Vote | |
|------------|---------------------------------|------------------|------------------------------|----------------|
| | Mean | 95% c.i. | Mean | 95% c.i. |
| Control | 2.52 | (2.34 to 2.70) | 3.37 | (3.20 to 3.54) |
| Treatment | 2.04 | (1.86 to 2.22) | 3.97 | (3.81 to 4.14) |
| Difference | -0.49 | (-0.74 to -0.23) | 0.61 | (0.37 to 0.84) |

Note: The means are for a 5-point scale that asks respondents, “how well does Senator [name] represent your views?” The scale runs from a minimum of very poorly (1) to a maximum of very well (5). The 2008 and 2006 results are combined with a weight of 70% on 2008 and 30% on 2006 to reflect the larger sample size in 2008. The total number of observations was 2,646. Confidence intervals were calculated using cluster-adjusted standard errors. Cases are weighted with the sampling weights provided by Polimetrix.

The first thing to note is that even when people are not treated with roll call information there is a relationship between whether they agree with a senator on the roll call and their sense of how well that the senator represents them. This could be partly caused by respondents incorporating knowledge about the issue at hand into their judgments. However, it seems more likely that this pattern results from a correlation between agreement on the target issue and agreement across the broader range of issues (and other considerations) that the representation scale is designed to gauge. The treatment itself also has a large effect. People who are provided information about whether they agree or disagree on a roll call offer substantially different

ratings of their senators than those who are not provided information. Interestingly, the positive reaction to agreeable information of .61 points slightly outpaces the negative reaction to disagreeable information of -.49 points. These treatment effects are not distinguishable from each other, but both are easily distinguishable from zero, and both represent substantial shifts of around 10% on the 5-point representation scale. On the basis of this finding, I proceed below with a formalization of legislators' roll calls decisions that allows for them to bring electoral gains as well as losses.² This makes the decision about whether to engage in gatekeeping non-trivial on electoral grounds.

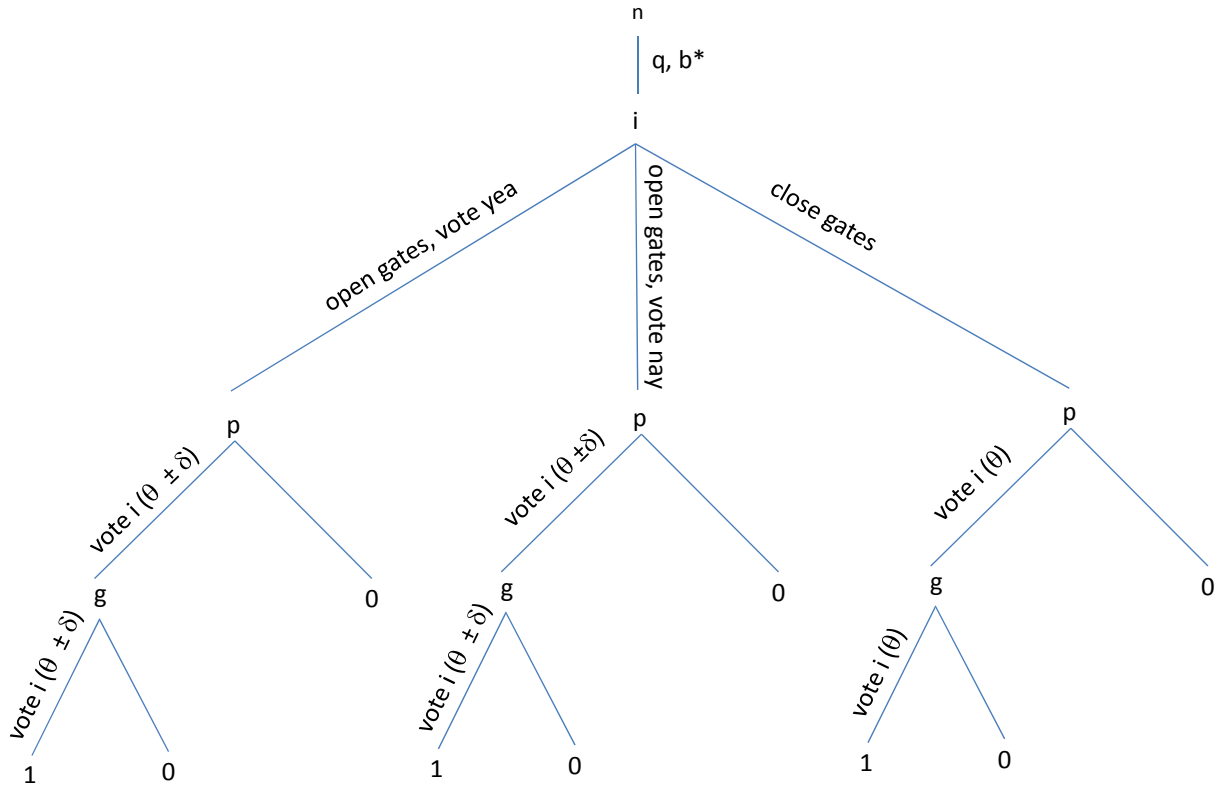
II. A Model Negative Agenda Control as Legislative Cover

The model I develop in this section assumes that when legislators cast a roll call vote they are making a decision about its likely marginal effects on their electoral success. It takes roll calls to be potential “smoking guns,” which challengers in either a primary or general election may choose to publicize when doing so offers an electoral advantage. However, it also admits the possibility roll calls can have an equal electoral upside with primary or general election voters. It views legislators as taking these competing considerations into account—both when making a decision about what vote to cast, and when making a prior judgment about whether to allow a potential policy change onto the legislative agenda. Thus, it provides a framework for

² The strategic interplay between challengers and incumbents may lead to a risk-reward asymmetry like the ones that legislators reported to Kingdon and Fenno. Given the experimental evidence, however, this is something that one would ideally deduce from a model rather than assume. One factor that could lead roll calls to present higher risks than rewards for incumbents is the relative flexibility of challengers. Challengers can highlight incumbents' roll calls that will be electorally damaging, and incumbents cannot easily escape their legislative record. In contrast, incumbents can highlight roll calls that could enhance their popularity, but challengers, who are not necessarily pinned down by having taking a prior position, can simply claim they would have cast an identical vote. Thus, the effort of the incumbent might offer no net-advantage over a strategic opponent.

assessing how an incumbent with a single-minded focus on re-election will structure the legislative agenda. The game-tree is displayed in Figure 2.1.

Figure 2.1: Game Tree for Model of Negative Agenda Control as Legislative Cover



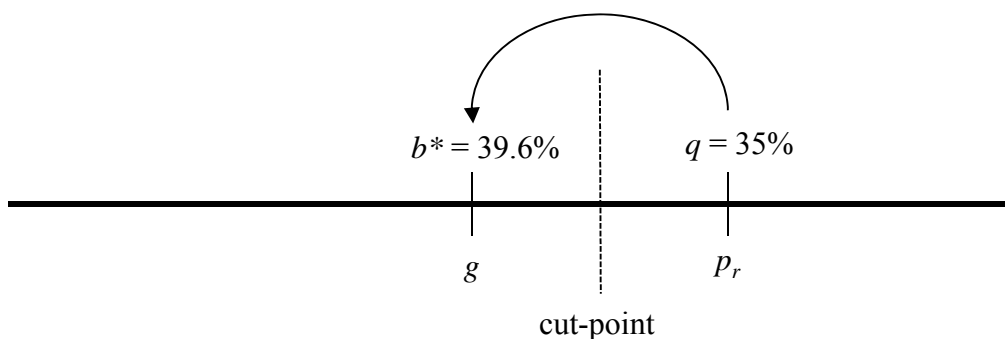
Note: At the first node nature, n , selects a status quo policy, q , and an alternative, b^* . At the second node, the incumbent, i , makes a decision about whether to allow the legislature to consider the bill, and if so, how to vote. At the third node the median voter in the primary electorate of the incumbent, p , votes for or against the incumbent. If the legislature does not consider the bill, p votes for i with probability θ . If the legislature considers the bill, p votes for i with probability $\theta + \delta$ if the legislator casts a roll call he agrees with and with probability $\theta - \delta$ if not. At the final node the median voter in the general electorate of the incumbent, g , casts a vote following the same rules. The incumbent, i , receives a payoff of 1 if re-elected and 0 if not.

An Example: Raising the Top Marginal Tax Rate in 2012

Before drawing more general conclusions from the model, I work through an illustrative example. I apply the model to the choice that members of the House of Representatives faced prior to the 2012 election over eliminating a portion of the Bush tax cuts for high earners. In

particular, I consider their decision about whether to act upon Senate passed legislation that would have extended existing marginal tax rates reductions for income under \$250,000 a year, while allowing tax rates on income over that amount to rise to as high as 39.6%. For convenience, my development focuses on the implications of the bill for the top marginal tax rate, rather than taking account the totality legislation the senate passed. I array the status-quo and policy alternative along a single dimension that runs from higher marginal tax rates on the left to lower marginal tax rate on the right. Figure 2.2 presents the choice from the perspective of a Republican incumbent from a district with a moderate general electorate.

Figure 2.2: Raising the Top Marginal Tax Rate 2012 (Republican Majority)



Note: The figure represents the median district if districts are ordered by the preferences of their median general election voters over the best top marginal tax rate. The location of this voter is denoted by g . The location of the median voter in the relevant primary election is denoted by p . Since the House was controlled by Republicans in 2012 this voter is subscripted with an, r , and is more conservative than the median voter in the district's general electorate. The status-quo marginal tax rate is represented by q , and the higher tax rate proposed by the bill by b^* .

At node 1: Nature (n) selects a status quo (q) policy for potential consideration by the legislature. In this case, the status quo policy is the current 36% marginal tax rate on high incomes, which was placed on the potential agenda in the House in late 2012 by a Senate passed bill which would allow the rate to increase. The alternative to the status-quo policy is a bill (b^*), which located at the ideal point of median general election voter (g) in the incumbent's (i 's) district. I have assumed that the preference of this pivotal voter in the district is to let the

marginal tax rate on income in the top bracket rise to 39.6%. Locating the bill at this point is consistent with the assumption that the incumbent come from the median district, when districts are ordered by the preferences of the median general election voter (g) in each district.³

At node 2: The incumbent (i) can close the gates and keep the marginal tax rate at its status quo level of 35%, open the gates and vote nay on the bill, b^* , or open the gates and vote yea on b^* , endorsing a change in the marginal rate to 39.6%. This reflects a situation in which the majority party has chosen not to move forward with the bill by bottling up at some earlier stage in the legislative process. This is what actually happened with of the Senate-passed legislation to increase marginal rates that forms the basis of our example. The incumbent, however, has the choice, both in the real-world and in the model, to sign a discharge petition that could force the legislation out of committee and bring it to the floor for a vote. If a majority of legislators join in signing the petition it will result in consideration of the bill on the floor of the House. For the purposes of the model, I assume that such an effort would be successful if the incumbent were to sign the petition, because presumably the other legislators with general electorates to the left of the incumbent's would join the effort and form a majority. Thus, the decision about whether to open the gates or not is made by the incumbent.

At node 3: The median voter in the primary electorate (p) chooses between i and a primary challenger. The parameter θ captures the probability the median primary voter will cast a vote in

³ In spatial models of lawmaking it is standard to locate b^* at the ideal point of the median voter in the legislature when legislation is considered under an open rule. However, in the model that I present here, legislators do not have well-defined ideal points, but instead are incentivized to cast roll calls consistent with the preferences of two pivotal members of their electorate who have divergent ideal points. Locating b^* at g is at least weakly consistent, however, with the voting behavior of i in equilibrium. In the basic model developed below, i is indifferent between voting with g or voting with p . If one assumes that i breaks the tie by voting with g , then an agenda setter (nature in the model) who takes account of i 's equilibrium play would place b^* at g . Furthermore, voting with g becomes a dominant strategy if the incumbent is less electorally secure in the general election than in the primary (see the extensions of the basic model). Thus, in this circumstance, it becomes even easier to justify placing b^* at g .

favor of the incumbent prior to the beginning of the game. For this example, I will assume this probability is .75. This probability remains unchanged if the incumbent chooses not to sign a discharge petition. This inaction, the model assumes, is not visible to the voters.⁴ When combined with the prior decision of the party leadership to prevent the bill from reaching the floor, the invisibility of this choice effectively gives the incumbent “cover,” allowing him to avoid blame for his decision not to let the legislature consider the bill. However, it also prevents him from claiming credit for blocking the bill.

If the incumbent opens the gates at node 2, then he has to decide what roll call to cast. If the median voter in the primary electorate, p , disagrees with the roll call of i , then p votes for i with probability $\theta - \delta$. If p agrees with the roll call of i , then p votes for i with probability $\theta + \delta$. Again, the parameter θ , which we have assumed is .75 in this case, is the baseline probability that p will vote for i . The parameter δ is the non-negative change in this probability that results from whether or not p agrees with the roll call that i cast. For the purpose of this example, assume this change in probability is .25. In this basic framework, the voters can be viewed as retrospectively reacting to the actions of the incumbent. They reward actions they agree with and punish those they disagree with.⁵

To continue our example, recall that the incumbent in the district is a member of the Republican majority, and the median voter in the primary electorate is a conservative that favors keeping the marginal tax rate on high incomes at 35%. The fact that this voter is to the status quo side of the cutting-point between the status quo and bill reflects preference. If the incumbent

⁴ For most of Congressional history the signatories of discharge petitions were not released unless the petition was successful. In more recent years this is no longer the case, but this relatively obscure procedural decision is not typically visible to voters. I explore an extension below that relaxes the obscurity of the discharge petition and supports identical conclusions.

⁵ This could be contrasted with a standard spatial model where voters take account relative distance to the incumbent and challenger. I have developed an extension with strategic challengers and spatial voters which supports similar conclusions to the model I present here.

votes against the rate hike he will improve his standing with the primary voter by the quantity, $\delta (.25)$, leading the voter to support him with probability $\theta + \delta (.75+.25 = 1)$. Given that this voter is pivotal in the primary, the incumbent can assure victory by voting against the bill. Thus, lets the bill on the agenda and votes votes nay, he will do be more likely to succeed in the primary than he would have been if he had simply keeping the gates closed. If, on the other hand, he casts a roll call in favor of increasing the marginal rate, his standing with this voter will suffer and he will only gain the voter's support and emerge from the primary with probability $\theta - \delta (.75-.25=.5)$.

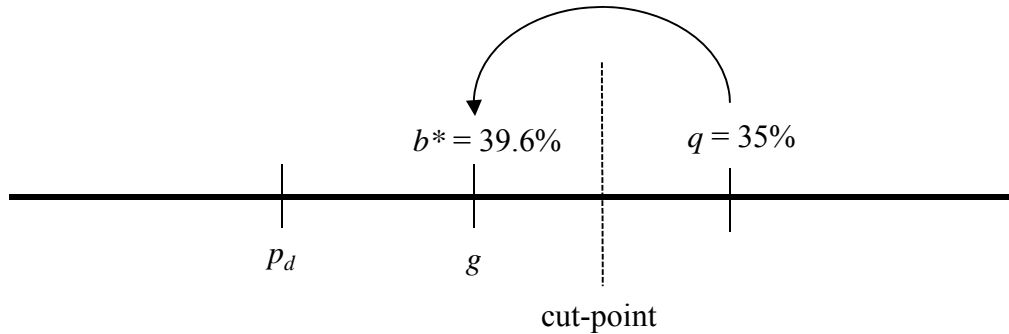
At node 4: If the incumbent wins the primary, the median voter in the general electorate (g) chooses between the incumbent and a general election challenger. This pivotal voter makes his choice following the same rules that voter p used at the previous node. In our example, the median general election voter, is to the left of the cutting line between the status quo and bill, and prefers to increase marginal tax rates to 39.6% for income in the highest bracket. This assumption is consistent with a wide range of public opinion polls in late 2012 which found that over 60% of Americans support for such a policy. Thus, the legislator can boost his probability of garnering the support of this pivotal voter to certainty ($\theta + \delta = .75+.25 = 1$) if he supports the rate increase, but see it drop even odds ($\theta - \delta = .75-.25 = .5$) if he does not.

Which of the three paths should the incumbent legislator follow follow? Refuse to sign a discharge petition and quietly squelch consideration of the bill, sign the discharge petition and vote nay, or sign the discharge petition and vote yea. To answer this question we simply need to compare the expected payoffs of each action, which simply amount to the joint probability of winning the primary and general election. If the incumbent keeps the gates closed, he will have a .75 chance of winning at each stage of the election, yielding a $.75*.75 = .5625$ probability of

retaining his seat. If he opens the gates and votes nay, he can be sure to win the primary, but only has a fifty-fifty chance of winning the general election. Thus, on net, this strategy leaves the incumbent with a .5 probability of retaining his seat. Opening the gates and voting nay has the same consequences. Thus, the incumbent has a dominant strategy of closing the gates, despite the fact that he represents a district where a clear majority of the voters would prefer higher marginal tax rates on income in the top bracket. Viewed from the perspective of standard spatial models of legislative politics, the incumbent would appear to be sacrificing his own interests and submitting to party discipline. Viewed from the perspective of this model, in contrast, the party is not the legislator to submit. Instead, it is enabling him to successfully navigate between the competing demands of the voters that nominate him and those that put him in office.

It is useful to contrast the example above, with a counterfactual situation in which the same median district is represented by a Democrat rather than a Republican. Figure 2.3 illustrates that situation.

Figure 2.3: Raising the Top Marginal Tax Rate 2012 (Democratic Majority)



Note: The figure represents the median district if districts are ordered by the preferences of their median general election voters over the best top marginal tax rate. The location of this voter is denoted by g . The location of the median voter in the relevant primary election is denoted by p . Since we are assuming the House is controlled by Democrats this voter is subscripted with an d , and is more liberal than the median voter in the district's general electorate. The status-quo marginal tax rate is represented by q , and the higher tax rate proposed by the bill by b^* .

For the purpose of comparison, assume that the Democratic incumbent in this district encounters the same game tree that was face by the Republican.⁶ The key difference in the calculus facing the Democrat is due to the fact that the pivotal voter in the general electorate and the pivotal voter in her primary electorate are to the left of the cutting point between the status quo and the bill, indicating that they both prefer the increase in marginal tax rates. This means that she would not face an electoral tradeoff were she to cast a roll call on this bill. Consider her payoffs: If she keeps the gates closed, he will have a $\theta = .75$ chance of winning at each stage of the election, yielding a $.75 * .75 = .5625$ probability of retaining her seat. If she opens the gates and votes nay, she only has even odds at each stage ($\theta - \delta = .75 - .25 = .5$), and will have only a one-quarter ($.5 * .5 = .25$) chance of retaining office. However, if she opens the gates and votes yea, she can be entirely certain of victory at each stage ($\theta + \delta = .75 + .25 = 1$). Thus, if there were

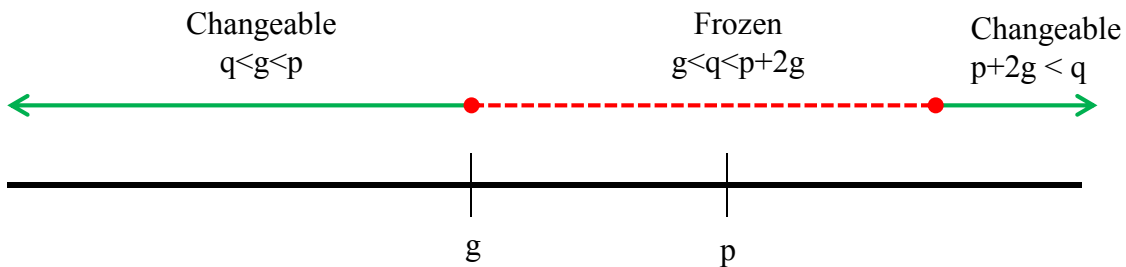
⁶ In practice, this is unrealistic because a democratic majority would be unlikely to block consideration of the bill and so a discharge petition would not be necessary.

a Democratic majority in the House, the rate hike would make it onto the agenda and pass, leaving the views of the general electorate in the district well represented. A point to emphasize is that even in the complete absence of party discipline, the policies the legislature considers and approves can depend on the party affiliation of the legislator who represents this pivotal district. They do not do so because of how the roll calls this legislator casts, but instead because of the cover this legislators seeks through negative agenda control.

Generalizing and Extending the Results of the Model

For any given configuration of the electorate and legislature, the variable that will determine whether the legislation is kept behind closed gates or comes to the floor is the location of the status quo. Figure 2.4 displays the three key regions of the status quo when the legislature is held by the Republican Party. If it were held by the Democratic Party the figure would simply be the analogous reflection.

Figure 2.4: The Location of the Status Quo and the Potential for Policy Change



The region of frozen policies extends from g to the reflection of g over p . Policies that are to the left of g are changeable, and those to the extreme right are also changeable. The range of the frozen policies implied by this account is an analog to the range of frozen policies implied by the

Cox and McCubbins model of negative agenda control, if g is exchanged with the median member of the legislature and p with the median legislator from the Republican Party.

Through the rest of the book I return to and extend this model of legislative cover to understand a variety of legislative procedures. However, it is useful to note a few direct extensions at this juncture. I provide formalizations of each extension in the appendix to this chapter. The first such extension allows for the possibility of imperfect cover. As I noted above, the signatories to discharge petitions in the House of Representatives have been made public in recent years. Thus, it is conceivable that a challenger could publicize an incumbent's failure to sign a discharge petition. And it is also conceivable that an incumbent could call attention to the fact that he refused to sign a discharge petition or otherwise claim he had engaged in agenda control. Accordingly, I extended the model to account for the possibility that an incumbent's decision with respect to gatekeeping itself can alter her probability of re-election. The main results of the model remain intact as long as the gatekeeping choice is less visible than a roll call vote. This seems likely to be the case in nearly all real-world contexts. It seems inherently easier to criticize or publicize the choice between two defined policy alternatives than to explain the counterfactual consequences of gatekeeping.

Another extension that I explore is the possibility that the legislature faces a time constraint that forces it to choose between attempting to change various status quo policies. I find that this further strengthens the incentives to keep status quo policies in the "frozen" region off the legislative agenda, and instead address those in the other regions. Finally, I extend the model allow for different levels of electoral risk in primaries and general elections. In the extension of the most basic model, I find that if the level of electoral risk in the general election is substantially higher than that in the primary, then incentives for gatekeeping in the "frozen"

region of status quo policies can disappear. However, if the model incorporates the presence of a time constraint, then the relative levels of risk cease to matter and the main results are upheld.

III. A Return to the Data

To further examine incentives that constituent reactions to roll calls present for agenda control, I return to the survey experiments that I described earlier in the chapter. Recall that the experiments, conducted on the 2006 and 2008 CCES surveys, provided a treatment group with information about a roll call vote cast by one of their incumbent senators. The roll calls spanned a range of issues that allowed us to examine aggregate effects of providing roll call information in three different circumstances: when a vote substantially divides people who identify with the opposite party of a senator, when it divides neither party, and when it divides members of the senator's own party.

Table 2.2 displays the roll call topics and support for the yea position among Democratic and Republican partisans in the CCES. We considered a party divided when at least 35% of respondents who identified with the party disagreed with the majority view within the party. The bold numbers identify situation where a roll call was associated this level of division within a partisan group. For example, in the 2006 CCES the question of whether the minimum wage should be increased cleaved the Republican partisans nearly in half with 48% favoring the change and 52% opposing it. Democratic identifiers, in contrast, were almost completely unified on this issue. This corresponds well to the sort of division in the electorate that would lead Republican incumbents to be wary of a roll call on the issue. The experiment allows us to examine whether, in fact, such roll call are particularly damaging and might lead an officeholder to prefer the cover of gatekeeping. Of course, the experiment cannot allow directly assess the

counterfactual proposition that the incumbent would have been better off if the vote had never occurred.

Figure 2.2: Divisions among Democrats and Republicans Voters on Roll Call Items

| Congress | Issue | Republican % Yea | Democratic % Yea |
|----------|----------------------------|---------------------|---------------------|
| 109 | Partial Birth Abortion Ban | 82 | 34 |
| 109 | Stem Cell Research | 32 | 94 |
| 109 | Iraq Timetable | 24 | 90 |
| 109 | Immigration Reform | 18 | 58 |
| 109 | Minimum Wage Increase | 48 | 98 |
| 109 | Capital Gains Reduction | 85 | 22 |
| 110 | Stem Cell Research | 36 | 90 |
| 110 | FISA Amendments | 91 | 51 |
| 110 | Extension of NAFTA | 54 | 43 |
| 110 | Extension of SCHIP | 38 | 94 |

We use a saturated OLS model to estimate and compare the treatment effects in each circumstance. We estimated the model for the full sample, for a subset that included only independents and senators' co-partisans, and for a subset that included only co-partisans. Thus, these models estimate the aggregate consequences of providing roll call information to the full electorate or specified partisan subsets of the electorate. The results are presented in Table 2.2 and displayed graphically in Figure 2.5.

Table 2.2: Models of effect of roll call information on aggregate rating on issue representation scale by type of vote

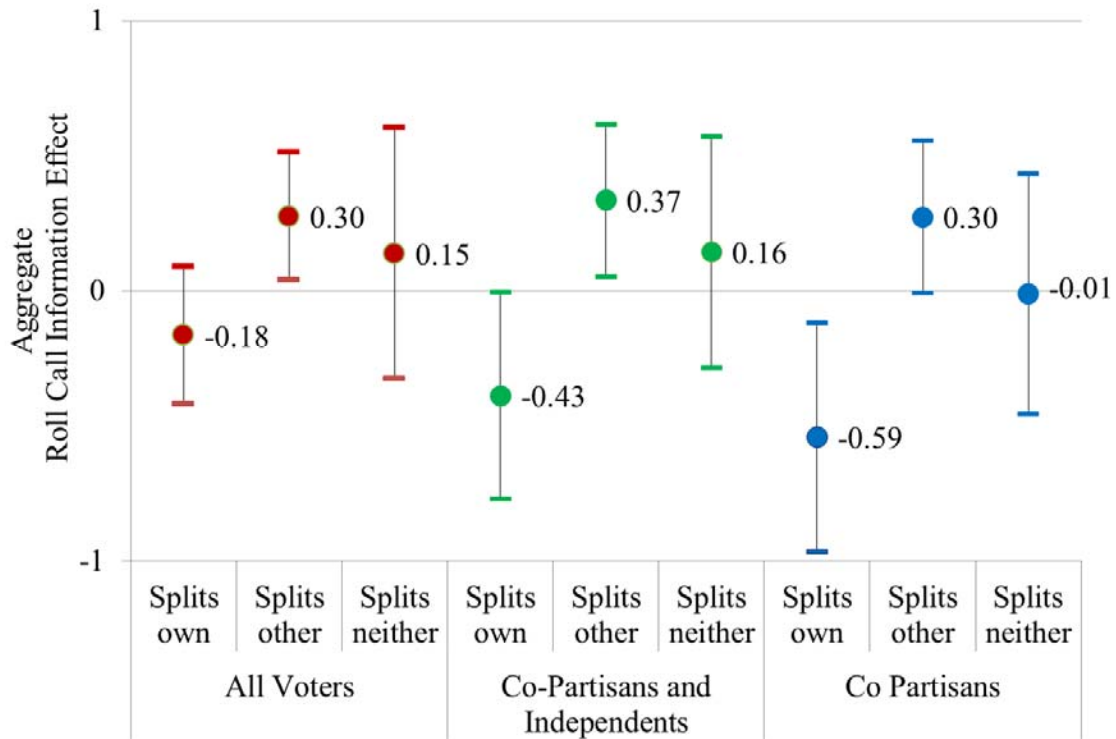
| | Independents & | | | | | |
|---|----------------|---------|--------------|---------|--------------|---------|
| | All Voters | | Co-Partisans | | Co-Partisans | |
| | coeff. | s.e. | coeff. | s.e. | coeff | s.e. |
| Splits own partisans | 2.29 | 0.07 | 2.70 | 0.09 | 2.89 | 0.07 |
| Splits own * treated | -0.18 | 0.14 | -0.43 | 0.21 ** | -0.59 | 0.24 ** |
| Splits other partisans | 2.35 | 0.07 | 2.80 | 0.08 | 2.94 | 0.08 |
| Splits other * treated | 0.30 | 0.13 ** | 0.37 | 0.16 ** | 0.30 | 0.16 * |
| Splits neither partisans | 2.86 | 0.14 | 3.61 | 0.13 | 3.84 | 0.13 |
| Splits neither * treated | 0.15 | 0.26 | 0.16 | 0.24 | -0.01 | 0.25 |
| N | 3163 | | 1955 | | 1632 | |
| r-squared | 0.76 | | 0.82 | | 0.93 | |
| <u>Comparisons of Treatment Effects</u> | | | | | | |
| Splits own- Splits other | -0.48 | 0.18 ** | -0.79 | 0.23 ** | -0.90 | 0.24 ** |
| Splits own- Splits neither | -0.33 | 0.29 | -0.58 | 0.31 * | -0.58 | 0.33 * |
| Splits neither- Splits other | -0.15 | 0.28 | -0.21 | 0.28 | -0.31 | 0.28 |

Note: The dependent variable is a 5-point scale that asks respondents, “how well does Senator [name] represents your views?” The scale runs from very poorly (1) to very well (5). Partisan “leaners” were classified as partisans. Respondents who were unsure of their position but rated their senator are included in the dataset. A roll call is classified as splitting a senator’s own partisans if more than 35% of them disagree with the majority of their fellow partisans, and with splitting the opposing party if more than 35% of opposing partisans disagree with the majority of their fellow partisans. The remaining roll calls are classified as splitting neither group of partisans. If a roll call splits both groups of partisans it is coded as splitting the senator’s partisans. Cases are weighted with the sampling weights supplied by Polimetrix. Standard errors are cluster-adjusted by respondent. Asterisks highlight significant differences in the treatment effects between groups: * p<.10, **p<.05.

We find that informing voters about votes that split neither party do not have net positive or negative effect for any subdivision of constituents. Meanwhile, informing the entire electorate about votes that divide the party the senator does not affiliate with boosts the overall assessment of a senator in the aggregate, leading to a positive reassessment of .30 points on the 5 point representation scale. Moreover, the boost provided by informing people of these votes is increasingly evident when we look at narrower slices of the electorate. Thus, voting on these

issues—issues that do not divide the senators’ key constituents—appears to carry little electoral risk and some possibility of reward.

Figure 2.3: Effect of roll-call information on representational rating, by partisan divisions in the electorate.



Note: This figure is based on the regression reported in Table 2.2.

In contrast, votes that divide a senator’s own party do appear to carry a risk if constituents are informed about them. If one considers the entire electorate, this cost (-.18) is not particularly large or certain. However, if one focuses on the independents and co-partisans of a senator the cost becomes more substantial (-.43) and reaches conventional levels of statistical significance. On average in our sample, these two groups compose 62% of a senator’s electorate, and presumably would provide nearly all the votes necessary to get a senator re-elected. The net-negative reaction of this subset of the electorate to information about votes that

split a senator's party suggests that such votes carry substantial and unavoidable electoral risk, risk that senators would rather avoid altogether.

This risk becomes even larger and more certain when one considers only the reactions of people who identify with a senator's party. Their aggregate reaction when informed about how a senator voted on these issues is a decline of more than half a point on the representation scale. Thus, if senators are concerned about the support or enthusiasm of this group, they have strong incentive to avoid votes that split party loyalists. These findings, of course, do not offer a direct test of the formal model of negative agenda control as legislative cover. However, they provide ancillary evidence that legislators may have individual level electoral incentives to keep off the agenda issues that create substantial divisions within their re-election constituency.

IV. Conclusion

I build a model of negative agenda control as legislative cover, that draws on the insights of scholars who have interviewed members of Congress about their how they approach roll call decisions, as well as my own experimental evidence about how voters react when they learn about roll call votes cast by their incumbents. The model exposes an incentive for a legislator from the majority party to exclude from the agenda policy changes that would generate roll calls on which the median member of his general electorate and the median member of his primary electorate. Doing so provides the incumbent cover that allows him to avoid a net-negative reaction from voters he must secure for re-election. A legislator from the same district but the other party would prefer to open gates for the same policy changes because they do not divide the median primary voter in her party from the median general election voter in her district. Many of the potential policy changes that an incumbent would choose to keep off of the agenda, following this logic, are also ones that would generate majority rolls in the legislature if they

were on the agenda. Thus this model provides an explanation for the low number of majority rolls that does not appeal to a collective good (policy goals, reputation, etc.) or require that the majority party discipline its members from centrist districts. Instead, the majority party, enables these legislators to avoid paying electoral costs for keeping off the agenda policy changes that their centrist districts would, presumably, favor.

At the same time, the model does expose two interesting collective incentives for a majority party to engage in negative agenda control. First, roll calls on legislative measures that move split the opposite party are not only a net plus for i , but they also generate a positive payoff for most other members of the majority party. These same roll calls are also often “bad” roll calls for incumbents from the other party. That is, they will tend to divide the median general electorate voter and median primary electorate voter in districts represented by incumbents from the other party. Although neither of these facts redounds directly to the electoral benefit of i , they should help i 's party maintain a majority, which it may collectively value. Second, roll calls on policy proposals that would split a legislators' own party typically lead to policy changes that voters who identify with the majority party collectively dislike. Thus, keeping these status quo points off of the agenda could be viewed as providing a collective good for the party. The model demonstrates, however, that a party need not rely on discipline to accomplish these collective goods, because individual electoral incentives will suffice.

This analysis identifies a key role for partisan legislative institutions and party leaders outside of acting as disciplinarians. In particular, parties can create institutions with nominal gatekeeping powers (e.g. committees with partisan majorities, rules committees) and/or place legislators from districts with general electorates that lean towards views of primary voters in the party into leadership roles in these institutions. This perspective sheds new light on patterns

others have interpreted as evidence of party discipline. For example, some see the assignment of “loyal” legislators (ones who vote with their party more than most) to key committee and leadership roles as evidence of party discipline (a “carrot”). However, this pattern could simply result from the fact that these legislators are particularly suited to engage in relatively public gatekeeping with minimal electoral risk. They might come from districts with an extreme general electorate whose median actually prefers gatekeeping. Or they may simply be legislators who have exhibited a willingness to take electoral risks to accomplish policy goals. Either way, they would make good gatekeeping agents who could help more centrist party members avoid culpability for agenda control.

The basic model can be usefully extended to consider other types of legislative cover and other motive for seeking it. The next chapter does both by considering the cover provided by restrictive amendment agendas, and incorporating the possibility that legislators hold strong, and increasingly extreme, personal policy preferences.

Appendix: Model Extensions

A. Imperfect cover

At node 1: nature (n), selects a status quo (q) which implies a bill (b^*) located at the ideal point of median general election voter (g) in the incumbent's (i 's) district. This is consistent with the assumption that the legislature considers bills under an open rule, that g in the incumbent's district is the median across districts, and that the incumbent adopts the ideal point of g on roll call votes.

At node 2: The incumbent (i) can close the gates, open the gates and vote nay on b^* , or open the gates and vote yea on b^* .

At node 3: The median voter in the primary electorate (p) chooses between i and a primary challenger.

If i opens the gates and casts a roll call at node 2, and p disagrees with the roll call of i , then p votes for i with probability $\theta - \delta$. If p agrees with the roll call of i , then p votes for i with probability $\theta + \delta$. The parameter θ is the baseline probability that p will vote for i , and the parameter δ is the non-negative change in this probability that results from whether or not p agrees with the roll call that i cast. For example, if p prefers b^* to q , then p will support i with probability $\theta + \delta$ if i voted yea on the roll call and with probability $\theta - \delta$ if i voted nay.

If i closes the gates at node 2, then p selects i with probability $\theta - \gamma$ if p prefers b^* to q , and with probability $\theta + \gamma$ if p prefers q to b^* . The parameter γ is the non-negative change in probability that results from i keeping b^* off the agenda. This is the parameter allows for the possibility of imperfect cover.

At node 4: The median voter in the general electorate (g) chooses between i and a general election challenger. Voter g makes this choice following the same rules used by voter p at the previous node.

Payoffs:

The incumbent receives a payoff of 1 if elected and 0 if not elected.

Consider the payoffs for i in three ranges of q :

1. $q < g$ (see Figure 1 for a game tree), in this range both g and p prefer b^* to q , and the payoffs to each strategy are:

Open gates, vote yea: p will vote for i with probability $(\theta + \delta)$ and g will vote for i with probability $(\theta + \delta)$, yielding a payoff of $(\theta + \delta)^2$.

Open gates, vote nay: p will vote for i with probability $(\theta - \delta)$ and g will vote for i with probability $(\theta - \delta)$, yielding a payoff of $(\theta - \delta)^2$.

Close gates: p will vote for i with probability $(\theta - \gamma)$ and g will vote for i with probability $(\theta - \gamma)$, yielding a payoff of $(\theta - \gamma)^2$.

The (weakly) dominant strategy is to open the gates and vote yea because $(\theta + \delta)^2 \geq (\theta - \delta)^2$ and $(\theta + \delta)^2 \geq (\theta - \gamma)^2$.

2. $g+2p < q$ (see Figure 2), in this range both g and p prefer b^* to q and the analysis is identical to the analysis above for when $q < g$.
3. $g < q < g+2p$ (see Figure 3), in this range p prefers q to b^* and g prefers b^* to q yielding payoffs:

Open gates, vote yea: p will vote for i with probability $(\theta - \delta)$ and g will vote for i with probability $(\theta + \delta)$, yielding a payoff of $(\theta - \delta)(\theta + \delta)$.

Open gates, vote nay: p will vote for i with probability $(\theta + \delta)$ and g will vote for i with probability $(\theta - \delta)$, yielding a payoff of $(\theta + \delta)(\theta - \delta)$.

Close gates: p will vote for i with probability $(\theta + \gamma)$ and g will vote for i with probability $(\theta - \gamma)$, yielding a payoff of $(\theta + \gamma)(\theta - \gamma)$.

If $\gamma < \delta$, then $(\theta + \gamma)(\theta - \gamma) > (\theta + \delta)(\theta - \delta)$, and closing the gates is a dominant strategy.⁷ If $\gamma > \delta$, then $(\theta + \gamma)(\theta - \gamma) < (\theta + \delta)(\theta - \delta)$, and closing the gates is a dominated strategy. However, opening the gates and voting yea or nay have equal payoffs and there is no dominant strategy if $\gamma > \delta$. If $\gamma = \delta$ then each strategy has an identical payoff.

Comment on γ and δ :

Closing the gates is a dominant strategy if voters punish and reward gatekeeping *less* than they punish and reward a roll call vote (i.e. $\gamma < \delta$). This seems like a reasonable assumption for two reasons. First, it is probably easier for a challenger or incumbent to publicize a roll-call vote between two defined alternatives than to explain the counterfactual consequences of gatekeeping. Second, it would be difficult for a challenger to pin the blame on an incumbent for gatekeeping and/or for the incumbent to claim responsibility for gatekeeping. In practice, the only evidence

⁷ $(\theta + \gamma)(\theta - \gamma) > (\theta + \delta)(\theta - \delta)$

$$\theta^2 - \gamma^2 > \theta^2 - \delta^2$$

$$-\gamma^2 > -\delta^2$$

$$\gamma^2 < \delta^2$$

$$\gamma < \delta$$

of an incumbent's support of gatekeeping is absence of the incumbent's signature on a discharge petition (if one is circulated.) In recent years, the signatories to discharge petitions in the House of Representatives have been made public. Thus, it is conceivable that a challenger could publicize an incumbent's failure to sign a discharge petition. And it is also conceivable that an incumbent could call attention to the fact that he refused to sign a discharge petition or otherwise claim he had engaged in agenda control. However, it seems unlikely that this would be as potent as publicizing a roll call vote.

B. A scheduling constraint

One extension is to have nature select two status quos and let the incumbent choose to act on one and close the gates on the other. This captures the idea that there is limited time to consider legislative measures and forces the incumbent to consider the consequent tradeoffs. Consider an incumbent choosing whether to act on a status quo policy inside the interval $g < q < g + 2p$ or to act on a status quo outside the interval. In this case, acting on the q outside the interval is a dominant strategy for all values of δ and γ .

If $q < g$ or $q > g + 2p$, the incumbent's dominant strategy is to open the gates and vote yea (see above). Both the median voter in the primary and general electorate agrees with this action and it yields a payoff of $(\theta + \delta)^2$.

If $g < q < g + 2p$, the incumbent's dominant strategy could be any of the three possible actions depending on the values of δ and γ . If $\delta > \gamma$ then the dominant strategy is to close the gates on this piece of legislation. In this case the choice for the legislator is simple because there is no conflict between his dominant strategies for the two status quo points considered individually. He prefers to close the gates for the q in the interval $g < q < g + 2p$, and open the gates for the q outside this interval. Thus, the scheduling constraint is not binding. In this case, the incumbent will receive a payoff of $(\theta + \delta)^2 * ((\theta - \gamma) (\theta + \gamma))$.

If $\gamma > \delta$, however, then a scheduling conflict arises. If there were no scheduling constraint, the incumbent's dominant strategy would be to open the gates on both status quo points, but with a constraint he must consider tradeoffs. If he schedules the legislation for $g < q < g + 2p$ and closes the gates on the other legislation, then his net payoff would be $(\theta - \delta) (\theta + \delta) (\theta - \gamma)^2$. If he schedules the legislation for q outside the interval $g < q < g + 2p$, then his net payoff would be $(\theta + \delta)^2 (\theta - \gamma) (\theta + \gamma)$. Because $(\theta - \delta) (\theta + \delta) (\theta - \gamma)^2 < (\theta + \delta)^2 (\theta - \gamma) (\theta + \gamma)$, the incumbent will choose to close the gates for the status quo $g < q < g + 2p$, and close the gates on the other status quo.⁸ Thus, with a scheduling constraint the incumbent has an incentive to close the gates

⁸ $(\theta - \delta) (\theta + \delta) (\theta - \gamma)^2 < (\theta + \delta)^2 (\theta - \gamma) (\theta + \gamma)$
 $(\theta - \delta) (\theta + \delta) (\theta - \gamma)(\theta - \gamma) < (\theta + \delta)(\theta + \delta) (\theta - \gamma) (\theta + \gamma)$
 $(\theta - \delta)(\theta - \gamma) < (\theta + \delta)(\theta + \gamma)$
 $\theta^2 - \delta\theta - \gamma\theta + \delta\gamma < \theta^2 + \delta\theta + \gamma\theta + \delta\gamma$
 $-\delta\theta - \gamma\theta < \delta\theta + \gamma\theta$
 $-1(\delta\theta + \gamma\theta) < \delta\theta + \gamma\theta$
 $-1 < 1$

when $g < q < g + 2p$ even if the costs and benefits of gatekeeping are greater than the costs and benefits of casting a roll call vote (i.e. $\gamma > \delta$).

C. Different levels of electoral security in primaries and general elections:

One variation of the basic model allows different baseline levels of electoral security in primaries and general elections, θ_p and θ_g , respectively. As incumbents become more secure in primaries relative to general elections (as θ_p grows relative to θ_g), gatekeeping becomes less attractive in the basic model displayed in the Figure 3. To see this, assume that $\theta_p = \theta_g + \varepsilon$ and substitute into the inequality that compares the payoff of closing the gates to the payoff opening the gates and voting yea when $g < q < g + 2p$:

$$\begin{aligned} (\theta_p + \gamma)(\theta_g - \gamma) &> (\theta_p - \delta)(\theta_g + \delta) \\ (\theta_g + \varepsilon + \gamma)(\theta_g - \gamma) &> (\theta_g + \varepsilon - \delta)(\theta_g + \delta) \\ \gamma + \varepsilon &< \delta \end{aligned}$$

Thus, for gatekeeping to be the dominant strategy the cost/benefit of voting, δ , has to be higher than the sum of the cost/benefit of gatekeeping, γ , plus the increase in the baseline risk from a primary to a general election. For example, if θ_p is .7, θ_g is .6 and γ is 0, then δ must be greater than .1 for gatekeeping to be the dominant strategy for the incumbent when $g < q < g + 2p$. If the primary carries greater baseline risk than the general election, this logic is reversed. Moreover, in the extension with a scheduling constraint, it remains the dominant strategy to schedule legislation outside the interval $g < q < g + 2p$, regardless of the relative values of θ_p and θ_g .