

STRENGTH IN NUMBERS: LEGISLATIVE EFFECTIVENESS, PROCEDURAL  
ADVANTAGE, AND INTRAPARTY FACTIONS IN THE HOUSE

by

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(Under the Direction of Michael S. Lynch)

ABSTRACT: Intraparty faction membership in the House has grown tremendously since the mid-1990s. Factions cultivate distinct political brands to appeal to niche sets of partisans, but the pursuit of ideological differentiation through the roll call record places faction members on a collision course with party leadership. While the pervasiveness and organizational strength of modern factions suggest that they might successfully challenge leadership for policymaking influence, evidence pointing to their legislative effectiveness through the traditional bill-to-law format is limited. If faction members are no more legislatively effective than non-faction members, why do lawmakers increasingly affiliate with these organizations? This research explores various non-traditional means of policy influence. Specifically, I examine the procedural advantage held by nine intraparty factions, across both parties and ideological strengths, in the House from 1995 to 2018 using data on suspension of the rules, structured rules amendments, and legislative hitchhikers.

INDEX WORDS: Congress, Political Parties, Caucuses, Intraparty Factions, Congressional Procedures, Legislative Effectiveness, Legislative Productivity

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## CHAPTER 1

### INTRODUCTION

When lawmakers of the 118<sup>th</sup> Congress convened, members of the House Freedom Caucus (HFC) received a new title for their role in the election of Speaker Kevin McCarthy (R-CA): “kingmakers” (The Economist 2023). For a week, twenty Republican holdouts, nineteen of which identified with the HFC, remained steadfast in their opposition to his speakership unless concessions regarding the rules, committee assignments, and legislative policy in the House were made. These demands resulted in fifteen votes and several rounds of intense negotiations on and off the House floor. With only four votes to spare in the Republican majority, McCarthy’s fate would require assuaging the ultraconservative faction’s longstanding, public demands for decentralized power (Salesa 2022).

This was not the HFC’s first battle with Republican leadership. Members of the HFC have been likened to “bomb-throwers” who are prone to acts of “legislative terroris[m]” (Kopan 2016; Beavers 2021). In 2015, the HFC torpedoed a procedural measure endorsed by Speaker John Boehner (R-OH) that provided for the consideration of a bill granting the president the authority to expedite free trade deals (Lizza 2015; French 2015c). Two years earlier, hardliners demanded that the Republican Party condition their support for averting a government shutdown on defunding Obamacare, and under divided government, Boehner went forward with the fight “to teach them...that you’ve got to be united, and there’s a limit to what we can do” (Sherman

and Bresnahan 2013; Lizza 2015; Silverleib 2013).<sup>1</sup> The move, however, backfired and slashed support for Republicans at the polls, unsettled the international community, and cost the government billions of dollars (Weisman and Parker 2013; Bresnahan and Harris 2013).

Ironically, in the years preceding the McCarthy speakership contest, members of the HFC were dubbed “kingslayers” (Kopan 2016). The HFC’s willingness to endure another government shutdown rather than fund Planned Parenthood in a fiscal battle sent an exasperated Boehner into an early retirement in October 2015 (Bialick and Bycoffe 2015). Boehner, in retiring, deliberately avoided the impending HFC-sponsored motion to vacate the speakership vote in the House, and in a private meeting before his colleagues in his final days, he declared, “It is clear now that many...want new leadership to guide through the rough shores ahead” (Lizza 2015). Representative Paul Ryan (R-WI) ultimately got their endorsement as the next speaker, with one media outlet boldly declaring that he “conquered the Freedom Caucus” by signaling his willingness to *consider* democratic reforms in the House and expressing his sympathies related to how the HFC had been treated in the aftermath of their numerous rebellions (Sherman and French 2015).<sup>2</sup> The HFC, however, would not be conquered, and rougher shores were still ahead.

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<sup>1</sup> Lizza (2015) refers to the players in the 2013 fiscal battle, and other battles, with Boehner in his report as members of the HFC. The HFC, however, was established in 2015, but most of the HFC’s members were affiliated with the Tea Party Caucus and House Liberty Caucus that operated in 2013. Both caucuses were short-lived ideological factions, and all three factions attracted ultraconservative lawmakers of the House. The House Liberty Caucus and Tea Party Caucus can be thought of as the precursors to the HFC. The same actors would battle Boehner throughout his speakership.

<sup>2</sup> According to Lizza (2015), in light of the speakership contest, Ryan intimated to HFC members that he and others still remained upset that Boehner bypassed the Ways and Means Committee on Medicare legislation. Representative Mick Mulvaney (R-SC) reportedly placed a hand on Ryan’s shoulder and pointed out that no member of the HFC was presently on the committee. He added, reflecting on their recognition of mutual dissatisfaction, that “That was the moment that we realized there was a little bit of us in Paul, and Paul realized we weren’t as crazy as everybody tried to make us out to be.” To be clear, not all HFC members were persuaded by Ryan’s candidacy, but Ryan had enough votes to secure the gavel, and the HFC had no viable alternative (Sherman and French 2015).

In 2017, Speaker Paul Ryan abruptly pulled a bill designed to repeal Obamacare from reaching the floor for a vote because HFC members argued that the bill did not go far enough, particularly at repealing insurance regulations, and in 2018, the faction, incensed that their hard-lined immigration bill was rebuffed by the party, successfully defeated the party's farm bill that would have maintained farm subsidies and imposed new work requirements on food aid recipients (Collinson et al. 2017; Becket 2017; Thrush and Kaplan 2018; Boudreau et al. 2018). When Ryan abruptly announced his retirement in April 2018, it caught many onlookers inside and outside Capitol Hill by surprise, and the speculation surrounding his motives was rampant. While Ryan revealed that he desired to spend more time with his family, many reporters were quick to note that the electoral environment heavily favored Democrats and the Republican Party was in complete disarray (Pramuk 2018; Elliott 2018). The man who claimed to have never sought the Speaker's gavel but, instead, was widely regarded as the only lawmaker capable of keeping Republicans "from devouring themselves" had left the party as divided as he found it (Stolberg and Kaplan 2018).

Still, these intraparty woes are not confined to the Republican Party. In 2019, House Democratic leadership stalled a vote on the DREAM Act of 2019, a bill providing a pathway to citizenship for more than two million undocumented immigrants who had arrived in the country as children, because moderates and progressives disagreed over whether the act should contain provisions guaranteeing citizenship to undocumented immigrants with criminal records (Caygle and Ferris 2019). Beginning in April 2021, the battle between the Blue Dog Coalition (BDC) and the Congressional Progressive Caucus (CPC) over President Joe Biden's Build Back Better agenda lasted over six months as both factions jockeyed over the bills' final cost estimates and their order of consideration on the floor. In fact, while the agenda was ultimately considered on a

two-track approach that consistently prioritized infrastructure over social spending, many of the agenda's key provisions related to social spending would be incorporated into the Inflation Reduction Act of 2022 that passed the following year—with significantly cheaper price tags (McPherson 2022; Paris et al. 2022).

In her quest to maintain the party's highest leadership position, Speaker Nancy Pelosi (D-CA) fought off numerous challenges by moderates and progressives from within the BDC, CPC, and New Democrat Coalition (NDC), who ran, or seriously considered running, their own candidates in leadership elections by making continued policy assurances and promising key roles for dissidents. In 2018, facing a narrow majority and increased intraparty divisions, she confronted the most serious threat to her candidacy, requiring her to strike a new bargain: term limits. She agreed not to seek the speakership at the conclusion of the 117<sup>th</sup> Congress, and the bargain also capped the tenures of the party's other senior leadership posts.<sup>3</sup> The reason for challenging Pelosi and leadership throughout her tenure became familiar and vague—the need for younger leadership to “shake things up” (Allen and Bresnahan 2010; Shephard 2018; Caldwell and Haake 2018). While the media had not cast these Democratic factions as

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<sup>3</sup> For the 112<sup>th</sup> Congress, Representative Heath Shuler (D-NC), a member of the BDC, battled Pelosi for the position of minority leader after the BDC lost more than two dozen members and Democratic control of the House in 2010 (O'Brien 2011). For the 116<sup>th</sup> Congress, Representative Marcia Fudge (D-OH), a member of the CPC, ultimately retracted her public threat to challenge Pelosi for speakership, having been promised a key role in safeguarding voting rights and the elevation of black women to the “decision-making table,” but fifteen other Democratic detractors voted against a Pelosi speakership on the House floor (Davis 2018; Marcos 2019). The push for a new speaker in the 116<sup>th</sup> Congress was led by an NDC-affiliate, Representative Seth Moulton (D-MA) (Detrow 2018). The deal considered and agreed upon by the Democratic caucus limited the party's top three leaders to three terms, and an option for a fourth term would be considered if the leader secured two-thirds of the caucus's support. Majority Leader Steny Hoyer (D-MD) and Majority Whip Jim Clyburn (D-SC), at the time, were effectively barred from seeking their leadership positions beyond 2022 (McPherson 2018). It remains to be seen whether this was a verbal agreement between Democratic leadership and members or whether the caucus permanently adopted the rule. In the 118<sup>th</sup> Congress, following the 2022 midterms, the Democratic Party installed new leadership.

“kingmakers” or “kingslayers,” as many as three factions could consider themselves as contenders for those titles given their willingness to disrupt proceedings in the kingdom.

### ***Who Are the Kingmakers and Kingslayers of Capitol Hill?***

In the preceding examples, the House members leading these revolts from within their parties are organized into intraparty factions. Intraparty factions, such as the HFC, BDC, NDC, and CPC, are committed to building and maintaining a reputation (or brand) that is ideologically “distinct from and competitive with” the traditional two-party system (Bloch Rubin 2017, 20). While heightened polarization has clarified the policy issues that define the two major parties, the traditional party brand imprecisely represents voters’ ideological positions because it favors communicating and advancing the policy prerogatives of the party’s *median member* (Cox and McCubbins 2007).

In contrast, many voters are “heterodox partisans” that espouse more moderate or extreme views than this biased, “ill-fitting party brand” would otherwise suggest (Clarke 2020a, 452). This sub-party brand resonates with a niche group of party activists, donors, and ideologues whose financial and ballot box support becomes instrumental to propelling this unique class of lawmakers to positions of power within Congress (Clarke 2020a). Therefore, there is an electoral reward in maintaining a distinction from co-partisans and waging wars in the House.

Ideological factions are also engineered to function independent of their parties. That is, many factions develop whip systems, restrict membership, form political action committees and research divisions, elect leaders, demand participation in regular meetings and dues, and

implement voting rules (Clarke 2020a). Indeed, as the chamber disputed key legislation within Biden’s agenda, the CPC and BDC routinely issued statements to the media and their websites to clarify their policy preferences and justify their decisions.

Representative Stephanie Murphy (D-FL), when reflecting on her role as a key member of the BDC in the ongoing negotiations concerning the social spending package, believed that “complete information...[was] important for [her] constituents” (Booker 2021). Representative Pramila Jayapal (D-WA), in the aftermath of the vote on Build Back Better on November 19<sup>th</sup>, insisted that the “[CPC] entered the negotiations...with a clear vision: this transformational legislation should deliver immediate tangible change in the lives of working people” (Congressional Progressive Caucus 2021b).

Representative Mick Mulvaney (R-SC), a founding leader of the HFC that later excoriated its evolution, revealed that the ultraconservative faction quietly operates under a system of rules and sets strict membership requirements. Before the faction can adopt a formal HFC position on a policy matter or legislative action, 80% of the caucus must be in agreement. To maintain a group of ideologically likeminded Republicans, the faction utilizes a two-part test. The caucus admits those Republicans who are willing to vote against procedural motions *and* to vote for a short-term continuing resolution—so long as both ultimately “advance[d] a conservative agenda.” Such restrictive membership requirements were implemented to screen out “so-called conservatives who would roll over and vote for any short-term [continuing resolution] that leadership offered...and others who, while they talked a good game, would never have the spine to vote against a rule” (Mulvaney 2023). These organizational features reinforce and strengthen the sub-party brand, allowing it to remain attractive to niche constituencies and an ongoing threat to the business of the House.

### ***The Puzzle: Are Legislative Bomb-throwing Campaigns Successful?***

If these caucuses have demonstrated a propensity to threaten, even unseat, their leadership, a natural question is how party leadership can accommodate their policy preferences and institutional demands without sacrificing their power and permitting legislative chaos in the House. Within the House, a combination of increasingly nationalized congressional elections, polarization, and narrowly held majorities has raised the stakes for contemporary policymaking, and it simultaneously works to embolden faction members by encouraging them to withhold their support for key legislation in leadership's agenda. Given that the majority party cannot afford defections within its ranks as compromise has become increasingly elusive and faction membership has trended upwards, this research agenda will argue that such threats to tank legislation are credible.

Demonstrating the limits of parties requires, in part, position-taking on legislative matters. Indeed, Clarke (2020a) and Lucas and Deutchman (2009) have found evidence that factions are ideologically distinct from the parties. That is, factions vote differently than the parties, and this ideological differentiation is the "product" that factions market to their constituencies. However, factions can do more than cast a vote on bills that reach the floor. They might also introduce and lobby the chamber to support their bills. Scholars, however, have found that affiliation with intraparty factions does not automatically translate into legislative success (Clarke et al. 2019). Instead, faction membership is only beneficial when the faction is located within the minority party and the minority party faction is ideologically conservative or centrist. Regardless, most bills introduced by factions never become law.

Anecdotally, factions' records of policy success are mixed, infrequent, and context-dependent. Contrary to our traditional understanding of legislative effectiveness, DiSalvo (2012) defines success along the lines of whether the faction achieved its goal of decentralizing or centralizing power through alterations to institutional rules and procedures. While individual legislation sponsored by faction members is not discussed as a metric of success, the implication is that institutional reforms alter agenda setting and the way legislation is processed in such a way that it advantages the faction. Bloch Rubin (2017) recounts that any substantive policy achievements successfully and unsuccessfully secured by factions are contingent on the set of circumstances at hand, including the composition of the House, majority party control, and the faction's organizational design.

Based on the aforesaid research, if the conclusion is that most faction members are legislatively ineffective—or effectiveness is, at least, inconsistent—in comparison to non-faction members of the House, then this conclusion is deeply puzzling. A series of institutional reforms in the 1970s centralized party leadership's control over the agenda and their party members in the House. As a result, policymaking and congressional elections became more partisan and divisive as both parties issued appeals to an increasingly polarized electorate. By the 1980s, control over policymaking in the House began frequently shifting hands with neither party controlling an overwhelming majority, and these narrow, rotating majorities have become the norm.

Lee (2016) argues that this intense battle for institutional control has led the parties to constantly seek ways to magnify their differences by promoting their image and undercutting that of the opposition. Therefore, minimizing partisan in-fighting and dissent in and out of the chamber to retain or seize majority party status becomes the primary goal for leadership (Pearson

2015). Accomplishing such a feat within a two-year period requires majority party leadership to restrict access to the agenda (i.e., negative agenda control) and to distribute a variety of carrots and sticks to party members in exchange for their support or non-support on the agenda (Cox and McCubbins 1993, 2005).

By limiting access to the agenda and forcing party members to rally behind a singular policy platform, majority party leaders ultimately prohibit members from uniquely representing their constituencies, which has implications for their electoral fates. Lawmakers turn to factions to better represent their constituencies, and they have engineered them to function independent of the parties. Faction members enhance their organization's influence over policymaking by developing whip systems, restricting membership, forming political action committees and research divisions, and communicating their policy preferences and achievements to their supporters (Clarke 2020a).

Therefore, factions have taken great measures to ensure ideological purity and cohesion, publish a separate policy platform, and to reinforce the brand on Capitol Hill and the campaign trail. Efforts, or threats, to influence the agenda and content of legislation by faction members in the majority should have greater weight because the party, who exercises control over the policymaking process, requires their support in a narrowly held institution. As lawmakers increasingly identify with factions, their numbers and agendas are too great to ignore. While the active pursuit of legislative differentiation places factions at odds with party leaders because sub-party brands threaten to dilute the power of the party's brand at-large, majority party leaders must find a way to go along and get along (Lupu 2014). Otherwise, a diluted party brand ultimately raises the question of whether the party is undergoing an "identity crisis," and voters

are unwilling to support a party in disarray (Ashworth and Bueno de Mesquita 2009; Groseclose 2001; Butler and Neff Powell 2014).

If modern factions are advantaged by their sophisticated designs and numbers that enable and embolden them to pursue legislative differentiation in a simple majority institution, then why are faction members no more legislatively effective than non-faction members? If faction members are unable to reap many rewards from being in the organization, what is the value in remaining affiliated with it?

### ***Plan Ahead***

In the following chapters, I argue that leadership allows factions to cultivate their brand through indirect means. Regarding politics of the contemporary House, factions do not necessarily need the party, but parties need factions. Parties need factions to maintain control over policymaking, and parties need factions to send a message to voters at the ballot box that the party can govern effectively. Therefore, parties must pacify dissident members.

House members may influence the content of policy and define their (intra)party's brand through voting. However, a more costly form of participation in the political process within the House is developing and advancing legislation. Congressional members can signal their legislative priorities to their constituencies by drafting and submitting legislation for consideration, but credit claiming their pet projects, as well as demonstrating that they are effectively representing their constituencies, requires advancing some of their bills through Congress (Volden and Wiseman 2014). However, most bills never advance beyond the committee stage for a slew of reasons, making it difficult for members to credit claim.

Still, party leaders might utilize various agenda tools and processes to shuttle select rank-and-file members' bills, or provisions, to the floor, increasing the odds that a chosen member's policy preferences receive consideration. As an indirect means of cultivating their brand, I argue that intraparty factions are given procedural advantage in the policymaking process in exchange for their ongoing support of the policy's prerogatives. I maintain that the reward in membership with the faction is that such a procedural advantage, as a more unorthodox means of policymaking, gives members the greatest chance at passing their policy proposal in an otherwise crowded and bleak process.

Do intraparty faction members hold a procedural advantage over non-faction members in the policymaking process? The following chapters examine the procedural advantage held by nine intraparty factions across both parties and ideological strengths, in the House from 1995 to 2018.

Chapter 2 provides an extensive literature review on intraparty factions, and it presents a theory of how intraparty factions navigate policymaking in the House to accumulate legislative successes. Chapter 3 employs an OLS regression to examine whether intraparty factions make legislative gains through the suspension of the rules procedure. Chapter 4 utilizes a logit model to ascertain the advantage that intraparty faction members have over non-intraparty faction members through amendments submitted under structured rules. Chapter 5 relies on a logit model to determine whether faction members advance their policy prerogatives as hitchhikers to larger omnibus legislation. I summarize the results and offer final reflections in the concluding chapter.

## CHAPTER 2

### A THEORY TO ACCOUNT FOR A HOUSE DIVIDED AND BARELY STANDING

Intraparty conflict is not rare. Historically, dissident members of the House have organized into intraparty factions to challenge the power of party leadership, limit the ruling party's control over policymaking, and redefine the party brand. However, the incentives to declare war, to be both resolute and ruthless in their tactics, and to wage war publicly have drastically changed in recent years. Consequently, these conflicts have altered proceedings in the House, and increasingly, they have deterred lawmakers from continuing their legislative service while inspiring potential candidates to abandon their political ambitions. The following example is a case of intraparty conflict that culminated in brinkmanship, ultimately resulting in as many as thirty House Democrats declining to run for reelection in the 2022 midterms.

In April 2021, President Joe Biden unveiled a plan to split his domestic agenda, known as Build Back Better, into two parts. The first part provided an estimated \$2 trillion for improvements to infrastructure, while the second part provided more than an estimated \$2 trillion for improvements to social programs, including universal prekindergarten, subsidized childcare, paid family and medical leave, and free community college. Infrastructure, a traditionally bipartisan issue, was given immediate consideration. While some political observers suggested that the administration “believe[d] breaking them up might make them easier to swallow

politically,” the strategy ultimately sparked an intraparty brawl between the moderate and progressive wings of the Democratic Party in the House (McPherson 2021a).

Speaker Nancy Pelosi (D-CA) endorsed the president’s two-track approach, but some within her party opposed it. By bundling the plans, the progressive wing of the Democratic Party had hoped the proposed investments would pass through the reconciliation process. Such a process eliminates the filibuster and sidesteps a compromise with Senate Republicans. Representative Pramila Jayapal (D-WA), chairwoman of the Congressional Progressive Caucus (CPC), signaled that their “preference [was] for a single, ambitious package that would include both physical...and care infrastructure” such as “climate action, caregiving, manufacturing, and other infrastructure priorities” (McPherson 2021b; Congressional Progressive Caucus 2021a). In contrast, lawmakers identifying with the Blue Dog Coalition (BDC), a group of party moderates who largely represent competitive districts, commended the president for his efforts “to bring both parties together to negotiate a bipartisan, bicameral deal for infrastructure legislation,” seemingly applauding the administration’s decision while indicating their top policy concern (Blue Dog Coalition 2021a).

Negotiations between the White House and a bipartisan group of senators ultimately produced an infrastructure bill amounting to \$1.2 trillion in June (Nobles 2021). The deal, accompanied by a new price tag, however, came with an unexpected caveat. Before a group of reporters, the president revealed that he would not sign the bipartisan infrastructure bill unless he received the social spending bill, warning that “[i]f [infrastructure] is the only thing that comes to me, I’m not signing it...It’s in tandem” (Weisman et al. 2021). Although the social spending bill had not been written, House Democratic leaders were preparing to dramatically expand and pass it through the reconciliation process (Sullivan and Mattingly 2021). The declaration unnerved

moderate Democrats and Republicans from both chambers, leading White House aides scrambling to reassure them that Biden would support the infrastructural deal (Liptak et al. 2021). However, Pelosi echoed Biden’s initial remarks: The House “[would] not take up a bill...until the Senate passes the bipartisan bill *and* a reconciliation bill” (Diaz and Foran 2021). Her statement reaffirming the two-track approach was largely interpreted as a move meant to pressure the moderate and progressive wings of her party, who prioritized different policies, into supporting both bills.

The White House and Senate Democrats agreed to a \$3.5 trillion spending target for the reconciliation bill in mid-July, enabling the chambers to proceed with drafting the budget resolution for fiscal year 2022 (McPherson 2021b). By August, the two-track strategy was unraveling and tensions between the moderate and progressive wings in the House heightened as a weakened version of the bipartisan infrastructure bill again took priority on the agenda after moderate senators signaled that they would not support a reconciliation bill of that magnitude (Cochrane 2021a). The Senate passed the infrastructure bill without the reconciliation bill in tow, and negotiations on the reconciliation bill stalled, enraging the CPC.

For months, progressives felt that leadership had given preferential treatment to moderates by caving to their policy demands. The \$6 trillion that the CPC initially requested for social safety and climate change programs had been slashed in half. Leadership’s promises to provide over \$1 trillion to convert the nation’s energy system to wind, solar, and battery power were scaled back to roughly \$100 billion in the infrastructure bill. Although progressives lobbied behind \$20 billion for programs that empowered minority communities, leadership cut the price to \$1 billion. Meanwhile, moderates were privately encouraging leadership to continue to reduce the \$3.5 trillion price tag attached to the reconciliation bill (Weisman and Kanno-Youngs 2021).

The CPC's response to this most recent chain of events was swift. Jayapal reiterated the caucus's preference for bundling the proposals, but she also issued a direct threat. "While there may be a couple of senators that are saying that they're going to vote 'no' if certain things don't happen, that is also true of any number of members in the House," especially the "majority of...[the CPC's] members" (Cochrane 2021a).<sup>4</sup> Still, members of the BDC urged "House leadership to bring [infrastructure] to the House floor as a standalone bill for a vote immediately," opposing any efforts to delay its consideration (Blue Dog Coalition 2021b).

In response to the CPC's threat, the Speaker used her weekly press conference to publicly declare that the party "[was] not going forward with leaving people behind," infuriating moderates within her party (Cochrane 2021b). While the BDC had reportedly preferred working behind the scenes with the Speaker to sort through the two-track process and secure policy commitments, nine House moderates, many of whom identified with the BDC, issued a forceful, public threat of their own. In a letter to leadership, they made it clear that they "[would] not consider voting for the budget resolution until the bipartisan Infrastructure Investment and Jobs Act passes the House and [was] signed into law" (Sprunt 2021).

While the Speaker was known for keeping the party united behind controversial issues, she had good reason to heed their threats to sink components of the president's agenda. When House Democratic lawmakers convened on Capitol Hill for the 117th Congress (2021-2022), they held their "slimmest House majority in nearly two decades" (Fandos 2020). The party occupied just 222 of 435 seats, requiring both strong party leadership and extensive negotiations to ensure that the party secured policy gains with minimum defection. Complicating matters

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<sup>4</sup> If the Speaker brought the infrastructure bill to the floor in the House, Jayapal reportedly warned that a "majority of its...members...would withhold their support for the legislation until the second, far more expansive package cleared the reconciliation process in the Senate" (Cochrane 2021a).

were the competing policy prerogatives of the progressive and moderate wings of her party. In the wake of the 2020 elections, reporters predicted that the CPC would be “a legislative force to be reckoned with” in the 117th Congress (Greenberg and Levin 2020). Its membership totaled ninety-five lawmakers within, or roughly 43% of, the party. Moderates of the fiscally conservative, pro-national security BDC occupied nineteen seats, or 4% of, the party in the 117th Congress. While its numbers have considerably dwindled in recent years due to partisan redistricting efforts and the party’s changing electorate, like the CPC, the organization retained more than enough votes to sink legislation (Gonzales 2022).

The cohesion amongst House Democrats morphed into chaos by late August as the competing factions amplified their threats to derail the agenda. In exchange for a favorable vote on the \$3.5 trillion budget framework, the BDC forced the Speaker to commit to scheduling the infrastructure bill for a vote in late September and to guarantee that the group would be included in future negotiations on the \$3.5 trillion social spending bill (Caygle et al. 2021). At the time, House moderates cheered their “big win for America” as a “once-in-a-century infrastructure investment.” While they conceded a vote to proceed with the consideration of the budget, they secured a vote for the infrastructure bill and the opportunity to further reduce the size and scope of the social spending bill.

By mid-September, members of the CPC mulled over whether to sink the upcoming infrastructure bill. They continued to pressure Democratic leadership into considering both bills on the floor, and they grew increasingly concerned about the BDC’s influence on negotiations over the spending bill. Jayapal ultimately reaffirmed an earlier threat. Without the reconciliation bill in tow, they would “vote it down,” and they had “more individuals, more Democrats” who

would do it (Ferris et al. 2021a). The reconciliation bill, however, would not be complete before the scheduled September 27<sup>th</sup> vote on infrastructure as both factions jockeyed over its details.

Even as Jayapal continued to emphasize the CPC's stance on the dual-track approach, Representative Stephanie Murphy (D-FL), chairwoman of the BDC, denounced the progressives' threat as an act of "political grandstanding," and she expressed her disapproval of leadership should it give into their demands, hinting that "[t]he mistrust that exists currently between members will spread to mistrust between leadership and members." Publicly, House Democratic leadership remained adamant that the vote on infrastructure would take place on the prescribed date, but privately, they began admitting that the \$3.5 trillion price tag would likely be further reduced to accommodate moderate senators' concerns (Caygle and Ferris 2021a).

In a move that, perhaps, both implicitly threatened and reassured the warring factions within her party, the Speaker circulated a letter three days before the September 27<sup>th</sup> deadline, thanking party members for the "intense dialogue" over both bills while acknowledging that the "intensity continues as [they] moved forward to pass two jobs bills next week: the Build Back Better Act and the Bipartisan Infrastructure Framework." The factions, however, felt neither reassured nor threatened. Once again, they dug in and remained committed to their preferences. Murphy hoped that progress was being made on both bills, noting that it would "take an awful lot of work" because she wanted the social spending bill to be more "targeted and fiscally responsible," while Jayapal, maintaining that she "[didn't] bluff...[didn't] grandstand," continued to warn leadership that it "[didn't] have the votes for" a standalone infrastructure bill (Kapur and Haake 2021).

With neither faction budging on their demands, price differences in the Senate, and funding for existing highway and transit programs set to expire, the Speaker rescheduled the

anticipated vote on infrastructure, breaking the agreement she made with moderates in August. In a caucus meeting, Pelosi revealed that the votes would be taken separately, and a vote for the infrastructure bill was rescheduled for the following week. Meanwhile, the House would continue to work with the Senate on the final price tag of the spending bill. The Speaker, by preparing to schedule separate votes on separate bills, had broken the agreement that she brokered with progressives.<sup>5</sup>

The following week, House leadership stalled the vote on infrastructure once again after negotiations between top Democrats, moderates, and progressives across both chambers collapsed due to concerns over the final price tag for the social spending bill. By October, with moderate senators standing firm on their concerns for the final price tag, Biden prepared for a social spending bill ranging between \$1.9 trillion to \$2.3 trillion (Korecki and Cadelago 2021b; Martin and Wiseman 2021). Still, Senate leadership responded with a social spending proposal worth \$1.75 trillion, and for the third time, House leadership punted a vote on infrastructure because the CPC issued new demands in exchange for supporting infrastructure (Ferris et al. 2021b). They wanted to review the written text of the \$1.75 trillion legislation, assurances from Democratic holdouts in the Senate that they would support the bill, and a vote on both bills back-to-back (Edmondson and Weisman 2021).

Many in the BDC also issued new demands. Before voting on the social spending bill, they wanted final cost estimates from the Congressional Budget Office and the Joint Committee on Taxation to ensure that the bill was fiscally responsible. Furthermore, they contended that

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<sup>5</sup> In light of Pelosi's decision, when asked by reporters whether progressives would be willing to support infrastructure without social spending, Representative Ilhan Omar (D-MN), the CPC whip, firmly responded that "[a] deal [was] a deal. [They] are not passing anything short of...the full Build Back Better agenda" (Caygle and Ferris 2021b).

they wanted the bill at least 72 hours in advance of the scheduled vote to guarantee that the bill “[was] done right rather than...needlessly rush[ed]...only for our constituents to discover the negative impacts of our unintended consequences” (Jagoda and Folley 2021). After another round of intense and emotional negotiations that lasted into the night, both factions compromised on a path forward.

The House would take an immediate floor vote on infrastructure with a procedural vote on the social spending bill scheduled for November 15<sup>th</sup>. The date allowed time for final cost estimates to be completed and evaluated. After months of intense negotiations, the infrastructure bill passed the House, but many of the agenda’s key provisions related to social spending would be incorporated into the Inflation Reduction Act of 2022 that passed the following year—with significantly cheaper price tags (Weisman and Hulse 2021; McPherson 2022; Paris et al. 2022).

In retrospect, dividing and conquering the agenda may not have been the most effective, fruitful strategy for managing a deeply fractious House. Although the ink had dried on the infrastructural settlement, the ceasefire was only temporary as a renewed conflict over social spending materialized. The prospect of another conflict led thirty House Democrats to wave a white flag and desert their reelection campaigns in 2022. Lawmakers and journalists anticipated a dismal electoral performance for the Democratic Party in the wake of the intraparty upheaval that dominated the 117<sup>th</sup> Congress (Rogers 2022).

### ***Organizing and Informing the House via the Caucus System, in Brief***

Less interesting in the 117<sup>th</sup> Congress, perhaps, is that an investigation into the Committee on House Administration’s list detailing the number of congressional member organizations reveals

that House members operated and affiliated with over *four hundred organizations*. Not all organizations are the same, but they have been an omnipresent force since the earliest days of Congress.<sup>6</sup> Some registered organizations, such as the CPC and BDC, are broadly focused on a range of policies and are sophisticated, formal ideological entities that actively strive for agenda influence, but other registered organizations, such as the Bourbon, Cut Flower, and Rural Broadband Caucuses, are narrowly focused on a policy matter, region, or constituency, are haphazardly maintained, pose no threat to leadership, and inspire a mixture of intrigue and confusion.

Despite maintaining a presence since the earliest days of Congress, caucuses have received limited scholarly attention, and the conclusions drawn from existing work represent case studies on specific caucuses and cases that occurred outside the contemporary congressional environment.<sup>7</sup> Recent, yet dated, work has consistently relied on Hammond's (1998) comprehensive study of the congressional caucus system that develops a typology of caucuses and explores how these types influence legislative policy. Party caucuses attract members with similar ideologies who seek to influence legislative outcomes within the chamber and to redefine the national party. In contrast, non-party caucuses, broadly, focus on singular policy issues, an

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<sup>6</sup> Research on congressional caucuses is scant despite their proliferation. Though informal, boardinghouses surrounding Capitol Hill represented important forums for lawmakers seeking to engage in policy conversations, build coalitions, and devise legislative strategies from 1801 to 1861. Lawmakers chose boardinghouses for their "regional, partisan, and ideological reputations," and those members that resided together displayed remarkably similar voting records, demonstrating the importance of social settings and peer influence on political decision-making and outcomes (Young 1966; Minozzi and Caldeira 2021, 1292). The Congressional Temperance Society, operating from 1833 to 1899, brought together congressmen who shared the public's desire for a sober society (Sprunger 1965). The Abolitionist Group opposed slavery in the 1840s; the Republican-created Chowder and Marching Society, the Acorns, and the Wednesday Group negotiated policy details and legislative strategy between the 1940s and 1960s; and the Democratic Study Group exercised significant agenda influence in the late 1900s by establishing a whip system and utilizing staff to draft and analyze policy (Hammond 1998). This is just a sampling of the numerous caucuses that have emerged and operated within Congress. An extensive list, though not exhaustive, is available in Hammond (1998).

<sup>7</sup> See Miler (2011) for an excellent critique of the current literature on caucuses, which remains understudied.

industry, regions of the country, constituents with a similar and localized occupational background or lifestyle, and a gender, racial/ethnic minority, or veteran constituency.

The persistence of caucuses in Congress can be explained by their purposes: They fulfill lawmakers' legislative and representational interests. For Hammond (1991), a decentralized institution, governed by a weak party leadership, could not adequately address members' concerns and led to an exponential growth of the caucus system beginning in the 1970s. Important policy issues went unaddressed by committees, ideological groups were underrepresented on committees and in party ranks, and members were frequently "asked to vote on controversial bills that had no chance of becoming law" (Hammond 1991, 280). Caucuses, therefore, provided members with a source of policy information to compensate for weakened committees, helped members develop leadership skills, fostered collegiality through networking opportunities, and eased the difficulty associated with building voting coalitions.<sup>8</sup>

The informational benefits associated with caucus membership have been explored by other scholars, and scholarship has identified research institutes and lobbying groups as the primary sources of information.<sup>9</sup> Stevens et al. (1981) note that caucuses often connect with research institutes to gather information on their districts, policy problems, and proposed policy

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<sup>8</sup> On building coalitions, some scholars have speculated that caucuses' informational benefits and increasingly bipartisan memberships might be the key to restoring civility in Congress. Some caucuses provide a private platform for members, regardless of their partisan stripes, to network, learn about issues, and explore policy options together, and given that legislators voluntarily request membership in these organizations, they may be more receptive to disparate information (Ringe and Nicoll Victor 2013; Nyhan and Reifler 2010). Nicoll Victor et al. (2014), however, find no evidence that opposite party members with a shared caucus membership are co-voting on bills.

<sup>9</sup> Ainsworth and Akins (1997, 408), in line with the argument that caucuses provide policy information, contend that a sample of caucuses of the 103rd Congress were a source of "rival information, providing specialized information to counterbalance the information provided by committees." For their sample, the Appropriations, Agriculture, Foreign Affairs, Veterans Affairs, and Armed Services committees were examined alongside caucuses that addressed similar policy matters. Informational sources for the specific sample of caucuses were not discussed.

solutions. McCormick and Mitchell (2007) and Ringe and Nicoll Victor (2013) maintain that the creation of caucuses is a signal to interest groups. Caucuses unite lawmakers who have continuously demonstrated their support for a policy cause, and likeminded interest groups flock to these caucuses to subsidize their legislative efforts by offering policy expertise and experienced personnel to caucuses (Hall and Deardorff 2006, 69).<sup>10</sup>

Regarding the representational benefit, there are numerous features of Congress that allow lawmakers to represent their constituents, but some features are more useful than others. Parties promote common policy goals and recognizable electoral brands, and committees offer lawmakers the opportunity to gain expertise in policy matters and to funnel federal dollars to their districts (Cox and McCubbins 2005; Lee 2004; Krehbiel 1991; Bianco 1997). A party's membership is a broad summary of its legislators who, upon closer inspection, have varying policy interests and ideologies that must negotiate the content of the agenda. Inevitably, many members will sacrifice their individual policy preferences to achieve a marketable, collective good—the legislative record. Committees have restrictive policy jurisdictions, and many members are denied access to their preferred committees and serve on a handful of committees to comply with House rules. Unlike parties and committees, lawmakers can tailor their caucus activities to more accurately reflect their constituency's policy priorities without the added constraints.

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<sup>10</sup> For the Congressional Human Rights Caucus in the 107th Congress, for example, members collected information through briefings on topics and expert witness testimonies regarding global challenges to human rights from human rights groups and transnational actors, which would be useful for developing policy. On the flip side, human rights advocates gained “access to members and members’ staff... [,] publicity for their causes through congressional actions... [, and indirect] access to the House committee rooms and...internal mail” (McCormick and Mitchell 2007, 589). Evidence of campaign contributions by interest groups to caucus members with shared policy interests is anecdotal, but such occurring represents an additional and, *perhaps*, coincidental gain associated with the informational benefit that membership provides legislators (McCarthy 2007).

Caucus membership, then, empowers legislators to “call[] attention to the interests and needs of the district, gather[] information on these issues, and work[] with colleagues whose constituents share these interests to advance desired policies,” and lawmakers advertise their memberships on their websites and mailings, which Miler (2009, 889-891) argues is an indication that “legislators believe these affiliations to be important to their constituents.” This finding regarding caucus membership as a signal of solidarity with constituencies has been reaffirmed in caucus-specific case studies (Sprung 1965; McCormick and Mitchell 2007; Burgin 2003).<sup>11</sup>

Given scholars’ piecemeal approach to studying congressional caucuses, it is unclear whether they have had systematic agenda influence in the House since their proliferation in the 1970s, and if they did, it was short-lived.<sup>12</sup> Initially, a weakened party leadership welcomed their presence, even becoming members of caucuses and collaborating on legislative issues, and caucuses had their own office spaces and staffs that were financed by the congressional budget (Hammond 1991). However, when Representative Newt Gingrich (R-GA) assumed the role of Speaker of the 104<sup>th</sup> Congress, he quickly stripped their institutional support as part of an ongoing effort to centralize party power. The congressional budget would no longer provide funding for caucus activities, and House rules prohibited caucuses from employing independent

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<sup>11</sup> Lawmakers’ eagerness to become involved with the Congressional Temperance Society was driven by their desire to capitalize on the burgeoning temperance movement unfolding in the public (Sprunger 1965). Lawmakers from districts with a high percentage of residents born outside the US and those with Amnesty International chapters were more likely to join the Congressional Human Rights Caucus (McCormick and Mitchell 2007). Lawmakers raced to join the Congressional Diabetes Caucus to capitulate with constituency—and interest group—demand for healthcare policy to remedy the prevalence of and costs associated with diabetes in the 1990s (Burgin 2003).

<sup>12</sup> Hammond et al. (1985) explore the agenda influence of caucuses operating during the 95<sup>th</sup> to 98<sup>th</sup> Congresses. Stevens Jr. et al. (1981) is a broad informational piece that expands upon the role of caucuses, supporting the notion that caucuses address both legislative and representational concerns, and provides examples of caucuses receiving agenda influence in the 1970s. No work exclusively investigating the agenda influence of non-party caucuses exists beyond the 105<sup>th</sup> Congress, following the study regarding the Congressional Diabetes Caucus’s success on healthcare policy (Burgin 2003).

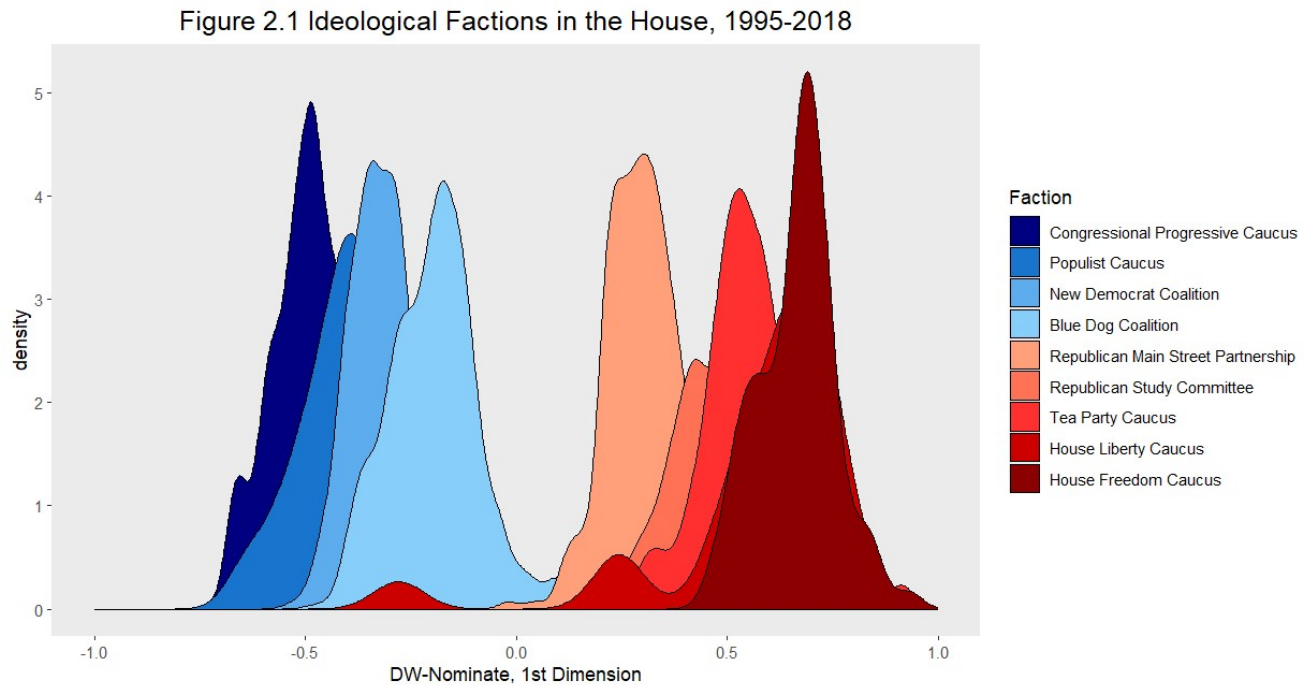
staffs, using separate office spaces, and heavily regulated their webpages (Richardson 2001). Rather than eliminating caucuses as an additional source of policy information, a platform for discussing and pursuing legislative strategy, and a means of representing constituency interests, the move pushed caucuses to adapt, and it “may have undermined the authority of party leadership” (Clarke 2020b, 233).

### ***Let the Intraparty Battles Begin: Committees, Caucuses, and Coalitions vs. Party Leaders***

Hammond (1991) went further in her distinction of party caucuses. Party caucuses could be relied upon to always support party positions, and if they had divergent goals, they lobbied until they secured the support of *all party members*. Intraparty caucuses, however, are “fragmenting groups whose views may, if not taken into account, upset fragile coalitions or within-party compromises on content” (Hammond 1991, 289). When caucuses lost their institutional support in 1995, the intraparty caucuses that evolved, such as the Republican Study Committee (RSC), and later emerged, such as the New Democrat Coalition (NDC) and House Freedom Caucus (HFC), “experiment[ed] with innovative models of financing and organization,” and they “set out to establish tight relations with think tanks and activist organizations to augment their influence” in the House (Clarke 2020b, 233). Today, they no longer rely on party leadership or the institution to function, ultimately giving them every incentive to fight them in order to fulfill their goals.

Scholars generally refer to intraparty caucuses as factions. Intraparty factions, in contrast to the previous literature on non-party and party caucuses, are strictly partisan (i.e., not bipartisan), focused on a range of policy issues, well-maintained, and prepared to challenge party

leaders for agenda influence, even if it requires fragmenting the party coalition. They are committed to building and maintaining a reputation (or brand) that is ideologically “distinct from and competitive with” the traditional two-party system, and these factional brands can be distinguished from themselves (Bloch Rubin 2017, 20).



This distinction and competition with the traditional party system is profitable for its members. First, factions resonate with voters. The party brand is a collective good that represents the central tendency of the party (Cox and McCubbins 2005). However, while heightened polarization should cleanly divide the electorate into partisan camps, many voters espouse more moderate or extreme views than the party brand would otherwise suggest. Numerous scholars have noted that, unlike political elites, the electorate’s policy preferences are multidimensional. That is, a voter’s preferences are defined by their beliefs regarding a range of economic/social welfare, social, cultural, and religious issues, and this combination of beliefs has produced voters that are better characterized as ideologically heterogenous—rather than ideologically

homogenous (Shafer and Claggett 1995; Claggett and Shafer 2010; Carmines et al. 2012; Carmines et al. 2016; Klar 2014).

Empirically, then, the preferences of voters will not neatly align with the preferences of political elites in a given policy space. In actuality, however, some political elites retain the ability to align themselves with their constituencies. Although party leaders cannot, party members are an example of those political elites that can. Party leaders, as elected spokespersons of their respective parties, are tasked with building durable party coalitions to achieve a policy record in a majoritarian institution, thereby creating a winning brand. In contrast, party members, as elected representatives of their various constituencies, must be convinced to invest in the party coalition and the legislative agenda, rather than pursuing personal policy goals that satisfy their reelection ambitions. Not only is the party brand a broad summary of its members, but it is also a rigid summary of its members. Membership within a faction, as an ideological version of the party with narrowly tailored policy positions, grants lawmakers the flexibility to represent these “heterodox partisans” with unique policy preferences that are otherwise ignored (Clarke 2020a, 452).

Second, faction membership also attracts donations. While no scholar has compared the receipts of campaign donations for members that ultimately joined a faction, Clarke (2020a) finds that once a lawmaker joins a faction, the ideology of the lawmaker’s donor base shifts to reflect the ideology of the sub-party brand. In other words, faction members joining conservative factions yields a more conservative donor base, while a more liberal donor base follows membership in liberal factions. Although we lack sufficient information regarding dollar differences, scholarship has determined that ideologically heterogeneous voters abound, and voters, who represent the largest source of contributions, are more likely to donate to candidates

with whom they share ideological agreement (Barber et al. 2017; Bonica 2014). Therefore, it follows that sub-party brands, representing an ideological version of the traditional party brand, are magnets for donations because they can activate voter participation. Factions also facilitate member-to-member donations. For instance, while party leadership is less inclined to donate to lawmakers that are associated with intraparty factions, intraparty factions plug those gaps with donations of their own, ultimately creating financial ties that bind faction members together (Gaynor 2021).

Third, faction membership attracts media attention, and factions need media attention. The media seized on the cases of intraparty battles presented in the previous chapter and at the start of the current chapter, and much to the disappointment of party leaders, factions and the media have developed a symbiotic relationship. From their end, media corporations must appeal to viewers in order to generate advertisement revenue that can sustain their operations, and reporters favor highlighting evidence of political incivility and polarization because viewers react strongly to combative stories (Mutz 2007; Mutz and Reeves 2005; McCluskey and Kim 2012).<sup>13</sup>

Regarding factions and the need for media attention, they must shift their intraparty conflicts and differences with party leadership from within the private halls of Congress, where they might go overlooked and unnoticed, to the public via media campaigns. If scholars have framed the party and sub-party (i.e., faction) as a brand, then a brand must market itself to compete and generate a profit (Cox and McCubbins 2005; Clarke 2020a, 2023; Butler and

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<sup>13</sup> For Congress, this is problematic. The media's preference for conflict-based coverage taps into the partisan and ideological divisions of political elites and voters, driving lawmakers and their constituencies to commit to their competing policy solutions. Consequently, party leadership increasingly loses control over policymaking, and efforts to negotiate policy compromises are prone to derailment (Lovett 2021; Atkinson 2017).

Powell 2014; Lupu 2013; Grynavski 2010; Tomz and Sniderman 2005). For factions, drawing media attention to the organization, its objections, and measures taken to remedy those objections allows its members to promote their sub-party brand, and from this promotion, the profit is the addition of votes, campaign contributions, and greater media attention. Indeed, among survey respondents, simply affiliating with clearly defined labels or sub-party brands changes their perception of a candidate's ideological position, suggesting that the faction brand and the traditional party brand confer different meanings (Clarke 2023).<sup>14</sup> With media appearances, these sub-party brands can communicate to their audience, and they can build name recognition and generate interest in a way that assists them with generating profit.

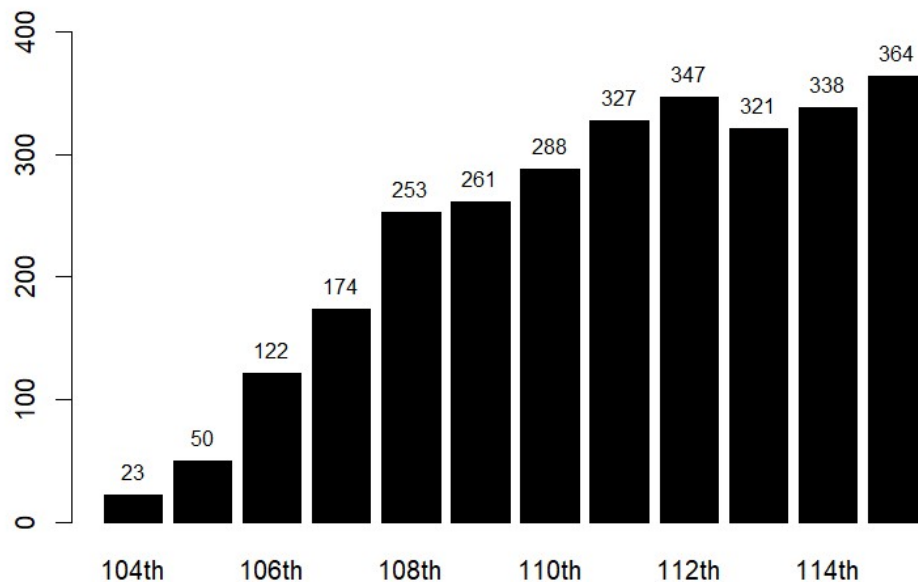
Together, then, it pays, figuratively and literally, to be different in the House. Still, it only pays dividends if a faction can effectively compete with the traditional party brand to offer prospective consumers a unique product. This product is ideological differentiation, and for current scholarship, faction members accomplish ideological differentiation by voting differently than their non-faction counterparts (Clarke 2020a; Lucas and Deutchman 2009). To produce this product, as well as market it, factions have developed whip systems, restricted membership, formed political action committees and research divisions, elected leaders, demanded participation in regular meetings and dues, and implemented voting rules (Clarke 2020a). The incorporation of these features within factions' designs allows them to function independently of their parties, and it empowers, if not emboldens, faction members to continue their pursuit of a product. If members derive benefits from factions, then it is no wonder that affiliation with intraparty factions in the House has become popular, which should simultaneously enhance their

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<sup>14</sup> Regarding caucus-specific research, Gervais and Taylor (2016) find evidence that voters perceived Republicans with a Tea Party label as more conservative.

influence and encourage factions to create organizations that can successfully compete with other political actors to attract the attention of voters, donors, and the media.

**Figure 2.2 Intraparty Faction Membership by Congress (1995-2018)**



### ***Legislative Influence as a Fourth Benefit?***

Distinction and competition are profitable. The party brand largely overlooks the subtle policy differences in individual lawmakers' constituencies, but the competing sub-party brand that each faction offers can amplify and pursue those differences, resulting in a unique product. This product, according to Clarke (2020a), is cultivated through members' voting records. Faction members vote differently than non-faction members (See e.g., Clarke 2020a; Lucas and Deutchman 2007, 2009; Medvic 2007; Ragusa and Gaspar 2016). These studies present factions as reactive rather than proactive in the House. That is, factions vote on policy that arrives to the floor rather than introduce policy. However, faction members might also differentiate themselves by publishing policy agendas that demonstrate ideological differences, introducing legislation

that reflects their policy preferences, and subsequently lobbying the chamber to support their bills. Indeed, they have.

DiSalvo (2012) and Bloch Rubin (2017) offer detailed accounts of intraparty divisions that have pitted ideological factions against party leadership from 1868 to 2014. These accounts include discussions of factions' motives, memberships, and tactics that scholars argue ultimately contributed to their success or demise in the House. Other accounts are faction-specific but offer similar insight. Lucas and Deutchman (2010) review the BDC and Republican Main Street Partnership's (RMSP) agendas and how their moderate agendas have impacted their numbers and strategies over various elections since 1994. Medvic (2007) examines the NDC's platform and compares the faction's ideology to the Democratic Party. Ragusa and Gaspar (2016) note the various tactics, organizational features, and ambitions of the Tea Party Caucus that affected the voting records of affiliates and non-affiliates alike, leading Republicans and Democrats to further migrate to the poles. Green (2019, 11) highlights the HFC's formation, its agenda, and its preference for "hard-nosed bargaining" with House leadership.

With the assistance of policy and public relations staff, factions operating in recent years have established websites that they routinely update to include information on their policy agendas, proposals, and accomplishments. For example, in July 2020, the NDC released statements touting the success of an NDC-sponsored bill creating a commission to study the "societal factors that have disproportionately impacted black males in America" (New Deal Coalition 2020a). The NDC also announces bills its members have introduced, such as the Worker Relief and Security Act of 2020 by Representatives Don Beyer (D-VA) and Derek Kilmer (D-WA) (New Deal Coalition 2020b).

Along with official policy positions, the Republican Study Committee (RSC) has policy task forces to boost informational awareness surrounding specific policy matters amongst its selected members, and information collected by members of these task forces is incorporated into their legislation and amendments. In 2023, Representative August Pfluger (R-TX) introduced an amendment to the No Funds for Iranian Terrorism Act that blocked all “Iranian sanctioned funds from being unfrozen or otherwise released[] and...removing the President’s abilities to release such funds through the abuse of waiver or license authorities” (Republican Study Committee 2023). Pfluger was a member of the RSC’s National Security Task Force, and the RSC endorsed this amendment that ultimately passed the House. For those factions that do not actively maintain websites, such as the HFC, their policy agendas can be deduced from journalistic accounts or directly from the members via their social media platforms.<sup>15</sup>

Evidence indicating whether the pursuit and publication of an alternative policy agenda yields success is intriguing, and scholars vary significantly on their definition of success. Anecdotally, conclusions derived from those scholars that have examined numerous factions imply that factions’ records of success are mixed, infrequent, and context-dependent. For DiSalvo (2012), success occurs when the faction achieved its goal of decentralizing or centralizing power through alterations to the rules and procedures or installing likeminded political actors into positions of power (i.e., leadership in the House or the presidency). This is a broad definition of success that avoids an investigation into substantive legislative gains, but the

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<sup>15</sup> The HFC, at present, does not have an official website, but the faction maintains a presence on popular social media platforms. Much of what is known about the HFC, including its membership, rules, and preferences, is gleaned from media reports as much of their affairs, save their battles with leadership, are conducted in secret (Bryant 2023; Reynolds 2015; Lee 2015; Rogers 2023).

implication is that likeminded leaders and institutional reforms alter agenda setting and the way legislation is processed in such a way that it advantages the faction.

For Bloch Rubin (2017), who reviews substantive policy achievements, a faction's success is contingent on the circumstances at hand, including the composition of the House (i.e., pivotal politics), the faction's organizational design (e.g., voting rules and hierarchical leaderships) and strategies (e.g., negotiating with party leadership and making public appeals), and the faction's policy demands (i.e., willingness to compromise). Green (2019) identifies eighteen cases in which the HFC took a clear policy position or signaled their interest in influencing the agenda. Of those eighteen cases that occurred in the 114<sup>th</sup> Congress, the HFC's preferred position prevailed on eleven occasions.

Only these three studies, to my knowledge, have presented factions' policy agendas and explored whether the *faction* made headways on these agenda items in the House. Clarke et al. (2019), however, takes an objective, empirical, and systematic approach to defining patterns of legislative success amongst ideological factions. Applying the methodology associated with Legislative Effectiveness Scores, they find that only those members affiliated with centrist or conservative factions in the minority party are more likely to advance their bills through the House.

Together, then, these findings suggest that most factions, despite advertising separate policy agendas and employing a range of tactics to fulfill them, are largely unable to alter the content of the agenda or pose any significant risk to leadership. In other words, the image of the ideological faction as a nefarious entity determined to create chaos in the House on their quest to redefine the party brand has been exaggerated by scholars and journalists. This is deeply puzzling, and it raises the question of why any lawmaker, in the majority and minority party,

would take the risk of publicly committing to organizations that proclaim to have winning, divergent policy solutions if that organization cannot advance those solutions. Furthermore, given the extent to which members have engineered their factions to function independently of the party, these findings are curious, and I will contend that faction members are better positioned to demand agenda influence, particularly in the contemporary House, through unorthodox means of policymaking.

### ***A Theory: Why and How Factions Might Procure Legislative Benefits***

Every faction is ideologically distinct from their parties with their members, legislative goals, and policy prerogatives being either too moderate or too extreme than the majority of their party (Clarke 2020a; Bloch Rubin 2018). Although ideological distinction is often attributed to their voting records, these divergent voting records, niche constituencies, and factions' public policy platforms suggest that these members also introduce legislation that is not readily agreeable to the majority of the party. Still, there are reasons to suspect that the policy positions articulated by these factions are ideally suited for serious consideration within the House.

First, faction membership is too pervasive to ignore. Since 2003, over fifty percent of the House has identified with an ideological faction, and by 2009, roughly seventy-five percent of House members have proudly referenced their ideological factions in the media and amended their websites to include information on their faction memberships. The number of intraparty factions operating within the contemporary House is equally problematic. Party leadership must not only grapple with a large chunk of their caucuses dissatisfied with the traditional party brand and distracted by their promotion of an alternative sub-party brand, but they must also determine

how to fairly and adequately address their competing policy interests. The case study provided at the beginning of this chapter is evidence of the conundrum that party leadership faces. House Democratic leadership needed the cooperation of the BDC and CPC to advance their agenda, but these factions have vastly different viewpoints regarding the nation's fiscal policy. Building large, durable voting coalitions under these circumstances can be difficult.

Second, with every legislative measure or idea that receives consideration in the House, factions have a choice: To sink or to support. Distinction is synonymous with defection, and for factions, sinking is more profitable than supporting. Voters are said to value parties with consistent brands, but voters also electorally reward lawmakers that engage in defection for a variety of reasons (Tomz and Houweling 2009; Wittman 1989; Canes-Wrone et al. 2002; Carson et al. 2010; Koger and Lebo 2013; Duell et al. 2023; Lindstadt and Vander Wielen 2013).<sup>16</sup> Taken together, for a faction seeking to compete with the traditional parties, defection is profitable so long as it is consistent. In the previous section, I reviewed various motives that have driven lawmakers to develop intraparty organizations, where competition and distinction bring added attention from voters, donors, and the media. These, of course, are akin to electoral rewards that encourage lawmakers to rebel against party leadership. Demonstrating excessive (traditional) party loyalty (i.e., obeying party leadership), rather than pursuing legislation that aligns with

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<sup>16</sup> Research on voters' interpretation and appreciation of defection is intriguing. Kam (2009) maintains that legislative dissent is electorally profitable because practitioners receive increased media attention, advancing name recognition efforts and boosting support at the ballot box. Under this argument, voters do not independently and directly react to the legislator's rebellion. Voters might also conditionally reward dissent, where their support depends on the nature and context of the dissent and the policy preferences of the voter. In the former, approval of the dissident is conditioned on the voter's partisanship, where partisans positively evaluate those legislators that rebel against the opposition party and non-partisans positively react to lawmakers that denounce partisan politics (Webb 1996; Harbridge and Malhotra 2011). With respect to the latter, voters value dissent when their lawmaker bucks same-party leadership's demands to better pursue their policy preferences (i.e., policy proximity) (Carson et al. 2010; Canes-Wrone et al. 2002; Koger and Lebo 2013). Finally, Campbell et al. (2016) contend that dissent is a valence signal, where voters perceive the dissident to be more trustworthy and a reflection of someone with more integrity.

their constituency's vision for the party, would have the adverse effect of, ironically, diluting the sub-party brand and jeopardizing their reelection ambitions (Lupu 2014). Diluted sub-party brands cannot expect to compete with the traditional party brand—as they become one, and if they cannot compete, they cannot convincingly prove their distinction.

Third, incentivizing these numerous lawmakers who have the tendency to defect is more problematic in light of factions that have implemented features to ensure their members are committed to their strategies and can endure punishment for rebellion. Many factions operate as a bloc, or they move as one because there is strength in numbers within the majoritarian institution of the House. Factional design, therefore, is important. The incorporation of stringent membership requirements, routine meetings, whip systems and leaderships, and voting rules into a faction's daily operations signals that these organizations are committed to ideological purity and to advancing their policy goals. Factions also have the tools necessary to compete for policy influence and communicate their accomplishments and preferences. With political action committees, policy teams, sleek websites and social media platforms, and a band of likeminded, ideologically committed members surrounding them, a faction member that willingly chooses to obstruct party leadership's legislative agenda can endure the stick without losing the bigger carrot (Clarke 2020a, 2023; Bloch Rubin 2017).

Fourth, party leadership must engage in vote buying to offset the propensity of faction members to defect, and the organizational features, ideological cohesion, and sheer size of factions make them a persuasive force. Strategically, however, it benefits party leadership to reward these blocs of ideologically likeminded lawmakers rather than individually distribute rewards to standalone members. Despite the nuisance they represent, factions, then, are cheaper to buy. If factions, such as the NDC and RSC, are converting their policy ideas into legislation or

amendments with the assistance of policy experts, and their memberships are endorsing these legislative measures and advising leadership to seriously consider them, then it follows that party leadership's decision to include these measures in the agenda would satisfy numerous members with similar ideological preferences and constituencies. These measures conserve agenda space, time, and resources.

Finally, with factions, party leaders do not have a choice. While acceding to the policy demands of these factions threatens to undermine the authority of party leadership and the supremacy of the traditional party brand, they must go along to get along because the contemporary congressional environment favors political inaction and instability. A series of institutional reforms in the 1970s centralized party leadership's control over the agenda and their party members in the House. As a result, a plethora of scholarship contends that policymaking and congressional elections became more partisan and divisive as both parties issued appeals to an increasingly polarized electorate. By the 1980s, control over policymaking in the House began frequently shifting hands with neither party controlling an overwhelming majority, and these narrow, rotating majorities have become the norm. At the same time, Congress stopped investing funds into its internal resources to diminish the power of policy staffers, who overwhelmed lawmakers with information and policy proposals or helped transform Congress into a reelection machine aimed at delivering casework and pork-barrel measures.

On the former, Lee (2016) argues that this intense battle for institutional control has led the parties to constantly seek ways to magnify their differences, which often involves promoting their image and undercutting that of the opposition through intense messaging campaigns. Therefore, minimizing partisan in-fighting and dissent becomes an additional goal, aside from accomplishing a policy record, for leadership. On the latter, defunding Congress has led to a

myriad of problems, including diminished staff and their expertise, committee activity, and bill productivity while increasing the likelihood of gridlock and frustration among congressional members (LaPira et al. 2020). These problems have simultaneously occurred as the scope of government expands, policy problems have become more complex and numerous, and the public demands greater policy action.

To accomplish these goals within a two-year period and to compensate for decreased congressional capacity, the majority party leadership restricts access to the agenda, assumes a larger role in policymaking, and distributes a variety of carrots and sticks to persuade members to ditch their personal preferences and animosities (Cox and McCubbins 1993, 2005; Curry 2015; Pearson 2015; Curry and Lee 2016). Intraparty factions are also cognizant of this environment, and because factions can make or break legislative outcomes and strategies, this environment can afford them to utilize their faction memberships as bargaining chips as leadership struggles to build a reliable voting coalition.

Within Congress, party leadership must mitigate a range of issues to develop a legislative record and (re)secure control of majority party status. For example, leadership routinely grapples with party members' differing policy interests and ambitions, the animosity between the parties that make intraparty and interparty compromise exceedingly difficult, the perception of the party's image and messaging strategies among voters and interest groups, and the limited time and congressional staff at their disposal. Therefore, it has increasingly resorted to legislating through unorthodox means to ensure order in the House and accumulate policy successes before Election Day (Sinclair 2016). Often, this means attaching a series of unrelated bills as "hitchhikers" to omnibus legislation, issuing restrictive rules to limit amendments and debate, creatively using multiple-measures rules to consider numerous bills on the floor at a singular,

prescribed time, quietly drafting and shuttling bills through the House without consulting party members, and suspending the rules for the immediate consideration of preferred legislation (Moffet 2016; Bussing 2020; Casas et al. 2020; Cox and McCubbins 2005; Lynch et al. 2016; Meinke 2022; Curry 2015).

By solely focusing on whether a faction member's bill becomes a law through traditional policymaking channels in the House, Clarke et al. (2019) are narrowly defining legislative effectiveness, as the methodology associated with legislative effectiveness scores do not account for these unorthodox, popular means of lawmaking, and they might be underestimating the true extent of factions' legislative success. I argue that, rather than accumulating policy successes through the linear, traditional bill to law pathway, faction members' agendas are being processed through non-traditional means of lawmaking. In the following chapters, I examine three such ways factions might be more effective at legislating than Clarke et al. (2019) are giving them credit for: suspension of the rules, structured rules amendments, and legislative hitchhikers.

In summary, throughout this research, I expect faction members to be legislatively advantaged over their non-faction counterparts, and given that the House is a hyperpartisan, centralized, and majoritarian institution, I expect that faction members in the majority party are especially advantaged over their non-faction counterparts. Unclear, however, is which intraparty factions are more likely to benefit under these circumstances.

### ***In Moderation or Excess: Agenda Control in the House***

If individual legislators assume political office publicly and privately motivated by a range of reelection, power, and policy goals, which may be inspired by other demographic,

socioeconomic, and experiential factors, then delegating power to party leadership in order to build a favorable policy record that can safeguard the party's control over policymaking channels makes sense. Otherwise, a 435-member chamber, regardless of the number of seats the parties' control, with different motivations and no incentive to cooperate would devolve into chaos and disorder. Party members, then, create parties to "win more of what they seek to win, more often, and over a longer period of time," and party leaders, whose selection is a reflection of the party median, are empowered to devise effective strategies for pursuing their goals and building strong, reliable coalitions (Aldrich 2011, 28; Cox and McCubbins 1993, 2005; Smith 2007).

All party members are elected under a broad party label, which reflects the policy preferences of the median member of the party, and the "reputation of a member's party affects the member's personal probability of reelection and...the party's probability of securing the majority" (Cox and McCubbins 2005, 21). If voters assess parties for their ability to develop and fulfill a policy record, using elections as an accountability mechanism, then a party's failure to accomplish its policy priorities would be electorally disastrous. To avoid this, party leaders' strategies often include incentivizing wavering party members who do not neatly align with the party's label or support all facets of the agenda.

Theories of agenda control have largely identified ideological moderates as recipients of these incentives. In the House, legislative outcomes are decided by a simple majority vote, and spatial models predict that the median member of the chamber will cast the pivotal vote, controlling the fate of policy (Black 1958; Cox and McCubbins 2005; Krehbiel 1998). The chamber's moderate members, as representatives of electorates with deeply heterogeneous, often conflicting policy preferences, will reside at the floor median. These members represent marginal districts and navigate a political tightrope because excessive party loyalty leaves weak partisans

and independents unsettled and invites electoral challengers to these unsafe seats (Canes-Wrone et al. 2002; Carson et al. 2010). Indeed, research confirms that these members are prone to defection (Carson et al. 2014; Clarke et al. 2016).

Because the party's legislative agenda is biased in favor of mainstream and extremist members, moderates often receive coveted leadership roles in the House, allowing them to amplify their profile and boost name recognition in a media market whose gatekeeping methods prefer extremism and party leaders (Pearson 2105; Lee 2016; Padgett et al. 2019; Wagner and Gruszczynski 2018). Moderates also receive additional campaign donations to offset their policy losses and fend off electoral challengers (Jenkins and Monroe 2012). Additionally, party leaders often grant their bills and amendments preferable treatment in the policymaking process.

For instance, Lynch et al. (2016) show that moderates are more likely to amend bills, altering the direction and purpose of the bill, under structured rules. Empirical evidence demonstrates that party leaders will clear agenda space for moderates to pursue and secure particularized benefits that finance pork barrel projects in their districts, such as funding to a local art museum or contracts with local companies (Carroll and Kim 2010). Moffet (2016) finds that bills sponsored by moderates are more likely to be considered under suspension of the rules, ensuring their bills are protected from potentially harmful amendments and processed quickly.

Conclusions drawn from recent research, however, have pushed back on the notion that moderates are solely responsible for defection in the House. As congressional parties have become significantly polarized in recent years, the party's median member has migrated toward the poles of the ideological spectrum, or the parties are becoming more ideologically extreme and ramping up their attacks on the opposition party (McCarty et al. 2006; Lee 2009; Theriault 2013; Gelman 2020). Therefore, the party platform (i.e., legislative agenda), label, and leadership

are increasingly associated with ideological extremism, and the parties have demonstrated an increased propensity to engage in “partisan warfare” to magnify their differences and achieve their legislative goals (Lee 2009, 2016; Theriault 2013, 11; Jessee and Malhotra 2010). Thomsen (2017) contends that moderates are shying away from congressional careers because the parties are much friendlier to extremists. Extremists, owing to their devotion to party leadership and policy prerogatives, are much more likely to obtain leadership positions (Minozzi and Volden 2013; Grofman et al. 2002; King and Zeckhauser 2002; Heberlig et al. 2006; Harris and Nelson 2008; Jessee and Malhotra 2010; Asmussen and Ramey 2018). They also have a talent for sharpening the divide between the opposing parties and are the party’s biggest defenders, while moderates are the biggest proponents of bipartisanship or avoid the spotlight altogether (King and Zeckhauser 2002). In fact, extremists have no reason to temper their rhetoric as they emerge from deep red or blue districts.

Therefore, party leadership has a greater reason to feel exasperation with, and to rethink their reward calculus regarding, ultraconservative and ultraliberal members of the parties. Extremists are more likely to defect from the party than moderates in multiparty and two-party systems (Kirkland and Slapin 2019; Benedetto and Hix 2007; Gaines and Garrett 1993; Kam 2009). In fact, Mann and Ornstein (2012) note that American parties are behaving similarly to parties in parliamentary systems, and within these parliamentary systems, extremists are defecting to better represent their constituents and “to build a ‘brand’ separate from that of their party” (Proksch and Slapin 2012, 2015; Kirkland and Slapin 2019, 27). Regarding intraparty factions, Green (2019, 4-5) maintains that “positive [media attention] from partisan...outlets, campaign donations[,]...and pressure from primary voters to refrain from compromise may tempt more-extreme, re-election-minded members...to threaten intraparty dissent...in order to

expand their ability to shape legislation.” If extremists are increasingly willing to defect, then it follows that party leadership should equally fulfill their policy demands.

What are we to make of these findings regarding the tendencies of moderates and extremists to rebel against party leadership? Both can simultaneously occur in the House as each wing has their own reasons for bucking the party system, and under the circumstances that define the contemporary Congress, both wings are poised to be effective in their quest to challenge party leadership. These groups of likeminded legislators can collectively represent the floor median to influence policy outcomes, contradicting spatial models that assign the role to a single legislator (Bloch Rubin 2017). Consequently, party leadership must expend greater rewards to maintain control over the caucus. Incentivizing these lawmakers to join a diverse voting coalition is challenging when the House is dominated by factions that have large memberships, opposing preferences, a commitment to their preferences, and can reward their members. If these extremist and moderate members are organized into various, competing factions, then agenda control today may be a story of how party leaders satisfy the median member of *each individual faction*. With the exception of suspension bills, I, therefore, expect the majority party’s moderate and extremist faction members to equally receive amending opportunities under structured rules and hitchhikers under omnibus legislation.

Unlike legislative hitchhikers and amendments, the suspension of the rules procedure has constraints. There is little agenda space for the overwhelming amount of legislation that is introduced in a given congressional session. House members usually spend half of every month during a session working in DC, while the other half is reserved for district work. Of the roughly 180 days members work on Capitol Hill, suspension procedures are only in order on Mondays,

Tuesdays, Wednesdays, and the last few days of session, but only a small fraction of these days overlaps with regularly scheduled workdays in DC.

Because narrow, rotating majorities and limited time and agenda space are the norm in the modern House, Speakers must be strategic about which bills will have the desired outcome once on the House floor. That is, Speakers prefer to suspend the rules for those bills that can achieve the votes necessary to pass. Under House rules, suspension bills only succeed with the support of two-thirds of the chamber, so in the House, Speakers must cross party lines to build a winning coalition. If suspension bills require bipartisan support in the contemporary Congress, then lawmakers at the poles of the ideological spectrum are most likely to be at odds over the content of the policy.

A CPC-sponsored bill increasing funding for the US Departments of Education and Agriculture to guarantee that children have access to free meals at school will not be well-received by the HFC, a band of ultraconservative Republicans consumed with decreasing the size and scope of government, or the BDC, those moderate Democrats that fashion themselves as fiscal conservatives. Furthermore, passing such policies would damage their sub-party brands, equally diluting its heuristic value. For strategic-minded party leaders, policies originating around the chamber median are most likely to capture bipartisan support from those lawmakers that are middle-of-the-road and middle-of-the-party, fulfilling the two-thirds vote requirement. Therefore, for this procedural device, I expect that only moderate intraparty members will be successful.

In summary, each chapter will broadly hypothesize that intraparty faction members will be procedurally advantaged over their non-faction member counterparts. Moderate and extremist faction members are expected to be equally rewarded under structured rules and omnibus

legislation because neither device requires a supermajority to prevail. Because party leadership must be strategic in their use of the suspension of the rules device, moderate faction members in the majority and minority party are expected to prevail over extremist faction members. These hypotheses are formally presented in the subsequent chapters, and the factions explored in this research agenda are provided below.

Table 2.1 Overview of Factions (1995-2018)		
Faction	Years	Category
Congressional Progressive Caucus (D)	2001-2018	extreme
Populist Caucus (D)	2009-2012	extreme
New Democrat Coalition (D)	1997-2018	moderate
Blue Dog Coalition (D)	1995-2018	moderate
Republican Main Street Partnership (R)	1999-2018	moderate
Republican Study Committee (R)	2003-2018	extreme
Tea Party Caucus (R)	2010-2014	extreme
House Liberty Caucus (R)	2013-2014	extreme
House Freedom Caucus (R)	2015-2018	extreme

***A Final Note: Ulterior Motive vs. Assumed Motive***

Finally, the question explored in this research agenda requires a comment on the internal motivations of factions and a discussion of the implications. I acknowledge that lawmakers have a range of motivations guiding their legislative behavior, including good public policy, institutional influence, reelection, demographics, and socioeconomic background (Mayhew 1974; Fenno 1973; Bendix and Jeong 2020; Dietrich and Hayes 2023; Rocca and Sanchez 2008; Tate 2001; Atkinson and Windett 2019; Carnes 2012; Asmussen Mathew 2018; Ban et al. 2022; Oldmixon et al. 2005).

Understanding whether one motivation has an outsized, continuing influence for all legislators' decision-making calculus is challenging. Likewise, establishing whether members of an intraparty faction are genuinely interested in changing policy or driven by media stardom and the promise of extra campaign contributions (i.e., showmanship, ideological grandstanding) is equally challenging. However, this research will assume that intraparty faction membership and their subsequent decisions are driven by the desire to substantively influence legislative policy in the House for a handful of reasons.

First, all ideological factions in the House are organized around a political creed that envisions a different version of the mainstream parties. Members of the Republican Main Street Partnership (RMSP), a faction of moderate Republicans, maintain that the “future of the Republican Party...is fiscally responsible and socially inclusive” (Republican Main Street Partnership 2023). The CPC advocates for “progressive ideals” and maintains that it is the “leading voice calling for bold and sweeping solutions to the urgent crises facing this nation” (Congressional Progressive Caucus 2023). Factions subsequently draft, publish, and pursue legislative policies that are consistent with their creeds.

For instance, the CPC is known for advancing causes that reduce social and economic inequalities, and their bill, entitled the Universal School Meals Program Act of 2022, provides free breakfast, lunch, and dinner to every student “without demanding they prove they are poor enough to deserve help getting three meals a day” (Congressional Progressive Caucus 2022). The HFC, created in 2015 by a handful of Republicans interested in advancing legislation that limits the size and scope of government, introduced the Fair Tax Act of 2023 that called for the abolishment of the Internal Revenue Service (Lobosco 2023). Factions also go to great lengths to

ensure they adequately represent their constituents' interests on policy by investing in polling data and reporting their findings (Jayapal 2021; Brooks 2022).

Second, party leaders are publicly and privately engaging with these factions and adjusting the legislative agenda to stifle division. Although the bill became Democratic “political gold,” the HFC’s bill abolishing the IRS received a House vote that left many mainstream Republicans and leadership uncomfortable (Guggenheim 2023). On the battle over Build Back Better, Speaker Pelosi (D-CA) publicly made assurances to the BDC and CPC that their legislative concerns were being taken into consideration, and in the wake of their public threats to sink the agenda, she rescheduled the votes on the social and infrastructural packages numerous times (Caygle and Ferris 2021b; Korecki and Cadelago 2021a; Ferris et al. 2021b). This policy of appeasement suggests that party leaders recognize the gravity of their situation and the power these members hold. Therefore, regardless of whether the faction intends to be taken seriously, party leaders take them seriously when they register their policy positions.

Finally, intraparty factions police themselves. That is, members can be voluntarily or involuntarily removed, and factions spend thousands of dollars advancing candidates in elections to boost their numbers—even if it means ousting members of their own political party. In 2015, over a dozen Republicans abandoned the Republican Study Committee (RSC) to launch the HFC and pursue legislation that would pull the party further right. Members of the HFC maintained that the RSC had “grown too large to be effective” (French 2015a). Representative Tom McClintock (R-CA), just months after the HFC’s establishment, resigned from the caucus in protest of the group’s radical tactics that had consistently undermined conservative goals (French 2015b). At the start of 2023, the BDC’s membership was slashed in half after seven of the fifteen members clashed over the faction’s brand and agenda in the Republican House (Mutnick and

Ferris 2023). Six months later, in July 2023, the HFC secretly voted to remove Representative Marjorie Taylor-Greene (R-GA) for her growing alliance with Speaker Kevin McCarthy (R-CA), which, according to some caucus members, ran counter to “the whole point of their group[–]as needling and thwarting party leaders until they got their way” (Karni et al. 2023). Finally, in February 2024, Representatives Ritchie Torres (D-NY) and Lois Frankel (D-FL) quietly departed from the CPC after vocalizing their public support for the Israeli government in the Israeli-Hamas Conflict (Wu and Diaz 2024).

In 2020, the RMSF spent roughly one hundred thousand dollars successfully ousting Representative Steve King (R-IA) in the Republican primary (Ackley 2021). During the 2022 midterms, though unsuccessful, the CPC endorsed Jessica Cisneros’s campaign to unseat Representative Henry Cuellar (D-TX), a member of the BDC (Wu 2022). These factions are a sample of those that spent thousands and endorsed numerous candidates that promised to advance their causes once seated (Schnell 2022; Marcus 2020; Ackley 2022). Their willingness to invest resources into boosting the size of their faction and ensuring its ideological purity suggests that factions recognize the legislative power that follows a large membership. In the simple majority, narrowly held, and ideologically charged institution of the U.S. House of Representatives, there is strength in numbers.

## CHAPTER 3

### PROCEDURAL ADVANTAGE THROUGH SUSPENSION OF THE RULES

In the final days of 2021, Representative Suzan DelBene (D-WA), chair of the New Democrat Coalition (NDC), reported the faction's policy achievements and notable activities in the first session of the 117<sup>th</sup> Congress. In concluding, she announced that the faction's top priorities for the upcoming year, an election year, "[were] clear: deliver real results for [their] constituents, keep [their] Democratic majority...act swiftly on upcoming legislative priorities...and help [their] members communicate [their] accomplishments back home" (DelBene 2021). The 2022 midterms brought a Republican majority to the House, but in its aftermath, scholars, journalists, and the party scrambled to analyze and offer their explanations for why the expected "red wave" arrived as merely a ripple (Debusmann and Sherman 2022).

Despite inflation cruising at its highest rate in four decades, a continued influx of immigrants at the southern border, and the country still reeling from the effects of the coronavirus pandemic, the Democratic Party did exceedingly well, prompting one journalist to declare that the "[Biden] administration had the best midterm performance of any president in decades" (Balz 2022, Salam 2022). Although they did not fulfill one of their declared objectives, the NDC had reasons to be optimistic at the conclusion of the second session of the 117<sup>th</sup> Congress.

First, with election results of the 2022 midterms made official, the faction retained its membership of nearly one hundred House Democrats, continuing to represent the second largest intraparty faction within the Democratic Party and the largest intraparty faction of ideological moderates in the chamber. Second, members of the NDC, once again, ended the year with an enviable policy record made possible, in large part, through the suspension of the rules procedure.

For the 117<sup>th</sup> Congress, over eleven thousand bills and resolutions were introduced in the House—a workload tracking with prior congresses. Legislation in the House can be processed in a myriad of ways. For example, an introduced bill can be processed through traditional means. That is, it is assigned to the relevant committee(s), shuttled to the Rules Committee for a rule that will govern the amending process and debate parameters, and then, scheduled for floor consideration. However, non-traditionally and exclusively in the House, a bill might also be processed through the suspension of the rules procedure. Under this procedure, the bill bypasses the House Rules Committee and is brought directly to the floor for an up-or-down vote. The selection of the policymaking method is at the discretion of party leadership. The latter method is ideal because it saves time, preserves the original language and intent of the bill, and largely sidesteps the merciless winnowing process, but the drawback is that it requires the support of at least two-thirds of the chamber in order to prevail.

If suspension of the rules is “the most commonly used procedure to call up legislation” in the House, and most suspension bills ultimately pass because party leadership strategically chooses bills that secure the two-thirds vote threshold for passage, then the NDC legislatively delivered for the party and their constituencies (Hudiburg 2020, 2022). For the 117<sup>th</sup> Congress, the NDC represented 44% of the Democratic Party, and NDC members sponsored 47% of all

suspension bills introduced by Democrats in the House. The Congressional Progressive Caucus (CPC), representing 45% of Democrats, sponsored 40% of the suspension bills introduced by Democrats in the House. Therefore, just 13% of suspension bills were sponsored by Democrats not affiliated with either caucus, and broadly, Republicans sponsored 28% of *all* House bills considered under suspension of the rules in 2022 (Progressive Caucus Center 2023).

While Republicans blamed “candidate quality” and shallow campaign coffers on their dismal electoral performance, and political pundits and Democrats pointed to the Supreme Court’s decision to overturn *Roe v. Wade* and the highly controversial intervention of President Donald Trump, the NDC and CPC could credibly claim they also worked for the American people and deserved to retain their seats (Kapur 2022; Slodysko and Kessler 2022; Siders 2022, Salam 2022). Were the factions’ legislative successes in the 117<sup>th</sup> Congress an anomaly, or do intraparty factions exercise a significant advantage in the lawmaking process? The following chapter investigates whether intraparty factions are more legislatively effective than their non-faction counterparts through the suspension of the rules procedure.

### ***A Dummy’s Guide to Suspending the Rules in the House***

Since 2000, it has not been unusual for over ten thousand bills to be introduced in any given Congress, but the legislative calendar only has space for a small fraction of those bills and their accompanying amendments. Therefore, party leadership necessarily exercises significant control over the agenda to streamline policymaking and organize the House. This often requires minimizing those measures that divide the party from reaching the floor and promoting those that advance the party’s electoral interests.

Studies of agenda control have focused almost exclusively on the role committee chairs and the Rules Committee, often at the behest of the Speaker, play in this process. Leaders, for instance, might work with committee chairs to determine the content of the bills and which bills are ultimately reported out of committee, leaving rank-and-file members “legislating in the dark” by preventing them from participating in much of the actual lawmaking process (Curry 2015, Pearson 2015). The Rules Committee, through the application of restrictive rules, decides whether and which amendments are in order for legislation that is reported out of committee (Cox and McCubbins 2005, Monroe and Robinson 2008). These rules protect the party’s legislative priorities and expedite the consideration of important legislation (Moffett 2012; Oleszek et al. 2020; Marshall 2002, 2005; Dion and Huber 1996, 1997; Pearson 2015).

Aside from the Speaker’s influence on other party leaders and his authority to refer bills to committees, the Speaker’s ability to control the agenda through the use of the suspension of the rules procedure has received little scholarly attention.<sup>17</sup> Legislation in the House can be processed in a multitude of ways. On the one hand, for example, an introduced bill can be processed through traditional means. Traditionally, House rules require the Speaker, who often confers with the Parliamentarian, to refer a bill to the relevant committee(s). Once the bill undergoes hearings, markups, and a vote to report the bill in the committee(s), it is shuttled to the Rules Committee for a rule that will govern the amending process and debate parameters, and then, it is scheduled for floor consideration. For most bills in the House, their journey ends at the committee stage because committee chairs, as extensions of the party leadership, sort and discard

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<sup>17</sup> Though the Speaker of the House retains the right to refer those bills introduced to the chamber to committees, he often relies on the Office of the Parliamentarian, an appointed, nonpartisan individual with expertise in policymaking that party leaders and members utilize for policy advice, understanding rules and procedures, and maintaining legislative precedent (Heitshusen 2018). In the House, once appointed, he is usually re-appointed regardless of the party in control.

those bills that might tarnish the party's reputation or the larger committee rejects the bill in a vote to report it to the Rules Committee (Krutz 2005; Cox and McCubbins 2005).

On the other hand, as another example, a bill might be processed through the suspension of the rules procedure, a nontraditional tool used exclusively in the House. That is, the bill is referred to and processed by the appropriate committee, and *usually*, provided the committee leaders and members agree that the bill is a good candidate for the procedure, the committee leader recommends that the Speaker move to suspend the rules. If the Speaker submits a motion to suspend the rules in the House (i.e., waiving all points of order against the bill and its consideration), the bill bypasses the House Rules Committee and is brought directly and immediately to the floor.

On the floor, the parties have forty minutes to debate the bill, often dividing the time between themselves, and no member of the House is permitted to amend the bill. At the conclusion of the fortieth minute, the bill undergoes a single up-or-down vote under a combined motion to suspend the rules and pass the bill, and to pass, the motion needs verbal approval (i.e., voice vote) or the recorded vote of two-thirds of the chambers (Rybicki 2022). The latter method of passage is tedious, and members have resorted to increasingly requesting the recorded vote to obstruct the agenda and draw partisan distinctions (Parker and Theriault 2024). The selection of the policymaking method is at the discretion of party leadership. Suspending the rules to consider legislation is ideal for leadership and members because it saves time and resources, preserves the original language and intent of the bill, and largely sidesteps the merciless winnowing process, but the drawback is that it requires the support of a large coalition, including members of the minority party, in order to prevail.

Agenda setting through bill sponsorship and cosponsorship provides individual lawmakers with the opportunity to identify policy problems and offer policy solutions without the constraints of party loyalty, committee position, and seniority (Baumgartner and Jones 1993; Kingdon 1995). In other words, bill sponsorship and cosponsorship are easy, unconstrained ways of participating in the political process, representing voters' interests, and ultimately protecting their seats. Still, negative agenda control and intense competition for majority control of the House ensures that many of these bills are never given serious consideration.

Given the difficulty of converting bills into laws under the traditional method, scholars have conceptualized this procedure as a reward or side payment in exchange for loyalty to the party's legislative agenda and to incentivize members to continue their investment in maintaining the party's majority power.<sup>18</sup> For instance, Moffett (2016) finds that the procedure is routinely granted to ideologically centrist members of the majority party. Bussing (2020) argues that bills considered under suspension of the rules are given to electorally vulnerable majority party members and bills that are sponsored by (sub)committee chairs, but the procedure is strategically withheld from electorally vulnerable minority party members. Neither empirical study considers the role of faction membership as a reason to grant suspension.

### ***Intraparty Factions as Ideal Candidates for the Suspension of the Rules Procedure***

The suspension of the rules procedure represents one way faction members might be more legislatively effective than empirical research would otherwise suggest. To be clear, however, the

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<sup>18</sup> Other methods of vote buying include campaign contributions, access to preferred committees and leadership roles, amending opportunities, campaign appearances, particularistic benefits, and favorable bill treatment (Jenkins and Monroe 2012; Heberlig 2003; Hassell 2017; Pearson 2015; Lynch et al. 2016; Cox and McCubbins 2005; Carroll and Kim 2010).

scoring methodology associated with Volden and Wiseman (2014) and Clarke et al. (2019) would capture legislation processed under suspension of the rules, but it would also capture legislation that is processed without suspension and offers no insight into whether instances of individual success (or failure) can be attributed to the use of a particular procedure. Legislating, regardless of how a lawmaker approaches the process, is exceedingly difficult for all members, but the purpose of this chapter is to ascertain whether factions are being bought through this device to a greater extent than non-faction members.

In the previous chapter, I provided various reasons for why faction members might be advantaged over their non-faction counterparts. They have numerous incentives to rebel, they take measures to ensure their large memberships are cohesive units and can endure punishments, they promote their distinction and policy disagreements verbally and legislatively, and the circumstances that characterize the contemporary Congress are ideal for rebellion against party leadership. For this reason, I expect that faction members, broadly, will be more likely to advance their bills through the suspension of the rules procedure than non-intraparty faction members.

Factions have the motive, means, and numbers to defect, and satisfying a bloc of members as opposed to one member is a more cost-effective route. Logistically, it benefits party leadership to reward these blocs of ideologically likeminded lawmakers. There is little agenda space for the overwhelming amount of legislation that is introduced in a given congressional session. House members usually spend half of every month during a session working in DC, while the other half is reserved for district work. Of the roughly 180 days members work on Capitol Hill, suspension procedures are only in order on Mondays, Tuesdays, Wednesdays, and the last few days of session, but only a small fraction of these days overlaps with regularly

scheduled work days in DC. As party leaders grapple with party members' differing policy interests and ambitions, the animosity between the parties that make intraparty and interparty compromise exceedingly difficult, their obsession over party image and messaging to expand their coalition in elections, and limited time and congressional staff, leadership has resorted to legislating through unorthodox means to ensure order in the House and accumulate policy successes before Election Day. Timing is of the essence, and the suspension procedure is one such means that party leadership can rapidly appease lawmakers and build a policy record. All in all, maximizing the number of recipients that receive rewards through few suspensions is cheaper than identifying and individually distributing suspensions to multiple party members. Faction members, in comparison to non-faction members, are cheaper to buy, making them ideal candidates for this procedural device.

*H1: Bills sponsored by intraparty faction members are more likely to be processed through the suspension of the rules treatment than bills sponsored by non-intraparty faction members.*

### ***Suspensions: Moderates over Extremists***

Longstanding research has established that congressional parties are more polarized than they have been in recent decades, leading to increased party voting, bitter and public policy battles, and a sharp decline in the number of true moderates willing to run for political office (Thomsen 2014, 2017; Theriault 2006; Bafumi and Herron 2010). Polarization also hinders effective governance by discouraging legislative compromise and constituent responsiveness (Rae 2007; Dodd and Oppenheimer 2012). While the electorate is equally polarized, policy conflict and

inaction have the effect of undermining the public's support for Congress, particularly the governing party (Galston and Nivola 2006; Ramirez 2009; Harbridge and Malhotra 2011; Paris 2017; Hibbing and Theiss-Morse 1995, 2002; Theriault 2008; Flynn and Harbridge 2016).

Perhaps recognizing the value in bipartisanship, evidence from member newsletters to constituents, interactions with the media, and responses to newspaper editorial boards reveal that members tend to advertise their bipartisan co-sponsorship efforts and repeat claims that they are willing to work across the aisle (Harbridge 2015). Although bipartisanship threatens to undercut party messaging in a hypercompetitive political environment, the most important legislation in Congress rarely passes with the support of one party alone (Lee 2016; Krehbiel 1998; Mayhew 2005; Curry and Lee 2019). Indeed, of the tiny fraction of bills that are ultimately successful in the House, most are processed through the suspension of the rules procedure, which requires bipartisan support (Bussing 2020; Hudiburg 2020, 2022).

While this chapter expects faction members to be procedurally advantaged over non-faction members, I also contend that not all faction members will be equally advantaged. Because narrow, rotating majorities and limited time and agenda space are the norm in the modern House, Speakers must be strategic about whose bills will have the desired outcome once on the House floor. Under House rules, provided a lawmaker opts for a recorded vote, suspension bills only succeed with the support of two-thirds of the chamber, so in preparation for the worst, Speakers must cross party lines to build a winning coalition.

Therefore, I expect lawmakers affiliated with centrist intraparty factions to legislatively outperform lawmakers affiliated with extreme intraparty factions. If suspension bills require bipartisan support in the contemporary Congress, then lawmakers residing at the poles of the ideological spectrum (i.e., extremists) are most likely to be at odds over the content of the policy.

However, those members residing around the chamber median will prefer a bipartisan policy solution to reflect their ideologically heterogeneous districts. For strategic-minded party leaders, in line with theories regarding spatial models and agenda control, policies originating around the chamber median are most likely to capture bipartisan support from those lawmakers that are middle-of-the-road and middle-of-the-party, fulfilling the two-thirds vote requirement.<sup>19</sup>

*H2: Bills sponsored by moderate intraparty faction members are more likely to receive suspension of the rules treatment than bills sponsored by extreme intraparty faction members.*

The Speaker exercises direct control over this procedural device, and majority party members govern House policymaking channels. It logically follows that the Speaker, who seeks to protect and promote a positive image of the party, will reserve more agenda space and exercise greater use of suspension for his party's policies rather than the minority party, particularly those that can prevail in an up-or-down vote on the House floor. In the previous hypothesis, spatially, moderate policies are better equipped at capturing the necessary two-thirds vote for passage. Though neither study considers intraparty faction membership, Moffett (2016) and Bussing (2020) have found evidence that bills introduced by majority party moderates are more likely to receive suspension treatment as a side payment. Therefore, I also expect, given that a party's moderates originate from toss-up districts that are electorally unsafe, majority party members identifying with moderate intraparty factions will be especially advantaged in this procedure, outperforming non-faction members and extremist faction members in the majority party.

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<sup>19</sup> Note that the suspension of the rules procedure follows a norm of reciprocity. If two-thirds of the chamber is required to pass the bill, then both the majority and minority party must support it. If the Speaker only gifted suspension treatment to bills introduced by his party, the minority party would have no incentive to support them. Therefore, both parties receive suspension bills, but the majority party receives more.

For moderate faction members, buying a group of moderate dissidents rather than distributing this legislative reward among individual legislators is less costly. Party leadership also empowers their party's moderates with the ability to safeguard their seats, maximizing the number of seats necessary to tighten the majority party's control over the House. With their bills reflecting their bipartisan interests, rather than those supporting hyper-partisan interests (i.e., extremists), they are well-suited for securing the votes necessary to pass.

*H3: Within the majority party, bills sponsored by moderate intraparty faction members will be prioritized over bills sponsored by non-intraparty faction members.*

## ***Methods***

This chapter investigates the degree to which faction members possess a procedural advantage over policymaking in the House. For ease of estimating the model, analyzing the results, and keeping with the hypotheses that I have presented above, I split the data into three datasets. For the first hypothesis, the dataset contains all bills considered under suspension of the rules between 1995 and 2018. For the second hypothesis, the dataset contains only those suspension bills sponsored by intraparty faction members between 1995 and 2018. For the third hypothesis, more specifically, the dataset contains those suspension bills sponsored by members of the majority party between 1995 and 2018.

The dependent variable for this study is the use of the suspension procedure on bills. For data on suspension of the rules, I rely on Bussing's (2020) data, which ends in 2015. To expand the dataset to include all suspensions until 2018, I use similar coding procedures by identifying all suspension measures that received roll call votes from the PIPC dataset, and I use

Congress.gov and the Calendars of the United States House to identify those suspension procedures that received voice votes (Crespin and Rohde 2019). In contrast to Bussing (2020), I avoid dividing the dataset into non-commemorative and commemorative bills given that the use of suspension for non-commemorative legislation is relatively scant throughout this time frame.

The independent variable for the first hypothesis is faction membership modeled as a dichotomous indicator. I rely on Clarke's (2020a) data for faction membership in the House between 1995 and 2018. To assess the second hypothesis, I utilize Clarke's ideological classification of nine factions that operated in the House during this time period and were proactive within their respective parties. This ideological classification aligns with Bloch Rubin (2017), DiSalvo (2012), and these factions' accounts of their memberships and policy creeds. Members of centrist factions include the Republican Main Street Partnership, Blue Dog Coalition, and New Democrat Coalition. Members of extreme factions include the Congressional Progressive Caucus, Populist Caucus, Republican Study Committee, Tea Party Caucus, House Liberty Caucus, and House Freedom Caucus.<sup>20</sup> Moderate is a dichotomous indicator signaling whether the lawmaker claims membership in a moderate faction. For the third hypothesis, I utilize the same ideological classification, but I *separately* code for centrist and extremist faction membership. Members in these factions are assigned a value of 1, 0 otherwise.

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<sup>20</sup> Upon closer investigation of Clarke's (2020a) data, many members throughout this dataset identify with multiple factions. Often, these factions are ideologically similar. For instance, a moderate Democrat will associate with the New Deal Coalition *and* the Blue Dog Coalition—centrist factions. The lawmaker's faction affiliations, therefore, are ideologically compatible. However, some lawmakers are affiliated with factions that are not ideologically compatible. In other words, a single lawmaker affiliates with the Blue Dog Coalition *and* the Congressional Progressive Caucus—moderate *and* extreme factions, respectively. When the former occurs, these lawmakers belong to moderate factions. When the latter occurs, which is rare, I compare the lawmaker's individual DW-Nominate score to their factions' DW-Nominate scores for the given Congress. A faction's ideological score is simply the average DW-Nominate score of all affiliated lawmakers in the given Congress. A lawmaker with incompatible faction memberships is then assigned the label "moderate" or "extremist" based on the faction that is closest to his ideological score. In other words, the lawmaker is given the ideological type that best "fits" his voting record. This coding procedure is maintained throughout this research agenda.

Table 3.1 Overview of Factions (1995-2018)		
Faction	Years	Category
Congressional Progressive Caucus (D)	2001-2018	extreme
Populist Caucus (D)	2009-2012	extreme
New Democrat Coalition (D)	1997-2018	moderate
Blue Dog Coalition (D)	1995-2018	moderate
Republican Main Street Partnership (R)	1999-2018	moderate
Republican Study Committee (R)	2003-2018	extreme
Tea Party Caucus (R)	2010-2014	extreme
House Liberty Caucus (R)	2013-2014	extreme
House Freedom Caucus (R)	2015-2018	extreme

This model employs a simple ordinary least squares regression. The dependent variable is the number of suspensions received by each member in a given Congress (i.e., count). The unit of analysis for this study is the congressional bill. I control for various member-specific and Congress-specific factors that might affect the relationship between the independent and dependent variables. Seniority is a continuous variable measuring the number of consecutive terms served by the congressional member. As legislators who are familiar with party leadership, policymaking and procedures in the House, and have a history of communicating with and working for their constituents, members who have served longer in the House will be more likely to have their bills considered via suspension of the rules.

To ensure that recent ballot box results, rather than centrist intraparty faction membership, are not driving the findings, I control for a lawmaker's degree of electoral security within his district, and it is modeled as a continuous variable measuring the congressional member's most recent vote share in his district, where vulnerable members are expected to be given priority over the suspension procedure. Congressional members are assigned a value of 1

provided that they hold a (sub)committee leadership role within the majority party.<sup>21</sup> Leadership is expected to be favored in the suspension process as much of their legislating tends to be substantive in nature and reflects the party's policy goals, and their opinions regarding which bills are good candidates for suspension is valued by the Speaker.

To determine whether ideological faction membership has an independent, substantive effect on legislative effectiveness through the suspension of the rules device, I control for the bill sponsor's ideology by taking the absolute value of their DW-NOMINATE score. I also control for the number of bills that each lawmaker introduces in a given Congress. It follows that the more bills a lawmaker introduces, the greater his chances are of receiving a suspension.<sup>22</sup> Finally, for the first and second hypotheses, I insert a dichotomous control variable indicating whether the lawmaker is a member of the majority party, with lawmakers of the majority party expected to incur more legislative benefits given the party controls all channels of policymaking in the House.

Furthermore, to ensure that the results of this study are not driven by any outstanding circumstances associated with a particular Congress, I include dummy variables for each congressional session in this dataset. This variable would account for the size of the factions in the House, the pervasiveness of faction membership within the party, the size of the majority party, the percentage of restrictive rules, and the total number of bills considered. Independently, these factors may (dis)empower factions or affect the Speaker's willingness to utilize this procedural tool to process legislation.

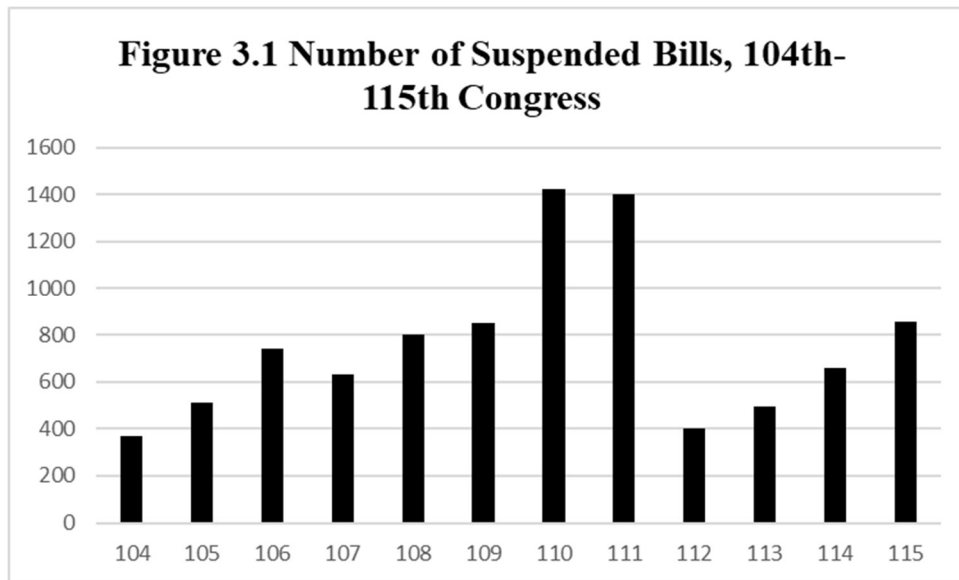
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<sup>21</sup> To extend the dataset until 2018, I gathered data on lawmakers' seniority and most recent election returns from the Center of Legislative Effectiveness. Data on (sub)committee leadership originated from the History, Art, and Archives of the US House of Representatives.

<sup>22</sup> DW-Nominate scores are obtained from VoteView, and bill productivity numbers are gathered from Congress.gov.

## Results

Before reviewing the results of the regression models, I present various descriptive statistics associated with the dataset. Figure 3.1 graphs the number of bills processed through the suspension of the rules from the 104<sup>th</sup> to the 115<sup>th</sup> Congress. The number of suspension bills per Congress tracks with Bussing's (2020) data. Although I do not compare the number of bills that arrive to the House floor with suspension treatment to the number of bills that arrive without suspension treatment, Hudiburg (2022) provides a useful graph of comparisons. Since the 110<sup>th</sup> Congress, over half of all bills that arrive to the floor are accompanied by a suspension motion. Suspending the rules is a common method of processing legislation in the House.



Broadly, this dataset contains 5,308 members from the 104<sup>th</sup> to the 115<sup>th</sup> Congress. On average, members, regardless of their party's status or intraparty faction affiliation, will receive 1.697 suspension bills for any given congressional term. Table 3.1 presents other informative statistics regarding faction affiliation and whether they are a member of the majority or minority party.

The mean, minimum, and maximum refer to the number of suspension bills that the category of lawmaker receives.

**Table 3.2 Descriptive Statistics Associated with Chapter 3, 1995-2018**

<i>Category</i>	<i>N</i>	<i>Mean</i>	<i>Minimum</i>	<i>Maximum</i>
Faction Members	2,866	1.797	0	24
Non-faction Members	2,442	1.579	0	20
Minority Party Members	2,449	.9694	0	18
Majority Party Members	2,859	2.32	0	24
Extremist Faction Members	1,582	1.822	0	21
Moderate Faction Members	1,284	1.766	0	24
<i>Majority Party Only:</i>				
Moderate Faction Members	595	2.684	0	24
Extremist Faction Members	943	2.178	0	21

Results regarding the three hypotheses presented in this chapter are combined in Table 3.2. I do not present the coefficients from the dummy variables regarding the congresses, but these results can be found in the Appendix (Table 3.4). The first model compares the legislative effectiveness of faction members to non-faction members through the suspension of the rules procedure. I hypothesized that faction members would derive more legislative benefits through the suspension of the rules procedure than non-faction members, regardless of whether they were in the majority party. This is not the case.

**Table 3.3 OLS Regression Results for Suspended Bills in the House, 1995-2018**

<i>Variable</i>	<i>H1</i>	<i>H2</i>	<i>H3</i>
Faction Membership	-0.076 (0.061)	–	–
Moderate Faction	–	-0.022 (0.108)	-0.338* (0.131)
Extremist Faction	–	–	-0.207 (0.129)
DW-Nominate	-0.924*** (0.186)	-0.974** (0.340)	-1.207** (0.341)
Previous Vote Share	0.001 (0.002)	0.004 (0.003)	-0.002 (0.003)
Seniority	0.003 (0.007)	-0.017 (0.010)	-0.006 (0.012)
Committee Chair	2.824*** (0.139)	2.814*** (0.196)	2.616*** (0.173)
Subcommittee Chair	0.453*** (0.076)	0.517*** (0.099)	0.393*** (0.093)
Majority Party	0.850*** (0.064)	0.753*** (0.086)	–
Bill Productivity	0.068*** (0.003)	0.065*** (0.003)	0.111*** (0.004)
N	5,288	2,846	2,839
R-Squared	0.351	0.339	0.375

Values in parentheses represent the standard errors. Regarding statistical significance, coefficients ending with “ \*\*\* ” denotes  $p < 0$ , “ \*\* ” denotes  $p < .01$ , and “ \* ” denotes  $p < .001$ .

Though *not* statistically significant, faction members, as the primary independent variable in this model, receive .076 *less* suspension bills than non-faction members. Regarding ideology, as

lawmakers become more extreme (i.e., ultraconservative or ultraliberal) within their parties, they can expect .924 less suspension bills. Other results from the first model are in line with the previous findings associated with suspension of the rules. Bills introduced by committee and subcommittee chairs are significantly more likely to receive suspension treatment than members without these leadership rules. Members of the majority party are receiving .850 more bills than minority party members. Members with greater legislative productivity can expect to have .068 more bills considered under suspension. Overall, then, faction members are not more legislatively effective than non-faction members through the suspension of the rules procedure.

Using a dataset consisting only of faction members, the second hypothesis predicted that moderate faction members would receive more suspension bills than extremist faction members, regardless of whether their party has majority control. This chapter contended that this procedure is especially reserved for moderates who reside around the chamber median and sponsor policies that are less partisan to appease their heterogenous constituencies. However, this is not the case. Although *not* statistically significant, members of moderate factions receive .022 *less* suspension bills than members of extreme factions. As members become more extreme in their parties, however, they receive .974 less suspension bills than those that become more moderate. Faction members in the majority party are rewarded with .753 more suspension bills than faction members in the minority party.

Finally, the third hypothesis anticipated members of moderate factions being more advantaged than non-faction members within the majority party. Given that the majority party controls policymaking channels in the House, and this procedural device requires bipartisan support, it follows that moderate faction members would stand to gain. This is not the case. Indeed, lawmakers of moderate factions are receiving .338 *less* bills than non-faction members in

the majority party. This result is statistically significant at the 0.05 level. Members of extremist factions, though not statistically significant, are receiving .207 less bills than non-faction members.

With respect to these models, it should be noted that those members with narrow vote shares are no more likely to receive more suspension opportunities than those members with comfortable vote shares. In other words, electoral vulnerability, contrary to the findings of Bussing (2020), does not factor into party leadership's decisions regarding which members of their party receives suspension of the rules opportunities, but I acknowledge that this finding may change if we investigated the differences between commemorative (i.e., particularistic) and non-commemorative (i.e., substantive) suspension bills.

### ***Conclusion***

At the beginning of this chapter, I inquired as to whether factions' legislative successes in the 117th Congress represented an anomaly or whether they represent a significant, systematic advantage in the lawmaking process. The following chapter investigated whether intraparty factions are more legislatively effective than their non-faction counterparts through the suspension of the rules procedure. Utilizing the suspension of the rules procedure to process legislation represents one way in which legislation might be processed through unorthodox means in the House.

The results from this chapter indicate that faction membership does not systematically (or significantly) confer legislative benefits with respect to the suspension of the rules procedure. In fact, within the majority party, members of moderate factions are statistically less likely to

receive suspension opportunities than those members who are not affiliated with factions. Regarding the first two models, it is important to note that the primary variables of interest, despite their lack of statistical significance, were actually signed contrary to my expectations. Collectively, then, these are interesting findings in light of the shared popularity of factions, the deepening intraparty and interparty divisions among lawmakers, and the growing use of this procedure to process legislation in the House. The 117<sup>th</sup> Congress, though not considered in this dataset, may have been an anomaly, and the successes of the NDC and CPC might be attributed to the circumstances that characterized the House, its leadership, and the wider political arena at the time.

## CHAPTER 4

### PROCEDURAL ADVANTAGE THROUGH STRUCTURED RULES AMENDMENTS

When Speaker Kevin McCarthy (R-CA) gave his weekly press conference in late January 2023, he declared, “This week, you’re going to see something that hasn’t happened in Congress in more than seven years: a bill is going to come to the floor under an open rule.” Members of both parties seemed excited about the change because they had long privately and publicly grumbled about leadership’s tight control over the policymaking process that restricted their ability to represent their constituents (Stearns and Frost 2017; Schnell 2023).

In changing the rules, however, party leadership was motivated to satisfy the demands of a specific audience in order to proceed with business in the House. Two such demands included reserving three seats on the House Rules Committee for the House Freedom Caucus (HFC) and restoring the practice of open rules, which they argued democratized lawmaking in the House by allowing anyone to submit their proposed amendments for consideration (Kapur 2023). With only four Republican votes to spare and the HFC conditioning their decision to support a McCarthy speakership on the line, upholding such changes were non-negotiable.

When members of the House met in January 2023, the first bill in seven years to be brought to the floor under an open rule sought to “limit the president’s ability to release oil from the Strategic Petroleum Reserve...and [mandated] the federal government...draw up a plan

[boosting] the percentage of federal lands leased for oil and gas production” (Schnell 2023). The Strategic Production Response Act would arrive accompanied by more than 140 proposed amendments—each needing separate votes—sponsored by Democrats and Republicans alike.

The preceding Republican Speakers John Boehner (R-OH) and Paul Ryan (R-WI) began their tenures also having promised that the House would be more welcoming to legislators’ amendments, but they ultimately withdrew their promises after Democrats used it for partisan gain, submitting endless amendments that “unnerved” Republicans. Indeed, these amendments could not be “defeat[ed]” and greatly lengthened House deliberation of the bill under consideration (Tully-McManus 2023). The House under both Speakers quickly reverted to restrictive rules, and Speaker Nancy Pelosi (D-CA) happily opted not to reverse their decision because restrictive rules empower party leadership and streamlines lawmaking in the House. Perhaps this is why one policy analyst was less optimistic for the rules change under Speaker McCarthy’s leadership, cautioning, “Don’t pop [the] corks too soon on [the] House’s open amendment process” and ultimately, he might have been on to something (Thorning 2023).

The example above is instructive for a simple reason. An open amending process, and proceeding under “regular order,” can create chaos for a House that is deeply polarized and competing to score policy wins for their districts. It can also create chaos for a House plagued by intraparty divisions and struggling to define the identities of the parties. Indeed, at the conclusion of 2023, the first session of the 118<sup>th</sup> Congress, governed by a fractious Republican Party, had taken 724 votes in the House, but only 27 laws had been enacted. Related to the preceding example, the Strategic Petroleum Response Act did not advance beyond the House.<sup>23</sup> For a party

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<sup>23</sup> In total, 144 amendments were submitted to the bill. According to information provided by Democratic Whip Katherine Clark (D-MA), 12 amendments passed via recorded or voice votes, 58 amendments failed via recorded or

that had proudly boasted of their decision to return to a more democratic institution after seven years, they could also claim they had participated in “more voting and less lawmaking than any other time in the last decade” (Karni 2023). McCarthy’s belief that such a procedure would allow for “more...ideas to win at the end of the day” never happened (Schnell 2023).

Open rules are an anomaly in the House. Most bills, if processed through the House Rules Committee, arrive with a restrictive rule to prevent an “open season on amendments” and to keep the party unified (McManus 2023; Oleszek et al. 2020). While the decision to greenlight amendments to legislation may not have completely saved the Republicans from a dismal legislative performance in 2023, empirical evidence would advise Republican and Democratic party leadership to ditch open rules and “regular order” talks and restrict the agenda to build a more substantive, supportable policy record.

Greater legislative productivity in the House, along partisan and bipartisan lines, positively correlates with the use of “non-regular” order or unorthodox means of lawmaking (Curry and Lee 2020). Indeed, the use of unorthodox tools, such as closed rules, which strictly prohibit the submission of amendments to bills, are a much more efficient means of processing legislation because “open, decentralized legislative processes often fall victim to partisan politics,” ending in an impasse (Curry and Lee 2020, 635). It also ensures that negotiations regarding a bill remain secret, preventing the opposition party from making demands and limiting the public and lobbyists’ ability to influence lawmakers’ decisions. Finally, it affords party leadership the flexibility to determine the best policy solutions.

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voice votes, 7 amendments were ruled out of order, and 67 amendments were filed but not offered for debate (Clark 2023).

Taken together, open rules are ideal for rank-and-file legislators, allowing lawmakers to adequately and fairly pursue their constituents' policy preferences. In contrast, closed rules are ideal for party leadership, who seeks to protect the policy they have drafted from partisan, or perhaps intraparty, politics and hasten the lawmaking process. Though not utilized in Curry and Lee's (2020) study, issuing structured rules for legislation represents the "happy medium" that can give party members a reason to work together to deliver results without expending significant time and resources. This chapter focuses on restrictive rules, particularly on structured rules, and the ability of party leadership to selectively reward lawmakers for supporting the party's effort to build a coalition necessary to pass legislation and protect the party's brand. More specifically, I examine how intraparty factions like the HFC might be more legislatively effective if granted the ability to amend legislation under structured rules.

### ***Rules for Thee, Not for Me***

The legislative calendar for the House only has space for a fraction of the thousands of bills and amendments that are introduced during any given congressional session. Therefore, party leadership is incentivized to minimize those bills and amendments that divide the party from reaching the floor and to promote those bills and amendments that advance their party's electoral and policy interests. Controlling what legislative items reach the House floor for a vote and become part of the legislative record, as well as ensuring that the party efficiently processes them, then, is an important role for majority party leaders, and a key source for maintaining this control and ensuring legislative efficiency is the Rules Committee.

Rules issued by the Rules Committee are intended to “provide for [the] orderly review of major policy alternatives[,]. . .protect[] partisan objectives, focus[] House debates on the main proposals in contention, and expedit[e] consideration” of important policy prerogatives (Oleszek et al. 2020, 163). These resolutions grant privilege to bills for floor consideration, they establish the terms and length of debate, and they limit the amending process. In other words, actions taken by members of this committee largely shape the final policy outcome. The restrictiveness of the rule, or the extent to which it encourages legislative input on a bill, depends on the type issued by the committee. Open rules allow members to submit any germane amendment, structured rules allow a limited set of pre-approved amendments, and closed rules prohibit all amendments.

Lawmakers assume political office eager to advance their constituents’ policy interests. Open rules would allow *all* majority *and* minority party members to alter the content of a bill to their liking, which would, ideally, reflect their constituents’ policy interests and assist in their reelection endeavors. The implementation of an open rule for a bill constitutes an example of positive agenda control, or the “ability to push bills [or amendments] through the legislative process to a final passage vote on the floor” without interference by party leaders or regard for whether the ultimate legislative product splits the party (Cox and McCubbins 2005, 20).

Party leaders, however, prefer their party to be credited with the legislative win, and party members stand to benefit when the party’s reputation is perceived as favorable and competent. When the party can fashion a legislative record that reflects the party platform, they will be rewarded by the electorate. With more votes and a stronger, positive label, party leadership can expand the coalition and strengthen control over policymaking channels, ultimately easing the costs associated with legislating. Simply put, more policy wins yield more seats, and more seats

yield more policy wins. Therefore, in a hyperpartisan political environment that is also operating under time, resource, and public constraints, the application of this type of rule presents a risk. Majority and minority party lawmakers can modify the bill until it is unsupportable in a final vote on the House floor or force the majority party to take votes on problematic amendments, and such a rule is potentially time- and resource-consuming given all amendments must be separately debated and voted upon, creating a negative, indistinct party label at the ballot box.<sup>24</sup>

By contrast, restrictive rules allow the party to “fashion a favorable record of legislative accomplishment...better its reputation...better [its] prospects for (re)election...and better [its] prospects for (re)attainment of majority status” (Cox and McCubbins 2005, 7). Restrictive rules, or those rules that are closed or structured, allow majority party leaders to secure favorable policy outcomes by shifting the proposed policy’s provisions away from the chamber median and toward the party median (Monroe and Robinson 2008; Dion and Huber 1996, 1997; Marshall 2002, 2005; Moffett 2012; Sinclair 2016; Aldrich and Rohde 2000; Binder 1997; Maltzman 1997; Rohde 1991). By employing restrictive rules, party leaders “cartelize” the agenda and exercise a form of negative agenda control, effectively blocking bills or amendments that could splinter the majority party from reaching a vote on the floor (Cox and McCubbins 2005). As competition between and within the parties has intensified, party leadership has increasingly relied on restrictive rules to process major legislation in the House and protect the party’s reputation.

Because negative agenda control biases policy outcomes away from the chamber median and forces party members to accept the party median, party leadership is theorized to offer side

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<sup>24</sup> Scholars refer to these amendments as “killer amendments” (Wilkerson 1999).

payments to compensate for the policy loss that their party members incur. Scholars have established that these payments can take the form of plum committee assignments, campaign contributions, and serious consideration of their bills (Cox and McCubbins 2005; Frisch and Kelly 2006; Pearson 2015; Jenkins and Monroe 2012; Moffett 2016). Empirical evidence provided by Lynch et al. (2016) and Oleszek et al. (2020) also found that the use of structured rules to award amendment opportunities constitutes an additional form of compensation to party members negatively affected under this arrangement.

Most bills in the contemporary House arrive to the floor with structured rules (Lynch et al. 2016; Oleszek et al. 2020; Greene and Rybicki 2023). Under structured rules, the Rules Committee invites any member interested in amending a bill to submit their proposed amendments for consideration (Lynch et al. 2016). The committee, frequently coordinating with other majority party leaders, then reviews and debates the merits of the proposed amendments to the bill before recommending the final rule (i.e., resolution) to the chamber, which undergoes a vote, and only those amendments pre-approved by the committee and listed in the final rule receive a floor vote. If a lawmaker's amendment to the bill is approved by the Rules Committee, it amounts to a substantial policy concession, allowing the lawmaker to offer substantive "alternatives to the provisions of the bill," position-take, and broaden the House's policy choices (Lynch et al. 2016; Davis 2022, 7). As a reward, this procedural device is consistently reserved for moderates, who reside closer to the chamber median, because they are disadvantaged under negative agenda control, and they often reside in cross-pressured districts (Lynch et al. 2016). Less is known, however, about how intraparty factions might perform under this procedure.

### ***Rules for Thee, Not for Me and Intraparty Factions?***

Much of the same argument regarding intraparty factions applies to the conjectures provided below. Intraparty faction members, as opposed to non-intraparty faction members, might be well-suited for this procedural carrot. The literature outlined above offers two conclusions. First, party leadership has policy and electoral goals, and they are mutually reinforcing. Fulfilling policy goals, or campaign promises, wins elections, and it fosters an image of a competent, legislatively effective party that makes electing the party's members easier (Smith 2007). Filling more seats, or broadening the party coalition, in the House makes accomplishing the party's policy goals easier.

Second, a party's leadership is elected and empowered by its members to develop strategies that can win by any means necessary, which can lead lawmakers to defect because no lawmaker is willing to risk their legislative careers unless they are incentivized (Kiewiet and McCubbins 1991). For legislators in intraparty factions, defection is, figuratively and literally, profitable. While Smith (2007, 26) notes that "legislators seeking reelection are advantaged if their party's record for policy achievement is viewed favorably by the public," research on ideological factions in the US House would suggest this is true for faction members so long as *their* version of the record is advanced.

By authoring and pursuing a distinct party platform with a specific policy vision for the US, intraparty faction members are attracting heterodox partisans, donors, and party activists that are crucial to protecting their seats and deterring challengers (Clarke 2020a). If factions are creating separate identities from their respective parties, then, in order for the sub-party brand to remain distinct and to remain a viable competitor in the House, it must take strides to clarify and amplify the alternative choice that it can offer voters. It must defect or rebel. Otherwise, the

meaning of the brand itself, as it does with traditional party brands, will realign with the traditional party and depreciate (Lupu 2014).

Through the use of stringent membership requirements, voting rules, and leadership hierarchies, factions are also well-organized and ideologically cohesive, and as ideological blocs of lawmakers, they are more likely than non-faction members to unite and vote against the party (DeWayne and Deutchman 2009). They have the tools and individuals necessary to effectively resist and demand negotiations from party leaders because they can endure punishment. Therefore, faction members should be rewarded with greater access to the amending process under a structured rule than non-faction members. Standalone members do not have the guaranteed, sizeable support of other like-minded lawmakers, they lack access to research divisions and staffers within factions that can offer sound policymaking advice and strategies, and they have no promised, alternative means of compensation to offset the punishment that they may endure for rebelling. Finally, the contemporary political environment in Congress can empower members in groups to act in unison to demand greater agenda influence, and those groups must be heard as party leadership needs every party member's support. Like Chapters 3 and 5, I start with a generic hypothesis.

*H1: Under structured rules, intraparty faction members are more likely to receive amending opportunities than non-intraparty faction members.*

### ***Power and Ideology Concerns for Who Gets What?***

Previous studies have argued that the application of rules allow the majority party to shift policy outcomes away from the chamber median and towards the party median (Aldrich and Rohde

2000; Binder 1997; Maltzman 1997; Rohde 1991). This is because the Speaker is selected from the party median, and the Speaker plays a substantial role in determining which members of his party can fill the party's supermajority representation on the Rules Committee (Jessee and Malhotra 2015; Polser and Rhodes 1997). Seats on this esteemed committee are reserved for those party members that have a record of devotion to party leadership and can be trusted to protect the party. However, the majority party's most ideologically extreme and moderate members are not the party's median member, which makes them ideal candidates for policy concessions because the organization, ideological cohesion, and sheer size of factions make them a formidable force in the contemporary House.

Although I acknowledged that extremists in the House have shown a greater willingness to rebel in Chapter 2, in Chapter 3, I ultimately argued that moderates would outperform extremists in the majority party with respect to the number of bills processed under the suspension of the rules procedure. The procedure itself requires party leadership to engage in a cost-benefit analysis given the number of members required to pass suspended measures, the limited window of time they can be employed, and the use of the procedure to provide extra protection to the party's cross-pressured seats.

With amendments, however, only a simple majority is necessary to pass the amendment, so party leadership must be careful about the intent of the amendment and its likely effect on the party brand. Amendments sought by lawmakers of both moderate and extremist factions will likely reflect their faction's ideological preferences for policy, and with diminished support needed to pass, it is likely through this procedure that party leadership can better reward extremist faction members for supporting the party's agenda. Given that the Rules Committee handpicks amendments for the final bill under a structured rule, it can discard potentially

damaging amendments submitted by these faction members in advance, allowing party leadership to retain substantial control over the agenda while offering selective access that is certain to greatly benefit the party brand. I expect amendments issued by members of both ideological types to receive more attention in the majority party than those issued by non-faction members. Faction members in the majority party are better candidates for this reward given their access to resources and the potential influence they can wield as a bloc. In the final regression output, support for this hypothesis would demonstrate both statistical significance and positive coefficients for moderate and extremist faction members.

*H2: In the majority party, centrist and extreme intraparty faction members are more likely to have their amendments considered under structured rules than non-faction members.*

### ***Data and Methods***

This study investigates the degree to which faction members possess a procedural advantage over policymaking in the House. For ease of estimating the model, analyzing the results, and keeping with the hypotheses that I have presented above, I split the data into two datasets to discern the value of being affiliated with factions. Broadly, the dataset consists of all amendments submitted under bills accompanied by a structured rule. The first dataset contains all House members and their amendments made to bills between 2005 and 2011. The second dataset contains only House members in the majority party and their amendments made to bills between 2005 and 2011.

The Rules Committee ultimately determines which of these amendments are allowed floor consideration, and those pre-approved amendments are akin to policy compensation. The dependent variable for this study, then, is whether an amendment is considered on the House floor under structured rules, and I utilize Lynch et al.'s (2016) data on structured rules amendments. If the Rules Committee agrees to consider or allow the member's amendment, a value of 1 is assigned, otherwise 0. The independent variable for this study is faction membership, a dichotomous variable, and similar to the reasoning and explanation provided in the previous chapter, I rely on Clarke's (2020a) data for faction membership in the House between 1995 and 2018. To test the second hypothesis, I code for the faction's ideological type. Moderate extremist faction members are *separately* assigned a value of 1, 0 otherwise.

Faction	Years	Category
Congressional Progressive Caucus (D)	2001-2018	extreme
Populist Caucus (D)	2009-2012	extreme
New Democrat Coalition (D)	1997-2018	moderate
Blue Dog Coalition (D)	1995-2018	moderate
Republican Main Street Partnership (R)	1999-2018	moderate
Republican Study Committee (R)	2003-2018	extreme
Tea Party Caucus (R)	2010-2014	extreme

Given that the dependent variable is a dichotomous indicator, this research employs a logistic regression. The unit of analysis is the amendment. I control for various member-specific and Congress-specific factors that might affect the relationship between the independent and dependent variables. To ensure that recent ballot box results are not contributing to the party leadership's willingness to grant an amending opportunity, I control for a lawmaker's previous vote share, a continuous variable measuring the congressional member's most recent vote share in his district. Vulnerable members are expected to be given priority over this procedure.

Amendments submitted by a select group of lawmakers in the House are also expected to be prioritized under this rule, requiring additional control variables. Congressional members submitting an amendment are assigned a value of 1 provided that they are a bill manager, a member of the committee of origin, or the Rules Committee. Those members who seek to amend bills that originate from their committees or are bill managers are expected to have amending privileges given their perceived policy expertise, while members of the Rules Committee can leverage their position to fulfill their policy goals.

To determine whether ideological faction membership has an independent, substantive effect on legislative effectiveness through the structured rules procedure, I control for the amendment sponsor's ideology using DW-NOMINATE, relying on the absolute value of this score. Finally, for the first hypothesis, I insert a dichotomous control variable indicating whether the lawmaker is a member of the majority party, with lawmakers of the majority party expected to incur more legislative benefits given the party controls all channels of policymaking in the House.

Furthermore, to ensure that the results of this study are not driven by any outstanding circumstances associated with a particular Congress, I include dummy variables for each congressional session in this dataset. This variable would account for the size of the factions in the House, the pervasiveness of faction membership within the party, and the size of the majority party. Independently, these factors may (dis)empower factions or affect the Speaker's willingness to utilize this procedural tool to process legislation.

## ***Results***

Before reviewing the results of the regression models, I present various descriptive statistics associated with the dataset. In Table 4.2, these statistics consist of the type of lawmaker and the number of their structured rules amendments (dis)allowed consideration on the House floor between 2005 and 2011. Of note is that faction members are offering more amendments under structured rules than their non-faction counterparts, which may be explained by the pervasiveness of faction membership, but their amendments are also more likely to be *denied* consideration than their non-faction counterparts. These same observations are present in the majority party.

**Table 4.2 Descriptive Statistics Associated with Chapter 4**

<i>Category</i>	<i>Allowed</i>	<i>Disallowed</i>	<i>Total</i>
Faction Members	1,902 (33.6%)	3,746 (66.3%)	5,648
Non-faction Members	532 (33.7%)	1,046 (66.3%)	1,578
Minority Party Members	1,357 (31.7%)	2,924 (68.3%)	4,281
Majority Party Members	1,077 (36.6%)	1,868 (63.4%)	2,945
Extremist Faction Members	1,347 (34.3%)	2,577 (65.7%)	3,924
Moderate Faction Members	555 (32.2%)	1,169 (67.8%)	1,724
<i>Majority Party Only:</i>			
Faction Members	739 (34.4%)	1,411 (65.6%)	2,150
Non-faction Members	338 (42.5%)	457 (57.5%)	795
Moderate Faction Members	384 (36.7%)	662 (63.3%)	1,046
Extremist Faction Members	749 (67.8%)	355 (32.2%)	1,104
<i>Total</i>	2,434	4,792	7,226

Table 4.3 provides the results from the logistic regression employed in this chapter. The first hypothesis predicted that intraparty faction members, regardless of whether their party resided in the majority party, would outperform their non-faction counterparts. However, this is not the case. There is a negative, non-statistically significant relationship between faction membership

and the likelihood of their amendment receiving floor consideration in the House. Other results from the first model indicate that bill managers and majority party members are statistically rewarded with this procedure, while members that originate from safe districts or are members of the committee from which the bill was previously processed through (i.e., the origin committee) are statistically less inclined to be rewarded through this procedure.

The second conjecture presented in this chapter maintained that moderate and extremist faction members would equally outperform non-faction members in the majority party. Hence, I expected that both coefficients for the moderate and extremist variables would be positive and statistically significant. However, the results provided in Table 4.3 indicate that these members are not conferred any positive, significant advantage under structured rules. In fact, moderate intraparty faction members in the majority party are statistically less likely to receive amending privileges. However, like the previous model, bill managers receive amendment consideration under structured rules, while members that become more extreme or reside in deep red or blue districts receive less access to the amending process under structured rules.

Given the difficulty associated with interpreting logistic regression models, I also graph the predicted probabilities in Figures 4.1 and 4.2. In Figure 4.1, aside from the congressional and majority party controls, all categorical variables are held at their modes. The former categorical variables, along with continuous variables, are held at their means. For non-faction members, regardless of majority party status, the probability of receiving amendment consideration under structured rules is 37.7%. In contrast, for faction members, the probability of receiving amendment consideration under a structured rule is 36%. In Figure 4.2, within the majority party, 34.6% of amendments submitted by non-faction members were considered under structured rules. Among faction members within the majority party, 29.7% of those amendments submitted

by moderates received consideration, while 30.2% of those amendments submitted by extremists received consideration.

**Table 4.3 Logistic Regression Results for Structured Rules Amendments, 2005-2011**

<i>Variable</i>	<i>H1</i>	<i>H2</i>
Faction Membership	-0.070 (0.065)	–
Moderate Faction	–	-0.227* (0.108)
Extremist Faction	–	-0.204 (0.110)
DW-Nominate	1.527*** (0.126)	-0.798* (0.358 )
Previous Vote Share	-0.012*** (0.002)	-0.013*** (0.003)
Bill Manager	2.753*** (0.303)	2.864*** (0.363)
Rules Committee	-0.142 (0.117)	-0.082 (0.139)
Origin Committee Member	-0.312*** (0.057)	0.064 (0.088)
Majority Party	0.629*** (0.066)	–
110th Congress	0.538*** (0.010)	0.152 (0.173)
111th Congress	-0.103 (0.071)	-0.662*** (0.153)
N	7,226	2,945
Null Deviance	9,233.6	3,867.6
Residual Deviance	8,854.4	3,606.8

Values in parentheses represent the standard errors. Regarding statistical significance, coefficients ending with “\*\*\*” denotes  $p < 0$ , “\*\*” denotes  $p < .01$ , and “\*” denotes  $p < .001$ . In the model above, the baseline is the 109th Congress.

**Figure 4.1 Probability of Receiving an Amendment under Structured Rules (2005-2011)**

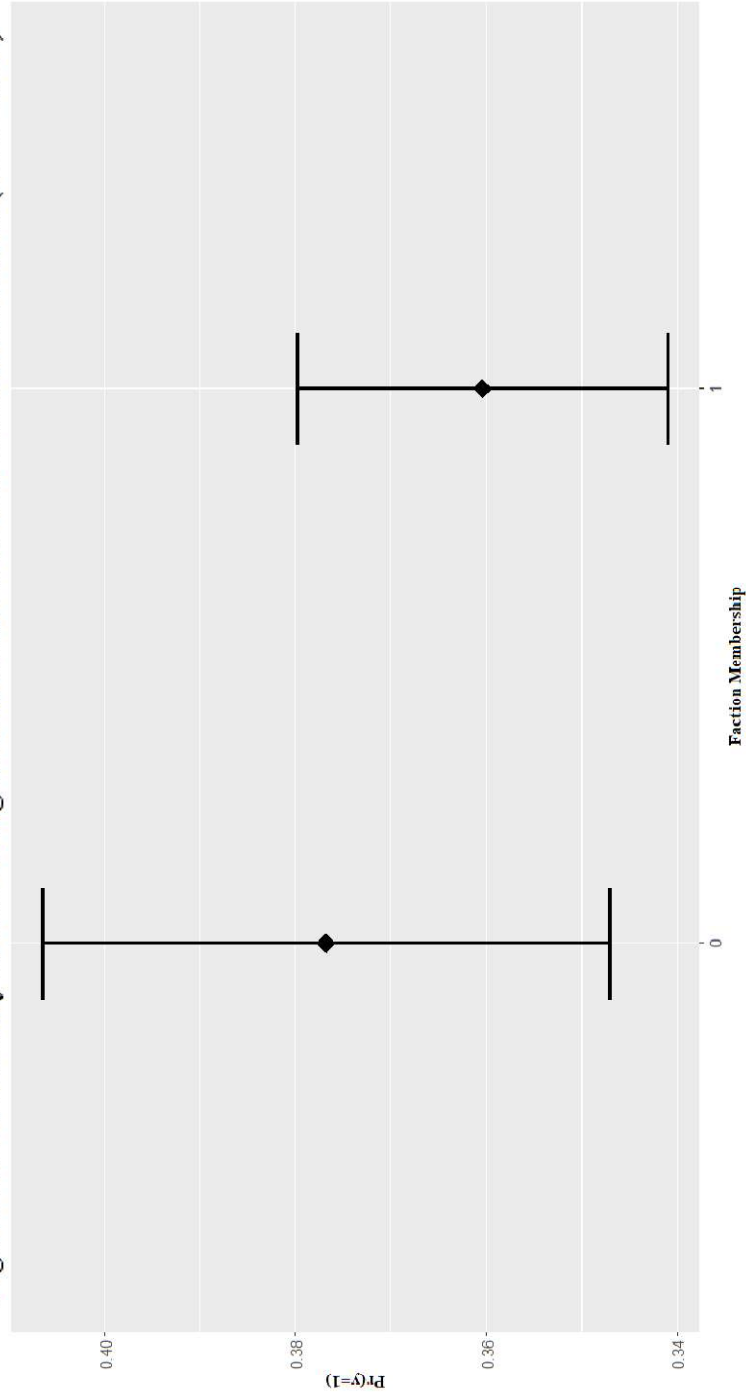
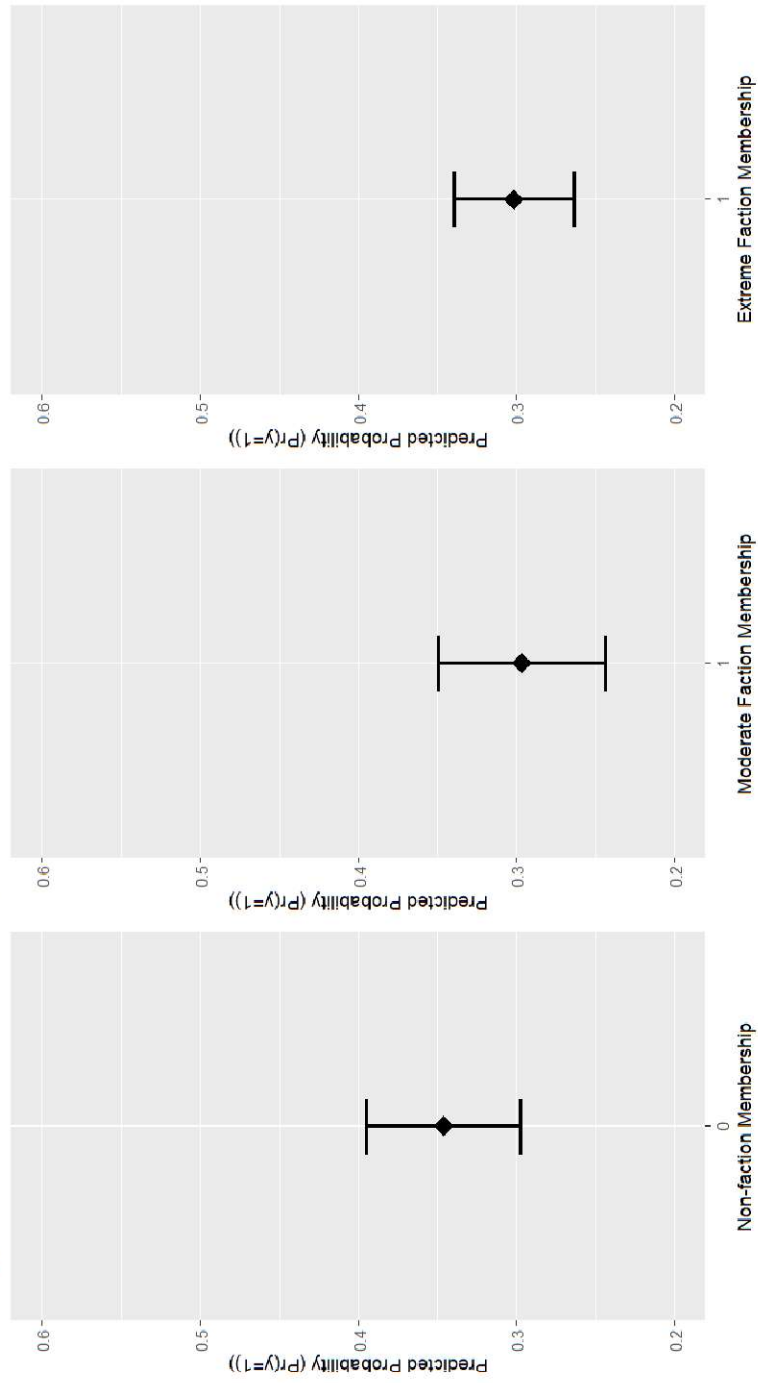


Figure 4.2 Predicted Probability of Receiving an Amendment under Structured Rules, 2005-2011



## *Conclusion*

In October 2022, the HFC prepared and distributed a 55-page guide for incoming Republicans in anticipation of a decisive Republican victory in the midterms. Insisting that it was not a “sales pitch to join the House Freedom Caucus,” the faction compared a list of expectations that incoming freshman might have for Congress to the realities of legislating in Congress, and they outlined a series of reforms they intended to support to benefit the “institution[] [and] America as a whole” (House Freedom Caucus 2022, 5). For one such grievance, the faction declared that closed rules had become a common practice for processing legislation, and they aimed to pressure leadership for open rules to allow members to “impact important legislation with [their] valuable insight on the House floor” (House Freedom Caucus 2022, 6). They got more than they bargained for.

At the beginning of this chapter, I noted that the Republican leadership’s decision to appease the HFC with such a move ultimately backfired. While the HFC remained adamant that the “U.S. House of Representatives no longer works as it should” in the absence of regular order, implementing open rules—a component of regular order—had created a House that hardly worked at all (House Freedom Caucus 2022, 7).

While the HFC did not address structured rules in their “road map,” the faction is greatly opposed to closed rules, which scholars have noted assist in the majority party’s endeavors to build a favorable policy record. This chapter investigated a rule that benefitted both party leadership and disgruntled party members. I expected that the legislative priorities of intraparty faction members would be given greater consideration under structured rules than non-intraparty

faction members. In the majority party, I expected both moderate and extremist faction members' amendments, at the expense of non-intraparty faction members, to advance to the House floor for consideration. However, the analysis presented above supported neither of these assumptions. That is, faction members are not receiving legislative concessions through this procedural device despite their opposition to and independence from the traditional party brand. Although legislatively unproductive, and a change that has no consistent staying power, faction members may be better able to *publicize* their ideas through open rules, representing another channel that this group of lawmakers can "advance" their constituencies' interests and explaining many factions' battles with party leadership concerning the openness of the legislative process in the House.

## CHAPTER 5

### PROCEDURAL ADVANTAGE THROUGH LEGISLATIVE HITCHHIKERS

In 2021, researchers at the Center of Legislative Effectiveness released their biennial report evaluating how successful members of the 116<sup>th</sup> Congress were at converting their bills into laws. Of the 205 Republicans occupying the minority party during the 116<sup>th</sup> Congress, Representative Jim Jordan (R-OH) placed 202<sup>nd</sup> in his party. While residing in the minority party has its disadvantages—mainly loss of policymaking power and influence, Jordan’s ranking in previous congressional sessions, despite Republicans holding majority control over the House, fared no better. In the 114<sup>th</sup> Congress (2015-2017), Jordan placed 249<sup>th</sup> within his party for legislative effectiveness. This is especially surprising given that the Republican Party carried its strongest majority, across both congressional chambers, since the 71<sup>st</sup> Congress (1929-1931), holding 250 seats in the House alone. In the 115<sup>th</sup> Congress (2017-2019), with the Republicans’ control over the House slightly narrowing and a Republican president who espoused similar ultraconservative views on policy matters he, again, would come in second to last place.

Democratic congressional candidates for the 4<sup>th</sup> district of Ohio, like Jeff Sites, have continuously pointed to the findings from these reports as evidence that shows “how little Jordan is doing for his constituents...In warehousing, if you don’t do the work, you get fired...It should be the same for career politicians” (Eaton 2021). Jordan’s constituents, however, do not seem to

mind, and he continued his career in Congress bolstered by as much as 68% of his district's support (Bade 2016).

A spokesman for Jordan denounced the report on the 116<sup>th</sup> Congress, arguing that Jordan was the “top Republican on the House Judiciary Committee, which manages more high-profile legislation than any committee in Congress...Mr. Jordan is able to impact and change more legislation than maybe any other Republican in the House of Representatives...Any ‘study’ that says otherwise is misguided” (Eaton 2021). His office proceeded to cite several bills Jordan sponsored and co-sponsored, totaling 101 pieces of legislation, but *Cleveland.com* declared that Jordan only introduced 2 bills, neither of which passed. Furthermore, a close inspection of the 99 bills that Jordan co-sponsored between 2019 and 2020 reveals that only 10% advanced beyond their introduction in the House. Although Republicans occupied the minority in the 116<sup>th</sup> Congress, which necessarily results in members being excluded from influencing lawmaking and the agenda, several members of the state's Republican delegation for the House scored significantly better. Representative Steve Chabot (R-OH), for example, placed 8<sup>th</sup> among 205 Republicans for legislative effectiveness under the same metrics Jordan's office assailed.

Representation in American politics depends on the ability of elected officials to convert the issues that are important to their constituencies into policy. When constituents feel represented, they are willing to send politicians back to office. Representation, however, is easier said than done. Congressional members “vary substantially in their abilities to advance their legislative agendas,” and the most legislatively effective members have a “proven ability to advance [their] agenda items through the legislative process and into law” (Volden and Wiseman 2014, 18). How members meet that proven ability depends on a variety of conditions, including

gender, ideology, and seniority, but pertinent to this study is the effectiveness that rank-and-file party members have in a partisan, hyper-competitive political environment.

Newer research has examined the role of faction membership on a member's legislative effectiveness through the traditional bill-to-law process. Both Jordan and Chabot were members of extremist factions in the House. Chabot had a long-standing membership with the Republican Study Committee (RSC), though he had an electoral history of near misses and a clear loss dating back to 1994. Jim Jordan was a leading figure of the short-lived Tea Party Caucus, the House Liberty Caucus, and the enduring, massive organization of the RSC. However, he later departed the RSC in 2015 and helped spearhead the thorny House Freedom Caucus (HFC), the "fight club of Congress" that was "designed to disrupt" proceedings in the House, after internal divisions regarding the direction and tactics of the RSC proved irreconcilable (Bryant 2023; Rogers 2023; French 2015a). Unlike the RSC, who usually seeks to privately negotiate with party leadership, members of the HFC were prepared to play legislative hardball with Republican leadership to pursue and potentially achieve their policy preferences.

Lawmakers invest in intraparty factions that offer an alternative choice to voters and compete with the traditional party brands. This requires pressuring, if not publicly challenging, party leadership for agenda influence. A natural question is how this unique class of lawmakers fair in Congress. In other words, are they deriving legislative benefits from their willingness to resist the traditional party? Interestingly, through an examination of the traditional bill-to-law process, Clarke et al. (2019) find that affiliation with factions is only beneficial when the faction is in the minority party and the minority party faction is ideologically conservative or centrist.

Unclear is whether faction members might benefit through unorthodox means of lawmaking. In Chapters 3 and 4, these means involved investigations into the suspension of the

rules and amendments under structured rules. For this chapter, I return to the previous question, but I examine whether factions are legislatively effective through legislative hitchhikers. Rather than introducing a bill and hoping it advances through the relevant committees and prevails on the House floor, a lawmaker's bill might be attached as a provision to a larger omnibus bill. If faction members are more successful through this unorthodox means of lawmaking, then Jordan might be more legislatively effective than traditional metrics and his critics would suggest.

### ***Legislative Effectiveness...and Legislative Constraints***

Each year, party members might submit a slew of legislation designed to address their constituencies' concerns and fulfill campaign promises. Majority status would allow members to pursue these ends, but this status also has significant drawbacks. For example, under majority status, all members might prefer to "spend more money on their own districts...have free access to floor time...[and] pursue different policies" that address varying national, regional, and partisan interests (Cox and McCubbins 2005, 22). Left unchecked, this creates a collective action problem that hinders the party from making substantial policy gains, which jeopardizes their prospects for reelection and stains the party's reputation. Simply put, such an arrangement would be chaotic and counterproductive.

Therefore, party leadership is empowered and incentivized to minimize those bills and amendments that divide the party from reaching the floor and to promote those bills and amendments that advance their party's electoral interests, protect the party's reputation, and fortify majority party status (i.e., negative agenda control). Controlling what legislative items reach the House floor for a vote and become part of the legislative record, as well as ensuring

that the party efficiently processes them, then, is an important role for majority party leaders (Cox and McCubbins 2005). Given this, rank-and-file members are only as legislatively effective as leadership *allows* them to be.

Volden and Wiseman (2014) offer a range of theories on what qualities and habits tend to make legislators effective within Congress by relying on fifteen indicators. These indicators, combined into a single score, gauge the ability of lawmakers to advance their bill (i.e., sponsorship) across various stages in the policymaking process. Their data reveals that converting bills into laws is easier when the legislator is part of the majority party, a party leader, a woman in the minority party, and an ideological centrist. Additionally, these scores have been applied to other theories related to legislative effectiveness.

Makse (2022) finds state lawmakers that introduce bills related to their relevant professional backgrounds are more successful in the policymaking process. Paschall et al. (2020) conclude that congressional scandals negatively impact legislative effectiveness. Furthermore, a reputation for legislative effectiveness is said to discourage primary competition and boost primary vote shares (Barber and Schmidt 2019). Finally, when members of the House exchange senior staffers, they tend to exhibit similar patterns of legislative effectiveness, suggesting that staff play a key role in transmitting policy expertise among legislators (Montgomery and Nyhan 2017).

Volden and Wiseman's (2014) work has also been expanded to account for unconventional and overlooked, but popular, means of lawmaking, broadening scholars' understanding of legislative effectiveness. For instance, Eatough and Preece (2023, 15) develop a new measure of legislative effectiveness, available through a public database known as LawProM, that incorporates bill cosponsorship, amendments, and the sponsorship of "legislative

text that later passes in someone else’s legislation” (i.e., legislative hitchhikers). This inclusive measure of lawmaking in the House reveals that women and minorities are “more likely to rely on less-visible ways of advancing their legislative priorities,” making “[them] considerably more productive lawmakers than their colleagues” when this less-visible means is combined with legislative gains made through the traditional lawmaking process.

Regarding the puzzle presented throughout this research agenda, Clarke et al. (2019) apply Legislative Effectiveness Scores, which narrowly focus on bill sponsorship and quantifies the various steps associated with advancing a bill through the traditional policymaking channels, to intraparty factions in the House. They find that affiliation with factions does not automatically translate into legislative success. Faction membership is only beneficial when the faction is in the minority party and the minority party faction is ideologically conservative or centrist. Most bills introduced—or sponsored—by faction members never receive committee attention, a rule, or a vote necessary to become law.

However, another line of scholarship focuses specifically on lawmakers’ gains achieved through omnibus legislation. The conventional process of individually considering bills has been increasingly replaced by omnibus bills, which combine multiple, often unrelated policy proposals that previously failed through the traditional policymaking channels, into a single bill (Curry and Lee 2016; Krutz 2005; Sinclair 2016; Oleszek et al. 2020). Casas et al. (2020) argue that agenda and procedural constraints have led lawmakers to pursue “legislative hitchhikers” as an alternative route for introducing proposals. They find that many bills become law as hitchhikers rather than stand-alone legislation. Similarly, Eatough and Preece (2023, 22) note

that shifting text in bills “that are languishing to bills with better prospects” is still a means of legislating that is often overlooked by Volden and Wiseman’s (2014) scoring methodology.<sup>25</sup>

### *Intraparty Factions and Legislative Hitchhikers*

Clarke et al.’s (2019) findings, which rely on Volden and Wiseman’s (2014) scoring methodology, are somewhat striking for three reasons given the theory presented in Chapter 2. First, the pursuit of a distinct and competitive brand among modern factions is motivated by concerns over reelection, and the unique product that they provide to voters requires legislative differentiation, which consequently positions factions on a collision course with leadership. Second, the pervasiveness of factions in the House, their sophistication and commitment to

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<sup>25</sup> This recent line of research has redefined what it means to be legislatively effective in Congress, but it also raises questions and has its limitations. Scholars know little about who ultimately rewards lawmakers with this procedure. Casas et al. (2020) argue that this procedure is controlled by party leaders, committee chairs, and top executive officials. If this is correct, then a lawmaker interested in having his failed bill incorporated into omnibus legislation must appeal to three actors. However, is targeting all these actors necessary for every omnibus bill? It is also unclear how lawmakers approach their requests for hitchhiker consideration. Do they provide these actors with a range of possible hitchhikers they would like to see incorporated in the omnibus bill, or do these actors propose a take-it-or-leave-it hitchhiker opportunity? Because the decision is made for the legislator, the latter is akin to a demonstration of negative agenda control. Finally, these text reuse studies search for broad patterns of similarity between failed bills and passed bills. How much of a failed bill is incorporated into a successful bill? In other words, does this procedure represent a complete side payment or a “discounted” side payment? Casas et al. (2020) finds that hitchhikers usually reflect “non-minor” legislation. Bills, regardless of their importance, die for numerous reasons. They, for instance, might be submitted at the end of session, sponsored by the minority party, lose to another version of the bill in circulation, or be purposely barred from advancing in the chamber. Party leadership cares about the content of the agenda, which impacts the party’s reputation, so it is within reason that these “non-minor” bills that failed to gain immediate and ongoing traction fell victim to negative agenda control. Party leadership felt the bill was either unimportant or would damage the party. Therefore, it is tempting to assume that these are partial payments. If they are partial payments, then the legislator is only partially effective. There are other reasons to be cautious with the findings that emerge from text reuse strategies. While text reuse strategies might allow scholars to better “cite” or credit the authors of the provisions in the omnibus bill, these strategies may still overlook other substantive, unrelated provisions that are going uncredited in the same omnibus bill because they have not been formally introduced to the chamber. Press release statements might be a better source for obtaining a more accurate understanding of who is responsible for these uncredited hitchhikers. Finally, although Eatough and Preece (2023) acknowledge that bill cosponsorship is a method of lawmaking, like Casas et al. (2020), lawmakers that cosponsored failed bills that became laws as hitchhikers go uncredited. Furthermore, neither study considers previously failed amendments that are incorporated into these omnibus bills. Together, these shortcomings result in lawmakers, possibly, still appearing less legislatively effective than they are.

ideological purity, and the tight margins by which party leadership must navigate when selecting agenda items to pursue suggests that leadership must acknowledge and consult with factions to secure their support on policy. Third, factions should pose the greatest threat when they share majority party status because they have both the opportunity and the means to challenge leadership for policy influence, and given that no party reserves an overwhelming number of seats, there can be little room for defection. Every vote counts.

Why might faction members, like Jordan of the HFC, appear more effective than originally thought through this mechanism? Agenda space is a scarce commodity. The legislative calendar for the House only has space for a fraction of the thousands of bills and amendments that are introduced during any given congressional session. Polarization and greater willingness to obstruct the agenda in Congress have significantly delayed the lawmaking process, and the number of bills that are successfully enacted have dropped sharply since the 1970s (Curry and Lee 2016; Sinclair 2016; Taylor 2013). Therefore, the opportunities rank-and-file members, faction and non-faction alike, have to legislate are few and far between, and these opportunities are heavily patrolled and must be pre-approved by leadership. Furthermore, party leadership reserves the most visible credit-claiming opportunities for bills of importance, and legislative hitchhikers are less visible. If factions seek opportunities to cultivate their product, this route permits them to do so without having to agree to major concessions that could temper their original policy proposal and allows them to bypass an otherwise lengthy process due to repeated delays.

While Oleszek et al. (2020, 51) argues that omnibus bills “draw the ire of rank-and-file members...because typically little time is available in the final days of a session to debate these massive measures or to know what is in them,” I argue that this lawmaking procedure allows

party leadership to build a broad coalition of support by ensuring the maximum amount of policy gains for party members. If party leadership is concerned that faction members dilute the brand (Lupu 2014), this is the least visible and costly means to buy their ongoing support. Given that congressional members still credit-claim policy gains made through omnibus bills (Casas et al. 2020), faction members can promote their product and protect their seats.

Therefore, both ideologically centrist and extremist factions' needs can be satisfied through legislative hitchhikers. Through this procedure, party leadership builds a broad coalition of support for the omnibus bill, which needs a simple majority, and other policy measures that it may pursue in the future. Factions refine their products. Again, buying the support of many through a faction's bill is cheaper than buying the support of stand-alone members' bills. For the majority party, members of both extreme and centrist intraparty factions will have equal access to this legislative device. In other words, the coefficients for this hypothesis should be both statistically significant and positive for moderate and extremist faction members.

*H1: Bills introduced by intraparty faction members are more likely to be considered as legislative hitchhikers than bills introduced by non-intraparty faction members.*

*H2: In the majority party, bills introduced by extremist and moderate intraparty faction members are equally likely to be considered as legislative hitchhikers than non-faction members.*

### ***Data and Methods***

This study investigates the degree to which faction members possess a procedural advantage over policymaking in the House. For ease of estimating the model, analyzing the results, and keeping with the hypotheses that I have presented above, I split the data into two datasets to

discern the value of being affiliated with factions. The first dataset contains all House members and hitchhiker bills between 1995 and 2014. The second dataset contains all hitchhiker bills submitted by the majority party between 1995 and 2014. Data on all bills processed as hitchhikers *and* standalone legislation are retrieved from Casas et al. (2020). The dependent variable for this study is whether the bill passed as a legislative hitchhiker, and it is measured as a dichotomous indicator.<sup>26</sup> The unit of analysis is the congressional bill.

To assess the first hypothesis, the independent variable is intraparty faction membership, where lawmakers affiliated with factions are assigned a value of 1, 0 otherwise. The independent variables for the second hypothesis are moderate and extremist, where those lawmakers affiliated with moderate and extremist intraparty factions are *separately* assigned a value of 1, 0 otherwise. I rely on Clarke's (2020a) data for faction membership in the House between 1995 and 2014. Following the ideological classification of factions in Clarke's (2020a) work, members of centrist factions include the Republican Main Street Partnership, Blue Dog Coalition, and New Democrat Coalition. Members of extreme factions include the Congressional Progressive Caucus, Populist Caucus, Republican Study Committee, Tea Party Caucus, and House Liberty Caucus.

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<sup>26</sup> Those bills that pass as legislative hitchhikers are coded as 1, while those bills that are passed as standalone measures are coded as 0. This dataset, unlike Casas et al. (2020), does not contain failed legislation.

Faction	Years	Category
Congressional Progressive Caucus (D)	2001-2018	extreme
Populist Caucus (D)	2009-2012	extreme
New Democrat Coalition (D)	1997-2018	moderate
Blue Dog Coalition (D)	1995-2018	moderate
Republican Main Street Partnership (R)	1999-2018	moderate
Republican Study Committee (R)	2003-2018	extreme
Tea Party Caucus (R)	2010-2014	extreme
House Liberty Caucus (R)	2013-2014	extreme

Given that the dependent variable is a dichotomous indicator, this research employs a logistic regression. The unit of analysis is the congressional bill. I control for various member-specific factors and congressional-specific factors that might affect the relationship between the independent and dependent variables. Seniority is a continuous variable measuring the number of consecutive terms served by the congressional member. Members who have served longer in the House will be more likely to have their hitchhiker considered. Electoral security is a continuous variable measuring the congressional member's most recent vote share from his congressional election. Electorally vulnerable members of the majority party are expected to be given priority amendment consideration. Congressional members are assigned a value of 1 provided that they hold a leadership role in the majority party. Leadership is expected to be favored in the hitchhiker process. To determine whether faction membership has an independent, substantive effect on legislative effectiveness, I control for sponsor ideology using DW-NOMINATE scores, taking the absolute value of the score. For the first hypothesis, a control variable indicating whether the lawmaker is a member of the majority party is included.

To ensure the results of this study are not driven by any outstanding circumstances associated with a particular Congress, I include dummy variables for each congressional session

in this dataset. This variable would account for various Congress-specific factors, including majority party status, faction size, the pervasiveness of faction membership, and the size of the majority party in Congress. Independently, these factors may (dis)empower factions or affect the Speaker's willingness to utilize this device.

## ***Results***

Before reviewing the results of the regression models, I present various descriptive statistics associated with the dataset. In Table 5.2, these statistics consist of the type of lawmaker and the number of legislative hitchhikers or standalone bills considered between 1995 and 2014.

Importantly, all bills in this dataset, whether they were processed as hitchhikers or standalone legislation, passed in the House. I, unlike Casas et al. (2020), do not offer additional analyses on failed legislation. Of note in this dataset is that most policy ideas are passing as legislative hitchhikers rather than standalone legislation, which is in line with Casas et al.'s (2020) finding. Of the 4,101 policy ideas that appear in the dataset, 63.8% are processed as legislative hitchhikers. The policy ideas of faction and non-faction members are being processed as standalone legislation or legislative hitchhikers at nearly equivalent rates. Therefore, faction members, regardless of their ideological inclinations, are receiving roughly the same number of legislative hitchhikers as non-faction members. These observations are present in the majority party.

**Table 5.2 Descriptive Statistics Associated with Chapter 5**

<i>Category</i>	<i>Legislative Hitchhiker</i>	<i>Standalone Legislation</i>
Faction Members	759	1,141
Non-faction Members	839	1,362
Minority Party Members	416	579
Majority Party Members	1,182	1,924
Extremist Faction Members	369	600
Moderate Faction Members	390	541
<i>Majority Party Only:</i>		
Faction Members	563	802
Non-faction Members	619	1,122
Moderate Faction Members	288	362
Extremist Faction Members	275	440
<i>Total</i>	2,503	1,598

Table 5.3 provides the results from the logistic regression employed in this chapter, and results for the individual congressional controls appear in the Appendix (Table 5.4). The first hypothesis predicted that intraparty faction members, regardless of whether their party resided in the majority party, would outperform their non-faction counterparts. This is the case. There is a positive, statistically significant relationship between faction membership and the likelihood of

receiving a legislative hitchhiker in the House. Other results from the first model indicate that committee members and members with greater tenure are statistically rewarded with this procedure, while members that affiliate with the majority party or hold leadership positions in committees are statistically less inclined to be rewarded through this procedure.

The second conjecture presented in this chapter maintained that moderate and extremist faction members would equally outperform non-faction members in the majority party. Hence, I expected that both coefficients for the moderate and extremist variables would be both positive and statistically significant. The results provided in Table 5.3 indicate that these members are conferred an advantage under this procedural device. Their policy ideas are more likely to be processed as a legislative hitchhiker than non-faction members. Like the previous model, rank-and-file committee members in the majority party and those majority party members with more legislative service are more likely to receive a legislative hitchhiker, while members that hold leadership positions on committees are less likely to receive a legislative hitchhiker.

Given the difficulty associated with interpreting logistic regression models, I also graph the predicted probabilities in Figures 5.1 and 5.2. In Figure 5.1, aside from the congressional and majority party controls, all categorical variables are held at their modes. The former categorical variables, along with continuous variables, are held at their means. For non-faction members, regardless of majority party status, the probability of receiving a legislative hitchhiker is 49.0%. In contrast, for faction members, the probability of receiving a legislative hitchhiker is 52.5%. In Figure 5.2, within the majority party, 45.9% of policy proposals introduced by non-faction members become legislative hitchhikers in omnibus legislation. Among faction members within the majority party, 58.5% of policy proposals introduced by moderates become legislative

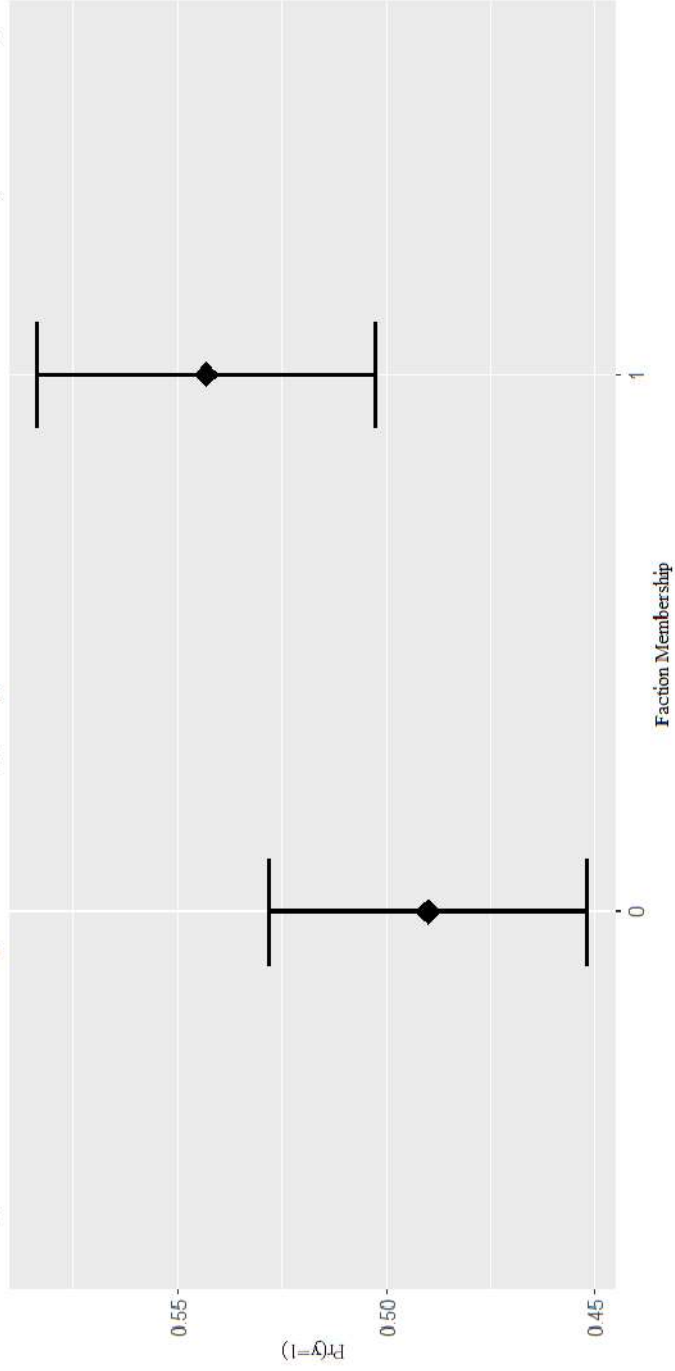
hitchhikers, while 52.9% of policy proposals submitted by extremists are incorporated into omnibus legislation as legislative hitchhikers.

**Table 5.3 Logistic Regression Results for Legislative Hitchhikers, 1995-2014**

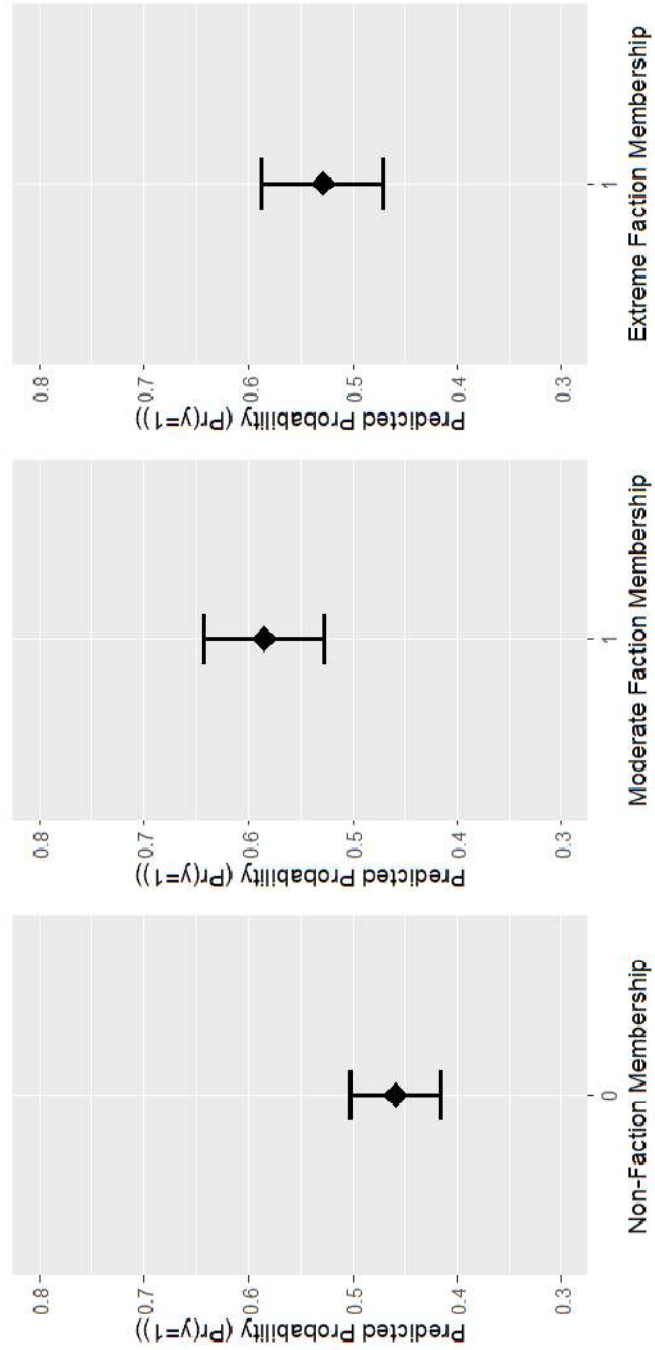
<i>Variable</i>	<i>H1</i>	<i>H2</i>
Faction Membership	0.213** (0.080)	–
Moderate Faction	–	0.507*** (0.118)
Extremist Faction	–	0.281* (0.118)
DW-Nominate	-0.412 (0.232)	0.056 (0.305)
Previous Vote Share	-0.003 (0.002)	-0.003 (0.002)
Committee Member	0.679*** (0.087)	0.668*** (0.100)
Committee Chair	-0.970 (0.127)	-0.936*** (0.137)
Ranking Committee Member	-0.441 (0.275)	–
Subcommittee Chair	-0.428*** (0.113)	-0.427*** (0.118)
Subcommittee Ranking Member	-0.397 (0.213)	–
Majority Party	-0.252** (0.094)	–
Seniority	0.015*** (0.004)	0.013* (0.005)
N	4,101	3,106
Null Deviance	5,483.8	4,126.8
Residual Deviance	5,288.5	3,971.8

Values in parentheses represent the standard errors. Regarding statistical significance, coefficients ending with “\*\*\*” denotes  $p < 0$ , “\*\*” denotes  $p < .01$ , and “\*” denotes  $p < .001$ .

**Figure 5.1 Probability of Receiving Legislative Hitchhikers in the House (1995-2014)**



**Figure 5.2 Predicted Probability of Receiving a Legislative Hitchhiker, 1995-2014**



## ***Conclusion***

When interviewed by CBS News for his new memoir in April 2021, former Speaker John Boehner (R-OH) candidly revealed that he had “never [met] a guy who spent more time tearing things apart—never building anything, never putting anything together” (Mosbergen 2021). He was referring to none other than his colleague, Jim Jordan, whom, he added, was a “political terrorist[.]” While neither Boehner and Sites’s criticisms hindered his reelection campaigns for representative of Ohio’s 4<sup>th</sup> district, Jordan’s non-record and repeated political stunts heavily factored into his failed campaign for Speaker of the House.

When former Speaker Kevin McCarthy (R-CA) stood before House members on October 20<sup>th</sup>, beseeching the Republican conference to vote for his candidacy, he called Jordan an “effective legislator,” adding “[t]o legislate is about more than the name on the bill. It’s about reaching a compromise and working long hours behind the scenes to get the job done” (Robertson 2023). Democrats laughed. Twenty-five Republicans, a margin that threatened to increase with each vote, remained unconvinced.

Jordan had played a leading role in orchestrating the chaos surrounding the 2013, 2015, and 2018 government shutdowns or near-shutdowns and sinking Republican legislation as the HFC demanded attention for their policy preferences (Levine et al. 2023; Peterson 2023). He also held key positions on investigative committees that captured the attention of the media, but these committees were unproductive and highly partisan affairs. He supported efforts to undermine the 2020 presidential election, presented a potential fundraising liability, and took controversial policy positions (Brown 2023; Levine et al. 2023; Zanona and Grayer 2023; Elliott

2023). Finally, since being reelected to office in light of these criticisms, he still had not passed a bill in his sixteen years of legislative service (Blake 2023). Despite Jordan and his allies reportedly using hardball tactics to rally party members into supporting his candidacy, a significant chunk of the party remained unwilling to empower him as their next Speaker of the House (Yang 2023; Garrity 2023).

In the dataset utilized in this study, Jordan's name did not appear. Although he, of course, had no standalone bills, he also received no legislative hitchhikers. Chabot's policy ideas, meanwhile, were processed in five standalone bills and four legislative hitchhikers. While Jordan has been a household name in the news, Boehner's assessment of the lawmaker was, apparently, true. He has no legislative record—visible or invisible—to present to his voters. Still, while Jordan is deemed ineffective within this dataset and among his critics, party leadership uses this procedural device to statistically reward those lawmakers that have a propensity to rebel—that is, faction members. Through the years, then, Jordan has played a legislative game with party leadership that other faction members have simply played *better*.

## CHAPTER 6

### CONCLUSION

In the final days of Spring 2023, the House Freedom Caucus (HFC) had yet another bone to pick with Republican leadership. After a “36-day scramble” of negotiating with the White House on a debt ceiling bill, it passed in a bipartisan vote on May 31<sup>st</sup>, but it was accompanied by the number of Republican defections (76) outweighing the number of Democratic defections (46) (Nicholas et al. 2023). The HFC was livid. The 33-member bloc of ultraconservative Republicans had demanded steep budget cuts and a one-year debt ceiling limit, but the group, according to Representative Ken Buck (R-CO), an HFC member, “had ‘failed’ in its efforts to influence [the] legislation more to its liking” (Fossum 2023). Unlike Representative Chip Roy (R-TX), who called for a “reckoning” and contemplated submitting a motion to vacate the speakership, fellow HFC members were quiet and mulling their next move (Basu and Solender 2023).

They made their move the following week. Since January, Republicans had pledged to pursue legislation protecting gas stoves and appliances in American households after a member of the Consumer Product Safety Commission suggested a ban might be possible in the future. In line with Lee’s (2016) theory regarding more frequent messaging battles between the parties to establish political heroes and villains, Democrats were assailed for, what Senator Ted Cruz (R-TX) labeled, their “authoritarian impulses,” but the White House and head of the independent

commission assured Americans that there would be no federal bans and any regulatory changes would involve a “lengthy process” (Frazin 2023).

In the first, full week of June, the burning issue that had seemingly united a fractious Republican Party was revisited, and they expected an easy policy win in the House. A procedural vote issued by the Rules Committee provided for the consideration of the Gas Stove Protection and Freedom Act and the Save Our Gas Stoves Act. A rule sets the parameters for the debate and amending activity on the bill, and if a simple majority cannot pass the rule, then they cannot consider the bill. Although highly partisan votes, rules in the contemporary House almost always pass, and since 1995—until 2023, the House had failed to pass a rule only eight times (Wilson 2023).

The rule providing for the consideration of both bills failed. Ten HFC members and a *close* ally voted to kill the rule in a “stunning floor rebellion” that “blindsided” Speaker Kevin McCarthy (R-CA) and stalled consideration of the bills (Grisales and Sprunt 2023). When the gavel came down, House GOP leaders agreed to immediately cancel the votes for the remainder of the week and reverted to privately negotiating with the raucous faction and the broader conference to discuss the plan ahead. In a conference meeting that sparked “a little bit of fun,” as the Speaker jokingly characterized it, Representative Derrick Van Orden (R-WI) unloaded on the HFC for blocking the procedural vote. Before his colleagues, he stressed that he “[showed] up to work every f----- day,” and yet, he often felt his legislation was overlooked, adding that “[it’s] not the s--- that gets on Fox News.” At the conclusion of the heated meeting, attendees were largely quiet about what transpired. However, Representative Matt Gaetz (R-FL), a *close* ally of the HFC and the eleventh vote, nonchalantly admitted that he was “not for everyone,” while he

defiantly insisted that “we’re not going to live in the era of the imperial speaker anymore” (Ferris et al. 2023; Cowan and Slattery 2023).

The following week, the Speaker reportedly reached an agreement with the HFC to continue with the consideration of the bills under a new rule. In the aftermath, the group indicated to reporters that they wanted to see progress towards a “power-sharing” deal between the HFC and the Speaker to bolster their influence. It is unclear whether the terms of this deal matched their previous demands for concessions regarding the rules, committee assignments, and legislative policy. The promise to fulfill the latter demands for a more democratic House had secured a McCarthy speakership in January—after fifteen rounds of voting. However, the HFC’s public announcement certainly would lead observers, supporters, and critics to assume that progress had stalled—or never commenced, and without progress, they vowed “there [were] going to be fights” (Morgan 2023).

To be clear, however, with the GOP’s control over the House being razor-thin, the HFC did not have to amass all their troops in order to wage a fight against the party leadership. In January, at the behest of the kingmakers, McCarthy made the consequential decision to revise House rules and permit a single lawmaker to call for a “motion to vacate” vote, and with the HFC’s propensity to agitate leadership and capitalize on the media attention received through their hostage-taking tactics, the move had prompted some within his party and the media to argue that he “paid a steep price” for the speakership (Stewart 2023; Mueller 2023; Fox et al. 2022; Binder 2023). In October 2023, just nine months into his term, an effort led by one member, Gaetz, who proudly boasted that he had single-handedly made Congress a “living hell,” to call for a motion to vacate ultimately cost McCarthy everything (Mascaro and Amiri 2023; Nava 2024). The kingslayers of Capitol Hill and its *close* ally had struck again, and the short-lived

“imperial speakership” of McCarthy abruptly concluded, becoming the first ever Speaker of the House to be ousted from the position and creating a crisis in the House without an immediate resolution.<sup>27</sup> With friends like these, who needs enemies?

For factions, being the enemy of party leadership has proven more profitable than being a friend. Previous work has established that these ideological entities usher in more votes, cash, and fame to their members, assisting in their reelection efforts and political ambitions. These benefits encourage members to maintain a sophisticated organization that can swiftly and clearly communicate their policy preferences and further articulate and introduce these preferences to the chamber for consideration. Of course, because these benefits are only received if there is a clear distinction between the faction and the party, these organizations also inspire the like-mindedness, unity, and commitment of their members through their internal rules and strategies. This, however, also benefits party leadership, who can cheaply reward opportunities at influencing the agenda to a group of ideologically similar lawmakers without having to sacrifice significant time, resources, and agenda space for individual, unaffiliated lawmakers. With the motive and means to challenge the authority of party leadership and better define their distinction, this research agenda proposed that faction membership in the contemporary Congress provided an added legislative benefit.

The question of whether the factions can successfully leverage their support of the party leadership’s agenda in exchange for greater legislative influence has been addressed anecdotally and empirically. Anecdotally, these accounts suggest that factions are successful, but this measure of success is subjective, even conditioned on circumstances, and the number of cases

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<sup>27</sup> In the immediate aftermath, Representative Patrick McHenry (R-NC), handpicked by McCarthy in accordance with House rules adopted after 9/11 that require speakers to submit a list of successors, became speaker pro tempore of the House.

scholars have explored is limited. Empirically, factions are not successful through traditional means of legislating. That is, the linear process of bill introduction, committee attention, a rule, and a floor vote, where the more attention a lawmaker's bill receives in the House, the more effective the lawmaker is, offers faction members no benefit over their non-faction colleagues. This research agenda, however, has focused on how factions might be successful through unorthodox but popular means of legislating in the House as party leadership navigates deepening interparty and intraparty divisions without ample time and resources at their disposal. Specifically, I analyzed whether faction members procured legislative benefits from their bills processed through suspension of the rules, amendments under structured rules, and legislative hitchhikers in omnibus legislation.

Chapter 3 employed an OLS regression to examine whether intraparty factions systematically made legislative gains through the suspension of the rules procedure. I predicted that intraparty factions would outperform non-faction members, but they did not. The finding garnered no statistical significance, and it was signed contrary to my expectations. I also predicted that a procedure generally reserved for bipartisan—or moderate—policies would advantage moderate intraparty organizations, but even when accounting for majority party status, moderate faction members are not being rewarded with this device. In fact, within the majority party, moderate members are statistically *less* likely to receive suspension opportunities than non-faction members, but extremist members did not statistically perform better than non-faction members.

Chapter 4 utilized a logit model to ascertain the advantage that intraparty faction members have over non-intraparty faction members through amendments submitted under structured rules. Once again, I started with a leading hypothesis that faction members received

more amending opportunities than their non-faction colleagues. I also predicted that faction members in the majority party would perform better. Neither of these hypotheses were supported by the analysis. Indeed, regarding the second hypothesis, moderate faction members' amendments were statistically *less* likely to receive consideration on the House floor. This finding is in line with Chapter 3's results.

Chapter 5 relied on a logit model to determine whether faction members advance their policy prerogatives as hitchhikers to larger omnibus legislation. I anticipated that faction members would receive more legislative hitchhikers than non-faction members. I also expected that moderate and extremist faction members in the majority party would equally receive an advantage through this procedure. A subsequent analysis supported these expectations. Faction members' policy ideas are more likely to be advanced through legislative hitchhikers than non-faction members' policy ideas. Moderate and extremist faction members in the majority party were equally likely to have their policy proposals incorporated into omnibus legislation as legislative hitchhikers. Combined, then, faction members are only procedurally advantaged through legislative hitchhikers, and this might be due to the nature of omnibus legislation as legislation that combines (or conceals) a series of unrelated policies into a massive bill that members have little time to evaluate.

Comparatively little scholarly attention has been devoted to studying intraparty factions in the House, but as intraparty factions have increasingly sought and seized center stage in major policy contests, they seem to have received heightened interest by researchers and journalists. The non-findings, overall, associated with this agenda are troubling, then, because they suggest that these organizations prefer center stage not to challenge leadership with the *expectation* of receiving substantive legislative gain but to challenge leadership for the *promise* of electoral

gain. Still, perhaps these non-findings, particularly those associated with Chapter 3 and 4, indicate that pervasive faction membership has rendered them useless. When every faction has the means and motive to threaten party leadership with defection unless their policy demands are satisfied, and non-faction members are a rarity, everyone loses or wins together, ensuring no one is statistically advantaged or has an outsized influence in the House. At the very least, then, factions do not offer their members the policy expertise necessary to write bills or amendments that attract the attention of party leadership and other party members, or factions' vast memberships and policy demands do not intimidate party leadership into yielding any significant concessions.

Still, for the battles they do choose to wage on and away from center stage, their demands and tactics often stall progress on important policy issues, and if they do not deter individuals from seeking office, they encourage existing members to discontinue their legislative service. Regarding the example presented at the beginning of this chapter, following McCarthy's ousting, the House went without a speaker for three weeks as the nation continued to inch toward a government shutdown (Murphy and Allen 2023). The speaker pro tempore's powers were exceedingly limited, and according to House rules adopted in the wake of 9/11, his only job is to oversee the election of a new speaker. In short, all business of the House came to a standstill for twenty-one days, so negotiations to avert a government shutdown and the White House's demands for an emergency aid package to Israel and Ukraine went unaddressed (Haberhorn and Cancryn 2023).

Meanwhile, time continued to dwindle as the Republican Party scrambled to find a viable alternative candidate that could capture over fifty percent of the chamber's support, and they even contemplated passing a resolution to expand the powers of the speaker pro tempore

(Lesniewski 2023; Buck 2023; Edmundson and Karni 2023). Since this debacle, numerous Republicans in the House have declined to seek reelection, including the acting speaker pro tempore, and while the party ultimately rallied behind the candidacy of Representative Mike Johnson (R-LA), even his speakership has come under constant threat (Zanona et al. 2024; Mueller 2024; Beavers 2023; Zanona et al. 2023; Carney and Beavers 2024). Ironically, while HFC and Republican Study Committee (RSC) members have expressed their dissatisfaction with Johnson, even threatening to submit a motion to vacate against him, moderate Democrats associated with the Blue Dog (BDC) and New Democrat Coalitions (NDC) have publicly promised to shield Johnson from intraparty rebellion in exchange for votes on aid to Ukraine, Israel, and the southern border (Timotija 2024; Solender 2024). Although interparty divisions have continuously contributed to the American people's disdain for Congress, the emergence of intraparty divisions presents the public with a new reason to despise and distrust the institution.

### ***Well, What's Next?***

While policy inaction is a broad consequence of intraparty warfare, the narrower consequence of these findings is that these lawmakers that are actively resisting party leadership and the party label are no better at representing their constituency's interests. In fact, they are largely incapable of representing their constituency's interests on the agenda in comparison to those members that are not affiliated with factions. Still, despite directly contributing to the chaos and dysfunction of Congress, these members continue to return to office, sending a signal that such behavior is permissible. This raises numerous questions and possible avenues for future research.

For example, a lawmaker's membership in factions and their legislative ineffectiveness begs the question of how they can credibly appeal to and discuss their legislative record with their voters on the campaign trail. While a party's candidates may claim membership in an intraparty faction, they are still affixed with "D" or "R" after their names on a ballot. The traditional party brand remains a "collective good [that] provides members...with a low cost means of signaling their electorate," and they are labels voters understand (Kiewiet and McCubbins 1991). Therefore, do they promote the traditional party brand that voters universally recognize, or do they continue to dissociate with it by peddling their faction's sub-party brand? Are there circumstances that necessitate relying on one brand over another?

It also remains to be seen whether faction members become markedly more effective *after* joining factions given the difficulty associated with lawmaking. In this study, like Clarke et al. (2019), we know nothing of these members' legislative records prior to their entry into a faction. If members become less effective upon joining a faction, then we might definitively conclude that lawmakers rely on these organizations for electoral gain and much of their animosity with party leadership is part of a performance. If they become more effective upon joining a faction, then we might understand why they continue to associate with the organization.

Like Clarke et al. (2019), this research has drawn broad conclusions from the results regarding the legislative effectiveness of factions based on the performance of their individual members. Such broad conclusions rely on the assumption that faction members are *only* introducing policies that are inspired by their faction's policy platforms. However, a faction member may campaign on other legislative initiatives that are either incongruent with or irrelevant to the faction's platform. Such a broad conclusion, then, is problematic. To this end, a more convincing study would consider the content of each faction's policy platform, isolate all

bills that reflect this content, and determine whether factions are fulfilling their policy goals. Admittedly, such an approach, while informative, would be time-consuming. In short, future research should be concerned with how effectiveness is ultimately defined.

This research has also downplayed the role of cosponsorship in the legislative process. Traditionally, in legislative effectiveness research, the individual owns the complete success or failure of his policy proposal, but as Eatough and Preece (2023) contend, cosponsors can also own this success or failure. In this agenda, suspension bills and legislative hitchhikers do not consider the role of cosponsors, so faction members may have been uncredited for their work, underestimating the true extent of their effectiveness.

With access to policy assistance and exposure to likeminded members for cosponsorship opportunities, faction members may also experience greater legislative productivity than non-faction members, but the persistent need to find ways at maintaining their distinction may also equally distract them from lawmaking. Productivity, like legislative effectiveness, must be carefully defined. Legislative speeches on the floor, the decision to increasingly participate in committee markups, and party conference/caucus meeting attendance constitute productivity as much as introducing bills to the chamber.

This research did not explore the differences in factional gains by party. Researchers have argued that the Republican Party polarized faster than the Democratic Party. Therefore, it is possible that moderate factions perform well in the Democratic Party, while extreme factions perform well in the Republican Party. Like Clarke et al. (2019), I also broadly assumed that each faction has the same organizational features and employs the same strategies, but they do not.<sup>28</sup>

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<sup>28</sup> Clarke et al. (2019) and Clarke (2020a) previously categorized factions based on the strength of the organization for a more in-depth component of their empirical studies.

Given that moderate factions often attract lawmakers from unsafe districts, it would be unsound for the moderate faction to adopt voting rules and force their members to vote as bloc. Therefore, they might not be as threatening to party leadership as the faction with strict voting rules.

Furthermore, throughout this research, I have noted that some factions preferred negotiating directly with leadership rather than publicizing their animosities. Party leadership might respect these “civil,” “professional” factions enough to incorporate their policy preferences in the agenda than those factions that are “boisterous.” Still, they might prefer to prevent a media frenzy by rewarding boisterous factions at the expense of the civil, professional factions. These factional differences could impact their effectiveness. Future research might explore how each faction in this sample might perform against non-faction members as specific factions in the House might be more effective entities than others.

Like previous studies of intraparty factions, this agenda classified these factions as moderate and extreme, but this is problematic upon closer inspection of each faction’s affiliates. The Republican Study Committee and the New Democrat Coalition are occupied by moderates and extremists, but on an ideological scale, they hover around the party median. They might be better referred to as a transitional faction. Their policy preferences are not exclusively moderate or extreme, but scholars have restricted them to a single type. The addition of a new type, of course, offers its own set of hypotheses, particularly as party leaders are said to emerge from the party median. Ideally, members of transitional caucuses, as the largest intraparty organizations, would be ideologically similar to leadership, so they might be more advantaged than moderates, extremists, and non-faction members.

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## APPENDIX

### *Explaining the Sample of Factions*

This research agenda analyzes nine intraparty factions that have emerged since 1995, coinciding with the abrupt shift from legislative service organizations to congressional member organizations. Since 1979, members within the former entities received official congressional resources (e.g., staff, information, and additional franking privileges) to advance their policy interests. However, when these organizations were charged with mismanaging their funds and their leaders began overtly challenging congressional leaders for legislative influence, particularly threatening to eclipse the power of the committee system, Gingrich Republicans effectively banned these institutions (Clarke 2020b).

The congressional member organizations that followed would be required to adhere to strict guidelines, including finding independent sources of funding and staff. The intraparty organizations that adapted and emerged after 1995, then, were *structurally* different from their former counterparts, and this independence has changed the way their members approach lawmaking, particularly in an era of centralized party leadership and polarization. As Clarke (2020a, 457) states, congressional member organizations “did not exist prior to 1995, and this new legislative institution provides a clean break for data collection.” Beginning in 1995, these ideological organizations possessed both the motive and the means to buck the two-party system in favor of their sub-party brands, representing a watershed moment for congressional politics.

Using data on all organizations over this time period to test the theories presented here is more preferable than selecting two moderate and two extreme factions across both parties. Any conclusions drawn from the analyses can be generalized to *all* factions that existed during this time period, rather than to the sample of four factions. While the Blue Dog and New Democrat Coalitions profess to represent moderate constituencies, the split within the moderate wing of the Democratic Party suggests that there may be policy and organizational differences between them. This, in turn, not only influences the content of their legislative proposals, but it might also affect the frequency with which they submit them for consideration, successfully negotiate with party leadership to convert them into law, and communicate their efforts to constituencies. The same might be said of the Republican Study Committee and the Tea Party Caucus, House Liberty Caucus, and the House Freedom Caucus as factions located within the extreme wing of the Republican Party. Studying all intraparty factions during this time period maintains a sense of arbitrariness and simplicity. There are numerous ways (e.g., size, degree of ideological purity, organizational features, and longevity) to categorize these organizations, making it difficult to justify the use of New Democrats over Blue Dogs or the Republican Study Committee over the House Freedom Caucus.

Therefore, I focus on all intraparty factions that have emerged since 1995, and I rely on Clarke's (2020a) data on factions and their members from 1995 to 2018. The nine organizations adhere to a set of ideological tenets that are distinguished from the tenets of the traditional party brand and other intraparty factions. In a policy space, moderate faction member's policy preferences will be concentrated around the floor (or chamber) median, while extreme faction member's policy preferences will reside closer to the poles of their respective party. The traditional party brand will reflect the party median's policy preferences.

Within the Republican Party, there are five factions. Of these five, only one faction promotes ideologically moderate policies—the Republican Main Street Partnership. Formed in 1998 by Representative Amory Houghton (R-NY), the group’s purpose was to “‘serve as a voice for centrist Republicans,’ as well as soften the GOP’s harsh rhetoric and policies on abortion, gay rights, and the environment” (Berman 2023). However, today, its members call themselves “pragmatic conservatives,” originating from “toss-up seats to deep-red districts,” to “convey they support many mainstream GOP positions but are willing to cut deals to get things done” (McPherson 2023; Brooks 2023). In recent years, the group has lessened their pursuit of centrism and bipartisanship, and instead, they have focused on “ridding Congress of G.O.P. rebels bent on disrupting legislative business and stoking party divides” (Karni 2024).

The Republican Study Committee, which has consistently represented the *oldest* and *largest* intraparty faction within the Republican Party, emerged in 1973 and reflects the “most common conservative ideals of the...[p]arty,” attracting ideological moderates and extremists and serving as a training ground for many roles in House leadership (Blanco et al. 2023). The caucus advances the causes of “limited government and strong national defense” (Reilly 2017).

In 2010, the Tea Party Caucus was established in the House to capitalize on sentiment arising from the Tea Party movement. The latter was a “grassroots, bottom-up, anti-government...and anti-Washington crusade” that begrudged government spending and vilified the Democratic Party (Gervais and Morris 2012, 246). Tea Party advocacy groups mobilized voters to replace congressional Republicans that were not conservative enough with likeminded politicians that fashioned themselves as anti-establishment, creating a caucus of extreme conservatives or “ideological purists” who shunned political compromise (Ragusa and Gaspar 2016, 369).

The group's founder, Representative Michele Bachmann (R-MN), wrote that the "Caucus [was] strictly issue-based in nature, promoting policies of fiscal responsibility and limited government with a strict adherence to our Constitution at the forefront" (Herszenhorn 2010). The caucus, however, disbanded after the 2012 election as its chair, Bachmann, focused her attention on launching an unsuccessful campaign for president, and it also failed to effectively brand itself, but some observers have noted that the movement "unleash[ed] the politics of anger" that has affected subsequent congressional and executive policymaking (Peters 2019; Ward 2023; Clarke 2020a).

Although the Tea Party Caucus was short-lived, its libertarian and ultraconservative principles manifested in other Republican caucuses. The House Liberty Caucus of 2012 represented a measly attempt at reviving the organization that formed in the 1990s and dispersed in the wake of the departure of its founding member, Representative Ron Paul (R-TX). Led by Representative Justin Amash (R-MI), at the time, the caucus's political beliefs aligned with conservative ideals, such as debt reduction, limited government spending, and opposing Obamacare. However, unlike mainstream Republicans, the group opposed government surveillance efforts to prevent terrorism in line with their focus on individual liberty and reverence for the Constitution (Ferrechio 2014). This organization is haphazardly maintained and has dramatically shrunk since 2014, the year in which nearly two dozen lawmakers associated with the group, but it infrequently continues to garner media exposure and has consistently appeared in the Committee on House Administration's records since the 112<sup>th</sup> Congress (Ferris 2019; Ferrechio 2014).<sup>29</sup>

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<sup>29</sup> In 2019, the Liberty Caucus sided with House Democrats to overturn President Donald Trump's national emergency declaration, an emergency order, to fund the installation of a wall at the southern border. The eight-

Amash also helped found the House Freedom Caucus in 2015. The group was designed as an alternative to the Republican Study Committee, which Freedom Caucus members argued had grown too large and lackadaisical in their defense of conservative principles. The group considers itself “a voice to countless Americans who feel that Washington does not represent them...support[ing] open, accountable and limited government, the Constitution and the rule of law, and policies that promote the liberty, safety and prosperity of all Americans” (French 2015a). The caucus attracts the most extreme Republicans that are “more comfortable using extreme tactics—like risking a government shutdown [and removing the Speaker]—to defend their beliefs” and to force leadership into empowering the rank-and-file (Lee 2015; Sherman 2015; Hulse 2023).

Within the Democratic Party, there are four caucuses, and two factions are said to pursue ideologically moderate policies—the Blue Dog and the New Democrat Coalitions. Fiscally conservative Democrats created the Blue Dog Coalition in response to the 1994 midterms. For the first time in four decades, Republicans claimed control of the House, and the faction’s members interpreted the outcome as a signal that the party’s progressive agenda failed to incorporate voters’ policy interests. Their goals are “to fight[] for fiscal responsibility, a strong national defense, and bipartisan, commonsense solutions in Congress” (Blue Dog Coalition 2023). While it began as an organization of mostly southern lawmakers, its membership quickly expanded to include lawmakers from other regions, and in 2006, the caucus had as many as fifty members (Dumain 2015). However, this bloc has greatly diminished since 2006 as most of its members, who originate from swing districts, were booted from the House in lieu of the Tea

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member group issued a statement arguing that a “national emergency declaration does not conform to our constitution” (Ferris 2019). Otherwise, the group is largely ineffective.

Party movement. In 2023, the faction began its work in the 119<sup>th</sup> Congress with its smallest membership to date—nine—after members sparred over rebranding the caucus (Mutnick and Ferris 2023; Ferris 2023).<sup>30</sup>

The New Democrat Coalition was founded in 1997 by Representatives Jim Moran (D-VA), Cal Dooley (D-CA), and Tim Roemer (D-IN) to advance the Clinton administration’s “third way” or centrist policies (Mellbye 2003; Hale 1995; Heilbrunn 1997). The Coalition, unlike other ideological factions within the Democratic Party, has largely wielded little influence on the agenda because it is “an odd band featuring lawmakers from both the conservative Blue Dog Coalition and the liberal Congressional Progressive Caucus,” where its “members’ diversity on social issues has often split them on major legislation” (Lillis 2013; Lillis 2012). Despite its diverse membership, the Coalition presents itself as a group of “pro-business ‘moderates’ focused on economic growth by promoting free trade, a healthy high-tech sector and investments in education and infrastructure” (Lillis 2013).

The short-lived Populist Caucus that emerged in 2011 represented an attempt to revive a similar caucus that was active in the 1980s. In the 1980s, the “populist caucus” attracted rural lawmakers from the Democratic Party that sought to protect farmers from high interest rates and low commodity prices and to fight for the implementation of a graduated income tax to target wealthy citizens and corporations (Malone 1983). To capitalize on another “populist streak coursing through America” that was the result of a “plummeting economy and opaque bank bailout,” Representative Bruce Braley (D-IA) created the caucus that included, at its founding, twenty-three members (Grim 2009). The group’s goals included creating jobs, ensuring a secure

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<sup>30</sup> In the immediate aftermath of the rebranding rift, only seven lawmakers affiliated with the Blue Dog Coalition. By late spring, Representatives Mary Petola (D-AK) and Marie Gluesenkamp Perez (D-WA) joined the group, becoming co-chairs of the faction (Ferris 2023).

retirement, cutting taxes for the middle class, making healthcare affordable, promoting fair trade principles, and protecting consumers (Weigant 2017).

The Congressional Progressive Caucus began its pursuit as a “conscience to the left” in 1991 with six members (Talbot 2015). In its early years, it was largely an uninformal group as members often failed to unite behind policy matters and avoided connecting with progressive grass roots activists who could assist faction members in their efforts to alter the direction of Democratic Party (Brodey 2015). In 2020, the faction also made numerous changes to strengthen its ability to vote as a bloc and altering its leadership structure by requiring members to attend meetings, vote with the bloc if there is two-thirds consensus on a policy position, and limiting the chairmanship to one individual (Zhou 2021). These changes were intended to ensure the group could wield its growing membership as an influential voting bloc and to quickly and effectively engage in policy negotiations. Today, the group champions progressive “policy solutions like comprehensive immigration reform, good-paying jobs, fair trade, universal healthcare, debt-free college, climate action, and a just foreign policy” (Congressional Progressive Caucus 2023).<sup>31</sup>

### ***Additional Tables***

Tables 3.4 and 5.4 provide regression output results regarding congressional controls for Chapters 3 and 5. The baseline Congress used in each regression was the 104<sup>th</sup> Congress.

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<sup>31</sup> The Congressional Black Caucus is not used in this study. Although it is ideological, as it overwhelmingly aligns with the progressive wing of the Democratic Party, it *also* constitutes a constituency caucus that presents itself as the “country’s most public coalition of civil rights stalwarts, ostensibly responsible for ensuring that an insider game shaped by whiteness can work for black people” (Herndon 2021). The caucuses in this study, however, in line with Clarke’s (2020a) argument, “represent the complete set of congressional membership organizations that explicitly claim (left-right) ideological objectives” that do not simultaneously promote a single demographic (Clarke 2020a, 457).

Coefficients are reported with asterisks provided they achieved statistical significance, while standard errors are represented in parentheses.

<i>Variable</i>	<i>H1</i>	<i>H2</i>	<i>H3</i>
105th	0.270* (0.126)	0.110 (0.447)	0.318 (0.201)
106th	0.675*** (0.128)	0.469 (0.404)	0.917*** (0.204)
107th	0.393** (0.128)	0.098 (0.394)	0.617** (0.203)
108th	0.819*** (0.131)	0.703 (0.388)	1.005*** (0.208)
109th	0.936*** (0.132)	0.786* (0.389)	1.114*** (0.213)
110th	1.867*** (0.132)	1.814*** (0.387)	1.941*** (0.212)
111th	1.915*** (0.134)	1.824*** (0.385)	1.888*** (0.211)
112th	-0.252 (0.135)	-0.462 (0.385)	-0.270 (0.220)
113th	0.137 (0.133)	-0.027 (0.386)	0.309 (0.221)
114th	0.397** (0.135)	0.231 (0.386)	0.480* (0.220)
115th	0.693*** (0.136)	0.570 (0.386)	1.009*** (0.223)
N	5,288	2,846	2,839
R-Squared	0.351	0.339	0.375

The 104th Congress was used as the baseline. Values in parentheses represent the standard errors. Regarding statistical significance, coefficients ending with “ \*\*\* ” denotes  $p < 0$ , “ \*\* ” denotes  $p < .01$ , and “ \* ” denotes  $p < .001$ .

**Table 5.4 Logistic Regression Results for Legislative Hitchhikers, 1995-2014**

<i>Variable</i>	<i>H1</i>	<i>H2</i>
105th	-0.363* (0.148)	-0.368* (0.167)
106th	-0.662*** (0.138)	-0.614*** (0.160)
107th	-0.970*** (0.156)	-0.882*** (0.181)
108th	-0.799*** (0.147)	-0.727*** (0.169)
109th	-0.570*** (0.146)	-0.496** (0.170)
110th	-0.364* (0.148)	-0.286 (0.180)
111th	-0.266 (0.156)	-0.312 (0.185)
112th	-0.576*** (0.169)	-0.569** (0.200)
113th	-1.594*** (0.202)	-1.903*** (0.262)
N	4,101	3,106
Null Deviance	5,483.8	4,126.8
Residual Deviance	5,288.5	3,971.8

The 104th Congress was used as the baseline. Values in parentheses represent the standard errors. Regarding statistical significance, coefficients ending with “\*\*\*” denotes  $p < 0$ , “\*\*” denotes  $p < .01$ , and “\*” denotes  $p < .001$ .