

**Influence Without Power: The Motives, Strategies,
and Tactics of the Minority Party in the House of Representatives**

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ABSTRACT

The minority party in Congress can affect political outcomes, sometimes significantly, but few have studied its tactics, motivations, or degree of influence. In this paper, I argue that minority party activity is undertaken to fulfill one or more of four important goals: election to the majority, policy change, procedural protections, and internal unity. I then discuss some of the ways the minority party in the U.S. House seeks to achieve the first two of these goals, including campaigning, legislating, position-taking, and obstruction-related activity. I conclude with some tentative observations about the necessary conditions for the minority party to be able to actually influence policy and electoral outcomes.

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National politics is often described as a sport – a sport in which the biggest and most competitive teams are the two major political parties. The ultimate prize that each team seeks in this sport is electoral victory and the power that follows from it: the power to shape laws and regulations, determine the structure and operation of government, and convince voters to support their candidates in future elections. Watching the competition between the two parties to win and keep this power is a popular pastime for political junkies, but also – and more importantly – the competition has profound consequences for national, and sometimes even international, policy.

There is at least one critical difference, however, between a real sporting event and the partisan fight for power: unlike the former, in politics the “losers” in the competition for political power in Washington do not leave the field after the contest is over. The minority party remains an active, vocal player and can continue to seek to influence national politics and policy, not to mention establish a foundation of support from which to focus on winning the next election.¹

One important basis of power for a minority party is within Congress. Unlike the executive branch, in which the victorious candidate wins full control of the White House and the cabinet, even weak minority parties possess at least some seats in the national legislature, and thus a potential bully pulpit from which to advocate their interests and concerns. It is also common for members of the minority party to occupy a substantial number of seats – enough to at least threaten, if not actually defeat, legislation sought by the majority party, and to make a

¹ W. Lee Rawls includes a similar observation about the unending nature of party competition (Rawls 2009, 76). In discussing the minority party, I refer to the smaller of the two major political parties (i.e. the Republican and Democratic Parties). The last time one of the two major parties in the American party system disappeared entirely was in the 1850’s, when the Whig Party collapsed amid sectional conflicts over slavery. Third parties periodically have gotten members elected to Congress, may be able to influence policy, and usually do “leave the field” of competition after a short period, but I do not consider them here.

takeover of Congress in the next election within the realm of possibility. To understand what minority parties do and why, the national legislature is thus a logical institution to examine.

Yet despite the importance of Congress as a source of influence for the minority party, the minority party in Congress remains a neglected stepchild of congressional studies. Few scholars have offered explanations of what the minority party does, measured its relative influence on political outcomes, or documented changes in the minority's role and influence over time. In today's Congress especially – where the two parties are highly competitive, minority parties consistently push for changes to policy and to end their minority status, and are likely to carry out their policy goals once they become a majority – it is more important than ever to understand what minority parties do and why.

This paper represents an effort fill the gap of what we know about congressional minority parties. The focus is on the House, not the Senate, in part because minority parties in the House are understudied, but primarily because the House sets a higher bar for finding minority party influence, since House minorities lack the “minority tool kit” of rules and procedures that Senators have at their disposal (Rawls 2009, 39-51). The discussion proceeds as follows. First, I briefly outline why minorities, including minority parties, matter in a democracy. I then introduce a “four goal” theory of minority parties in Congress to explain the motivation for minority party behavior and introduce some basic categories of party activity. Third, I review some of the actual strategies and tactics used by minority party members to achieve one or more of those goals, focusing in particular on two goals: gaining the majority and influencing policy. I conclude with a preliminary discussion of the extent to which the minority can actually exercise enough influence to change political outcomes.

The Minority in a Democracy

Most democratic theorists agree that the minority in a free society should be valued and protected. Though he would later come to put greater weight on the principle of *lex majoris partis* (or majority rule), James Madison recognized the importance of a free and vigorous minority for the American republic. He admitted in Federalist Paper 10 that it was “in some degree true” that, in government, “measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority” (Hunt 1900, 528; Madison 1788; Nivola 2010). Alexis de Tocqueville argued that a minority is always at a serious disadvantage in a democracy because the majority constitutes not only the broader public but also governs the legislative, executive, and judicial branches of government (Tocqueville 1848, 252). And John Stuart Mill opined that an important problem for any government is to ensure that the minority in a democratic society is fairly represented (Mill 1861, ch. 7).

One way a political minority can protect itself is by organizing into a larger group, like a political party, and seeking representation in government, while also searching for ways to build a large enough coalition to become a majority.² The idea that democratic government should include a regular, if not institutionalized, role for the minority party goes back at least as far as 18th century England, and the contemporary British House of Commons even grants a number of formal powers and rights to minority parties (Johnson 1997). But this raises an important

² Minority groups or parties in a legislature are not quite the same as minorities in society, of course. In a legislature, the arena of discussion and conflict is far smaller, the minority’s ability to participate in the arena is limited to the length of a particular session or term, and each member is burdened with the responsibility of representing a large number of citizens, not all of whom may share the member’s party affiliation. Nonetheless, I would argue that the basic concerns of political theorists about the role and rights of the minority in society apply to a legislative minority too.

question: assuming the minority matters enough to require suitable protection in a democratic society, what should the proper role of the minority party in government be?

The most common answer is to serve as the “loyal opposition”: remaining true to the ideals and institutions of the country, while disagreeing with (and perhaps offering alternatives to) the majority’s activities and platform. It was in the British parliament that the term “loyal opposition” emerged (in 1826) and it became an idea that was soon applied to minority parties in many other democratic systems as well (Johnson 1997).

But to fulfill the role of loyal opposition, particularly in the legislature, the minority party faces a constant balancing act between loyalty and opposition. As the political scientist Nevil Johnson observed, there exists a perpetual “tension” between opposing the majority party’s policies “just for the sake of opposing...and ‘constructive opposition’ which, if pursued too zealously, may take the edge off the competition for public support” (Johnson 1997, 498-99). At one extreme, a minority party can be so loyal to the existing regime that it becomes co-opted by the majority party, trading away sharp opposition and a chance at winning elections in exchange greater influence – a criticism commonly made, for instance, by younger House Republicans against senior Party members in the 1980’s and 1990’s (Connelly and Pitney 1994). At the other extreme, a party may have no intent other than to disrupt, embarrass, and oppose the majority, even at the cost of creating a dysfunctional legislature and hurting the government’s public prestige.³

³ One might point to examples in American history of this behavior, but perhaps the best is the use of obstructionist tactics by members of the Nazi Party in the German Reichstag in 1930 and 1931, culminating in their sudden departure from the chamber in February 1931, as a means of blocking all legislative activity and winning more seats in the next election (Lutz 1941).

Regardless of whether a minority party emphasizes “loyalty” or “opposition”,⁴ the proper role of the minority party and its value for democratic politics is closely associated with the basic motivations of the minority party, particularly in Congress. Before describing some of the many activities that a minority party in Congress undertakes and whether they actually “work,” I will first outline the basic goals of the minority party – the reasons, in other words, that the minority does what it does – then discuss the primary categories of minority party activity undertaken to achieve these goals.

A Theory of the Minority Party in Congress

Many scholars use the concept of *goals* as a theoretical basis for understanding the motivation for individual or collective behavior in Congress. The idea is that lawmakers, either individually or in groups, have a set of goals they wish to achieve (e.g. Fenno 1973, Jones 1970, Smith 2007).⁵ If we assume that political parties possess collective goals, it follows that their decision to follow a particular strategy or tactic represents an attempt to achieve one or more such goals (see Table 1). Though some of the goals can contribute, or may sometimes be subservient, to other goals, each of them is sufficiently important in its own right that it is useful to consider each separately.

⁴ One factor that can influence how a minority party balances loyalty and opposition is whether the party has a realistic chance of winning future elections. If the party does not have such a chance, it may choose one over the other (e.g. loyalty to the majority party to garner whatever influence it can, or be highly oppositional in a desperate effect to win elections by hindering the majority and rallying their base) (Johnson 1997). For more on when and how the Republican minority in the House changed its strategy from policy influence to focus more on unity, opposition, and election to the majority after the 1970’s, see Connelly and Pitney 1994 and Roberts and Smith 2003.

⁵ For a summary of critiques to this approach, see Frisch and Kelly 2006.

Table 1. Goals and Strategies of the Minority Party in Congress

Minority Party Goal	Strategies to Achieve Goal
Majority status (Jones 1970)	1. Campaign-Related 2. Position-Taking 3. Legislating 4. Obstruction
Policy enactment (Jones 1970, Smith 2007)	1. Campaign-Related 2. Position-Taking 3. Legislating 4. Obstruction
Protection of procedural rights and/or powers	2. Position-Taking 4. Obstruction
Internal party unity	1. Campaign-Related 4. Obstruction

First, the most obvious, if not central, goal of a minority party is to obtain majority status in the legislature. The majority party, especially in the House, gets to chair committees, set Congress’ agenda, and influence the rules of the chamber; from majority status, all else flows. It therefore makes sense that minority parties would care a great deal about achieving this goal, in the short run if not the long run (Jones 1970, 22; see also Smith 2007). A second goal is to achieve policy objectives (Jones 1970, Smith 2007).⁶ Policy goals and electoral goals are certainly interrelated – getting policy enacted might help the minority party’s reputation, and thus its chances of winning seats in the next election – but, as Richard Fenno and others have pointed out, they also serve as distinctive goals in their own right (Fenno 1973, Schickler 2001, Smith 2007), especially since the minority is unlikely to obtain major policy changes that garner the party many public accolades (Jones 1970, 24).

⁶ Charles Jones describes this as an “expectation” of the minority to “behave ‘responsibly’ in the policy process” and get policy enacted (Jones 1970, 22), but I would argue that this suggests not a party *goal* in its own right but a concern with the *consequences* of appearing irresponsible (e.g. unpopularity among voters, a tarnished reputation, losing future congressional elections). However, I do believe one can argue that minority parties, to the extent that their members care about legislating, will want to have some say in changing policy.

Beyond these two goals – which most scholars agree are central objectives of the minority party – I propose two additional goals. The third is the protection of procedural rights. Both the House and Senate accord minority parties some procedural powers, such as the right in the House to offer a motion to recommit or, in the Senate, undertake unlimited debate. These powers give minority parties opportunities to pursue the goals of reelection (by advertising their policy positions) and policy enactment (by stopping legislation drafted by the majority party, or using the threat of obstruction to extract concessions from the majority on legislation). But procedural rights are also important to the minority party in and of themselves, since they accord their members a degree of participation in the legislative process and allow them to give “voice” to the preferences of their constituents (Luce 1922, 5). Also, even if a minority party does not need to avail itself of its procedural rights to achieve a policy or electoral objective, these rights are important as a *potential* means of achieving such objectives in the future. It is thus a goal associated closely with the broader concern, noted earlier, that a minority be accorded some sort of durable protection in a democratic institution.

The fourth goal of minority parties in Congress is party unity. One may object to considering this as a separate goal, since unity is frequently a means to achieving other objectives. For instance, unity is often a necessary condition for winning floor votes: unlike majority parties, which can usually tolerate some intra-party defections without jeopardizing their policy goals, the smaller membership of minority parties means they have little chance of winning a vote on the chamber floor without both defections from the majority and keeping themselves highly unified. But unity can also be thought of as a goal in its own right, since party unity can help maintain morale within the party; discourage early retirements, intra-party leadership challenges, or even party switchers; and free up time for party leaders to focus on

other matters besides preventing defections. Also, minority parties will often seek greater unity without necessarily knowing when or how that unity would contribute to fulfilling another goal. Regardless, minority party unity can be challenging to achieve and maintain, since the majority can offer inducements to members of the minority to defect on particular votes. Unity-building exercises, ranging from party retreats to lobbying colleagues to come together against the majority on commonly-shared concerns, are one way to achieve this goal.

There are, in turn, at least four major types of strategy that the minority party can follow to achieve one or more of these goals.⁷ The first is campaign-related strategic activity: fundraising, candidate recruitment, and other behavior targeted principally at swaying election outcomes. The second is legislating: introducing bills, offering amendments, or negotiating with majority party leaders on the content of major legislative initiatives. The third is public position-taking: press conferences, coordinated floor speeches, or other activities in the public sphere that communicate messages or positions on particular issues (Mayhew 1974). The fourth is obstruction and delay, which, while rarer in the House than in the Senate, can and does occur.

There can be considerable overlap in each of these strategies and the goals they seek to achieve. Some strategies can accomplish multiple goals: for example, campaign-related activity that highlights certain issues might spur the majority party to push for legislation to nullify those issues in the election, thus having an effect on policy; while obstructionist tactics could influence election outcomes by bringing attention to issues and making the majority appear ineffectual; shape policy outcomes by giving the minority leverage to request changes to legislation; and/or improve party unity by rallying party members together. Also, the specific tactics or activity

⁷ One could argue that there is a fifth category: efforts to contain scandalous, embarrassing, and/or illegal activity by members of the minority party. I do not discuss this category of activity here, though it does occur. Most recently, for instance, the House G.O.P. insisted that Joe Barton (R-TX) apologize for comments made regarding the BP oil spill, and later pressed Mark Souder (R-IN) to resign after admitting to an adulterous affair.

employed the minority could apply to multiple strategies: delivering a series of floor speeches on an amendment or bill might help persuade enough lawmakers from the majority party to vote with the minority and pass that amendment or bill, but it (also) could, in theory, provide a message to the public that shapes vote choice. As a result, whether a certain activity can be considered as part of one strategy or another often depends on the motivation behind it, which can be difficult to discern.

One other important point to note: a political party is a collective organization, but since not all of its individual members may act in concert, it is challenging at times to know when a particular act is representative of the minority party or just the preferences of a small subset (or even just one) of its members. For instance, many of the House minority party dilatory motions to recommit and rise after 1994, which I discuss further below, were made by individual lawmakers like Gene Taylor (MS) and Harold Volkmer (MO); and while Volkmer at least acted with the knowledge of minority party leaders,⁸ both he and Taylor's decisions to make a particular motion appear to have been based on their own personal concerns or grievances and not in advance consultation with party leaders (and indeed, sometimes they could not even get a majority of their own party to vote for such motions). For purposes of this discussion, I do not attempt to distinguish between individual and collective minority party activity, but that difference should be kept in mind.⁹

⁸ Interview with Harold Volkmer, December 2008.

⁹ This is particularly true of obstructionist and dilatory tactics, which are often undertaken by only one of a few minority lawmakers. Hedrick Smith notes, for instance, how Senator Jesse Helms (R-NC) would filibuster legislation even if it damaged the reputation of his own party, as he did (albeit while in the majority) against a bill establishing the Martin Luther King holiday, in order to help his own reelection (Smith 1988, 58-69). It may be that the distinction between individual and collective interests and behavior has become harder (or less prevalent) as the two parties have grown more unified in their policy and strategic goals. It also does seem harder for political parties in Congress to tolerate wayward behavior by its individual members, especially given the ease and readiness with which an opposing party will exploit such behavior to achieve its own goals. When Joe Barton (R-TX) made a controversial apology to BP following the Gulf oil spill in June 2010, Democratic Party leaders immediately criticized the statement, while the DNCC and DSCC issued statements suggesting it represented the entire

With these caveats, I now outline some examples of each of the four basic strategies pursued by the minority party in the House, with attention to how they may influence (a) election results and/or (b) policy outcomes.

Campaign Activity: Fundraising and Candidate Recruitment

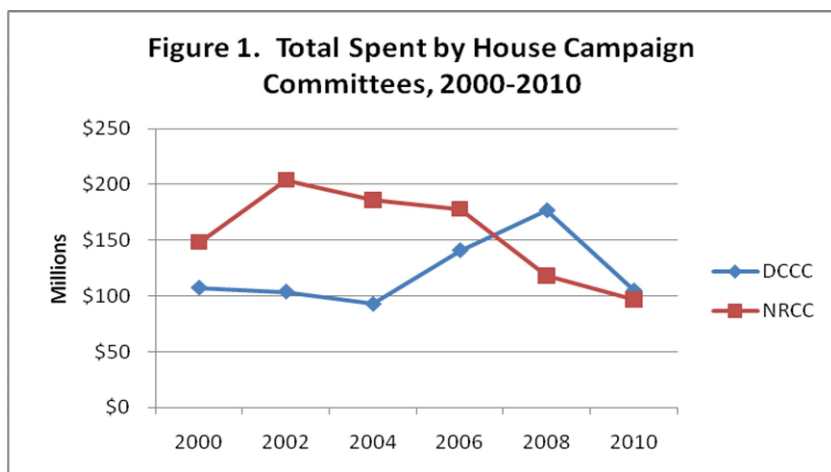
Countless factors can influence election outcomes, many of them outside the control of parties and candidates. Political scientists have been able to predict, with a fair degree of accuracy, how many seats the minority party will gain (or lose) in congressional elections without using data specific to individual campaigns or party-wide election activity, suggesting that aggregate factors outside the control of the minority party – the state of the economy, presidential popularity, and so on – may have a bigger effect on elections than anything the minority party does.

Nonetheless, it is hard to imagine that individual elections are not influenced, at least to some extent, by factors that congressional parties can control. In this section, I discuss two kinds of campaign-related activity in particular: fundraising and candidate recruitment. I choose to remain agnostic about the ability of the minority to actually shape election outcomes through these activities, and instead focus on whether the party is able to influence fundraising and recruitment outcomes themselves, which then may have an impact on elections.

Fundraising. Minority parties make every effort to raise money for elections. In the House, the two congressional organizations, the Democratic Congressional Campaign Committee (DCCC) and the Republican National Campaign Committee (RNCC), raise and

Republican Party platform, and even turned it into an immediate opportunity to solicit contributions. In response, Barton was threatened by House G.O.P. leaders with being yanked from his ranking committee spot on the Energy and Commerce Committee unless he apologized (Good 2010). More broadly, this suggests that even as individual lawmakers garner benefits from being members of a party “cartel” (Cox and McCubbins 1993), they also lose an increasingly non-trivial degree of independence.

spend considerable amounts of campaign dollars. Figure 1 shows the totals spent by each committee over the past decade. (Note that the 2010 figures are provisional and will likely be much higher once final figures are reported by the committees.) The minority party usually raises and spends less than the majority, but the differences between the two narrow in election years in which the minority happens to do quite well electorally – though whether the minority’s improved spending produces election victories or merely reflects donors’ expectation of future electoral success is unclear.



Source: The Center for Responsive Politics (www.opensecrets.org)

The minority party not only raises and spends money in the aggregate but has, in recent years, publicly identified particular candidates for financial (and other) assistance. In 2004 and 2006, for instance, minority party House Democrats singled out what it considered to be promising candidates in their “Red to Blue” program. Consisting of 23 Democrats in 2004 and 44 Democrats in 2006, most of whom running against incumbent Republicans or for open seats formerly held by Republicans, the program was designed to give minority party House candidates prominent attention, signaling to the public (and to possible donors) that they were

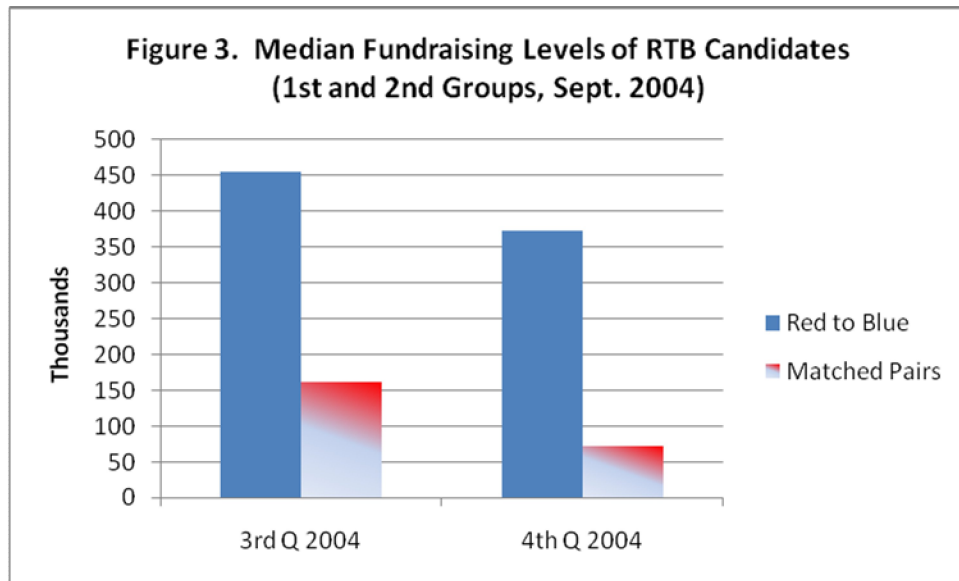
strong contenders, while also giving those candidates material assistance in fundraising. (Because it started early in an election year and added members over time, the 2006 program may have also been designed to encourage candidates to improve their campaigns in hopes of being added later.)

How well did these Democrats do in winning election? In 2004, Democrats failed to win control of the House, but five of its 23 Red to Blue candidates (or 22%) won their elections, constituting nearly a third of all the new Democrats elected that year, and four of those five won seats previously held by the G.O.P. The 2006 Red to Blue Democrats did even better: 18 of the 44 running in Republican-held seats won, and another five who ran for vacated Democratic seats won as well. In total, 52% of the Party's Red to Blue candidates won in 2006.

But election results are a poor way of evaluating the Red to Blue program, since it is impossible to know if winning Red to Blue candidates would not have won anyway. The best we can do with some degree of confidence is to look at how well it did in achieving its *immediate* goal of improving the fundraising of the candidates it selected. Figures 2, 3, and 4 show the median amount of money raised by the Democrats in the two 2004 Red to Blue groups (combined) and each of the first two 2006 Red to Blue groups (one announced in April, the other in July), in the quarter before being added to the list and the quarter they were added. This is compared with the median level of money raised by a list of Democratic challenges in similar districts who were not selected to the Red to Blue group but who demonstrated some degree of fundraising prowess.¹⁰ Figure 3, which shows this data for the 23 Red to Blue candidates of 2004, reveals that Democrats remained far ahead in fundraising if they had been added to Red to

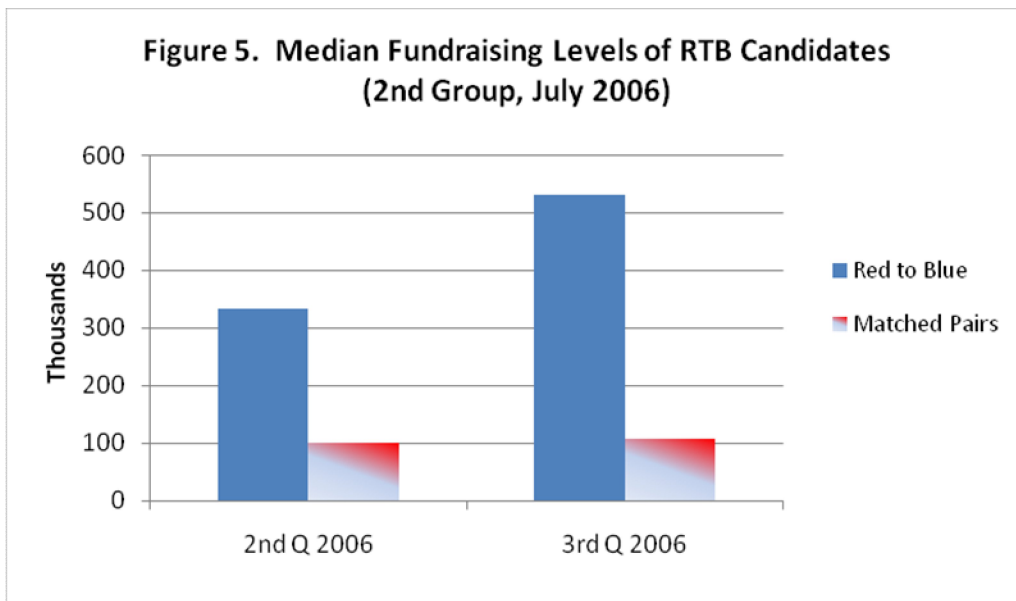
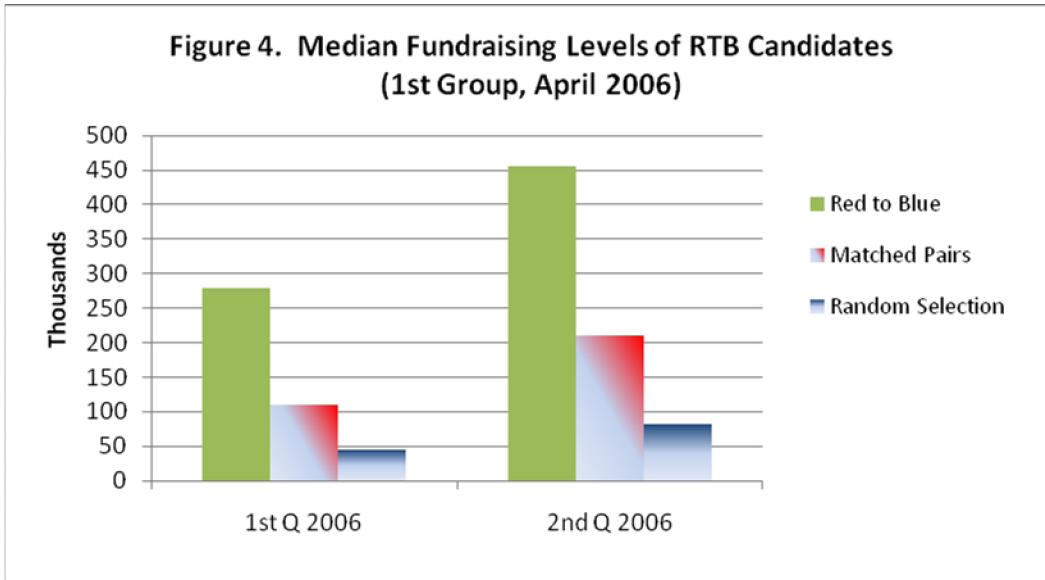
¹⁰ Data on fundraising taken from FEC reports in 2004 and 2006. Data on election results and equivalent districts taken from FEC data, CQ's 2006 *Politics in America*, and the 2008 *Almanac of American Politics*. Equivalent districts are those in proximity to the Red-to-Blue list, with similar partisan index and occupational balance, and with a candidate showing a relatively competitive rate of fundraising.

Blue versus those who had not. (Both Red to Blue and other candidates raised less money from the third to the fourth quarter of 2004, but this is because the fourth quarter includes most of November and all of December, after the election took place.)



Source (for Figures 3, 4, and 5): Federal Election Commission.

Figures 4 and 5 show similar differences between Red to Blue and other Democratic candidates. (Figure 4 also includes median fundraising levels from a randomly selected set of non-incumbent Democrats; since most challengers to incumbents raise little money, it is unsurprisingly quite small.)



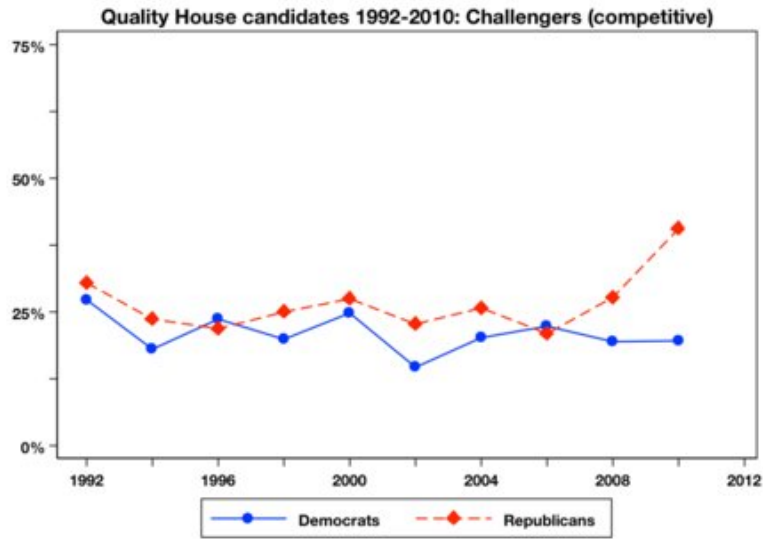
This data cannot be taken as definitive proof that the Red to Blue program was responsible for improving its candidates' fundraising, since most of those who were added to the program were already successful at raising campaign funds and might have continued to do so

without the help of the DCCC. But it is at least suggestive of that fact – and that the minority party can, by extension, possibly make a difference in election outcomes.

Candidate recruitment. The House minority party, particularly in recent years, has made great efforts to identify and convince quality candidates to run for office. In 2005 and 2006, the DCCC, led by Rahm Emanuel, successfully persuaded a number of strong Democratic candidates to challenge G.O.P. incumbents in the 2006 elections (most famously, Heath Shuler of North Carolina). After 2006, several Republicans began the Young Guns Program, designed to help train and raise money for promising challengers to Democratic incumbents, which was reportedly successful in recruiting several strong candidates to run for Congress this past year.

Recruitment is undoubtedly valuable for a minority party that wants to be in the majority: political scientists have shown, for example, that candidate quality has an important impact on election outcomes, particularly when it comes to challengers running against incumbents (e.g. Cox and Katz 1996, Green and Krasno 1988). In the November 2010 elections, in which the G.O.P. ended its minority status with the biggest partisan seat swing in the House since 1948, the Party proved quite adept at recruiting candidates with previous electoral experience, an important feature of candidate quality, to challenge Democratic incumbents, according to political scientist Brendan Nyhan (see Figure 6). At a minimum, the minority party has to recruit someone to challenge an incumbent if it wants a greater than zero chance of winning the incumbent's seat, and there are always at least a handful of majority party incumbents who go unchallenged in a given election.

Figure 6. Quality Candidates Challenging House Incumbents, 1992-2010



Source: Brendan Nyhan.¹¹

More analysis of recruitment data is necessary to determine how well minority parties recruit candidates. But even with such an analysis, determining the real influence of the minority party on election outcomes via candidate recruitment would be difficult for two reasons. First, it may be that an incumbent is so weak that even a lesser opponent would have still defeated him or her. Second, it is impossible to know whether a candidate would only have run if s/he were recruited by the minority party. In 2005 and 2006, for example, the growing unpopularity of President George W. Bush may have encouraged more strong Democratic candidates to run for office independently of Rahm Emmanuel's recruitment efforts; and in 2010, passage of health care legislation and the surprise win of Senator Scott Brown in Massachusetts appears to have inspired many Republicans to throw their hats in the ring (York 2010).

¹¹ <http://www.brendan-nyhan.com/blog/2010/10/did-the-tea-party-weaken-gop-candidate-quality.html>, accessed 11/04/10.

Public Position-Taking: Alternative Agendas

Many kinds of activity occur in the public sphere. By “public position-taking” I mean activity whose *primary* intent is to stake out a position on an issue, individual, or group in a public fashion. Though it can include a range of tactics, including press conferences, statements to the media, and floor protests, I will focus on one sort of position-taking activity by the minority party that could affect election results (if not policy outcomes): developing and advertising an alternative legislative agenda.¹²

Perhaps the most famous example of an alternative agenda put forth by a minority party is the “Contract With America,” a list of legislative items and reform measures that the House G.O.P. promised to vote on in the first 100 days of the next Congress if they became the majority. Twelve years later, in the summer of 2006, House minority Democrats introduced a 31 page document of their own, “A New Direction For America,” which included a list of six legislative goals known as the Six for ‘06.¹³ And this past year, minority party Republicans introduced their agenda in a 21 page document titled “A Pledge to America.”

Many assume that 1994 was the first year that a congressional minority party developed and offered an alternative agenda to the public; in fact, it was not. For instance, in 1975, House Republicans offered their “House Republican Legislative Agenda” which advocated for reform of House procedures, cuts in government programs deemed wasteful, a balanced budget, unemployment insurance reform, and a private retirement fund to supplement Social Security. Minority leader John J. Rhodes of Arizona later outlined these and other proposals in his 1976 book The Futile System, in which he argued that, if given control of the House, his party would

¹² Advertising an agenda could thus (also) be considered campaign-related activity, especially since such agendas are usually offered shortly before an election. They could, in addition, help the minority achieve its goal of influencing policy, if the majority tries to protect itself from criticism that it opposes a popular element of a minority’s agenda by adopting one or more items from such an agenda.

¹³ The list was part of a larger document titled “A New Direction For America.”

“snap Congress right out of its disgraceful lethargy and begin to get some results for the country” (Rhodes 1976, ch. 6, quote p. 120).

Do alternative agendas have an influence on election outcomes? The Republicans did end their minority status in the 1994 elections, as did the Democrats in 2006 and Republicans in 2010. But there are at least three reasons to believe that this kind of position-taking has little independent effect on election outcomes. First, minority parties have offered election-year manifestos at other times with less success. The 1975 Republican Legislative Agenda is one example; another, more recent one occurred in 2008, when House Republicans offered a four-item “Change America Deserves” agenda in May of that year, but the manifesto failed to prevent the Party from losing seats six months later.¹⁴ Second, as the political scientist Morris Fiorina has demonstrated, voters are largely retrospective, not prospective: they make voting decisions based on their evaluation of the party in power, not the promises of the party out of power (Fiorina 1981). Opinion polls support this claim. For example, after the November 2006 election, one survey showed that only 13% believed the Democrats had won based on their agenda, while a whopping 79% explained it as a repudiation of President George W. Bush or opposition to “Republican programs.”¹⁵

Third, opinion surveys suggest that voters do not necessarily consider, or are even aware of, minority party policy agendas, even when those agendas garner a lot of media coverage. One poll taken shortly after the November 1994 elections revealed that only a little more than a third of voters had heard of the Contract With America, and Don Wolfensberger notes that while the Contract contained individual items that were popular with the broader public, “it does not necessarily follow that the Contract as a whole was a major factor in how people voted”

¹⁴ See <http://johnboehner.house.gov/News/DocumentSingle.aspx?DocumentID=91542>, accessed 11/11/10.

¹⁵ CNN Poll, November 2006 [USORC.200629.Q06]. 63% cited opposition to Bush, and 16% cited opposition to G.O.P. policies.

(Wolfensberger 2000, 167-8). Other polls suggest a similar lack of familiarity or interest in the Democrats' agenda after the 2006 election.¹⁶

This is not to say that minority party agendas are without electoral influence entirely. At the level of individual races, they give minority party candidates an additional resource to draw upon, should they choose to, when campaigning, possibly providing them with an edge in close elections. Also, they allow the minority to counter arguments that they stand for nothing (although they also give the majority party something to critique, too.) But as a tactic in and of itself, establishing and advertising an agenda is probably of marginal value to the minority party in seeking to win over voters and thereby achieve its electoral goals.

Legislating: Floor Activity

The minority party can seek to influence policy outcomes in a myriad of ways. The most direct is to follow the traditional “textbook” legislative process, such as introducing bills, offering amendments in committee or on the floor, and negotiating with lawmakers from the majority party. This sort of activity, at least in the aggregate, has been studied by others, most notably by Steven Smith in his 1989 book Call to Order. However, such an approach does not differentiate between major bills, where minority party influence would be most consequential, and minor bills, where minority party influence might matter little for national policy.

Another approach, which I undertake here, is to look at the minority's role in influencing just significant legislation. Using descriptions from the annual Congressional Quarterly Almanac, I recorded the degree and amount of House minority party participation in the

¹⁶ For instance, a Princeton/Newsweek survey held in January 2007 found that about one-third of respondents did not know if Democrats were keeping the promises they made in 2006 [USPSRNEW.011907.R13], though some of those saying this may, in theory, have known of the Democrats' agenda but had not been following Congress since the 2006 elections.

legislative process for 21 major bills selected randomly¹⁷ from the significant legislation identified by David Mayhew in his book Divided We Govern between 1965 and 2002 (Mayhew 2005). A portion of this data appears in the table in Appendix A.

Given the small sample size of the data, it would be unwise to make any generalizations about trends over time; for instance, there is considerable variability in the number of amendments offered to each bill, the percent of amendments offered by the minority, and the amendment success rate for each bill. The data does, nonetheless, allow one to make several observations about legislative activity by, and influence of, the minority party. These include:

** The floor is, at best, a limited sphere for the minority party to substantively influence legislation.* Though the minority is not always shut out of the amending process on the floor, and minority amendments do get approved, the percentage of amendments offered by the minority is often low – not always by choice (especially after the 1970’s, with the growth of more restrictive floor rules limiting amendments to legislation). In addition, minority party amendments that do win are frequently minor or technical in nature.

** Presidents, not congressional parties (least of all the minority party), are a key source for legislation.* Here, the chart is somewhat misleading; as Charles O. Jones has noted, many major bills have gotten their start in prior congressional activity (Jones 2005). But presidents remain a key source of legislative ideas and initiatives, the details of legislation, and especially the prioritizing of certain bills over others. If the minority wishes to have influence at this early stage of the legislative process, their best bet is to

¹⁷ Three measures were randomly selected from major enactments in every third Congress, starting with the 89th (1965-66) and ending with the 107th (2001-2).

have a like-minded president in the White House. The fiscal assistance bill of 1972 is a good example of this; a less ideal example is the deficit reduction bill of 1990, which began as a presidential-congressional summit (which House Republicans had advocated for) but which ultimately contained more tax increases than many of those same Republicans preferred.

** Legislation may reflect minority party influence before it reaches the floor.* The 2002 fast track bill proposed by the majority party Republicans included language on labor and environmental standards because of long-standing demands by Democrats on those issues, though the language was not as stringent as the minority party might have imposed. Another, more recent example is the health care bill passed in early 2010, which was arguably more reflective of conservative principles of reform than liberal ones, although congressional Republicans still opposed the bill. Majority parties may do this in the hopes of mitigating expected partisan criticisms of their legislation, if not winning some minority party votes.

** Minority party influence is greater if the party can join forces with enough members of the majority.* Lobbying reform in 1995 and campaign finance legislation in 2002 passed over the opposition of majority party leaders when minority Democrats joined with reform-minded Republicans on key floor votes (and, in the case of the campaign finance bill, sign a discharge petition).

** It can be difficult to tell the difference between activity intended to legislate versus to obstruct or to take positions on issues.* The unfunded mandates bill of 1995 was considered under an open rule, and Democrats authored just over three-fourths of the amendments offered to the bill. But it was widely understood that Democrats' intent was to delay the bill's passage by forcing consideration of a huge number of amendments, not to make changes to the bill. (The measure took nearly two weeks to consider and finally passed by a lopsided 360-74 vote.) Similarly, some amendments and other bills may have been proposed by the minority solely to garner public attention for a certain issue, with no expectation that they would actually pass.

The table in appendix A also does not include data on some other important ways the minority party can influence legislation (intentionally or otherwise). Motions to commit are not in the table, though sometimes they do pass, as happened on telecommunications reform in 1995 and on several occasions after 2006 (Evans and Oleszek 1999, 8). House minority members may knowingly defer to their colleagues in the Senate, where it is easier for a minority party to offer amendments (or where their party might be in the majority, as occurred for Republicans in 1981-86 and for Democrats from May 2001 through 2002). Legislation can also be shaped in conference committee, using threats of a veto or Senate filibuster to protect desired language in a bill (e.g. Evans and Oleszek 1999, 8), or through private negotiations (as minority leader Dick Gephardt did for the resolution authorizing military force in Iraq in 2002, or Thomas Bliley and John Dingell did on telecommunications legislation in the 104th Congress; Evans and Oleszek 1999, 5-6; Pomper 2002). And sometimes the majority may offer minority policy proposals as their own – either by “hijacking” them from an unwilling minority, or with the

cooperation of a minority party member who hopes that, by allowing the majority to take authorship of a measure, the proposal will be more palatable to the majority and improve its chances of passage.

Dilatory and Obstructionist Actions: Motions to Rise or Adjourn

The House is not the Senate; there are few procedural options available to the House minority party to hinder the will of the majority to the same degree that there are for the Senate minority. But there are some – enough to at least annoy the majority, if not block legislative action entirely.

I argue above (see Table 1) that obstruction can be used to achieve any one of the four main goals of the minority party: majority status (for instance, by making the majority look bad by delaying its legislative progress), policy enactment (by blocking bills or threatening to do so in exchange for changes to legislation or to the agenda, especially close to adjournment), protection of procedural rights (by delaying proceedings in protest for a violation of those rights),¹⁸ or maintaining internal party unity (by rallying one's party members together around a common grievance). However, obstruction can also threaten each of these goals – by making the minority look excessively obstructionist, by leading the majority to retaliate by further limiting the minority's rights, and so on – so it is, in some ways, the most risky of the four strategies available to the minority party to achieve its objectives.

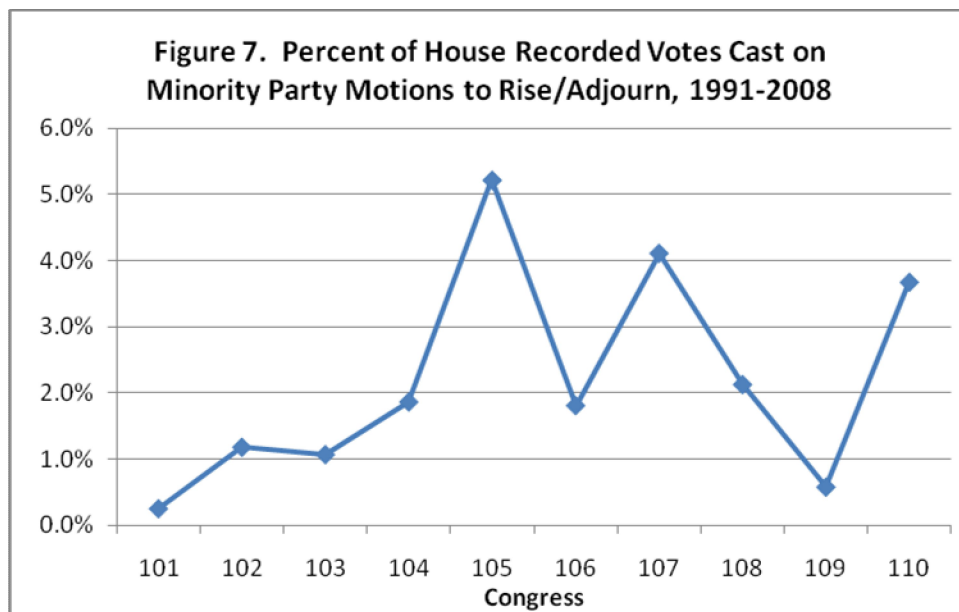
There is little evidence that significant dilatory tactics have done much to alter election outcomes, though they may be more successful at influencing policy (or achieving other goals).

The most famous contemporary use of procedural delays in the House was an October 1968

¹⁸ This may represent the most successful use of dilatory tactics. For instance, Barney Frank (D-MA), an acknowledged master of House procedure, used the threat of parliamentary tactics to convince majority Republicans to delay consideration of telecommunications reform until the next day (Evans and Oleszek 1999, 8).

mini-filibuster led by Representative Don Rumsfeld of Illinois, which exploited the chamber's quorum call rules to block all legislative activity for over 24 hours. Ostensibly motivated by a desire to see congressional reform legislation come to the floor (which never did), it coincided with consideration of a bill on televised presidential debates that was expected to help the Democratic candidate for president, Hubert Humphrey, against Republican Richard Nixon.

Figure 7 shows one way minority parties in recent years can slow down the legislative process: by offering motions to rise (if in the committee of the whole) or adjourn (if in the full House).



There is much fluctuation in their use, but generally speaking, such motions have grown significantly as a proportion of all roll call votes since the 1980's (when they made up usually less than 1% of all recorded votes). Also, what Figure 7 does not show is that these motions are increasingly clustered together, occurring multiple times within a day of each other (and often on the same day), and thus more effectively delaying floor proceedings. In every Congress since

the 104th, an average 80% of all motions to rise and/or adjourn occurred within one day of each other, whereas before that year, only 60% on average did so.

One way to estimate the purpose of these motions is to look at the publicly-stated explanation by lawmakers on the House floor for each one. Four types of explanations are the most common. The first is unhappiness with the restrictiveness of a floor rule, which has implications for both influencing policy (since restrictive rules prevent amendments and/or limit debate) and protecting the rights of the minority party. A second is protest over lack of regular order, which also touches upon policy goals and procedural rights. The third is a reaction to some other abuse of power by the majority party, which could jeopardize minority party rights, perhaps hinder the minority's ability to win elections, and serve as a point of unity for the minority to unify against the majority over a shared grievance. Fourth, minority party members making motions to adjourn and/or rise sometimes do so in conjunction with demands that a desired bill or issue to come to the floor – in the hopes of either enacting that legislation or broadcasting to the public the party's alternative agenda.

It is beyond the scope of this paper to evaluate the effectiveness of these motions in achieving the minority's goals. But there are cases in which it seems to be effective. To take one recent example: in June 2007, when Appropriations chairman David Obey decided not to include so-called "earmarks" in a spending bill until after it was approved by the House, in violation of a previous agreement to do so, Republicans offered motions to rise eight times in one day before Obey abandoned his plan.

Conclusion: Can the Minority Influence Outcomes?

Much of the data presented here allows only tentative conclusions to be made about the degree of influence the minority party has over elections and public policy. It is certainly a challenge to generalize about the minority's political influence, since it will vary depending on many factors, including the specific issue being considered, the particular goals and personalities of party leaders and committee chairs, who occupies the White House, and the electoral landscape. But the data does suggest that the minority (a) probably has a non-trivial level of influence over key elements of a successful election campaign, including fundraising and perhaps candidate recruitment; (b) probably cannot influence election results with election-year agendas; (c) may be able to influence major legislation slightly with legislative activity on the floor, and perhaps more so with non-floor legislative activity; and (d) can get the majority to yield on some procedural, if not policy, points via obstructionist tactics, though such tactics can also backfire.

What general factors or conditions might increase the odds of minority party influence? At a minimum, the minority must possess *resources*, like votes, knowledge, disciplined and energetic members, and avenues of communication. These kinds of resources allow the minority to pursue fruitful strategies to achieve its goals and may give it leverage with the majority party in negotiations (Rawls 2006, 37). More specifically, the minority probably must have the following:

* *The ability to command attention.* If the activities of the minority reach the broader public and can sway them in a favorable direction, it may help the party win elections or change the climate in Congress so that certain policies are more likely to pass. Though one sort of public position-taking, alternative agenda development and advertising,

probably does not do much for election outcomes, it does not mean that other kinds are without importance. To garner favorable attention, however, the quality of communication matters as much as the quantity. For instance, undue attention given to seemingly picayune “pseudo-events” can make the minority party appear petty and cause voters to tune out the party’s message (Boorstin 1961, 18).

* *Pivotal status or an alignment with pivotal lawmakers.* If the minority party can influence a vote outcome because the votes of its members are necessary for the majority to achieve its policy goals, it has valuable leverage to gain concessions from the majority in exchange for those votes. This is especially true for veto override votes and for legislation where the desire is for a bipartisan, if not unanimous, vote outcome. Similarly, if there are enough majority party members in Congress sympathetic to the minority’s position on a measure or issue, it may be able to command a cross-party coalition to defeat a majority of the majority party. Lobbying reform (in 1995) and campaign finance reform (in 2002) are good examples of legislation desired by the minority that passed in part because a large enough number of majority party members were willing to vote with the minority.¹⁹

* *Sympathy or good will of the majority.* The majority party in the House and its leaders have the power to grant or retract opportunities for the minority to influence policy. Sometimes this extends to all members of the minority, sometimes only to those on a

¹⁹ A good example of a House minority party with both the ability to win over Democratic members and a procedural rule it can exploit (the motion to recommit), see David Waldman, “Why Procedure Matters,” Congress Matters (blog entry), <http://www.congressmatters.com/storyonly/2010/9/17/2445/-Why-procedure-matters>, accessed 11/7/10.

benevolent chairman's committee. Alliances can be built between party or committee leaders, or cross-party coalitions of lawmakers cultivated, to make this happen.

However, this is increasingly hard to find in today's highly partisan Congress.

In short, one should not count out the minority party in the House. As jealous as its members may be of their brethren in the Senate, and as limited as its power may be, the minority is not entirely without the means to achieve its goals.

Sources

- Boorstin, Daniel J. 1992 [1961]. The Image: A Guide to Pseudo-Events in America. New York: Vintage Books.
- Connelly, William F., Jr. and John J. Pitney, Jr. Congress' Permanent Minority? Republicans in the U.S. House of Representatives. Lanham, MD: Rowan and Littlefield.
- Cox, Gary W., and Jonathan N. Katz. 1996. "Why Did the Incumbency Advantage in U.S. House Elections Grow?" American Journal of Political Science 40 (May): 478–97.
- Cox, Gary W. and Mathew D. McCubbins. 1993. Legislative Leviathan: Party Government in the House. Berkeley: University of California Press.
- Evans, C. Lawrence and Walter J. Oleszek. 1999. "The Strategic Context of Congressional Party Leadership." Congress and the Presidency 26, 1-20.
- Fenno, Richard F., Jr. 1973. Congressmen in Committees. Boston: Little, Brown.
- Fiorina, Morris. 1981. Retrospective Voting in American National Elections. New Haven: Yale University Press.
- Frisch, Scott A. and Sean Q. Kelly. 2006. Committee Assignment Politics in the U.S. House of Representatives. Norman, OK: University of Oklahoma Press.
- Good, Chris. 2010. "Joe Barton's Apology: A Campaign Meme." Blog entry, The Atlantic Monthly, accessed 6/17/10.
- Green, Donald Phillip and Jonathan S. Krasno. 1988. "Salvation for the Spendthrift Incumbent: Reestimating the Effects of Campaign Spending in House Elections." American Journal of Political Science 32: 4, 884-907.
- Hamilton, Alexander, James Madison, and John Jay. 1982 [1788]. The Federalist Papers. New York: Bantam Books.
- Hunt, Gaillard, ed. 1900. The Writings of James Madison: 1819-1836, v. 9, ed.. New York: G.P. Putnam's Sons, New York.
- Johnson, Nevil. 1997. "Opposition in the British Political System." Government and Opposition. 32:4.
- Jones, Charles O. 1970. The Minority Party. Boston: Little, Brown.
- Jones, Charles O. 2005. The Presidency in a Separated System. Washington D.C.: Brookings Institution Press.
- Luce, Robert. 1922. Legislative Procedure. Boston: Houghton Mifflin Company.

- Lutz, Ralph Haswell. 1941. "The Collapse of German Democracy under the Brüning Government, March 30, 1930-May 30, 1932." Pacific Historical Review 10:1, 1-14.
- Mayhew, David. 1974. Congress: The Electoral Connection. New Haven: Yale University Press.
- Mayhew, David. 2005. Divided We Govern. 2nd ed. New Haven: Yale University Press.
- Mill, John Stuart. 1958 [1861]. Considerations on Representative Government. New York: The Liberal Arts Press.
- Nivola, Pietro S. 2010. "Partisanship in Perspective." National Affairs 5, 91-104.
- Pomper, Miles A. 2002. "Senate Democrats in Disarray After Gephardt's Deal on Iraq." Congressional Quarterly Weekly Report, October 5.
- Rawls, W. Lee. 2009. In Praise of Deadlock: How Partisan Struggle Makes Better Laws. Washington, D.C.: Woodrow Wilson Center Press.
- Rhodes, John J. 1976. The Futile System: How to Unchain Congress and Make the System Work Again. Garden City, NY: EPM Publications, Inc.
- Roberts, Jason M. and Steven S. Smith. 2003. "Procedural Contexts, Party Strategy, and Conditional Party Voting in the U.S. House of Representatives, 1971–2000." American Journal of Political Science 47: 2, 305-317.
- Schickler, Eric. 2001. Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress. Princeton: Princeton University Press.
- Smith, Hedrick. 1987. The Power Game: How Washington Works. New York: Ballantine Books.
- Smith, Steven S. 1989. Call to Order: Floor Politics in the House and Senate. Washington, D.C.: Brookings Institution Press.
- Smith, Steven S. 2007. Party Influence in Congress. New York: Cambridge University Press.
- Tocqueville, Alexis. 1969 [1848]. Democracy in America. J.P. Mayer, ed. New York: Harper Perennial.
- Wolfensberger, Donald R. 2000. Congress & The People: Deliberative Democracy on Trial. Baltimore: Johns Hopkins University Press.
- York, Byron. 2010. "As Dems Struggle, GOP Candidates Line Up to Run." Washington Examiner, March 19.

Appendix A. Minority Party Amending Activity on Selected Legislative Initiatives

Legislative Act	Primary Origin	# Floor Amndmnts	% From Minority	% Accepted	Degree of Overall Min. Opposition	Comment
Elementary and Secondary Education Act (1965)	Presidential Party (majority)	20	90%	0%	high	concern with haste
Regional Medical Centers (1965)	Presidential Party (majority)	2	50%	100%	n/a	
Higher Education Act (1965)	Presidential Party (majority)	9	44%	50%	moderate	GOP conference endorses alt. bill
Social Security increase (1971)	--	0	--	--	low	
State and Local Fiscal Assistance (1972)	Presidential Party (minority)	0	--	--	low	Rep. Ford speaks on behalf of bill
ERA (1972)	many sources (1948-)	2	0%	--	low	
Surface Mining Control and Reclamation (1977)	unclear	21	43%	22%	moderate	strong dissent from committee GOPers
Food and Agriculture Act (1977)	unclear				low	conflict less partisan than regional
Airline Deregulation (1978)	Presidential Party (majority)	14	14%	100%	n/a	
Anti-recession Jobs Bill (1983)	Presidential Party (minority)	4	50%	100%	moderate	some GOPers oppose vehemently
Deficit Reduction Measure (1984)	bipartisan	0	--	--	low	Rep. Michel endorses
Trade and Tariff Act (1984)	Presidential Party (minority)	0	--	--	n/a	
Deficit Reduction Measure (1990)	Presidential Party (minority)	0	--	--	high	many GOPers oppose tax incr.
ADA (1990)	Presidential Party (minority)	7	57%	50%	low	
Immigration Act (1990)	bipartisan				n/a	

Curb on Unfunded Mandates (1995)	bipartisan	62	76%	21%	mod/high	bipartisan passage but Dem filibstr.
Lobbying Reform (1995)	minority party	4	100%	0%	moderate	Dems push for bill but w/GOP help
Spending Cuts (1996)	majority party				high	
Airline Security (2001)	bipartisan	2	100%	0%	mod/high	conflict over unionization
Campaign Finance Reform (2002)	minority/ bipartisan	17	6%	100%	moderate	some GOP favor, leaders oppose
Fast Track Trade Authority (2002)	Presidential Party (H maj., S min.)	0	--	--	high	