Partisanship and Pre-Floor Behavior: The Equal Rights and School Prayer Amendments

ANDREW D. MARTIN, WASHINGTON UNIVERSITY
CHRISTINA WOLBRECHT, UNIVERSITY OF NOTRE DAME

We examine the effect of issue preferences and partisanship on pre-floor behavior by explaining cosponsorship and discharge petition activity over two proposed constitutional amendments, the Equal Rights Amendment (ERA) in 1970 and the School Prayer Amendment (SPA) in 1971. Previous research has largely focused on the ability of the majority party leadership in the post-Reform House to employ party as a solution to the collective action problem inherent to policy making. We extend the conception of the role of party, arguing that non-leadership issue entrepreneurs are also capable of utilizing party to bring about collective policy outcomes even during the less party-centered pre-Reform era. Our results show that when entrepreneurs have access to institutional resources, both issue preferences and partisanship explain discharge petition activity; when they do not, discharge petition behavior is almost exclusively preference-based with inconsistent party effects. This research thus highlights the conditions under which party can be employed to build legislative coalitions.

What factors influence pre-floor decisionmaking behavior in the House of Representatives? Specifically, how do issue preferences and partisanship affect

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pre-floor activity? Recent work on the role of parties in the House of Representatives argues that the majority party leadership (MPL), particularly in the period after the rules changes of the early 1970s, employs its considerable institutional resources to coordinate party-based collective decision making (Cox and McCubbins 1993; Rohde 1991). We likewise view partisanship as a useful mechanism for building legislative coalitions in the House, but assert that the usefulness of party as a collective action tool need not be limited to the party leadership or to the post-Reform era. Specifically, we hypothesize that *non-leadership* actors can also use party as an organizing tool when they have access to party-based institutional resources.

As have other recent scholars (Krehbiel 1995; Binder, Lawrence, and Maltzman 1999), we use cosponsorship and discharge petition activity to examine the effects of party on pre-floor behavior in the House. The discharge petition provides a means for members to circumvent the agenda-setting and gate-keeping control of committees and their chairs; if the petition is signed by a majority of members (218), the bill is extracted from the committee for consideration on the floor. We examine two discharge petition efforts from the pre-Reform era: one surrounding the Equal Rights Amendment (ERA) during the 91st Congress, the other a School Prayer Amendment (SPA) during the 92nd. In both cases, neither party's leadership actively supported or opposed the issue. The cases differ in that the ERA discharge petition effort was led by a member who boasted considerable institutional resources while the SPA was championed by a Representative who lacked comparable access to incentives. Our results demonstrate that support for the ERA discharge petition was driven by both party and preferences, while the coalition in support of the SPA discharge petition was largely a function of members' policy preferences. We thus expand our understanding of the utility of party as a coalition-building tool to non-leadership entrepreneurs while simultaneously specifying the conditions under which party-based strategies are likely to be successful.

THE CASES: THE ERA AND SPA

The Equal Rights Amendment, a constitutional amendment providing equal rights for men and women, had been introduced in every Congress since 1923. By the 91st Congress (1969-70), the emerging second wave of the women's movement was mobilizing support for women's rights generally and the ERA specifically. Traditional opposition was fading and little new or old opposition actively campaigned against the ERA (Mansbridge 1986; Freeman 1975). The Senate held hearings on the ERA in May of 1970, but in the House, Judiciary Committee chair Emanuel Celler (D, NY) blocked consideration of the ERA, as he had for decades. Representative Martha Griffiths (D, MI) filed a discharge petition on June 11, 1970. Neither the Democratic majority leadership nor the minority Republican leadership took action for or against the petition. By July

20, the petition had garnered the necessary 218 signatures. The House approved the ERA on August 10 by a wide margin, 352-15 (Davis 1991).

In the next Congress, a similar process unfolded around the issue of school prayer. Beginning in 1962, the Supreme Court ruled in a series of controversial decisions that prayer in public schools was an unconstitutional violation of the First Amendment. Although the Judiciary Committee begrudgingly held hearings in 1964 on amendments to invalidate these decisions, no action had been taken, and Celler indicated his intention not to report a school prayer amendment during the 92nd Congress (1971-72). Representative Chalmers P. Wylie (R, OH) filed a discharge petition on April 1, 1971. Again, neither party's leadership was actively involved in the school prayer discharge petition effort. On September 21, 1971, Chalmers' petition obtained the requisite number of signatures. On the House floor, however, the final vote fell short of the two-thirds majority necessary for passage of a constitutional amendment (*Congressional Quarterly Almanac* 1971).

EXPLAINING PRE-FLOOR DECISION-MAKING IN THE HOUSE

Why examine these particular cases? First, both occur prior to the early-1970s reforms that significantly transformed the workings of the House (Smith 1989). Congress has become more party dominated in the post-Reform era (Rohde 1991), yet there are reasons to believe that parties shape legislative behavior generally, including during the era of the "textbook" Congress characterized by relatively weak parties and committee dominance (Cox and McCubbins 1993). Second, we are interested in examining the way in which party can serve as a tool for collective policymaking for members who are not part of the majority (or minority) party leadership. By all accounts, neither party's leadership was active on either of these amendments or discharge petition efforts, thus providing an opportunity to evaluate the role of partisanship aside from the machinations of leadership.[1]

Third, these cases differ in the level of party-based institutional resources available to their two main proponents: While Griffiths wielded significant influence, Wylie lacked access to similar resources. At the same time, these cases

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[1] In the case of the ERA, Davis (1991: 125-26) reports that one of the first people Griffiths approached was Majority Leader Hale Boggs (D, LA), who told her that he would provide the 200th signature (which he did). Griffiths also lobbied Minority Leader Gerald Ford (R, MI), who likewise remained inactive until almost every signature had been obtained, at which time he did encourage Republicans to sign. In short, neither party's leadership supported, nor opposed, the ERA discharge petition until it was virtually accomplished. Similarly, while both House Speaker Carl Albert (D-OK) and Minority Leader Ford spoke out against the school prayer amendment during the floor debate *after* the successful discharge petition, neither party's leadership apparently pressured their members to sign or not sign the school prayer petition (*Congressional Quarterly Almanac* 1971).

allow us to control for other potentially important factors. Both are constitutional amendments dealing with controversial social issues and were assigned to the Judiciary Committee chaired by Emmanuel Celler (D, NY). The cases take place at nearly the same point in time, with Democratic control of Congress and the same Republican President. Finally, both discharge petition efforts were successful, which is both a control and a necessity: before the 104th Congress, only the signatures on successful discharge petitions were made public.

We are fully aware of the limits of any case study. However, for the reasons identified, we believe these cases provide an excellent opportunity to examine pre-floor politics, particularly with regard to the role of partisanship-absent action on the part of either party's leaders. Indeed, given the lack of party leadership and the strong personal preferences we might expect to be associated with both issues, these cases provide particularly stringent tests for party effects after controlling for preferences.

Cosponsorship

In recent years, scholars have been increasingly interested in cosponsorship behavior (see Young and Wilson 1997; Schiller 1995; Browne 1985; Campbell 1982). As we might expect, the few studies of the determinants of cosponsorship of particular legislation find that members cosponsor legislation in a manner consistent with their preferences for policy outcomes (Kessler and Krehbiel 1996; Krehbiel 1995; Regens 1989). We similarly predict that the decision to cosponsor both amendments is closely related to members' preferences on the issues.

We might also expect party to be a determinant of cosponsorship activity, an expectation confirmed by previous research (Regens 1989). In the case of the ERA, we expect Republicans to be more likely to cosponsor than Democrats, all other things being equal. Our expectation may seem counterintuitive as Democrats have been associated with the ERA since the mid-1970s. The Republican party, however, had traditionally been more supportive before that time, for a variety of reasons (see Wolbrecht 2000; Costain 1992; Freeman 2000, 1975).[2] We also have reason to expect Republicans to be more likely to cosponsor the SPA. A school prayer amendment was first introduced by Republican Frank J. Becker (NY) in 1964, and Senate Minority Leader Everett Dirksen (R, IL) led the school prayer effort in the other chamber. Only the Republican party had ever included school prayer in its platform (a fairly weak pledge in 1964). Democratic platforms were silent on the issue (Johnson 1973). Thus, while not overwhelming, the historical record points toward a hypothesis of greater Republican cosponsorship.

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[2] In contrast to our expectations vis-à-vis discharge petition activity, our hypothesis with regards to party effects on cosponsorship does not presume active lobbying or coordination on the part of any member.

Other factors may have influenced a member's decision to cosponsor these amendments, and such are included as controls. Seniority appears negatively related to cosponsorship (Krehbiel 1995; Campbell 1982). Since junior members generally lack influence in the legislative process, they may be more likely to utilize cosponsorship as a means to shaping public policy. Senior members are more likely to be able to influence policy outcomes through other, more effective means. Membership on a relevant committee might also impact cosponsorship (Krehbiel 1995). In particular, given their chair's long-standing opposition to both amendments, we expect Judiciary Committee members were less likely to cosponsor both amendments. In the case of the ERA, we also include member's gender. We expect female Representatives (a mere 2 percent of the membership) were more likely to cosponsor the ERA than male members due to greater awareness of and interest in women's rights issues (cf. Swers 1999; Thomas and Welch 1991; Thomas 1989; Saint-Germain 1989).

Discharge Petition Behavior

In the pre-Reform House, once a bill is introduced it is assigned to the relevant committee which has almost exclusive discretion over the bill's consideration. The discharge provision provides an opportunity for legislators to bypass the gate-keeping and agenda-setting powers of the referral committee and bring the bill directly to the floor. Although only a small percentage garner the necessary signatures, even unsuccessful discharge petitions may affect the legislative process by, for example, inducing a committee to take some action to avert a successful petition (see Beth 1990).

In both cases examined here, a majority of members favored the proposal,[3] but the amendments were in both instances blocked from floor consideration by a single, well-placed opponent: the Judiciary Committee chair. The situation is indicative of the collective action problem inherent to American policy making; the system is fundamentally biased toward inaction, with success requiring the coordination of numerous individual actors at multiple stages. The challenge to the advocates of these policies was to induce enough of their colleagues to act in concert—via the discharge procedure—to overcome the obstacle presented by the committee's opposition.

A number of factors, including reluctance to depart from normal House procedure, the possibility of retaliation by the committee (particularly its chair), and high transaction costs, discourage the use and joining of discharge petitions (Beth 1990; Cox and McCubbins 1993). How, then, does a policy advocate persuade members to sign a discharge petition? Members' preferences for public

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[3] In the case of school prayer, the final vote revealed only a majority supported the amendment, and not the supermajority necessary for passage of a constitutional amendment.

policy outcomes seem a natural explanation for discharge petition support; members sign discharge petitions when the costs are outweighed by their preferences for the policy outcome.[4] Thus, we expect those individuals most enamored with the policy to sign the discharge petition at a higher rate than those less enamoured. In the case of the ERA, Griffiths and her allies employed a number of arguments and tactics relating the ERA to greater equality and opportunity for women in their attempts to obtain members' signatures (Davis 1991). Wylie and SPA proponents likewise sought to garner supporters on the merits of the proposed amendment, arguing that prayer in school benefited society without threatening religious freedoms (*Congressional Quarterly Almanac* 1971).

We further hypothesize that when a policy entrepreneur has access to institutional resources, partisanship may also influence discharge petition behavior, *ceteris paribus*.[5] While previous work has largely characterized party effects as a function of the resources and powers exercised by the party leadership, we suggest that non-leadership actors *with access to valuable institutional resources* are also capable of utilizing party-based tools to build legislative coalitions. The policy entrepreneur in the case of the ERA boasted such resources, but the instigator of the SPA discharge petition did not. Thus, we predict partisanship to affect members' propensity to sign the ERA discharge petition, all other things, including preferences, being equal. On the SPA we expect that the construction of the discharge petition coalition was primarily a preference-based phenomenon.

Specifically, we expect Democrats to be more inclined than Republicans to sign the ERA discharge petition circulated by their fellow partisan because of institutional powers Griffiths commanded. First, as a senior member of the Democratic Committee on Committees, Griffiths had influence over an institutional resource—committee assignments—of particular value to her fellow partisans.

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[4] Krehbiel (1995) advocates a preference-only model, arguing that discharge petition activity is consistent with the "vote-buying" or "favor-trading" theories of Snyder (1991) and Groseclose (1995). These strictly nonpartisan models predict that members (specifically leaders) attempting to influence the decision of others will focus their efforts on more moderate members—those not extremely predisposed for or against the policy—because the cost of convincing moderates will be less than that necessary to sway extremists. For the type of distributive tax policy Krehbiel (1995) examines, this implies a symmetric effect; members whose bliss points fall on either side of the tax proposal should sign. For these constitutional amendments, we expect supporters of the ERA to have bliss points to the left of the status quo, and supporters of the SPA would have bliss points to the right of the status quo. We would therefore expect a directional result; members more supportive of the policy change will be more likely to sign the discharge petition than those less supportive.

[5] Considerable controversy exists regarding partisanship and discharge petition behavior. Krehbiel (1995) finds party to be an insignificant predictor of waffling behavior on the "A to Z Spending Plan," consistent with his expectations vis-à-vis vote-buying/favor-trading (see note 4). Binder, Lawrence, and Maltzman (1999), on the other hand, show that waffling on the "A to Z" bill is indeed characterized by a party effect when examining a different time period and employing a different preference measure.

Second, party ties encourage the distribution of favors to colleagues on the same side of the aisle (Aldrich 1995; Cox and McCubbins 1993). Shared partisanship facilitates (but does not guarantee) a positive working relationship between members of the same party. While we do not presume that Griffiths *only* lobbied other Democrats, she was predisposed to bargain with her Democratic colleagues and to do so successfully—shared partisanship would make her fellow Democrats more likely than opposition Republicans to respond positively to her entreaties. Significantly, her institutional position provided Griffiths with the tools with which to bargain. In particular, as a senior member of the Ways and Means Committee, she boasted substantial influence over crucial taxation legislation, allowing her to accumulate past favors, as well as to offer potential future benefits. Accounts of Griffiths' efforts on behalf of the ERA discharge petition repeatedly note her use of her influence and seniority on both the Democratic Committee on Committees and the Ways and Means Committee (Davis 1991; Freeman 1975).[6]

The story for the SPA is much different. While Wylie may have been equally predisposed to lobby his Republican colleagues on behalf of the SPA discharge petition, he lacked the years of service in the House from which to build strong relationships with his fellow partisans (Wylie was elected in 1966, Griffiths in 1954). More importantly, Wylie had access to few institutional resources with which to bargain with his colleagues. He was a junior member of the minority on both the Banking and Currency and the Veterans' Affairs Committees, neither of which were particularly powerful. As a junior member, Wylie had little influence over important party benefits, such as committee assignments.

That being said, even without institutional resources the shared electoral fortunes of party members may have provided Wylie a tool for inducing cooperation from his fellow partisans. As Cox and McCubbins (1993) argue, to the degree to which party label affects members' electoral fortunes, all party members have an inherent interest in the common label that voters use to assess candidates. The SPA had widespread public support (*Congressional Quarterly Almanac* 1971). To the extent that Wylie and supporters could successfully link the school prayer amendment to the party's shared electoral fortunes, Republicans may have been more inclined to support the effort of a fellow partisan. Nonetheless, Wylie's position vis-à-vis his fellow partisans was certainly weaker than that of Griffiths, meaning his ability to attract signatures likely relied largely on appeals to members' preferences. Thus, we expect that decisionmaking on the

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[6] Because the ERA is a non-distributive policy, Griffiths could not point to specific provisions of the legislation that would benefit a member's district. One solution to this problem is to offer other particular benefits—committee assignments and tax policy, in this case—that are divisible and electorally valuable. As we have noted, accounts of Griffiths' efforts on behalf of the discharge petition suggest Griffiths did indeed employ such incentives (Davis 1991; Freeman 1975).

SPA discharge petition will be driven largely by preferences with much smaller party effects than expected in the ERA case.

We also include the same control variables discussed for cosponsorship. We expect seniority to be negatively associated with discharge petition signing. Members with more seniority have more invested in the committee system challenged by the discharge petition, and boast greater resources and influence, thus, in the case of the ERA, reducing their need for the incentives Griffiths could proffer. Junior members, however, might be more susceptible to appeals from, and incentives offered by, a senior member. We also anticipate Judiciary Committee members were less likely to sign either discharge petition as both so clearly and directly challenged the preferences and authority of their chair. Finally, in the case of the ERA, we expect women to be more likely to sign the discharge petition than men.

Waffling and Bandwagoning

While we have described our expectations for cosponsorship and discharge petition signing separately, they are likely related acts: We would expect that Representatives who cosponsor a piece of legislation would be more likely to sign a discharge petition designed to make the policy outcome possible. Yet, in both cases, a number of members who cosponsored refused to sign the discharge petition, what Krehbiel (1995) has called waffling. In order to build a successful majority coalition, both Griffiths and Wylie needed to ward off such defections and convince members to follow through by signing the discharge petition. At the same time, in their effort to build the majority coalition necessary, entrepreneurs may reach out to those who had not previously cosponsored the proposal. Indeed, while Griffiths had more than enough fellow cosponsors (269) to build, at least theoretically, a majority coalition, Wylie was required to attract non-cosponsors; only 128 members cosponsored the SPA. We term this activity—failing to cosponsor, but signing the discharge petition anyway—bandwagoning. Given the expected difficulty in garnering signatures from members not interested enough in the policy to cosponsor, the success of appeals to non-cosponsors provides a particularly valuable test of party and preference effects. In light of the above arguments, we expect Griffiths to be able to use not only preferences, but party, to ward off wafflers and attract bandwagoners. Given Wylie's weaker institutional position, on the other hand, we predict waffling and bandwagoning on the SPA will be primarily a function of members' preferences.

DATA

The data necessary to test our hypotheses are generally easily accessible and noncontroversial indicators of members' partisanship, cosponsorship and discharge

petition activity, and so on.[7] The only variables of interest which could not be measured directly are members' preferences for women's rights and school prayer. For women's rights, interest group ratings do not exist, and the roll calls are not available to allow us to construct an independent vote-based measure (all three women's rights roll calls during the 91st Congress involve the ERA). Interest group ratings do exist for the 92nd Congress, however, and we use those scores to locate the best available measure for the 91st Congress.

In 1972, the *Women's Activist*, the newsletter of the Virginia state National Women's Political Caucus (NWPC), published ratings for members of the 92nd Congress based on their votes on four issues, including the ERA (Shanahan 1972). We employ these ratings to test the validity of alternative measures of women's rights preferences. First, we construct a feminist score for those members of Congress present in both the 91st and 92nd Congresses based on their votes on the three non-ERA roll calls the *Woman Activist* employed in its rating.[8] We then correlate the feminist score with a number of 91st Congress interest group ratings (CC, ADA, ACA, COPE), and a vote-based measure of general left-right preferences (Poole and Rosenthal [1997] NOMINATE dimension one).

The 92nd Congress feminist scores correlate quite highly (above 0.8) with all five ratings for the 91st Congress, indicating that all tap a common dimension.[9] The AFL-CIO's COPE scores produce the highest correlation, suggesting

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[7] Members' names, partisanship, and ERA votes are derived from Poole and Rosenthal's (1997) corrected versions of the Inter-university Consortium of Political and Social Research's (ICPSR) House membership lists. Interest group ratings and first Congress served are from the ICPSR's House membership lists (Congressional Quarterly 1984). Members' gender is derived from the appendix of Gertzog (1995). Membership on the Judiciary Committee is acquired from the *Congressional Quarterly Almanac* (various years). We obtain cosponsorship data from the *Congressional Record Index and History of Bills* (various years). Discharge petition signers are found in the *Congressional Record* of July 20, 1970 (ERA) and September 21, 1971 (SPA).

[8] Following the *Woman Activist's* coding, non-voting is tabulated as an anti-feminist vote. The correlation between the feminism score where non-voting is counted as an anti-feminist vote and the feminism score where non-voting is simply not counted is extremely high ($r = .9629$, $n = 372$, $p < 0.0000$). Moreover, the choice of the COPE score as a proxy is not affected.

[9] The interest group ratings (91st Congress) and their correlation with the NWPC scores (92nd Congress) are: Conservative Coalition ($r = -0.8293$), Americans for Democratic Action ($r = 0.8306$), Committee on Political Education ($r = 0.8514$), and Americans for Constitutional Action ($r = -0.8081$). Poole and Rosenthal's (1977) first dimension NOMINATE scores correlate at $r = -0.8340$. All correlations are statistically significant at $p < 0.001$ ($n = 372$). We thus select COPE scores as the best available measure of women's rights preferences. Nonetheless, we have also estimated our reported models using ADA and NOMINATE scores. The use of ADA scores does not change the substantive results, but party is no longer significant for discharge petition behavior when NOMINATE scores are used. We contend that the model using COPE scores reflects a more accurate delineation of preference and party effects. First, previous research has shown that women's rights positions did not map particularly consistently or strongly on to the left-right spectrum represented by the Poole and Rosenthal scores before 1971 (Wolbrecht 2000). Second, NOMINATE scores correlate more highly with party ($r = -0.72$, compared to just .56 for COPE scores), suggesting greater

preferences regarding women's rights and labor share dimensionality, a substantively intuitive result. While feminists and organized labor have often been at cross purposes during American history, the two were increasingly allied beginning in the late 1960s. Organized labor was an early supporter of the modern women's movement—the UAW provided office space and supplies for NOW when it was founded in 1966, for example—although the relationship was not always smooth by any means.[10] We are confident that COPE scores are a valid measure of women's rights preferences. An additional asset of these scores is that they are not highly correlated with partisanship (r = .56). High correlation between party and preference measures introduces multicollinearity into the statistical models, making it nearly impossible statistically to parse out party and preference effects (see Binder, Lawrence, and Maltzman 1999).

We also lack a clear measure of preferences on school prayer, or even a general measure of social conservatism. While a number of general left-right indicators exist, we are interested in a measure that taps *social* conservatism, as opposed to more general economic conservatism (see Klatch 1987; Shafer and Claggett 1995). Unfortunately, we must rely on the published statements of interest groups because there is no apparent way to test the validity of a school prayer measure. By this criterion, we view ACA (Americans for Constitutional Action) scores as providing the best measure of the types of preferences we seek to capture. The ACA was a strong proponent of the SPA (Sharp 1988); indeed, the vote on the school prayer amendment was included in the ACA's ratings for the 92nd Congress.[11] This measure also has a relatively low correlation with party (r = .69).

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difficulty in parsing out party and preference effects (see Binder, Lawrence, and Maltzman 1999). Finally, and most importantly, our choice of COPE scores as a measure of women's rights support was entirely *a priori* and motivated exclusively by a desire to choose the best instrument for the phenomenon we seek to measure, based on the available NWPC scores from the following Congress.

[10] When NOW adopted a pro-ERA stance in 1967, the UAW withdrew its support (Freeman 1975). The UAW reversed its position on the ERA in 1970, thus removing the obstacle to cooperation. While the AFL-CIO did not officially endorse the ERA until 1973, labor opposition to the ERA was widely viewed as crumbling; pro-labor Representatives were disproportionate ERA-cosponsors by the mid-1960s (Costain 1992).

[11] In our analysis, we have corrected for any possible endogeneity concerns by purging the school prayer vote from the calculation of the ACA rating. Following the protocol of the ACA, absences are not counted in the calculation of the score; however, we count paired and announced votes as being in support of the ACA. While we have substantive reason to believe that the ACA scores represent the best available measure of school prayer-related preferences, we have nonetheless estimated the SPA models using two other preference measures: NOMINATE scores and ADA scores. For both, the substantive results are similar: preferences significantly explain cosponsorship and discharge petition behavior; partisanship is significant but incorrectly signed in the discharge petition equation (and insignificant in the discharge petition equation for ADA scores).

For each case, our two dependent variables are dichotomous indicators of whether a member cosponsored the amendment[12] or signed the discharge petition. As discussed, we measure policy preferences with COPE and ACA scores for the ERA and SPA respectively. Partisanship is a dummy variable denoting members of the Democratic party. First elected indicates the first Congress in which the member served (and thus, is a reverse measure of seniority). Judiciary Committee denotes those members serving on the committee with jurisdiction over constitutional amendments. Female is a dummy variable indicating female Representatives, and is only included in the ERA model. With these measures in hand, we proceed to the analysis.

RESULTS

We are interested in explaining two dichotomous variables—cosponsoring and signing a discharge petition—that are likely correlated. We seek to estimate the probabilities of not only cosponsoring and signing the discharge petition, but also waffling and bandwagoning. Since these behaviors are likely not independent, a bivariate probit model, which allows the errors to be correlated, is appropriate. See the Appendix for a discussion of this model, including estimation and post-estimation prediction.

The results for the ERA are reported in Table 1. Turning first to cosponsorship, our results provide clear support for the impact of policy preferences. The Democrat variable is also highly significant, indicating that Republicans, *ceteris paribus*, were more likely to cosponsor the amendment than Democrats, as expected. None of our control variables, including gender, are statistically significant predictors of ERA cosponsorship.

Regarding members' decision to sign the ERA discharge petition, policy preferences are again an important factor. Our hypothesis that Griffiths would be more successful in mobilizing Democrats than Republicans is also supported: Democrats are statistically more likely than Republicans to sign the discharge petition. This finding is particularly impressive given that Republicans were more active as cosponsors. As expected, members of the Judiciary Committee were less

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[12] Beginning in 1967, House rules allowed as many as twenty-five cosponsors to individual bills. Unlimited multiple cosponsorship had been the norm in the Senate since the 1930s, but would not be allowed in the House until 1978 (Young and Wilson 1997). The 269 representatives who cosponsored the ERA in 1970 thus actually cosponsored a number of individual bills, although each of these separate ERAs were virtually identical. specifically, 268 individual Equal Rights Amendments were introduced during that Congress, only six of which had more than one sponsor (Wolbrecht 2000; *Congressional Record and Index of Bills*). The ERA Griffiths moved to discharge from Celler's Judiciary Committee in 1970 was the ERA she herself introduced, H.J.Res. 264. In he case of the school prayer amendment, 69 separate versions were introduced, some with as few as one cosponsor, others with the total allowed of twenty-five (*Congressional Record and Index of Bills*). Wylie moved to discharge his own school prayer amendment, H.J.Res. 191.

≡ TABLE 1
BIVARIATE PROBIT MODEL OF PRE-FLOOR BEHAVIOR ON THE
EQUAL RIGHTS AMENDMENT IN THE 91ST CONGRESS

Independent Variables	Cosponsorship		
	Coefficient	Standard Error	p
COPE Score	0.0099	0.0023	0.000
Democrat	−0.5343	0.1619	0.001
First Elected	0.0281	0.0155	0.070
Judiciary Committee	0.0201	0.2424	0.934
Female	0.4957	0.4956	0.317
Constant	−2.3304	1.3499	0.084
Independent Variables	Discharge Petition		
	Coefficient	Standard Error	p
COPE Score	0.0115	0.0023	0.000
Democrat	0.3816	0.1587	0.016
First Elected	0.0196	0.0160	0.220
Judiciary Committee	−0.6811	0.2521	0.007
Female	0.6597	0.4624	0.154
Constant	−2.4710	1.3939	0.076
Rho	0.4666	0.0702	0.000
n	429		
Log likelihood	−512.598		
Model χ^2	94.240		

Note: Coefficients are maximum likelihood estimates. All models are estimated in Stata 6.0. Model χ^2 is the likelihood ratio test between the model and a null model.

likely to sign a petition to discharge a bill from their committee, but no other controls reach statistical significance. Finally, we note that the estimated coefficient $\hat{\rho}$ is statistically significant, indicating a positive relationship between cosponsoring the ERA and signing the discharge petition.

While statistical significance gauges whether a particular coefficient has an effect, we are interested in how much of an effect a particular variable has. The top portion of Table 2 reports the predicted probabilities generated by the model (see the Appendix) to aid in the interpretation of the maximum-likelihood coefficients in Table 1, and to allow us to examine waffling and bandwagoning behavior.[13] Controlling for party, members most supportive of women's rights are, on average,

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[13] It is important to note that the rows in Table 2 do not sum to one because some members who cosponsored might waffle, and some who did not cosponsor might bandwagon.

≡ TABLE 2
PREDICTED PROBABILITIES OF PRE-FLOOR BEHAVIOR ON THE ERA AND SPA

	Pr(Cosponsor)	Pr(Discharge)	Pr(Waffle)	Pr(Bandwagon)
Equal Rights Amendment				
Pro-Women's Rights				
Republican	0.836	0.580	0.304	0.048
Moderate Women's Rights				
Republican	0.740	0.424	0.367	0.052
Anti-Women's Rights				
Republican	0.620	0.280	0.388	0.048
Pro-Women's Rights				
Democrat	0.672	0.720	0.126	0.175
Moderate Women's Rights				
Democrat	0.543	0.575	0.155	0.187
Anti-Women's Rights				
Democrat	0.410	0.420	0.163	0.174
School Prayer Amendment				
Social Liberal Republican	0.048	0.188	0.023	0.162
Social Moderate Republican	0.197	0.408	0.065	0.276
Social Conservative				
Republican	0.482	0.663	0.095	0.275
Social Liberal Democrat	0.087	0.317	0.030	0.261
Social Moderate Democrat	0.290	0.571	0.063	0.344
Social Conservative Democrat	0.601	0.797	0.069	0.266

Note: Predicted probabilities computed from the cumulative bivariate normal distribution. Liberals are one standard deviation above the sample mean, conservatives are one standard deviation below the sample mean, and moderates are the sample mean. All other covariates are fixed at their means. Waffling is defined as cosponsoring but not signing the discharge petition, bandwagoning is not cosponsoring but signing the discharge petition.

24 percentage points more likely to cosponsor and, on average, 30 points more likely to sign the discharge petition, than those least supportive. When preferences are controlled, Republican members are, on average, 19 points more likely to cosponsor, but average 14 points less likely to sign the discharge petition.

If Griffiths was able to bargain more successfully with Democrats than Republicans, we should see more Democrats bandwagoning and more Republicans waffling, holding all else, including preferences, constant. The predicted probabilities are consistent with this expectation. For example, controlling for preferences, Republicans are, on average, 21 points more likely to waffle and 13 points less likely to bandwagon. Note also that the magnitude of preference effects on waffling and bandwagoning (holding party constant) are comparatively

≡ TABLE 3

BIVARIATE PROBIT MODEL OF PRE-FLOOR BEHAVIOR ON THE PRAYER AMENDMENT
IN THE 92ND CONGRESS

Independent Variables	Cosponsorship		
	Coefficient	Standard Error	p
ACA Score	0.0256	0.0033	0.000
Democrat	0.2991	0.1890	0.113
First Elected	0.0282	0.0175	0.106
Judiciary Committee	−0.3200	0.2678	0.232
Constant	−4.5335	1.5710	0.004
Independent Variables	Discharge Petition		
	Coefficient	Standard Error	p
ACA Score	0.0207	0.0029	0.000
Democrat	0.4115	0.1857	0.027
First Elected	0.0347	0.0161	0.031
Judiciary Committee	−0.8008	0.2489	0.001
Constant	−4.1680	1.4482	0.004
Rho	0.4557	0.0786	0.000
n	434		
Log likelihood	−457.669		
Model χ^2	132.360		

Note: Coefficients are maximum likelihood estimates. All models are estimated in Stata
6.0. Model χ^2 is the likelihood ratio test between the model and a null model.

small or inconsistent. The probability that an anti-women's rights Democrat will
waffle, for example, exceeds that of a pro-women's rights Democrat by less than
4 percentage points, compared to the almost 23 point difference between an anti-
women's rights Democrat and an anti-women's rights Republican. In the case of
the ERA, defectors were warded off and non-cosponsors attracted largely on the
basis of partisanship.

We turn now to the results of our analysis for the pre-floor politics sur-
rounding the SPA presented in Table 3. Our results indicate that, as expected,
social conservatism, measured by ACA scores, is a significant predictor of whether
a member cosponsored the SPA. Contrary to our (albeit weak) expectations, how-
ever, neither Republicans nor Democrats were statistically more likely to cospon-
sor the SPA. As we indicated, neither party had taken particularly strong stands
on the issue and public opinion generally favored the measure. As with ERA
cosponsorship, neither of our control variables attain statistical significance.

Regarding the school prayer discharge petition, our hypotheses are generally confirmed. Members' preferences vis-à-vis social conservatism strongly predict participation in the SPA discharge petition coalition. As expected, Wylie's fellow Republicans were not more likely to sign the SPA discharge petition. In fact, the opposite appears to be the case: Democrats were more likely to sign than were Republicans, all else being constant. Clearly, Wylie was not able to wield shared partisanship as a coalition-building tool; support for the SPA discharge petition came disproportionately from social conservatives and opposition Democrats. Consistent with expectations, junior Representatives were more likely, and Judiciary Committee members less likely, to sign the SPA discharge petition. The significant $\hat{\rho}$ indicates that there is a positive relationship between the choice of whether to cosponsor the SPA and sign the discharge petition.

The predicted probabilities for hypothetical members (presented in the bottom portion of Table 2) highlight the differential contributions of party and preferences to the SPA discharge petition effort. Preferences are clearly the dominant factor driving both cosponsorship and discharge petition signing; controlling for party, the probability that the most socially conservative member will cosponsor or sign the discharge petition exceeds that of the most socially liberal member by an average of 47 percentage points. In comparison, when preferences are controlled, Democrats are an average of only 8 points more likely to cosponsor (recall that party was statistically insignificant in the cosponsorship model) and an average of 14 points more likely to sign the discharge petition.

Turning to waffling and bandwagoning, socially conservative Democrats and Republicans are both less likely to waffle and more likely to bandwagon than their socially liberal counterparts, although differences are not large. Party effects are not consistent, and in the case of waffling, often much smaller than preference effects: Socially conservative and moderate Republicans are more likely than similar Democrats to waffle, but liberal Republicans are less likely than liberal Democrats to do so. Similarly, socially moderate and liberal Republicans are less likely to bandwagon, but conservative Republicans are slightly more likely to sign the discharge petition even though they had not cosponsored. Thus, Wylie was able to attract greater support from socially conservative, non-cosponsoring Republicans than from similar Democrats, and more likely to ward off defections (waffling) among socially liberal Republicans than socially-liberal Democrats. Differences are quite small, however, and overall the results provide little evidence of Wylie's success in mobilizing his fellow partisans.

DISCUSSION AND CONCLUSION

The differential institutional resources of the main supporters of the ERA and SPA efforts led to different sorts of coalitions in support of the related discharge petitions. For the ERA, women's rights supporters and Democrats were more likely to sign the discharge petition, *even when controlling for the other effect.*

Even without action on the part of either party's leadership and during a period of committee dominance and comparatively weaker parties, these results suggest that for the ERA in 1970, a policy entrepreneur, Martha Griffiths, with access to valuable institutional inducements provided a solution to the problem of collective policymaking in the House that relied, at least in part, on partisanship. In the case of the SPA, the entrepreneur, Chalmers Wylie, lacked similar resources. While still successful in achieving the necessary 218 signatures, our results show Wylie was not able to attract the support of his fellow partisans disproportionately; indeed, Democrats were more likely to sign than were Wylie's Republican colleagues. Our analysis thus suggests that access to incentives and influence, a function of political skill, but also of institutional position (committee membership, seniority), determines the utility of party for building legislative coalitions. Explanations of party effects often note the importance of the shared party label in encouraging party unity. The SPA was a popular proposition with considerable salience; the kind of issue around which we would expect an entrepreneur to be able to rally his party by emphasizing the electoral benefits of support. Yet, at least in this case, shared party label alone was apparently not sufficient to attract support from Wylie's fellow partisans.

Generalizations should only cautiously be drawn from case studies. Clearly, additional research is warranted. There have been more than 800 discharge petitions submitted to Congress since 1910. A systematic examination of these attempts at bypassing committee control (a foundational assumption of most studies of Congress) could address such issues as qualifications for success, as well the role of party and preference as determinants of action. Unfortunately, there are considerable obstacles with regards to the availability of data; before the rule changes in the 103rd and 104th Congress we only can observe signatures for those discharge petitions that were ultimately successful.

Future research should also explore the ways in which non-leadership issue entrepreneurs can, and cannot, use party as a means to achieving collective policy goals. Application to the post-Reform period deserves particular attention. Greater party unity in the House since the early 1970s has been attributed to a number of factors, including electoral change, declining intraparty heterogeneity, and the considerable institutional powers granted the majority party leadership (MPL) by the House reforms (Rohde 1991). While greater party unity post-Reform may assist issue entrepreneurs, the greater agenda control and other powers of the MPL might confound independent party mobilization.

Our findings support the contention that party can serve as a tool for the creation of policymaking coalitions by contributing to our understanding of the conditions under which party effects are possible or likely. Our analysis suggests that policy entrepreneurs, not only party leaders, can use partisanship as a solution to the problem of collective action in legislatures. At the same time, we have specified the conditions under which such entrepreneurs can successfully

employ party to build their coalition; namely, access to institutional resources, most of which are party-based, for use in bargaining with their colleagues. This research thus further refines our understanding of how party tools shape legislative outcomes in the House of Representatives.

APPENDIX
BIVARIATE PROBIT

Here we observe two dichotomous dependent variables: $y_{i,1}$ which indicates whether a member cosponsored the legislation or not, and $y_{i,2}$ which indicates whether a member signed a discharge petition or not, for members of Congress $i = 1, \ldots, n$. Assume that for each decision there is a latent (unobserved) utility, denoted $z_{i,1}$ and $z_{i,2}$ respectively. If $z_{i,1} > 0$ then $y_{i,1} = 1$ (cosponsor), and zero otherwise. Similarly, if $z_{i,2} > 0$ then $y_{i,2} = 1$ (sign the discharge petition), and zero otherwise. We assume that each of these utilities can be modeled:

$$z_{i,1} = x_i'\beta_1 + \epsilon_{i,1}$$
$$z_{i,2} = x_i'\beta_2 + \epsilon_{i,2} \qquad (A.1)$$

In this application we employ the same row vector of covariates x_i' for each equation, although this is in no way necessary to estimate the model. The distribution of the error terms is assumed to follow the bivariate normal distribution. Note that the model of the utilities follows that of a seemingly unrelated regression (SUR) model with unit variances:

$$\begin{bmatrix} \epsilon_{i,1} \\ \epsilon_{i,2} \end{bmatrix} \sim N_2 \, (0, \, \Sigma), \, \Sigma = \begin{bmatrix} 1 & \rho \\ \rho & 1 \end{bmatrix} \qquad (A.2)$$

One can thus compute the probability of observing a particular $y_{i,1}$ and $y_{i,2}$ for individual i using the cumulative bivariate normal distribution. The product of these probabilities for all i defines the likelihood, which can be maximized using conventional means (see Greene 1997: 906-11).

Given the maximum likelihood parameter estimates, one can compute the probability of observing particular behavior be integrating over the bivariate normal density function. Let $\hat{\beta}_1$ and $\hat{\beta}_2$ represent the estimated column vector of parameters, and $\hat{\Sigma}$ represent the estimated variance-covariance matrix (which is defined by placing $\hat{\rho}$ on each off-diagonal of the matrix). For example, to compute the probability of waffling (cosponsoring but not signing the discharge petition), one must compute:

$$\int_0^\infty \int_{-\infty}^0 \phi_2 \, (\hat{\mu}, \, \hat{\Sigma}) \, dz_{i,2} \, dz_{i,2}, \, \hat{\mu} = \begin{bmatrix} x_i'\hat{\beta}_1 \\ x_i'\hat{\beta}_2 \end{bmatrix} \qquad (A.3)$$

ϕ_2 represents the probability density function for the bivariate normal distribution. To compute the other three probabilities, one changes the limits of integration. Both models presented here and the predicted probabilities were computed in Stata 6.0.

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