SOCIAL SCIENCE HISTORY

Edited by

Stephen Haber and David W. Brady

Anne G. Hanley, *Native Capital: Financial Institutions and Economic Development in São Paulo, Brazil, 1850–1920*

Fernando Rocchi, *Chimneys in the Desert: Argentina During the Export Boom Years, 1870–1930*

J. G. Manning and Ian Morris, *The Ancient Economy: Evidence and Models*

Daniel Lederman, *The Political Economy of Protection*

William Summerhill, *Order Against Progress*

Samuel Kernell, *James Madison: The Theory and Practice of Republican Government*

Francisco Vidal Luna and Herbert S. Klein, *Slavery and the Economy of São Paulo, 1750–1850*

Noel Maurer, *The Power and the Money*

David W. Brady and Mathew D. McCubbins, *Party, Process, and Political Change in Congress*

Jeffrey Bortz and Stephen Haber, *The Mexican Economy, 1870–1930*

Edward Beatty, *Institutions and Investment*

Jeremy Baskes, *Indians, Merchants, and Markets*

PARTY, PROCESS, AND POLITICAL CHANGE IN CONGRESS, VOLUME 2

Further New Perspectives on the History of Congress

Edited by

DAVID W. BRADY AND

MATHEW D. MCCUBBINS

STANFORD UNIVERSITY PRESS

Stanford, California

2007

Chapter 21

An Evolving End Game: Partisan Collusion in Conference Committees, 1953–2003

ROBERT PARKS VAN HOUWELING

Since the 1970s, members of the House and Senate have increasingly relied on political party organizations to perform important legislative tasks. The causes and consequences of this trend have been at the center of academic debates on the U.S. Congress for a decade. Some view this increasing activity as an outgrowth of changing electoral forces, albeit one with substantial policy consequences. To varying degrees, these scholars emphasize the role of party leaders as occasional disciplinarians of their rank and file (e.g., Rohde 1991; Aldrich 1995; Cox and McCubbins 1993; Deckard [Sinclair] 1995). Others have argued that the renewed prominence of parties and their leaders is largely window dressing and that party discipline that leads to substantially different policy than we would expect in its absence is largely a myth (e.g., Krehbiel 1993). Elsewhere, I offer an account that asserts parties are a consequential feature of the modern legislative process, but I place a strong emphasis on their role as enablers rather than disciplinarians (Van Houweling 2003).

Underlying my argument is a claim that legislators have an incentive to cede agenda and organizational power to party organizations when their personal policy preferences are more extreme than those they wish to reveal to their constituents. When vested with procedural control, parties are able to structure legislative agendas that produce policies in accord with their members' extreme preferences, while allowing the members to conceal those preferences from moderate constituencies. This logic suggests

that growth in party-related activity in Congress over the past few decades is due to a widening gulf between the personal preferences of members of Congress—which I argue have become more bipolar, extreme, and cohesive since the 1960s—and the still moderate preferences of their constituents. In short, legislators have increased their reliance on political parties as it has become more difficult for them simultaneously to achieve the policy outcomes they desire *and* remain in office.

I have argued that policy consequences and voting patterns associated with agenda restrictions in the modern House of Representatives are consistent with what we should expect if its members increasingly prefer policies that are more extreme than those favored by the majority of voters in their districts (Van Houweling 2003). In doing so, I developed a model of special rules in the House that is unique in allowing for a divergence between public and private preferences. The practical implication of the model is that under specifiable circumstances legislation that reaches the House agenda under restrictive rules tends to generate outcomes nearer the House's ideological poles.

However, these House-specific findings leave the story incomplete. The majority party in the Senate does not have access to similar procedures that would allow it to prevent consideration of unsavory policy alternatives. Thus, even when senators in the majority party are unified in their personal support for an extreme policy, they often cannot avoid considering—and have little choice but to approve—moderate alternatives favored by their constituents. The conference-committee process that the House and Senate can employ to resolve their legislative differences offers a solution to senators in this predicament. When the two chambers sort out legislative particulars in conference, the resulting agreement returns to both chambers in an unamendable form. This allows majority-party senators to benefit from cover typically unavailable on the Senate floor. They can freely vote for constituency-pleasing amendments when they first pass legislation—trusting that their actions will be reversed in conference. The alternative procedure for sorting out House-Senate differences is passing amendments between the chambers. It does not afford cover to senators because under this procedure a measure is amendable in the Senate at every step along the way. With these institutional details in mind, I build on my model of rule choice in the House to generate expectations about when the House and Senate will choose conference to resolve legislative differences and what policy consequences will follow. I describe three broad implications of this extended model and evaluate them using data on conference outcomes between the 83rd and 107th Congresses.

I. An Example and Institutional Details

The passage of President Bush's tax cut in the House of Representatives serves to illustrate the intuition behind the model. For the purposes of this example, assume that every House Republican had a personal preference for a tax cut nearly as large as the one proposed by President Bush. Most evidence suggests that their constituents did not agree. A poll conducted the weekend before the vote on the first key measure indicated that only a bare majority of Americans preferred Bush's proposed tax cut to no tax cut at all. At the same time, the public's preference for the limited Democratic plan over the cut advocated by the president was not overwhelming, hovering around 55 percent.[1] In sum, it appears that the weight of opinion rested somewhere between the Republican and Democratic alternatives, allowing room for compromise that never materialized.

The first element of Bush's tax-cut package passed the House intact on March 8, 2001, under restrictive amendment procedures. In the days preceding the vote, Republican leaders indicated they were unlikely to propose a rule for consideration of the bill that would allow alternatives to the president's plan. In the end they relented, proposing a special rule that permitted a prespecified Democratic amendment with tax cuts weighted toward lower-income taxpayers and with an estimated cost half that of the Bush proposal. The rule did not allow any amendments in the substantial middle ground, however. House Republicans voted unanimously for the rule and unanimously for the Bush proposal over the Democratic alternative. By voting to place the middle ground off limits, Republicans from moderate districts were able to vote for the level of tax relief they preferred without revealing to their constituents that they actually favored the deep cut over more moderate alternatives.

Their rhetoric was consistent with this strategy—many claimed to have voted for the Bush bill because of the lack of a better alternative due to procedural limitations.[2] The president and the House leadership were common scapegoats for Republicans from moderate districts who uniformly supported the legislative procedures they criticized. Yet if they had truly wanted a more moderate alternative, they could have rejected or amended the legislative procedures. They chose not to do so.

There are explanations for the outwardly contradictory behavior of Republican representatives from moderate districts other than their personal desire for a large tax cut. The legislators often insinuate that they truly prefer a moderate alternative, but their party leaves them and other representatives with no choice but to vote against their better judgment. Theories of party

organization that see legislators as bound together in pursuit of a collective good because of their similar electoral bases or their shared electoral fates (Cox and McCubbins 1993) offer a rationale for such behavior. In application to this case, the claim would be that the collective electoral interest of Republican lawmakers was served by the exercise of discipline over representatives from moderate districts. Enacting the more conservative policy enhanced the party's reputation and the prospective electoral success of its members. Moreover, representatives from moderate districts recognized this and willingly gave the party tools to enforce discipline. This perspective is certainly plausible but raises a question: how do majority-party members from moderate districts benefit from a party with a conservative reputation? There are answers to this question involving primary electorates, brand name distinctions, and voters who use informational shortcuts. But the more straightforward explanation is the one I focus on here: "moderate" Republican lawmakers preferred a large tax cut and agreed to the restrictive amendment procedure because it saved them from having to violate this preference by voting for moderate amendments favored by the majority of their constituents.

Rejoining the narrative, we turn to the Senate, which received the legislation from the House and passed a compromise that was around 15 percent smaller than the measure adopted by the House, seemingly blunting the efforts of the House majority. While Republican leaders in the Senate expressed displeasure with this compromise, they were unable to secure the votes of Republican senators from relatively liberal states on key amendments offered by moderate Democrats. Even if Republican senators from liberal states thought a large tax cut was the best policy, as we are assuming for this example, they did not buck their constituents on amendments that trimmed the cut. Conference was their only hope for salvation; if things went well, it would produce a bill with a bigger tax cut than they could safely vote for in the Senate the first time around.

Conference delivered. While the nominal figures hewed to the Senate line, creative accounting allowed the president to achieve nearly all of the cuts he desired. Most notable was a provision that key elements of the tax cut expired 1 year before the end of the 10-year budget window to keep its apparent costs down—a ruse so successful that it has now become standard operating procedure. Summing up the 2001 tax cut in an article about the remarkable effectiveness of Ways and Means chair Bill Thomas (R-Calif.), *CQ Weekly Report* noted, "It is hard to argue with results. Soon after taking over the chairmanship in 2001, Thomas helped deliver Bush's first tax-cut, a 10-Year plan that slashed revenue by $1.35 trillion principally by lowering

individual income tax rates (PL 107-16). To fit almost all of Bush's proposed $1.6 trillion in cuts under a compromise ceiling, Thomas *joined* with Senate tax writers to limit cost by phasing in tax breaks" (emphasis added).[3]

When this conference report returned to the Senate in unamendable form, senators faced the same up or down vote that their copartisans in the House used for cover on initial passage. In response to any doubting constituents, they were able to respond that it was this cut or no cut and the economy needed a jump start. And in a bonus unavailable to their counterparts in the House, they were even able to say, Of course we all preferred a more moderate cut and I voted for it when I had the choice. Whether this was an intentional strategy with regard to the tax cut is an open question; whether there is evidence that legislators use it more regularly is a question I begin to explore here after considering the technical aspects of resolving differences between the chambers.

METHODS FOR RESOLVING DIFFERENCES

There are three ways to reconcile differences between the House and Senate and send legislation to the president for his signature. When there is disagreement, the chamber that acts second either passes a set of specific amendments to the bill passed by the first chamber or strikes everything but the enacting clause of the bill and replaces it with a substitute. In both of these cases, the chamber that acted first has three options: (1) insist on its bill, formally disagree with the amendment of the second chamber, and by majority vote proceed to conference; (2) concur in the amendment of the second chamber but offer a further amendment of its own; and (3) concur in the amendment of the second chamber, end the process, and send the bill to the president.

If the chambers formally disagree and choose conference, then each body appoints a set of conferees. It is typical practice in the House for the Speaker to appoint conferees with the advice of the chair of the committees that considered the legislation. In the Senate the conferees are usually appointed by unanimous consent on the advice of the bill managers, although the Senate can vote to elect conferees on an individual basis by majority vote if it chooses. In any case, by both Senate and House rules, the majority party holds a majority on conference delegations just as it does on substantive standing committees. In conference, each chamber has a vote (dictated by majority rule within its delegation) on disputed provisions, and the two chambers must agree on every provision they include in a conference agreement. Conferees are supposed to decide issues within the scope of the differences between the bills of the two chambers, although they have some

flexibility on this when the legislation is qualitative instead of quantitative. Each chamber can instruct its conferees by majority vote. Only the chamber that considers the conference agreement first can move to recommit a bill to conference with or without instructions. However, instructions to conferees are not binding and are not grounds for a point of order in either chamber. As I have already mentioned, in both chambers conference reports are considered under what amounts to a closed rule with no amendments in order. While this is not an unusual procedure for the House, it is rare for the Senate and can offer the senators the type of restricted choices that closed and modified closed rules regularly create in the House (Bach 1996). In the context of the preceding tax-cut example, this procedure offered senators the protection from moderate amendments that they lacked when they initially considered the legislation.

Passing amendments between the chambers does not offer the same protection to senators. When the chambers disagree concerning legislation they have both passed, the chamber that acted first can choose to amend the bill passed by the chamber that acted second and send it back to the other side of the Capitol. Only two degrees of amending are allowed in this procedure, so the second chamber has the choice of agreeing and ending the process or sending one more amendment back to the first chamber. If agreement is still not reached at this point (or at any other stage of the process), either chamber can move to the stage of formal disagreement and request a conference (Bach 1996; Saturno 1999a, 1999b).

Amendments from the other chamber are considered under different rules in the House and Senate. In the House, the deck is stacked in favor of conference. Motions to disagree with the Senate amendment and go to conference are privileged over motions to consider or amend the Senate amendment. To get around this rule, the House managers can either ask for unanimous consent to consider the Senate amendment or the amendment can be considered under suspension of the rules or under a special rule. However, each of these procedures requires at least a majority; thus a majority will always have an opportunity to move to conference without ever entertaining the Senate amendment or being forced to explicitly cast a vote against it. If the House chooses to entertain a Senate amendment under a special rule, it usually restricts the alternatives available to its members (Saturno 1999a). If we apply these procedures to the preceding tax-cut example, we see that they allowed Republican members of the House from liberal districts to avoid an explicit vote against the moderate alternative that the Senate passed back to the House. The procedures instead allowed a quick move to conference.

In the Senate the procedure is more open and favors passing amendments between the chambers. Motions to consider House amendments are privileged and decided without debate. A motion to concur with the House amendments is advantaged, followed by a motion to concur and add an amendment, followed by a motion to reach the stage of disagreement and request a conference. Moreover, when the Senate debates whether to agree to an amendment passed from the House, amendments are always in order unless barred by a unanimous consent agreement (Saturno 1999a). To return to the tax-cut example one last time, this means that if the Senate had tried to reach consensus with the House by passing amendments between the chambers, Republican senators from liberal states would likely have faced additional votes on amendments to moderate the size of the cut. Consequently, they would have once again found themselves unable to secure the larger cut they preferred without explicitly violating the wishes of their constituents. In sum, passing amendments between the chambers would have provided little cover and they selected conference instead.

II. Returning to the Model for Guidance

When integrated into the model of rule choice that I have previously developed (Van Houweling 2003), these institutional details generate hypotheses about when the House and Senate will choose to resolve their difference through conference and how legislation will be altered in conference. The basic intuitions behind these hypotheses are seen by reexamining the prototypical situation in which the House majority proposes and adopts a restrictive rule to manipulate policy outcomes. To this end, the following example compares the House and Senate when they are controlled by the same party, and the public and private preferences of members of that party are arrayed such that the House will use a restrictive rule.

My original one-dimensional model of the House incorporates two players: one legislator with the power to propose policies and restrictive rules and a median legislator with the power to accede to the rules or reject them, offer amendments, and vote on final passage. The model allows legislators to have different personal preferences than those they wish to reveal publicly. The model is premised on the assumption that votes on final passage and amendments are visible to voters but votes on rule choice are not. This enables the median legislator to dodge responsibility when he or she supports an agenda that does not include the policy constituents prefer.

In the top panel of figure 21.1, the median legislator in the House is denoted by *H*, and a House bill proposer is denoted by *HP*. We can simplify

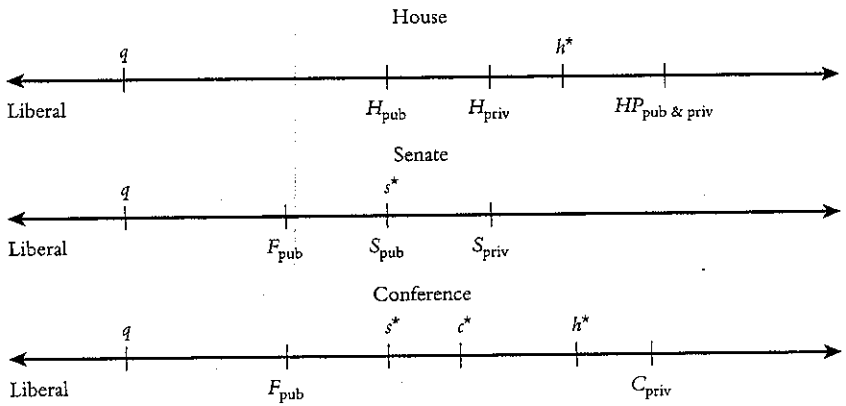

Figure 21.1 Models of legislative outcomes in the U.S. House, Senate, and conference committee

the treatment of the House by focusing on the median voter because voting is by simple majority rule. I usually refer to the proposer as a party leader when discussing applications of the model, but one could also think of the proposer as the median member of a committee, a committee chair, or a proposer selected in some other manner. In any case, the proposer is an exogenously specified member of the legislature.

Legislators' preferences have two components. The first component is legislators' electorally induced preferences, denoted as HP_{pub} and H_{pub} in the model. I assume that the primary goal of legislators is to win reelection. Voter behavior is not explicitly incorporated in the model. However, the model is based on the assumption that voters have single-peaked policy preferences in a unidimensional policy space. They vote for the incumbent unless a challenger can point to a specific instance in which the incumbent violated their preferences. There are only two actions in the model that can reveal legislators' preferences to challengers and voters. The first is votes on paired alternatives. To be reelected, legislators must always vote for the alternative that the median voter in their district prefers. The second is proposals the legislator makes. The second component of legislators' preferences is their personal policy desires, denoted as HP_{priv} and H_{priv} in the model. These are again single-peaked preferences in a unidimensional policy space, and the peaks can be located anywhere in the policy space. As I apply the model to the Senate and conference proceedings, I will add necessary players and specify their relevant ideal points. I begin by offering an example for the House.

First, consider the legislative process in the House (top panel) given the disparity between the median legislator's public and private ideal points, H_{pub} and H_{priv}, the extreme ideal point of the proposer, $HP_{pub\&priv}$, and a status quo policy located at q. This is a case in which the proposer will offer a closed rule, protecting a policy like h^* that diverges substantially from the median legislator's public ideal point. The median legislator will accept this rule and approve the new policy as long as he or she privately prefers it to the open-rule-policy equilibrium, which by assumption is at the legislator's public ideal point, H_{pub}. This is possible because his or her rule vote and its implications are not visible to constituents. Thus, in the House, the equilibrium outcome is h^*.

The equilibrium outcome in the Senate is different given a median legislator with the same preferences, S_{pub} and S_{priv}, and the same status quo policy. It is located at s^*, the public ideal point of the median member. While this pivotal senator would like to support a more extreme outcome, he or she cannot diverge from a public ideal point on final passage votes by assumption of the model. The proposer is not pictured in the Senate panel because that person plays no pivotal role. However, the public ideal point of the minority filibuster pivot, $F_{pub,}$, is added and will become a limiting factor for the conferees. On passage the minority filibuster pivot does not filibuster because he or she publicly prefers s^* to q.[4]

These outcomes, s^* and h^*, leave the House and Senate with differences to resolve. Without the conference procedure, the resolution would proceed as follows. After the Senate passed its bill, which it would typically accomplish by amending the House bill, it would message the House with the modified measure. The House would then vote on whether to accept the Senate amendment to its bill. The amendment, aligned with the public ideal point of the median representative, H_{pub}, would succeed and the agenda manipulation at initial passage in the House would come to naught.

A conference like the one displayed in the third panel of figure 21.1 can prevent this outcome. The conference would be called by request of the House after receiving the Senate amendment and the Senate assenting to this request. Conference proceedings are difficult to follow; therefore, I assume the median private ideal points of each chamber's delegation are pivotal in determining the conference outcome.[5] House and Senate rules dictate that these will be members of the majority party, and I have assumed for the purposes of this example that they will have identical and relatively extreme private ideal points, denoted C_{priv}. The only limit placed on them by the chamber rules is that they must select a policy within the scope of the differences of those approved by the two chambers.[6] However, they

can also be constrained by pivotal actors on the floor of either chamber, as is the case in the example illustrated. The conferees would like to adopt a proposal at the limit of the scope of the differences and identical to the one passed in the House. However, the public ideal point of the filibuster pivot in the Senate, F_{pub}, dictates that, without fear of electoral consequence, he or she would reject such a policy.[7] Thus, the conferees would settle for c^*, the reflection of the status quo policy, q, over F_{pub}. This proposal would then return to both chambers unamendable and pass with a comfortable majority. The final consequence is a policy shifted away from the one that would have resulted without a conference, but because of the supermajoritarian rules of the Senate, less extreme than the one the House was able to pass initially. In the following I evaluate two implications for conference procedures and outcomes over time.

III. The Evolution of Conferences between the 83rd and 107th Congresses

In this section, I examine how conference politics have changed since the early 1950s. My theoretical account implies that both the nature of conference disputes and the consequences of conference agreements for parties and chambers should have evolved substantially over the period. In particular, the partisan use of conference committees should have become more common as legislators have developed more polarized and extreme personal policy preferences over the past three decades. To refresh, I contend that the majority party in the House increasingly uses agenda restrictions to allow its members to secure the extreme policies they personally desire without having to explicitly reject policies favored by their more moderate constituents (Van Houweling 2003). The majority party in the Senate cannot rely on agenda restrictions at initial passage and presumably settles for more moderate policies even when its members might personally prefer more extreme ones. Thus, the frequent use of agenda restrictions in the House should create substantial and growing discrepancies between the measures the two chambers initially pass. One might expect this to provide fodder for traditional interchamber disputes with each chamber defending its position. Instead, I anticipate it will cause cross-chamber partisan cleavages in conference committees. My contention is that in recent Congresses majority-party members from each chamber tend to collude to produce conference agreements that tilt in the direction of the majority party—agreements that are protected from amendments that watered down the versions initially passed by the Senate.

To evaluate the plausibility of the account, I gathered data on conferences on "important legislative enactments," as identified by David Mayhew (1991), in odd-numbered Congresses between the 83rd and 103rd and all Congresses between the 104th and 107th.[8]

A. USE OF CONFERENCE AND CHAMBER CONTROL

My first expectation is that the chambers will be more likely to resolve disputes on important legislation through conference if they are controlled by the same party. When they are not, the incentive for the majority parties in each chamber to use conference is weakened because they will not be able to use conference to collude in protecting their private policy preference and repair the damage done to legislation during floor consideration in either chamber, most likely as a result of the Senate's open procedures.

Across these fifteen Congresses, a tendency for split chamber control leads to a reduced reliance on conference, with the divided Congresses in this era accounting for three of the four lowest conference usage rates in the entire sample. Over the entire period when there is divided control of the chambers, 65 percent of significant legislation is resolved with conference. When there is unified control of the chambers this fraction increases to 81 percent.[9] If one focuses on the 10 post-reform Congresses in the sample, the tendency strengthens: 87 percent of significant legislation was resolved with conference when chamber control was unified, while still only 65 percent was resolved with conference when chamber control was divided.[10] This analysis accords with my more general expectation that incentives for partisan collusion in conference have increased in recent Congresses owing to a growing divergence in the private policy preferences of legislators. These findings are, however, somewhat surprising given more traditional understandings of the role of conference committees in resolving interchamber disputes.

Typical accounts of conference politics might instead lead one to expect a positive relationship between divided chamber control and the use of conference (for a variety of accounts, see Ferejohn 1975; Strom and Rundquist 1977; Van Beek 1995; Vogler 1970). For example, on the view that conferences are tools for solving complex legislative differences, divided chamber control would be more likely to generate the divergent initial legislative outcomes that would dictate use of the procedure. The perspective that conference committees serve the informational interests of pivotal voters in both chambers (Krehbiel 1991) would also generate hypotheses inconsistent with my findings. In short, when the chambers are controlled by different parties, conference committees are more likely to be composed of

two chamber delegations with heterogeneous preferences. By the tenets of informational theory, this should increase their propensity to reveal information to the chambers and lead the chambers to more readily grant them the de facto closed rules their agreements automatically receive.

To be clear, the findings presented do not provide evidence that conferences are not frequently employed to allow legislator-experts to resolve complex differences in ways that satisfy both chambers. The regular reliance on conference committees even during periods of divided chamber control may in fact be due to these advantages. However, the increased use of conference to resolve differences over important legislation during periods of unified party control is consistent with the view that conferences are an increasingly common venue for majority-party collusion.

B. PREVALENCE OF PARTISAN DISPUTES IN CONFERENCE

My second expectation is that conference-committee deliberations will be increasingly defined by partisan conflict. This follows from my argument that members of the House and Senate have acquired increasingly extreme and polarized personal preferences that they attempt to conceal from more moderate constituencies through agenda restrictions. When they utilize conference committees to this end, reporters should be more likely to cast the committees' deliberations and eventual agreements in partisan terms. To assess this expectation, I relied on the content analysis previously described and displayed in figure 21.2.

Over the past five decades, *CQ Weekly Report* postconference articles have become increasingly likely to mention partisan disputes and identify partisan winners and losers. In the pre-reform era, partisan cleavages were either nonexistent or not apparent to the reporters in around 80 percent of conferences on important enactments. Their prevalence increased consistently through the post-reform era to the point that reporters identified an interparty dispute in almost every conference in the 104th, 105th, and 106th Congresses. Of course, this overwhelming trend could simply be a by-product of the partisan tenor of recent Congresses, regardless of whether parties are manipulating conference proceedings. As the parties have taken ever more distinctive positions, it has become natural for reporters and others to describe debates and legislative alternatives in partisan terms. Nevertheless, it is a strong trend consistent with my expectations.

C. PARTISAN OUTCOMES

In this section, I examine how the majority party fares in conferences with clear interparty disputes. My general expectation is that, when the same

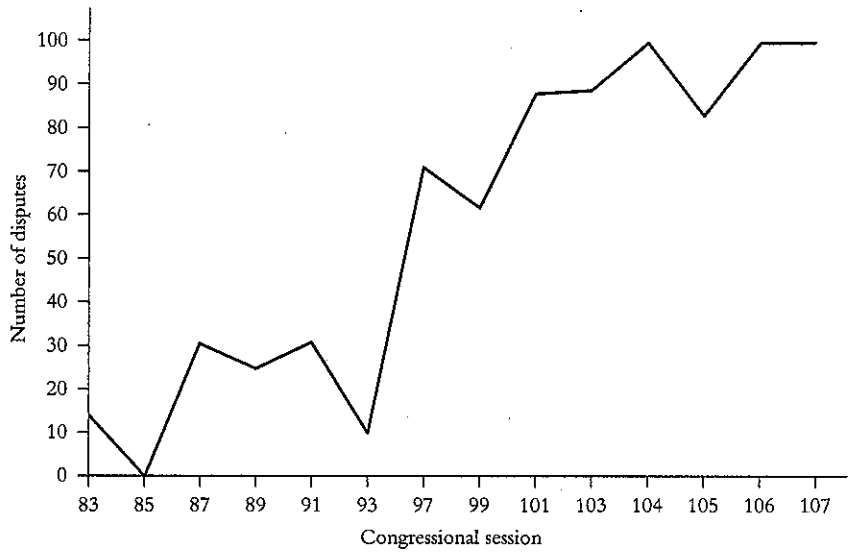

Figure 21.2 Reported partisan disputes in conference on significant legislation

NOTE: The number of pieces of significant legislation resolved by conference per Congress are as follows: 83rd, 7; 85th, 5; 87th, 13; 89th, 16; 91st, 16; 93rd, 20; 97th, 7; 99th, 8; 101st, 8; 103rd, 9; 104th, 12; 105th, 6; 106th, 6; 107th, 9.

SOURCE: Significant legislation identified by David Mayhew. Conference data gathered from CQ Weekly Report for the 83rd–91st Congresses and from http://thomas.loc.gov for the 93rd–107th Congresses.

party controls both chambers, conference agreements will tend to favor that party. To evaluate this hypothesis, I examine only legislation on which reporters identified a clear partisan dispute. Focusing on issues for which a central disagreement is cast in partisan terms helps minimize the possibility that any trends are due simply to reporters more easily identifying such disputes because party positions have become more distinctive on a range of issues.

Table 21.1 reports the cross-tabulation of the chamber control and the outcome of conferences for the entire sample of conferences where a partisan dispute was identified.

There are two findings to note. First, when either party controls both chambers of Congress, they clearly win in a majority of conferences and their opposition almost never wins. Second, when chamber control is split, most conferences do not lead to an outcome that is cast as a partisan victory.

TABLE 21.1
Congressional majority versus reported outcome

		CONFERENCE WINNER			
		Democrat	Mixed/unclear	GOP	*N*
Majority party	Democrat	60%	40%	0%	30
	Mixed	11%	68%	21%	19
	GOP	13%	38%	50%	24
	N	23	34	16	73

NOTE: The χ^2 for the cross-tabulation is 31.00, Pr = 0.000. The table includes all conferences in which a partisan dispute was mentioned.

One might anticipate such a finding given the numerical advantage chamber majorities hold in conference voting. As the frequency of mixed or unclear outcomes attests, however, this advantage does not make victory a foregone conclusion.

IV. Conclusion

This chapter applies a theoretical account of the partisan use of legislative procedure in the House that I develop elsewhere (Van Houweling 2003) to the resolution of interchamber differences. I present evidence about conferences on important enactments between the 83rd and 107th Congresses that is consistent with my expectation that bicameral congressional majorities use the conference procedure to provide cover for majority senators who favor extreme policies but were unable to vote for them under the bright light of the Senate's open floor procedures. To summarize, the axis of conference dispute is increasingly between the parties, and bicameral majorities are increasingly likely to win these disputes. Moreover, I find that the chambers are less likely to choose conference in the absence of a bicameral majority, when the procedure does not present an opportunity for partisan manipulation.