

2

LENDING AND RECLAIMING POWER

Majority Leadership in the House From the 1950s to Trump

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For nearly half a century, the House of Representatives has been characterized by almost constant change in its institutional rules—that is, how it governs itself. In this chapter, we will outline the broad contours of those changes, focusing particularly on the shifting balance of power between the majority party leadership and the committee system. In this account, we will offer an explanation of the ebb and flow of that balance. Key to this ebb and flow has been the set of elections that have brought sometimes similar, sometimes different kinds of members to serve. Two of the most consequential changes in this regard have been (1) the breakup of the “solid, lily-white” Democratic Party in the South, the

existence of which caused considerable strains within the majority Democratic Party from the 1950s into the 1970s and, related to this, (2) the rise of partisan polarization in the 1980s and beyond, in which the two parties in the House have been increasingly divergent from each other in terms of policy preferences and, for much of the period, increasingly homogenous internally. From the election of a Republican majority in 1995 through the newest return to a Democratic majority, the majority party has encountered increasing internal strains. We use these developments and the theory we call conditional party government to explain the changes in the way the House is structured and thus how the majority party is (or is not) empowered to achieve its aims.

From the 1920s through the 1960s, the rules of the House that allocated powers within the chamber were relatively constant.¹ The majority party and its leadership had fairly limited powers while the standing committees and their chairs were relatively more powerful. These committee powers were, in turn, mostly allocated to individual members via seniority. From the 1950s through the 1970s, successive institutional changes gave more power to the political parties and especially to the majority party leadership. At the same time, from the 1980s and into the twenty-first century, partisan polarization increased in the House. Increasing differences in how Republicans and Democrats voted meant that fewer crossed party lines to support policies favored by the other party. These changes have greatly shaped how the Congress has gone about its business, the kinds of controversies in it, and the policies they have—and have not—enacted. In this chapter we trace the evolution of the House from the 1950s to the present and offer an explanation as to why these changes have occurred and with what consequences. We focus most closely on the last decade, beginning with the speakership of Republican John Boehner.

WHAT IS TO BE EXPLAINED?: FROM COMMITTEE GOVERNMENT IN THE HOUSE TO REFORM

In 1954, the Democrats succeeded in overturning a narrow Republican House majority, launching a four-decade period of control, the longest period of one-party majority in the House in history. The Democratic majority was possible, in part, because it contained great ideological diversity, pairing mostly liberal northern Democrats with mostly conservative Southern Democrats. This coalition was held together to some degree by the structure of the House mentioned above.² From the 1920s to the 1970s, the House operated under a set of rules that

allocated power by virtually fixed standards.³ Committees had formally established policy jurisdictions and were granted great control over policy making (or blocking) in those areas. Once a member of the House received a seat on a committee, he or she could retain it as long as desired. Chairs were awarded strictly based on seniority on the committee majority, and many held nearly dictatorial powers over their committee's operation. Power was thus decentralized, especially over shaping the policy agenda and legislation itself.⁴ The result was that House speakers had to work with the committee chairs to determine how the Democrats would use their majority in the House from 1954 through to the reform era.

This allocation of powers in the House (sometimes called the “textbook Congress”) gave those powers predominantly to Southern Democrats because with virtually no Republican Party in the South, they were effectively uncontested for reelection.⁶ Inevitably, then, Southern Democrats became the most senior members of the Democratic Party and hence held most of the committee chairs. This became a problem for two reasons. First, Southern Democrats were by this time a minority of the Democrats in the House. Second, at least on some important issues, the Northern and Southern wings of the Democratic Party were deeply divided. The rules, especially seniority-based allocation of power, would continue to favor the Southern conservatives unless the House and the party changed them. The conditions for such change were created by the 1954 Supreme Court decision in *Brown v Board* to outlaw segregation in public schools and the launching of the modern Civil Rights Movement the next year. These two events deepened the division between the two wings of the congressional Democratic Party.

Democratic congressional landslide victories in 1958 and 1964 added a substantial number of Northern Democrats, shifting the balance within the party in their favor. The old rules remained in place, but Northern Democrats began to seek to redress the situation. After the 1958 elections, they formed the Democratic Study Group (DSG) to push for reforms, and they had some minor successes. The 1964 elections brought a huge Democratic majority, which enacted a substantial Democratic agenda, including the Voting Rights Act of 1965. But the next few elections reduced Northern Democratic strength, reducing the chances for legislative victories they favored. With liberal policy makers thwarted, the DSG revitalized its efforts for reform. Their eventual success ushered in what we call the *reform era* in the House.

Northern Democrats began to weaken the power of committees and their chairs in 1971 with a modest reform of seniority rules. This process continued in 1972 with the “subcommittee bill of rights” and culminated in 1975 with the Democrats stripping three Southern Democrats of their chairmanships, in violation of seniority.⁷ Reforms continued in both parties (but especially in the majority Democratic Party), moving power from committees toward the majority party and its leadership. While Thomas P. “Tip” O’Neill, D-Mass., speaker from 1977 to 1987, was considered particularly adept at working with President Ronald Reagan “across the aisle,” his successor, James Wright, D-Tex., took more advantage of these greater powers, leading to greater partisan conflict in the House.

Southern Democrats not only saw their power in the chamber eroding in the early 1970s but also saw their electoral safety diminishing. The Civil Rights Act (1964) and especially the Voting Rights Act (1965) combined with the effects of the Civil Rights Movement to enable African Americans to register and vote in the South in much greater numbers.⁸ In the 1970s, Southern Democrats increasingly voted against their northern partisan peers and with the Republicans, presumably reflecting the greater threat of Republicans to their electoral fortunes.

Starting in the late 1970s and especially in the 1980s, the Republican Party was finally able to mount opposition to Southern Democrats in elections. After the 1978 congressional elections, Democrats won “only” 69 percent of the seats compared to the 90 percent of seats they held in the South in the 1950s. And whereas three-quarters of Democratic victories were noncompetitive in the 1950s, only one-third were in 1978.⁹ Longtime incumbents might survive such challenges, but over time, conservative Southern Republicans won more seats while Southern Democrats in less conservative districts (made more liberal by the ability of African Americans to vote) moderated, and when African Americans neared majorities, they elected liberal members.

Southern Democrats were thus either replaced by conservative Republicans or began to vote as (or were replaced with) more moderate Democrats, depending on the composition of their district. The decline of conservative voting among these Southern Democrats contributed heavily to the growing partisan polarization of the House.¹⁰ By the time Wright became speaker in 1987, he presided over a House in which Democrats increasingly voted alike and voted differently from Republicans, who also voted similarly to one another. That is to say that, at least in terms of roll-call voting on the floor of Congress, each party was increasingly homogenous, and even more evidently, the two parties became very different from one another over a broad array of issues. The emergence of this *partisan polarization* enabled reformers to centralize majority party power more fully into the hands of the leaders of that party.

Centralization of power accelerated again with the 1994 elections in which Republicans won a majority of seats in the House overall and in the South, ending the forty-year reign of the Democrats. Newt Gingrich, R-Ga., became an unusually strong speaker, centralizing power in the Republican Party leadership. At this point, both parties had centralized power in their party and its leadership. At the same time, the two parties have also been locked in close competition for winning House majorities in elections. In the following section, we outline a way to think about the nature of the reform process from the 1950s to the present and, even more, about how these reforms have helped shape House politics and policy making.

CONDITIONAL PARTY GOVERNMENT

The long period of the textbook Congress allowed observers to assume it was permanent. That permanence was illusory, however. Change now seems a better description. Perhaps that should not be surprising in a House that, except

for the sparse provisions in the Constitution, writes and enacts its own rules, by simple majority vote, at the beginning of every Congress and then writes special rules¹¹ tailored to the circumstances surrounding individual bills.¹² Since about the 1890s, the major question has been how much power will be centralized to the hands of the leadership of the majority party and how much will be decentralized to the various committees, as in the textbook Congress.¹³ The authors have developed an explanation called *conditional party government* to help us understand the allocation of these powers. There are three parts to the account.

The first step is to understand what the individual legislator is seeking to accomplish; what are the members' goals? Many find that a great deal can be explained by simply assuming that there is only one goal—winning reelection—and it is certainly the case that reelection dominates much congressional activity.¹⁴ Like others, we find that such an exclusive focus insufficient to understand the full range of congressional behavior.¹⁵ We believe that members of Congress share, in varying degrees, four goals: reelection, making good public policy, seeking individual power in the chamber, and having their party hold a majority in the chamber. To be sure, reelection is important for achieving all of the other goals, but it is hard to see how we can make sense of all of what legislators do if we do not imagine they also care about policy making and about wielding power, both personal and partisan.

We call the explanation conditional party government because we believe that members choose to grant their party leaders power only under certain conditions. The second step, therefore, is to define those conditions. Party members will want to give more power to the party leadership, first, when there is greater consensus in the party about what to do with those powers. They will do so, secondly, when the opposition wants something very different from the majority party. That is, the more homogenous preferences are within each party and the more heterogeneity there is between the two parties, the more power members will grant their leadership. The conditions, when applied to policy, are quite close to the definition of partisan polarization. Thus, the growth in partisan polarization, from a low point in the 1950s, 1960s, and 1970s to increasingly highly partisan Congresses recently, indicates that the conditions for conditional party government have become more fully realized. We therefore should expect, as the third step in the explanation, to see the majority party members give greater powers to their party leadership. That is, we should observe increasingly centralized power in leadership hands, whether that is held by a Jim Wright or Nancy Pelosi on the Democratic side or a Newt Gingrich and those who followed Wright on the Republican side.

Of course, even if there is a great divide between the two parties, there still may be and generally are tensions within one or both parties.¹⁶ When this erupts, as it appears to have done in recent Congresses and especially in the Republican Party, we would expect that some of the party's representatives would seek to pull power back away from its leadership, at least in terms and on issues that shape the internal party divide. Conditional party government thus provides a simple basis for understanding changes that have come about in the House, especially since WWII, the period covered in this chapter.

FROM SPEAKER WRIGHT TO SPEAKER GINGRICH: THE END OF CONTINUOUS DEMOCRATIC RULE

From 1987 to 1994, the Democrats continued their 40-year-long run in power and even held the same number of seats in 1993 as they did in 1987. The big changes in the House were the continual increase in partisan polarization on the floor and the election of Speaker James Wright, who was more prepared to use his newly increased powers as party leader than was O'Neill.¹⁷ Upon his election as speaker, Wright announced a program of ten bills he wanted to see pass the House, and all did, with nine of ten becoming law. Of course, these particular bills were announced as goals of the new speaker only after the election and with an eye toward what was possible to achieve. As the theory leads us to expect, they reflected the use of special rules as a means of restricting the ability of the minority party to offer amendments or otherwise undermine the majority party.¹⁸

Even though the Democrats held a fairly consistent majority in this period, their electoral appeal eroded. The percentage of the two-party vote received by the Democrats declined from the 1986 to the 1992 elections, from 54 percent to 53, to 52, and then to 50 percent.¹⁹ One reason for this decline were two scandals. In 1988, Gingrich filed charges leading to an investigation of Speaker Wright by the House Ethics Committee for misuse of funds, leading Wright to resign in 1989. In 1991, a scandal erupted also over misuse of funds, this time in the congressional post office. This scandal affected many members but most of all the powerful chair of Ways and Means Committee, Dan Rostenkowski, D-Ill., also leading him to resign and, this time, plead guilty of a crime.

As the Wright scandal illustrates, Gingrich differed from his more senior counterparts. Whereas many longtime Republicans had become used to perpetual minority status and developed ways of eking out small victories from the majority party, Gingrich instead sought to challenge Democrats and to win a majority of seats for the Republicans. Gingrich embarked on an ambitious campaign to recruit strong candidates for 1994, hoping to make inroads into the Democratic majority. To that end, he and other Republican leaders formulated a ten-point program dubbed the "Contract With America."²⁰ This legislative campaign "platform" added to aggressive candidate recruitment and support programs in a very large number of districts. The Republicans thereby ended up winning a massive fifty-four-seat majority with 52 percent of the vote, a gain of nearly 7 percent over 1992, and they even defeated Speaker Tom Foley, D-Wash.

The 1994 elections brought a dramatic change in the makeup of the Republican Party in the House.²¹ In 1993, the Republicans held 31 percent of Southern seats. In 1995, this percentage swelled to 53 percent. Thus, for the first time since the end of Reconstruction, the Republicans were the majority party in the South. The House Republican leadership changed equally dramatically.

Gingrich assumed the speakership; Dick Armey, R-Tex., was chosen majority party leader; and Tom DeLay, R-Tex., became majority whip. Bob Livingston, R-La., was chosen to chair Appropriations and Bill Archer, R-Tex., to chair Ways and Means. Republicans therefore chose both a new generation and, for the first time, a Southern-centered leadership.

Speaker Gingrich chose three committee chairs in violation of seniority: Livingston; Thomas Bliley, R-Va., as chair of Energy; and Henry Hyde, R-Ill., as chair of Judiciary.²² Other changes weakened the independent powers of committee chairs, increased party oversight of committees, changed the committee assignment process, and adopted term limits (six years for committee chairs, eight for the speaker). A number of newly elected Republicans received unusually plum committee appointments. The leadership also assumed greater control over the Rules Committee. A brief experiment using more open rules proved unworkable, and they began to use restrictive special rules more often. The party leadership also sought to shape the content of bills to the point of even bypassing committees entirely on occasion and pressing the Appropriations Committee to include substantive legislation in their bills rather than sending them to the appropriate authorizing committee.²³

This substantial centralization of power in the party leadership was mainly intended to enable the new Republican majority to act on its nearly consensual policy preferences. This broad consensus was a consequence of growing partisan polarization; the special features of 1994, such as the Contract with America; and simply being out of power for forty years. Gingrich made passage of the Contract a first order of business, seeking (successfully) to resolve all ten programs within the first one hundred days of the 104th Congress, even though many were changed by or failed to be passed through the Senate.

At first, Gingrich and the Republicans ruled the House and even national politics. President Clinton even felt compelled to say in a 1995 press conference, "I am relevant. The Constitution gives me relevance. A president, especially an activist president has relevance."²⁴ Even the House Republicans had more difficulties fulfilling their ambitions when other branches of government were involved. The two most important examples were the showdowns with the president over the budget for 1996, which led to (partial) government shutdowns in 1995 and again in 1996, and the impeachment of the president. Contrary to at least some expectations among Republicans in the House leadership, 46 percent of the public blamed Republicans for the shutdowns while 27 percent blamed the Clinton administration.²⁵

The 1998 congressional elections were held just before impeachment reached the House floor. In every midterm election of the century except 1934, when the Democratic New Deal majority was still emerging, the party of the incumbent president lost seats. In 1998, the Democrats reversed that by gaining four seats, yielding a narrow five-vote majority for the Republicans. Recriminations were loud, including concern that Gingrich and the Republicans had failed to make

the campaign sufficiently nationalized over policy.²⁶ Rep. Livingston announced on Friday, November 6, that he would challenge Gingrich as speaker. Gingrich, however, announced later that day that he would resign as speaker and leave Congress.²⁷

House Republicans voted articles of impeachment against President Clinton on December 19, 1998, over his handling of the Monica Lewinsky affair, by close but also nearly perfect party line votes for perjury (228-206) and obstruction of justice (221-212). The Senate voted against conviction in both cases, and Clinton's poll standings even increased. During the House debate, Livingston announced he would not run for speaker and would resign his seat over a recently disclosed extramarital affair. Thus, only four years into their majority, two of the key Republican leaders felt compelled to leave their posts, ending the Gingrich era.

SPEAKER HASTERT, 1999–2007

Dennis Hastert, R-Ill., became the new speaker in 1999, calling for a tamping down of partisanship and a return to “regular order.” By that he meant returning to greater reliance on committees and less partisan manipulation. As it happened, he did not follow through on that call. This was made clear when the Republicans’ term limits of six years for committee chairs came due in 2000. Pressed on both sides on this question, Hastert decided to enforce the new term limits. Further, due to his partisan approach, Bill Thomas, R-Calif., was chosen the new chair of Ways and Means in violation of seniority.²⁸

Hastert also lent his name to the so-called “Hastert rule,” in which the party would not allow legislation to reach the floor without the support of at least a majority in the majority party both in conference and on the floor, marking a dramatic extension of majority party power. It was not a *rule* in the sense of being adopted formally into the Republican Conference rules.²⁹ It did, however, set an informal expectation that the party would seek (and often achieve) a consensus of at least a majority in the party before acting. As we will see, the events leading up to Speaker Boehner’s resignation in 2015 flowed, in part, from failure to meet this level of aspiration on legislation important to Republicans.

The Republicans would also continue to focus legislating on the Appropriations Committee. In 2000, Hastert and the GOP selected C. W. Bill Young, R-Fla., as chair, who despite promising “bipartisanship, collegiality, and consensus-building” in the committee³⁰ demonstrated that he was a committed conservative who would work with the speaker and the leadership on appropriations legislation. Under Hastert, GOP appointments to Appropriations increased the ideological divisions within the committee, further reversing its traditional bipartisan stance during the textbook Congress era.³¹ One result was that in the years in which Hastert was speaker, appropriations were made mostly under continuing resolutions. “Regular order” passage of most individual appropriations bills proved

impossible, even though there were many years in which Hastert was speaker during unified Republican control of the government

THE DEMOCRATS RETURN TO THE MAJORITY WITH THE FIRST FEMALE SPEAKER, NANCY PELOSI, 2007–2011

The wars in Afghanistan and Iraq, Bush's handling of Hurricane Katrina, and an economic slowdown in time for the 2006 congressional elections that then exploded into the "Great Recession" in the 2008 elections, resulted in the Democrats winning thirty-one new House seats, giving them a fifteen-seat majority. When Democratic Party leader Richard Gephardt, D-Mo., retired in 2005, Democrats selected Nancy Pelosi, D-Calif., as party leader. This was the first time in U.S. history that a congressional party was led by a woman, and with the Democratic victory in 2006, she became the first female speaker of the House.

The return to majority status and selection of a new speaker provided another opportunity for the House or the Democratic majority party to reduce the centralization of power in the party leadership and seek a more bipartisan approach, especially given a very narrow Senate majority and a Republican president. Pelosi did reduce centralization somewhat, such as reverting to the Democrats' previous selection system for committee chairs, presuming that the most senior member got the first shot but nonetheless requiring a secret-ballot vote to confirm each one. Conversely, they also adopted the Republican term limit plan, although that turned out to be only temporary.³²

These seniority-based committee chairs were, in many cases, part of Pelosi's leadership team, especially David Obey, D-Wis., on Appropriations. There was one prominent exception. John Dingell, D-Mich., who was originally elected in 1955 and had been the senior Democrat on the Energy and Commerce Committee for many years.³³ While often consistent with the party leadership on policy, he was a thorn in Pelosi's side, and very public hard feelings—and disruption of legislation—erupted. Henry Waxman, D-Calif., challenged Dingell for committee chair after the 2008 elections and, with Pelosi's support, defeated him, thus demonstrating that seniority was to be followed so long as doing so did not endanger party goals.

The majority party's efforts to control the agenda and the divisive partisan conflict over those efforts persisted during the two Democratic Congresses from 2007 to 2011. From the time she took the top post, Speaker Pelosi was willing to continue, even extend, the use of special rules to that end.³⁴ The return to majority status gave the Democrats the chance to appoint five new members to the Rules Committee. During the textbook Congress days, this was a particularly important and powerful committee, and assignment to it went to more senior members.

By the 110th Congress, its autonomy was reduced, and it became an arm of the leadership. As such, four of the five assignments went to newly elected Democrats.

In 2008, the Great Recession happened during the electoral campaign itself. This fact cemented Barack Obama's hold on the presidential race while Democrats gained twenty-one seats to reach a thirty-nine-seat majority in the House, and they held (for a short time) a bare filibuster-proof majority of sixty in the Senate. With unified control and an economic crisis to deal with, the 111th Congress was the most productive of major legislation since the Great Society Congress of 1965 to 1967, with major legislation directed toward the Great Recession and many other issues, including Obama's signature health care bill, the Affordable Care Act (popularly called "Obamacare").

This run of legislation would wane with the end, first, of the filibuster-proof Senate. In a major surprise, Republican Scott Brown, R-Mass., won a special election upon the death of the longtime liberal leader of the party, Sen. Ted Kennedy, D-Mass. The new legislation of the Obama era contributed to increased deficits, at least in the short term, and the Affordable Care Act became a symbol to some of the apparent growing powers of the federal government. A firestorm of protest grew in response that solidified into what became known as the Tea Party.³⁵

JOHN BOEHNER, PAUL RYAN, AND THE CHALLENGES OF LEADERSHIP³⁶

The Republicans won a massive victory in the 2010 elections in the wake of a slow economic recovery, an unhappy electorate, and the focusing of responsibility on the Democrats due to unified control of government. The GOP won sixty-three seats in the House, giving them their largest majority there since 1946. The newly elected Republicans were very conservative, and many identified with the Tea Party movement.

Partisan polarization in the House continued to increase. Edward G. Carmines showed that newly elected Republicans were more conservative than continuing Republicans in each of the five elections that preceded 2010.³⁷ But as Adam Bonica showed, as conservative as the GOP was before the election, their new members were even more so. "An amazing 77 percent of the newly arriving Republicans, including dozens of Tea Party-backed Republicans, are to the right of the typical Republican in the previous Congress—and many are to the right of *almost all* continuing Republicans."³⁸ This rightward movement had significant implications for the Republicans' party leadership.

The 112th Congress (2011–2013)

John Boehner was elected speaker at the start of the 112th Congress with unanimous backing from his party. This affirmation of support, however, masked

underlying dissatisfaction with the new leader. Tea Party identified candidates and activists had expressed many negative opinions of party leadership in the House, including of Boehner.

Boehner had often expressed dissatisfaction with the way Democrats had run the House, especially their centralization of control over the agenda and restrictions on amending on the floor. Like others before him, he had promised that, as speaker, he would return to “regular order,” running a more open House and give more latitude to the committees. He did open the floor to amendments early on, permitting over a hundred amendments to a continuing appropriations bill. As pleased as some of the most conservative Republicans were with this chance to offer amendments, fifty-nine of them joined the Democrats to vote against the measure.

Perhaps this was an early warning to Boehner. Fights over the budget, appropriations for it that, if not passed, could require shutting down at least part of the government, and dealing with the government’s debt that from time to time was approaching the legally mandated ceiling, risking the possibility of the government defaulting on its debt obligations were almost continuously contentious issues facing the House. This was true not only for the 112th but also for subsequent congresses as well.

The next such conflict was over a proposal to raise the debt ceiling by August to avoid default. The speaker and president had negotiated a deal to raise the ceiling and create a House–Senate “supercommittee” to cut the debt by at least \$1.2 trillion. The committee failed to reach agreement, so automatic cuts (“sequestration”) were imposed on domestic and defense spending and generated even more ill will between the parties as the first session of the 112th ended. Tax cuts made during the George W. Bush administration were set to expire in 2012, which combined with sequestration was feared to lead to a recession. Boehner was unable to negotiate a solution to avoid what came to be called the “fiscal cliff,” leaving others, the Senate and White House, to find a solution.

The deal that resulted from negotiations between Vice President Joe Biden and Republican minority leader Sen. Mitch McConnell, Ky., raised taxes on the wealthy and did not reduce spending. Boehner’s choice was to seek to block the compromise and risk harming the party’s reputation in the public or allow a floor vote on the plan. He did the latter. It passed but mostly with Democratic support, as two-thirds of House Republicans, including party leaders, voted against it.³⁹ Conservatives were angered at Boehner both for the policy outcome and for his caving and violating the Hastert Rule we discussed above. Boehner further angered conservatives by removing four rebellious conservatives from plenum committee assignments and by strengthening his control over the GOP’s Steering Committee, which makes committee assignments and chooses their chairs.⁴⁰

The 113th Congress (2013–2015)

The election of the speaker requires an absolute majority of the members voting. The minority party normally vote unanimously, if futilely, for their leader,

which means that the majority party needs to vote in very high proportions for their choice to assure election. Conservative allies of those whom Boehner had punished dissented, with 10 not voting for Boehner, an unusually large defection from the party line.

The dissidents made clear that their ire was directed at their leaders' failure to meet their expectations. Tim Huelskamp of Kansas called the debt ceiling deal a "massive disaster" and said the passage of the continuing-appropriations resolution "confirmed Republicans were unwilling to cut spending."⁴¹ Boehner's opponents hoped that their actions would pressure him to change his strategy.

He did not. The leadership took up a bill to provide relief to victims of "super storm" Sandy. House conservatives sought to match spending on relief with spending cuts. Boehner, however, once again let the Senate's bill go to the floor. It passed with one Democrat and 179 Republicans voting against it, thus once again also violating the Hastert Rule.

The new fiscal year starts on October 1. In the fall of 2013, as in many recent years, appropriations were not yet passed. Republicans had voted for repealing the Obamacare health plan dozens of times, knowing the Democratic Senate would not do so. Now conservatives argued they could compel the president and the Senate to accept repeal by withholding appropriations and an increase in the debt ceiling, threatening a government shutdown and debt default. Conservative members in both chambers rallied their colleagues to demand a complete defunding of Obamacare, and conservative advocacy groups ran negative ads against Republican members who were opposed to or reluctant to follow that strategy.⁴²

The House passed a resolution to block funding of Obamacare and continue appropriations until December 15. The Senate blocked that bill, and a partial shutdown of the government began. The Senate passed a continuing resolution without Obamacare provisions and with the support of 60 percent of Republican senators. Hours before the debt ceiling deadline, Boehner once more let the bill reach the floor. It passed with unanimous support from Democrats but Republicans voting against 87-144. This marked the third violation of the Hastert Rule in which a bill passed over the votes of a majority of the GOP.

Republicans, with justification, thought they had lost this battle. More in the public blamed Republicans for the shutdown than blamed Democrats. A CNN/NORC poll found that half blamed the GOP but only a third blamed the president, and 75 percent of those surveyed said that most Republican members of Congress did not deserve reelection, versus 54 percent who said that about congressional Democrats.⁴³ Wary of further confrontation, the two parties struck a compromise budget deal for the remainder of fiscal 2014 and for all of fiscal 2015. While both sides made compromises and passage was bipartisan, the agreement was accepted more by Democrats than by the GOP. More than a fourth of Republican representatives voted no.⁴⁴

One final financial matter needed to be dealt with because the debt ceiling deal ended on February 14. Republican leaders in both chambers wanted to match

the increase in the debt ceiling with spending cuts while conservative interest groups like Heritage Action and the Club for Growth sought to balance the budget within ten years.⁴⁵ Democrats refused, however, and Boehner was unable to marshal enough GOP votes to adopt an alternative. Boehner once more permitted a floor vote to extend the debt ceiling until March 15 with no conditions. It passed, but Republicans voted 28-199 against it. While party leaders voted for it, even Budget chair Paul Ryan did not.

While House Republican turmoil cooled, pressure from the electorate did not. Most shockingly, Eric Cantor, the Republican majority leader, was defeated by David Brat, a virtually unknown Tea Party and Club for Growth identifier in the primary election. Republican House whip, Kevin McCarthy became party leader. However, members of the core group of very conservative representatives who were central to the government shutdown backed an alternative to McCarthy and expressed dissatisfaction with his election, as did voices of conservative activists outside of Congress.⁴⁶

ANOTHER COUP ATTEMPT AND THE CREATION OF THE FREEDOM CAUCUS

In the 2014 elections, the GOP won their largest majority in the House since before the Great Depression, strengthening the party's conservative wing, along with winning majority control of the Senate. Not surprisingly, the conservative wing expected that their party's gains should lead to adoption of policies they preferred. Many of them, however, continued to believe that they needed new leadership to do so. They felt betrayed by Boehner's unwillingness to be responsive to their demands for confronting the Democratic administration. Conservative's distrust of Boehner inside the House was reinforced by anger against him from conservative activists outside. The dissatisfied conservative members knew that they commanded far too few votes to elect an alternative candidate against Boehner, but they hoped that if they could deny him a majority on the first ballot he might withdraw or another option might emerge. When the vote was taken, they fell short, but twenty-four GOP members voted for someone other than Boehner, more than twice as many as had opposed him two years earlier.

Boehner, in his speech to the House after his reelection, urged his colleagues to set aside their differences and prove that they could get things done.⁴⁷ However, those sentiments didn't prevent him from taking action against those who opposed him, including removing his top opponent from his position on the House Rules Committee the same day. This retaliation further angered the rebels and helped lead them to form a new organization, the House Freedom Caucus (HFC), on January 26.⁴⁸ Within a week, the group indicated that it had about thirty members.⁴⁹

Members of the group claimed that they wanted to work with rather than confront the party leaders. But they made clear that they expected concrete accomplishments. As Jim Jordan of Ohio, the HFC chairman, said, “We accomplish in proportion to what we attempt.” Caucus members were also concerned about process within the House. “More amendments, more participation from the members—that may be where you see the biggest push out of us in the first year,” said Mick Mulvaney of South Carolina, another founder.⁵⁰

The first confrontation within the GOP after the caucus was created occurred over the Homeland Security funding bill, the only department not covered by the December compromise. Conservatives kept Homeland Security out of the compromise appropriations bill because it included funding related to immigration, and they wanted to use that bill to reverse the president’s executive orders on that subject. Facing a February 27 deadline, the initial such bill passed the House but was blocked in the Senate. Senator McConnell (who had promised at the beginning of the Congress that there would be no more government shutdowns) asked that the House offer a different plan. Boehner, however, reflected conservative pressure and told reporters, “It’s time for the Senate to do their work.”⁵¹ During a one-week extension of funding, the Republicans failed to find a feasible bill that would be acceptable to their conservative wing, and on March 3, the Senate and House adopted a bill to fund the department for the rest of the year. Seventy-five Republicans joined the Democrats in support, and 167 GOP members were against. While many more moderate Republicans were relieved, the conservatives were intensely angry. Rep. Mick Mulvaney, an HFC founder, termed the outcome “an unmitigated loss for conservatives,” and another conservative, Tim Huelskamp of Kansas, said Boehner had “just caved in” and that his strategy had failed.⁵²

The Fall of Speaker Boehner

Over the next few months, the Freedom Caucus was a source of conflict with the leadership and other mainstream members on a number of issues. Many of its members were against trade promotion (or “fast-track”) authority for the president. On June 11, thirty-four Republicans (most of them HFC members) voted against the special rule to permit floor consideration of a bill granting fast-track authority. The rule passed by only five votes. The party leadership viewed opposition on this procedural vote to be unacceptable, and they took action. Three HFC members were removed from the party’s whip team, and Mark Meadows of North Carolina, one of the HFC founders, was stripped of his subcommittee chairmanship on the Oversight and Government Reform Committee.⁵³

Freedom Caucus members were angry about the retaliation. Chairman Jordan said, “What they did to [Meadows] was exactly wrong. And there are a number of us who are fed up with it.”⁵⁴ Subsequently, Boehner said that “when it comes to procedural votes in the House, the majority has to stick together.” Only a week later, party leaders reversed his removal and shelved other retaliations in

the face of opposition from many freshman members. These actions were seen by many observers as evidence of the strength of the HFC and the weakness of the leadership.⁵⁵

On July 28, Meadows introduced a resolution on the House floor calling for the removal of Boehner as speaker. At the time, most observers thought the move had no practical consequences, and most GOP members, including many conservatives, were critical. Indeed, the reactions of his colleagues led Meadows to resign from the board of the Freedom Caucus. But in the weeks after the introduction, conservatives pressed the leadership on their priorities (such as blocking the nuclear agreement with Iran, restricting spending, and ending government funding for Planned Parenthood), and they were far from satisfied. As a result, some came to see the resolution in a more positive light, with one HFC member calling it a “sword of Damocles” hanging over Boehner that might induce him to change direction.⁵⁶

In early September, with the end of the fiscal year (and therefore, the end of all appropriations) looming at the end of the month, the House faced the potential for another government shutdown. The plan to avoid it was to enact a short-term continuing resolution to give them time to negotiate a proposal for the entire next fiscal year. The HFC adamantly opposed the short-term resolution, saying they would not vote for any continuing resolution that did not defund Planned Parenthood.⁵⁷ This left the leadership with a choice between acceding to the HFC and accepting a likely shutdown or seeking Democratic support to pass the continuing resolution.

On September 10, HFC chairman Jordan admitted that the GOP had been blamed for the 2013 shutdown, but he contended that this time, the result could be different. He said, “We just need to make the case in a compelling repetitive way, over and over again, so the American people clearly understand what is at stake here.”⁵⁸ Recognizing that the Senate was unlikely to adopt defunding and that, in any event, the president would probably veto a bill containing it, the GOP leadership sought an alternative strategy. On September 24, with less than a week to go, they devised a new plan,⁵⁹ but that was short-circuited by an announcement: Boehner said he would resign as speaker and from the House the following month. Members of the HFC claimed credit for forcing Boehner out. Huelskamp said “There’s no question in my mind,” he said. “He didn’t have the votes to keep the job.”

A New Speaker Is Chosen . . . Eventually

The obvious candidate to succeed Boehner was Majority Leader McCarthy, although a couple of minor candidates had also announced. But the Freedom Caucus persisted in their interest in changing party rules and the powers of the leadership. As part of that effort, they sought commitments on rules changes before the conference vote on their party’s candidate, and they submitted an

extensive questionnaire regarding rules to the candidates. The changes they were seeking included more influence for the HFC and other rank-and-file members on the party's Steering Committee (which selects committee chairs and assigns members to committees), more access to the floor for amendments they favored, and protection from leadership retaliation.⁶⁰ McCarthy indicated a favorable attitude toward HFC's proposals, but that was not sufficient for them. They voted to support an alternative for speaker. Convinced that he would probably not have a sure majority when the full House voted, McCarthy withdrew from the race. This left the situation in chaos, and the conference postponed the vote on their choice.

Over the next two weeks, action turned to persuading Paul Ryan to run. He had persistently asserted that he did not want the job, but he was the consensus candidate of virtually all members outside of the conservative wing, and the pressure on him to accept was intense. The conservatives, on the other hand, were skeptical, and they had conditions for accepting a Ryan speakership similar to those they voiced in discussions about McCarthy's bid. Then, on October 20, Ryan publicly indicated that he was willing to serve in principle, but he too had conditions. He wanted indications that all segments of the party were united behind him, that the party would adopt a more positive stance on policy, and that House rules would be revised to make members more effective (including revision of the motion to vacate the speaker's position).⁶¹ The next day, the HFC announced that more than two-thirds of the members indicated they would support Ryan's bid. He had indicated support for revising the Steering Committee and had pledged not to bring up an immigration bill without the support of a majority of the conference, but apparently no other commitments were made regarding rules changes from either side.⁶² On October 29, the House elected Ryan to the post.

In the last two months of 2015, Ryan and his team grappled with the competing interests that led to the change in party leadership. He demonstrated some commitment to a more open process during the consideration of a highway bill by permitting more than 120 amendments. And the bill passed the House with only sixty-five negative votes, although all came from (mostly conservative) Republicans. Less than two weeks later, on the other hand, House leaders announced that they would bring up a bill to revise the rules of the refugee program to admit fewer of those coming from Iraq and Syria. The bill had received no committee consideration, and no amendments were permitted.⁶³

Closing out the year, Congress dealt again with funding the government. On December 15, Congress and the president reached a compromise agreement on a \$1.1 trillion spending bill. The package contained some wins for the GOP, including making some tax breaks permanent. It also included losses, such as including more than \$60 billion in spending and removing many policy riders the Republicans wanted. HFC conservatives were unhappy, and most voted against the final bill, but they did not put most of the blame on Ryan.

The following year leading up to the elections continued the tensions within the House GOP majority, but space constraints prevent us from considering the

details here. In 2017, newly elected President Trump's top priority, a massive tax cut was achieved, but most other major legislative initiatives were blocked by partisan polarization. Indeed, the problems of coping with his party's internal divisions led Speaker Ryan to announce in April of 2018 that he would not seek reelection. The limited achievements, coupled with the president's low approval ratings, resulted in a substantial surge in turnout in the 2018 midterm elections, yielding a 40-seat gain for the Democrats and control of the House.

THE FIRST YEAR OF THE 116TH CONGRESS: FROM "SHUTDOWN!" TO "SHUTDOWN?" AND IMPEACHMENT

The first Congress under Democratic control in eight years was full of salient events. In the space we have, we will focus on those topics that are most parallel to those we considered in connection with the Boehner and Ryan speakerships. This approach will best permit us to evaluate the breadth of applicability of our theoretical concepts in this era.

The beginning of this Congress was similar in some ways to the start of Boehner's speakership in 2010. The minority seized control with a larger victory than expected. The Democrats gained forty seats, securing a comfortable majority of 235 seats. There was, however, one important difference between 2010 and 2018. Unlike the GOP freshmen class that was concentrated on the party's right wing, the newly elected Democrats were distributed about equally to the right and left of the previous party median. The House Democrats included two major internal party caucuses: the left-wing Congressional Progressive Caucus (CPC) and the moderate New Democratic Coalition (NDC). In the 116th Congress, the CPC had ninety-eight members (up from seventy-eight in the previous Congress) while the NDC ended up slightly larger, with 101 members (up from sixty-eight).⁶⁴ This relatively equal ideological balance was a source of both conflict and unity for Democrats in 2019.

The large freshman class was also striking in its demographic diversity. Thirty-five new women were elected to the House, bringing the total to 102. This influx was concentrated among Democrats, however, with eighty-nine women elected (up from sixty-eight elected in 2016), while only thirteen Republican women were elected, a decrease of ten. The 116th was also more racially diverse, with nine new Hispanic lawmakers and eight more black members.⁶⁵

Nancy Pelosi was the Democrats' obvious choice for speaker, but she faced a problem similar to the one that bedeviled both Boehner and Ryan. That was, to be elected speaker, she needed to win a majority of the whole House, but all of those votes would need to come from members of the majority party. There was no doubt that Pelosi had the support of the overwhelming majority of Democrats,

but there was considerable doubt whether that amounted to 218 votes. Indeed, her situation was somewhat more difficult than that of her predecessors because there was opposition to her in both ideological wings of the party, as well as calls for a younger leadership. The top three Democratic leaders (Pelosi, Steny Hoyer of Maryland, and Jim Clyburn of South Carolina) were all seventy-seven or seventy-eight years old and had been in the top posts for more than a decade. A number of the freshmen members had run calling for new leadership change. For example, Connor Lamb of Pennsylvania (a moderate chosen in a special election in 2018) said: “I believe we need new leadership to put the partisan gridlock behind us, and I promised my constituents I would vote for new leadership.”⁶⁶

Saying they were “thankful to Leader Pelosi for her years of service to our Country and to our Caucus,” sixteen Democrats signed a pledge to vote against Pelosi.⁶⁷ This group included senior members like Tim Ryan of Ohio (who had run against Pelosi for Democratic leader two years before and secured sixty-three votes) and five freshmen. Another source of resistance were nine Democrats who were part of the Problem Solvers Caucus, a bipartisan group committed to altering House rules to facilitate passage of legislation with support in both parties. They pledged that they would only vote for a speaker candidate who was committed to the changes they wanted. As the voting in the caucus neared in late November, Pelosi sought to blunt the opposition by listening and negotiating. She partially succeeded by endorsing some of the Problem Solvers reforms, securing their public support and getting one of the sixteen letter signers to endorse her with a commitment to try to lower the Medicare eligibility age.⁶⁸ When the vote was taken (by secret ballot), Pelosi was endorsed for speaker 203-32.

The caucus vote was a big boost for Pelosi, but it did not guarantee her success. When the full House would vote in January, she could afford no more than seventeen defections. So in early December, she continued to listen and to negotiate. The insurgent members wanted to guarantee generational change by having the caucus adopt term limits for top leaders and for committee chairmen. Pelosi secured her position by agreeing to serve no more than four more years as speaker (whether or not the caucus adopted this policy) and endorsing four-term limits for other leaders. Most of the insurgents then endorsed Pelosi, but the adoption of the general policy would have to wait until the new Congress convened in January. There were internal divisions on the matter: Some members (including Hoyer, the number two leader) were opposed, while others thought the plan did not go far enough.⁶⁹

A short-term agreement on appropriations for many federal programs was due to expire before Christmas, before the new Congress convened. The two congressional parties sought a compromise agreement to keep the government operating, but the president's agreement was uncertain. Pelosi went to the White House with Senate minority leader Chuck Schumer of New York to negotiate (presumably in private), but a public confrontation erupted before cameras. President Trump indicated that he would not sign a funding bill unless it included money for a wall along the Mexican border, saying that he was “proud to shut down the

government for border security.” Then Pelosi told the president that if he thought he had the votes to get wall funding through the House, “Then do it.”⁷⁰ Congressional efforts to agree to a deal failed, and on December 22, a partial government shutdown began.

On January 3, the 116th Congress convened with the shutdown continuing. Pelosi was elected speaker with 220 votes, 17 more than she had received in the caucus. Three Democrats voted “present” while twelve voted for a variety of others. The new Congress also adopted the Democrats’ rules package. Some of the rules reflected Pelosi’s commitments during the bargaining over her position, including the ability to secure a floor vote for bills that had 290 cosponsors but had not been reported from a committee, requiring bills to be posted for seventy-two hours before a floor vote, and forming a select committee on the climate crisis.⁷¹ There were only three negative votes from Democrats on the package.

Two weeks into the shutdown, the Democrat-controlled House passed bills to reopen the government, but Republican Senate majority leader Mitch McConnell indicated that he would not permit a vote on any bill unless the president approved. Trump continued to refuse, but as the impasse exceeded three weeks (and the shutdown became the longest in history) polls showed that almost twice as many respondents said that they blamed Trump and congressional Republicans rather than the Democrats.⁷² Even so, a substantial majority of Republicans approved of the president’s strategy. After twenty-six days, the planned congressional recess was canceled. Pelosi refused to negotiate about wall funding until the government was reopened, and virtually every member of her caucus supported that position. Even the most moderate group of Democrats (the “Blue Dogs”) refused to meet with Trump about the shutdown.⁷³ Pelosi then further increased the pressure by calling on Trump to delay the January 29 State of the Union address, citing security concerns. This move, which would deprive the president of a forum in which to defend his actions, was also overwhelmingly supported by House Democrats. On January 25, Senate filibusters blocked two bills to reopen the government, one that included \$5.7 billion for the wall and one that did not. The next day, the president accepted a bill to reopen for three weeks to permit more negotiations but with no wall funding.

The three-week delay involved a lot of strategic jockeying but no breakthrough agreement. Then just before the deadline, the Congress passed a bipartisan compromise bill to fund government programs. It included funds for only about a fourth of the additional border wall Trump demanded. The president threatened a veto but eventually signed reluctantly. The next day he declared a national emergency, intending to divert other federal funds to wall building, which was partially blocked by the courts.

The longest government shutdown resulted in much disruption and financial loss but did not provide the political victory for the president that motivated it. The beginning of Nancy Pelosi’s renewed speakership yielded her party a clear victory. She held together her diverse caucus against the efforts of their opponents

to foment division, and she largely received praise from the party's still-disputatious progressive wing. She juggled the demands of both senior and new members, by reserving new appointments to the most desired committees for non-freshmen but also arranging for eighteen first-term Democrats to chair subcommittees.⁷⁴

Shortly after the elections, many observers predicted that the Democratic Caucus would be riven by ideological strife. And indeed, one of the most visible liberal first-termers, Alexandria Ocasio-Cortez of New York, criticized and then voted against the new rules package, and then another new member, Ilhan Omar of Minnesota, provoked criticism when she tweeted negatively about the pro-Israel lobby buying support from members with political contributions. But few others agreed with Ocasio-Cortez about the rules, and Pelosi successfully pressed Omar to apologize for her remarks. The predictions that the new progressives would become a left-wing analogue of the Freedom Caucus were not realized. Rep. Pramilia Jayapal of Washington, the co-chair of the Progressive Caucus, said: "We're totally opposed to being the Freedom Caucus. . . . [It] was very dismissive of leadership in many ways. . . . I don't like what they stand for, and I don't like the way they implemented their tactics."⁷⁵ And the progressives generally attributed the party's cohesion to the speaker's efforts. Ocasio-Cortez "credited Pelosi for listening to the incoming liberals and understanding their agenda." And Ro Khanna, another progressive who opposed the rules package, said "She respects intellectual and policy dissent but not tactical division. . . . You can think you have a better foreign policy vision, perhaps—an economic vision, social justice vision, racial justice vision. But do you have a better aptitude to be speaker of the House?"⁷⁶

With appropriations matters dealt with for the time being and with the Republican Senate likely to block Democratic House initiatives, the Democrats turned their attention to creating a record to serve as the basis for contesting the 2020 elections. Their top priorities passed floor votes in early March. "HR1" was a package of voting, campaign finance, and ethics regulations that the party had highlighted in the 2018 campaign. They then passed two bills to expand background checks on purchases of guns. The gun issue had been a perennial source of division in the party. The GOP used a procedural motion to break off twenty-six moderate Democrats to alter a provision of the first gun-regulation proposal. The GOP strategy failed the next day as Pelosi's strong effort to maintain unity held defections to just two Democrats. Her message to her cross-pressured members was, "Vote no, just vote no, because the fact is a vote yes is to give leverage to the other side and surrender leverage on the floor of the House."⁷⁷

Other divisions involved situations where the Democrats agreed on priorities and even on what direction to move in but disagreed about how far and how fast existing policy should change. For example, improving health care had been the top policy priority in 2018, but the party was far from united on whether the solution was "Medicare for all" (as the progressives wanted) or a set of fixes to Obamacare supported by moderates. Similarly, on climate change, many progressives were behind a far-reaching "Green New Deal" while the other wing of

the party pushed for less ambitious solutions. The party was also divided on the emerging push for impeachment. At this point, less than half of House Democrats supported a move to impeach, and in light of that, Pelosi maintained a firm position. She opposed impeachment unless “there’s something so compelling and overwhelming and bipartisan.”⁷⁸

Two issues dominated the attention of the House for the rest of the year: the budget and spending and impeachment. To be sure, members were interested in many other topics, and the House adopted bills related to a number of them (most of which died a quiet death in the Senate). But those two were recurring items until the end of the year. In early April, the majority shelved efforts to pass a budget resolution due to divisions within their caucus. Progressives wanted the level of domestic spending increased to match defense numbers while moderates objected to the level of spending without offsetting revenues or cuts.⁷⁹ This was of little substantive import because the final numbers had to be negotiated with the Senate GOP and the White House. Negotiations continued over the next six weeks, and it looked as if a deal was imminent, but on May 22, the president walked out on a brief meeting at the White House to discuss infrastructure spending. Pelosi had said that Trump was engaged in a “cover-up,” and he threatened to cease working on legislation until the House investigations into his conduct were ended.⁸⁰

The failure to reach an agreement on spending intensified concern in Congress. Before the end of the year, the debt ceiling would have to be raised again, and a budget deal was required to prevent the imposition of draconian spending cuts in both domestic and defense accounts. Members hoped to conclude negotiations on this before the July 4 congressional recess, but that hope was dashed by the need for a bill to deal with a humanitarian crisis due to refugees on the southern border. The House passed a bill appropriating \$4.5 billion for this, but one that included restrictions on the care of migrant children. The Senate then adopted a bill by a vote of 84 to 8, with approximately the same spending level but without the restrictions. Pelosi wanted to continue bargaining, but pressure from moderate House Democrats forced her to permit a vote on the Senate bill, and it passed and was signed by the president. But the strategy angered many progressives, and ninety-five Democrats (42 percent of the caucus) voted nay.

After the recess, the spending fight again took center stage. Late in July, after intense negotiations mainly involving Speaker Pelosi and Treasury Secretary Steven Mnuchin, an agreement was finally reached that was accepted by Senator McConnell and the president. Like all of the previous spending deals we have discussed, this one involved wins and losses for all sides. However, the vote divisions on the bill demonstrate that the Democrats were much more satisfied than the GOP. In the Senate, Democrats supported the bill 38 to 5, while Republicans voted 29 to 23. And in the House, GOP support was even lower, dividing 65 to 132. Democrats split 219 to 17.

The biggest win for the Democrats was securing a significant increase in domestic spending (\$27 billion). It also broke the so-called “parity principle.” This refers to the agreed pattern in spending deals over most of the previous decade in which defense and nondefense increases matched each other dollar for dollar. In addition, both the Democrats and the president were pleased that the agreement suspended the debt ceiling through July of 2021, after the next election. For Republican conservatives, the biggest downside was the fiscal consequences of the spending levels due to the lack of corresponding cuts. According to the Congressional Budget Office, the agreement would increase the national debt burden from the previously estimated 92 percent of gross domestic product over ten years to 97 percent.⁸¹ Rep. Warner Davidson of Ohio, a member of the Freedom Caucus, said that the bill “puts the country on a path to bankruptcy,” and another Freedom Caucus member said “President Trump will have set the record for the largest increases in federal spending in the history of our country.”⁸²

The July deal succeeded in settling the debt limit, but it did not completely resolve the issue of appropriations. The current year’s authorized spending would expire September 30, requiring new legislation and reigniting controversies between the parties. The House wrestled with, and eventually passed, ten of the twelve individual spending bills, but the Senate had not completed work on even one of them. At the end of the month, the president signed a bill extending existing spending until November 21 and then again until December 20.

With the prospect of another Christmas shutdown looming, all of the relevant actors felt the pressure to reach an agreement, and on December 17, the House passed a pair of omnibus bills (running 2,313 pages combined) that settled the remaining issues. The use of two bills was mainly a face-saving gesture for the president who, after signing a single giant omnibus spending measure in March 2018, had vowed never again to assent to such a vehicle. The first bill involved mainly domestic spending, and it contained many features that Pelosi had demanded to be included in the compromise deal. These included providing funding for gun research (which had been prohibited for decades at Republican insistence), raising the age for tobacco purchases to 21, and protecting pension rights for thousands of miners. The second bill was a national security package including funding for the military and the Department of Homeland Security. Many progressive Democrats criticized the bill because defense spending was too high and because it did not impose adequate oversight over the administration’s immigration policies. In the end, both the Hispanic Caucus and the Progressive Caucus opposed the bill. It passed 280 to 138, with 75 of the nays coming from Democrats. The same day, the domestic bill was adopted 297 to 120, with support from almost all Democrats but opposed by a majority of Republicans. Both bills then passed the Senate by wide margins and were signed into law.

As a result of these actions, government spending was guaranteed until the end of the fiscal year on September 30, shortly before the presidential election. Despite

this achievement, the aggregate result had many critics, especially from conservatives due to its substantive provisions and its price tag. Estimates predicted that the agreements would add as much as an additional \$500 billion to the national debt over ten years. Heritage Action, a conservative advocacy group, opposed the domestic bill, and the president of the Committee for a Responsible Budget called it “a bucket of garbage.”⁸³ In the end, Pelosi was able to engineer passage of legislation with many attractive features for Democrats, and the two-bill strategy permitted both Democratic progressives and Republican conservatives to go on record against the things they each disliked most without endangering the package.

The other dominant issue in the last half of 2019 was impeachment. It also provided significant challenges for the speaker because of divisions within her caucus. Most progressives came from strongly blue districts, and they and their constituencies strongly supported an impeachment inquiry after the Mueller report on Russian interference in the 2016 elections was submitted in April. Moderates, on the other hand—especially those from districts that Trump had carried in 2016—were concerned about potential electoral damage from publicly supporting impeachment, regardless of their own views on the matter.

Pelosi’s strategy at this point was to block a formal inquiry while pursuing aggressive oversight of the administration, arguing that there was no point in acting on impeachment until there was substantial public support for it. However, support for an inquiry increased bit by bit in the early summer, and on July 17 the speaker permitted a floor vote on proceeding. All Republicans and a majority of Democrats voted to table (i.e., block) the motion, but 95 Democrats voted aye. Then a week later, Robert Mueller testified before two House committees about his investigation, and his elaboration on the findings led to an additional 20 Democrats taking public positions in support of impeachment. The total on July 31, just after the House began a six-week summer recess, was just shy of half the caucus.

When the House reconvened in early September, new revelations shifted the focus of the impeachment more, when it was revealed that the president, in a July phone call with the president of Ukraine, had sought assistance in gathering damaging information on former Vice President Joe Biden and his son. Since Biden was already a leading candidate for the Democratic presidential nomination in 2020, there was widespread condemnation of this effort to involve a foreign government in influencing an American election, and the House launched three new committee investigations. As additional information (including the existence of a whistleblower complaint about the phone call) was revealed, more House Democrats supported impeachment. On September 23, as Pelosi was canvassing her caucus to gauge opinions, a major shift took place. Seven moderate freshman Democrats with previous service in the military, none of whom had previously supported impeachment, sent a letter to the *Washington Post* endorsing beginning a formal inquiry.⁸⁴ They noted that the president “may have used his position to pressure a foreign country into investigating a political opponent” and that the

whistleblower complaint had not been turned over to Congress as required. They termed this a “flagrant disregard for the law,” and they said that if the allegations were true the “actions represent an impeachable offense.”

The following day, as more than 200 House Democrats publicly supported an impeachment inquiry, the speaker announced that one would commence. Closed hearings were held in October, followed by floor vote on a resolution specifying the rules for the process. The vote was 232 to 196, with every Republican but only two Democrats voting no. The public phase of the inquiry began in November. On Tuesday, December 10, Pelosi revealed two articles of impeachment focused on the Ukraine controversy, one regarding the abuse of power and the other obstruction of Congress by refusing to provide requested information and testimony. The progressive wing desired a broader approach, including obstruction of justice in the Russia investigation, but were willing to settle for the more limited charges. And most of the previously reluctant moderates agreed that there was no choice now but to move forward. On December 18, the House adopted both articles, with only three Democrats voting against either one of them. After some procedural jockeying, Pelosi eventually transmitted the articles to the Republican-controlled Senate to experience its foregone fate.

As we have seen, Speaker Pelosi was able to hold the two wings of her party together on the major political conflicts of 2019. She sought to pursue strategies that balanced the disparate interest of both sides and persuaded most members in each camp to follow her lead. In doing so, she effectively exercised the institutional powers that her colleagues had ceded to her, like shaping the legislative agenda through special rules. Indeed, in 2019, there were no open rules on bills, and about half of special rules were completely closed, permitting no amendments. To be sure, she encountered some resistance and opposition as the events unfolded, but ultimately, her colleagues acquiesced in her leadership and she was able, unlike the two Republican speakers who preceded her, to largely achieve her goals and to do so without depending on support from the opposition party.

Conditional Party Government From 2010 to 2020

We can now turn to a consideration of how the theory of conditional party government (CPG) helps see what lessons we can draw from the Boehner, Ryan, and second Pelosi speakerships. Recall that the central prediction is that a unified majority party facing sharp policy differences with the minority party will be willing to delegate strong powers to its leadership in hopes of advancing the party members’ goals. As we outlined earlier, that prediction is strongly supported by the actions of House majorities from the 1970s through the first Pelosi speakership. The major difference from then to the end of her second speakership is that the majority party has become more diverse in its members’

ambitions, even though the degree of partisan polarization has not diminished. As a result, divisions should be expected to arise to challenge the powers given to the party leadership from within the majority itself. This reduction in willingness of the majority to delegate power to their leadership is exactly what we observed from 2010 through 2019.

The members of the Freedom Caucus and their allies had preferences that were different in important ways from their GOP colleagues. They did not believe that Boehner and his leadership team shared their views on what should be done, and they did not trust those leaders to act as faithful agents for the party in executing their jobs. Thus, we should expect to see just what we found, that the HFC sought to reduce the powers of their leaders, under both Boehner and Ryan, and to restrict the exercise of the powers the leaders retained. The more moderate majority of the Republican Conference, however, would not be expected nor did they tend to favor such restrictions. Instead, a number of them publicly argued against going too far with reducing leadership power.⁸⁵

Under Pelosi after the 2018 elections, there was also increased diversity in her caucus, but it was less severe and less tilted to the party's extreme. Those members who were initially reluctant to support her were more concerned about ensuring leadership succession in the near future than restricting her authority, and she accepted that. The changes in the leadership's powers were minimal and could be bypassed when necessary because Pelosi retained control over the agenda through the Rules Committee. Despite resistance to or criticism of some of her proposed strategies for the party, she never lost control of the legislative process the way that Boehner periodically did.

The key difference before and after 2010 is that, before the 2010 elections, the two parties were becoming both more homogenous and more distinct from one another. From 2010 through 2018, however, the influx of Tea Party and HFC-linked Republicans continued to increase interparty divergence while the majority party became more *heterogeneous*. Further, unlike the Democrats, even after the 2018 elections, their heterogeneity was skewed heavily toward its conservative extreme, bringing in new members who disagreed not only with the Democrats but even with the more moderate members of their own party. As a result and as CPG would lead us to expect, the Republicans felt pressure toward empowering their leadership due to their disagreement with the opposition and pressure toward reducing the powers granted to the leadership due to internal disagreement. While the 2018 election was as momentous a victory for the Democrats as 2010 (and 2014) was for the Republicans, the new members were reasonably balanced between moderates and progressives. While that exacerbated underlying divisions, both sides understood that their continuing majority status required a balancing of these competing demands. They therefore provided Pelosi and the rest of the leadership with the means of striking this balance. To be sure, Pelosi seems particularly adept at finding such a path, just as

Gingrich seemed a speaker particularly appropriate for a party attaining a majority for the first time in 40 years and Wright appropriate for exercising newly won powers granted to the majority leadership. Still, it was the caucus that provided her the means and held the potential of withdrawing it should she fail to be as adept at the use of those powers.

A second major conclusion is that while most who write about partisan polarization in the chamber do so by assessing the policy preferences of members, we have found, again just as CPG has led us to expect, that members have differing goals, they are neither just single-mindedly seeking reelection nor are they single-mindedly seeking policy outcomes. The divisions within the Republican majorities, especially, remind us of the diversity of goals and hence of potential sources of disagreement. It seems, for example, that both the HFC and the mainstream GOP members would have preferred that Obamacare be repealed and that Planned Parenthood be defunded. What they disagreed about were the **strategies** that should be pursued to accomplish those ends and about what might be called the “**state of the world.**” By that term, we mean disagreements about what would be the likely outcomes that flowed from the choice of a given strategy. Freedom Caucus Republicans believed that shutdowns or debt defaults could give them leverage over the administration and Senate Democrats, perhaps causing them to capitulate and accept the policies the right wanted. The GOP leadership, on the other hand, believed that those same strategy choices would lead to their party being blamed and its brand being damaged, potentially threatening the party’s majority status. In past Congresses, the majority leadership and their members were usually on the same page with regard to strategy and expectations about them.⁸⁶ But as we have seen, these differences were frequent and consequential from 2011 through 2018.

Similarly, Democrats in 2019 held differing perceptions about the consequences of strategies regarding both budget politics and impeachment. Unlike the situation of the Republican speakers, however, Pelosi was able to convince a broad array of party members that she shared their political values and that the strategies she favored were the way to protect both their policy preferences and their electoral interests. This was more difficult in the case of impeachment because of the obvious risks to moderates that would come from proceeding, but eventually she managed to secure virtually universal support.

From its original formulation to the present, CPG theory has emphasized that the parties’ decisions about how powerful their leaderships would be involved both questions of what specific powers to delegate and how much leeway leaders would have in the exercise of those powers.⁸⁷ How difficult it is to manage this dual task varies with the characteristics of leaders and with variations in the political context. John Boehner once said, “A leader without followers is just a guy out for a walk.” We would expect that speakers will continue to lead. Whether enough members will follow is a different matter, and that will depend on underlying conditions, as CPG contends.

Notes

1. We want to express our appreciation to Connor Philips of Duke University for his excellent work as our research assistant in pulling together substantial amounts of information about the House Freedom Caucus.
2. In parallel fashion, it worked that way in some degree because of the diversity of opinion in both parties.
3. The Republicans were the majority party in the country from 1896 until about 1932. They had split in 1912 over the presidency, enabling Woodrow Wilson to win two terms and bring congressional majorities with him. The Republicans reasserted their majority in the post-WWI period.
4. Decentralization was intended, as this system emerged in the wake of the 1910 “revolt” against the then centralized powers of the speaker, “Czar” Joseph Cannon, R-Ill. See Joseph Cooper and David W. Brady, “Institutional Context and Leadership Style: The House From Cannon to Rayburn,” *American Political Science Review* 75 (1981): 411–25.
5. Kenneth A. Shepsle, “The Changing Textbook Congress,” in *Can the Government Govern?* ed. John E. Chubb and Paul E. Peterson (Washington, DC: Brookings Institution, 1989), 238–66.
6. In 1954, for example, the former states of the Confederacy held 106 seats, divided between ninety-eight Democrats and eight Republicans. Democrats were unopposed in sixty-seven, and Republicans won less than one vote in five in eighteen more, making a full 80 percent of those seats uncompetitive wins by Democrats.
7. See David W. Rohde, *Parties and Leaders in the Postreform House* (Chicago, IL: University of Chicago Press, 1991); and Steven H. Haeberle, “The Institutionalization of the Subcommittee in the United States House of Representatives,” *Journal of Politics* 40 (1978): 1054–65.
8. The Civil Rights Act passed, in part, in commemoration of the assassinated president, John F. Kennedy. The Republican presidential nominee, Sen. Barry Goldwater, R-Ariz., voted against it, with the result that he carried five Southern states for the first time since Reconstruction by a Republican (and no other state except his home state). That election gave the Northern Democrats a large majority in each chamber and enabled passage of the Voting Rights Act, although the congressional Democrats chose to use their huge majorities to pass this and other Great Society legislation but not to change the rules of the House.
9. Here, we are using the definition of the South employed by *Congressional Quarterly* and used by most scholars of Congress, which adds Kentucky and Oklahoma to the states of the former Confederacy.

10. There were similar, if less severe, changes in the Republican Party as “Rockefeller Republicans” in the northeastern and Great Lakes states, liberal on social issues but conservative on economic issues, began to lose in the late 1960s and early 1970s, which also made the Republicans less diverse. We focus here on the Democrats because they held the majority in the House throughout the relevant period.
11. Special rules are House resolutions attached to most major bills that specify how the bill will be considered, including whether amendments will be allowed and other procedures.
12. One of the sparse set of Constitutional provisions is that the House writes its own rules anew every two years.
13. Either way, the majority party in the House will hold power, as has been true since the speakership of Thomas B. Reed, R-Maine, and the adoption of “Reed’s rules” in 1890, which made the House a majority institution. The majority party could, in principle, give that up, but a majority giving up its powers voluntarily is extremely unlikely.
14. The classic statement is David R. Mayhew, *Congress: The Electoral Connection* (New Haven, CT: Yale University Press, 1974).
15. We draw heavily from Richard F. Fenno, *Congressmen in Committees* (New York: Little, Brown, 1973), but add valuing having one’s party hold majority status in the chamber—a variable that seemed irrelevant in 1973, as the Democrats seemed in nearly permanent majority.
16. That is to say that the two parts of the condition are independent, and one (e.g., internal party agreement), the other (disagreement between the two parties), both, or neither of the two parts may hold at any given time.
17. It is important to note that the Senate, which had a Republican majority since the election of 1980, had returned to Democratic control in 1986, when that class of 1980 stood for reelection. The president, no longer fresh from a historic landslide reelection victory, was just beginning to face the Iran-contra scandal that helped erode his popular support.
18. Special rules are resolutions from the Rules Committee that accompany most major bills and that specify the terms for consideration of that bill, such as length of time for debate, what amendments may be considered, and whether exceptions to the standing rules of the House are made during consideration.
19. It is important to point out that the percentage of votes received by the Republicans is not the remainder of 100 minus the Democratic vote percentage. For example, the Republicans received about 45 percent of the vote in 1992 while the Democrats received 50 percent, with the rest going to various third-party and independent candidates.

20. See, for example, James G. Gimpel, *Legislating the Revolution: The Contract With America in Its First 100 Days* (New York: Allyn & Bacon, 1996).
21. The data here are discussed in detail in John H. Aldrich, "Political Parties in a Critical Era," *American Politics Quarterly* 27 (1999): 9–32.
22. These paragraphs are drawn heavily from John H. Aldrich and David W. Rohde, "The Republican Revolution and the House Appropriations Committee," *Journal of Politics* 62 (2000): 1–33.
23. Such legislating is done by adding as so-called "riders" with special rules to circumvent the prohibition of appropriations bills being used for authorizing legislation.
24. "Clinton: 'The President Is Relevant,'" *Time*, April 18, 1995, <http://content.time.com/time/nation/article/0,8599,3632,00.html>.
25. The figures are from a *Washington Post*/ABC News poll in November 1995. See comparison at <http://www.people-press.org/2013/09/23/blame-for-both-sides-as-possible-government-shutdown-approaches>.
26. This position is thus a reversal from the unusually nationalized "Contract" election of 1994, the last midterm, and in sharp contrast to the favorite aphorism of Tip O'Neill that "all politics is local."
27. Guy Gugliotta and Juliet Eilperin, "Gingrich Steps Down in Face of Rebellion," *Washington Post*, November 7, 1998, <http://www.washingtonpost.com/wp-srv/politics/govt/leadership/stories/gingrich110798.htm>.
28. Thomas worked closely with Majority Leader Tom DeLay, R-Tex., to bring partisan legislation to the floor (often relying on restrictive rules to do so) and frequently denied the minority party time to review legislation, let alone offer alternative proposals. When the Democrats protested their inability to review a pension reform bill in 2003, Thomas even called the Capitol police, only apologizing for his behavior after being pressured by the speaker, Dennis Hastert, R-Ill.
29. The organizational name for all Republican members of the House is the Republican *Conference*, whereas Democrats refer to theirs as the Democratic *Caucus*.
30. Carl Hulse, "New Panel Chairman, Ways of Old Pragmatist," *New York Times*, November 28, 1998, <http://www.nytimes.com/1998/11/28/us/in-new-panel-chairman-ways-of-old-pragmatist.html?pagewanted=all&src=pm>.
31. Fenno, *Congressmen in Committees*. This and the preceding paragraphs are developed further in John H. Aldrich, Brittany N. Perry, and David W. Rohde, "Richard Fenno's Theory of Congressional Committees and the Partisan

- Polarization of the House, in *Congress Reconsidered*, 10th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Thousand Oaks, CA: CQ Press, 2013), 193–220.
32. Most observers considered this move by Speaker Nancy Pelosi to be a warning to committee chairs that they should be responsive to the party leadership. Two years later, Pelosi permitted the limits to be repealed.
 33. He first won a special election to the House to replace his deceased father in 1955 and served until the 2014 elections. (That is, he served in Congress for sixty years, retiring in 2015.) He was succeeded by his wife.
 34. See John H. Aldrich and David W. Rohde, "Congressional Committees in a Continuing Partisan Era," in *Congress Reconsidered*, 9th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, DC: CQ Press, 2009), 236.
 35. It was so named for the common use of the Boston Tea Party, a symbol of American colonies' protest against the overreaching British crown and government.
 36. For a more extensive discussion of the Boehner speakership and the transition to Paul Ryan's, see John H. Aldrich and David W. Rohde, "Lending and Reclaiming Power: Majority Leadership in the House Since the 1950s," In *Congress Reconsidered*, 11th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, DC: CQ Press, 2017), 41–52.
 37. Edward G. Carmines, "Review Symposium: Class Politics, American Style," *Perspectives on Politics* 9 (2011): 645–47. Carmines used a different measure of ideology in his work than the "DIME" measure Bonica created and used (Adam Bonica, Database on Ideology, Money in Politics, and Elections: Public version 2.0 [Computer file] [Stanford, CA: Stanford University Libraries, 2016]. <https://data.stanford.edu/dime>)
 38. Theda Skocpol and Vanessa Williamson, *The Tea Party and the Remaking of Republican Conservatism* (New York: Oxford University Press, 2012), 170.
 39. Interestingly, one of those voting for the bill was Budget Committee chairman Ryan.
 40. See Jonathan Strong, "Speak Softly or Carry a Big Stick," *CQ Weekly*, January 14, 2013, 63.
 41. See Strong, 64.
 42. Sheryl Gay Stolberg and Mike McIntire, "A Federal Budget Crisis Months in the Planning," *New York Times*, October 5, 2013, <http://www.nytimes.com/2013/10/06/us/a-federal-budget-crisis-months-in-the-planning.html>.

43. Paul Steinhauser, "CNN Poll: 75% Say Most Republicans in Congress Don't Deserve Reelection," CNN, October 21, 2013, <http://www.cnn.com/2013/10/21/politics/cnn-poll-shutdown-re-election>.
44. In the Senate, on the other hand, 80 percent of Republicans were opposed. Michael Needham, Tony Perkins, and Chris Chocola, "Why Debt Limit Must Be Used to Force a Balanced Budget," *Politico*, January 15, 2013, <http://www.politico.com/story/2013/01/why-the-debt-limit-must-be-used-to-force-a-balanced-budget-086244>.
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47. Peters, "Boehner Fends Off Dissent."
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 85. Indeed, some even argued for further strengthening of leadership power. For example, the moderate Tuesday Group supported the idea of expelling

from the conference GOP members who voted against the party's Speaker nominee on the floor. See Kate Ackley, Eliza Newlin Carney, and Shawn Zeller, "Trapped in a Bad Marriage," *CQ Weekly*, October 5, 2015, 20.

86. Although in the 1995–1996 government shutdowns, the GOP experienced problems similar to those of the Boehner years, which included a division among the Republican leaders over the correct path.
87. See Rohde, *Parties and Leaders*, especially Chapter 6.

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