

## Bicameralism and Personal Vote Seeking in the Modernizing U.S. Congress

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### Abstract

This paper builds on recent scholarship dealing with distributive politics and bicameralism by shedding light on a number of unresolved empirical questions and looking back in time to gain analytical leverage and further develop our understanding of congressional development. I focus on two specific questions: First, in what ways are legislators' decisions about how to apportion their efforts in representing constituents shaped by aspects of U.S.-style bicameralism such as multi-member districts and malapportionment? Second, how does Congress allocate personal vote opportunities as a function of member- and chamber-level considerations in the context of bicameralism? Using data on a sample of more than 55,000 House and Senate bills from two early 20<sup>th</sup> century Congresses, preliminary analysis suggests that senators are motivated differently than House members when it comes to constituency service style, although this can be tempered by the institutional electoral and contexts. Also, apportionment generates divergence in the allocation of benefits through private bills across chambers.

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Bicameralism is perhaps the most notable structural feature of legislative politics in the U.S. Yet less scholarly attention has been focused on bicameralism than on other institutional fixtures of congressional politics such as the committee system and political parties, and consequently we know considerably less about its implications. Recent research has begun to fill in some of the gaps in our understanding. For instance, the role of malapportionment – which arises because of the particular system of representation that comprises the federal bicameral structure – and the bias it can introduce has been a recurring theme particularly in the realm of distributive politics. Other characteristics often associated with bicameralism, such as the presence of and dynamics entailed in multi-member districts, have also begun to receive more vigorous scrutiny recently. Research on bicameralism has grappled with questions on both the supply-side, with a focus on changes in member incentives and behavior, as well as in legislative outputs.

In this paper, I build on the efforts of existing scholarship in two primary ways. First, since much of the recent work on bicameralism that incorporates factors other than state size as it bears on malapportionment has been theoretical in nature, the analysis I undertake offers some empirical results that afford an opportunity to assess the traction of these theories. Second, with a few notable exceptions (e.g., Wilson 1986), nearly all the work on distributive politics and bicameralism focuses on the modern Congress. I look back in time in order to both round out our understanding of Congress as an institution and to exploit aspects of the institution's evolution to provide added leverage on the two central questions I begin to address in this paper: (1) In what ways are legislators' decisions about how to apportion their efforts in representing constituents shaped by bicameralism? (2) How does Congress allocate personal vote opportunities as a function of member- and chamber-level considerations in the context of bicameralism?

The paper proceeds as follows. In the next section, I briefly review existing research on bicameralism and the various other institutional features of legislatures that often accompany it. The third section provides some context for considering the turn-of-the-century Congress, which is the period I examine. This is followed by a description of the data and analysis of bill introduction and legislative outputs. The final section provides a brief conclusion.

### **Bicameralism and Distributive Politics in Congress**

As Cutrone and McCarty (2006: 181) observe, “the role of bicameralism in contemporary legislatures has not received the scholarly attention that other legislative institutions have.” They go on to note the important distinction between bicameralism and “other institutional features that are often

packaged with it, such as super-majoritarian requirements, differing terms of office, and malapportionment.” While scholars have been slower to unpack the implications of bicameralism relative to other features of Congress such as parties and committees, a growing body of research examines the implications of bicameralism in Congress, particularly in the realm of distributive politics and focusing on the malapportionment that results from the specific bicameral system in the U.S. I briefly review some of the more prominent threads of this literature, focusing attention on those aspects that I will build upon in my analysis.

First, in what ways does bicameralism engender differences in the representational efforts of legislators? Since members of the House and Senate serve constituencies that are different in both scale and nature, one implication is that they often seek out different kinds of credit claiming opportunities. Lee (2004) develops a theory based on a nuanced assessment of the competing incentives faced by senators and representatives. While the former are well served by state-level programs that are often formulaic in nature, House members seek out project-level targeted benefits for which they can more directly claim credit (such as earmarks). Using data on federal surface transportation funds, Lee demonstrates divergence in both preferences and outcomes in this realm of distributive politics.

Recent theoretical work by Ashworth and Bueno de Mesquita (2006) grapples with a different set of institutional and electoral factors and their implications when it comes to particularism. They derive a series of testable hypotheses from their model of constituency service—namely, that particularistic efforts will be diminished in multi-member districts (MMDs), although the consequences of MMDs may be affected by (a) the degree of partisan competition, (b) whether the delegation is split by party, and (c) the degree to which legislators are able to target a geographic or substantive subset of their district (bailiwick). Taken together, the predictions yielded by their analysis have the potential to significantly expand the range of factors at play in specifying more fully the constituency-oriented activity of legislators.

Scholars have also grappled with questions about outcomes—how the chambers independently and jointly determine the division of particularistic expenditures. For instance, the work of Atlas et al. (1995), Hauk and Wacziarg (2007), Lee (1998, 2000) and Lee and Oppenheimer (1999) documents (among other things) the effects of unequal representation, as small-state bias in the Senate tends to shift policy toward the states that benefit from malapportionment. Ansolabehere, Snyder, and Ting (2003) employ a bargaining model based on the work of Baron and Ferejohn (1989) to show that under certain conditions—supermajority rules in a malapportioned chamber, Senate initiation of bills, and

distributive goods that have spillover effects to neighboring districts—outcomes are biased in favor of small states. In contrast, when bills are initiated in the House and the Senate is not allowed the opportunity to amend, outcomes tend to be relatively equal for House members.

Taken together, this literature provides a set of expectations that both lend themselves to concurrent consideration and provide a vehicle for exploring aspects of the historical Congress. One of the unique aspects of the Congress at the turn of the 20<sup>th</sup> century was the degree to which members were transitioning into modern, career-oriented legislators. A major feature of legislative behavior at this time was a focus on constituent business, much of which centered on private legislation for the benefit of one or few constituents. Using data from an ongoing collection of bills from this period allows me to shed light on the empirical traction of contemporary theories as well as to provide a more complete accounting of congressional development. While the treatment here is descriptively oriented and preliminary in nature, it sets the stage for further analysis and theory-building.

### **An Application to Personal Vote Seeking in the Gilded Age and Progressive Era**

Scholars have observed that during the last decade of the 19th century and the first decade of the 20th century, more and more members of Congress were choosing to make a career out of service in the legislature (Fiorina, Rohde, and Wissel 1975; Kernell 1977). However, a key part of the institutional development story, and one which has received little previous attention, is the amount of service activity pursued by MCs. Historical accounts attest to the fact that members were consumed with meeting the particularistic demands of constituents (White 1958), whether at the individual level through pension claims, land grants, and matters before the bureaucracy or at a broader level through traditional pork-laden bills dealing with public buildings and rivers and harbors. These interests meant that the demands upon the institution became enormous: more than 12,000 bills were introduced in the House in each Congress from 1897 to 1930 (peaking at more than 33,000 early in the 20th century), and a very large proportion of the measures that Congress considered and passed were private in nature. In fact, the sheer volume of private legislation dwarfed that of public business.

Figure 1 plots the number of bills introduced in the House and Senate from 1867 to 1948 (the 40th through the 80th Congresses). Worth noting, first, is that after a general increase in activity from the close of the Civil War through 1890 (51st Congress), the number of bills introduced fell slightly in the early- to mid-1890s (around the time the Australian ballot was introduced), and then resumed a more rapid acceleration through the celebrated 61st Congress (the last of Cannon's tenure as House Speaker).

While the number of bills declined steadily from that point forward, with a slight uptick in the mid- to late-1920s, it did not fall below the low mark set in the 53rd Congress (1893-4) until 1941-2.

[Figure 1 Here]

A glance at the History of Bills and Resolutions in any volume of the House/Senate Journal or Congressional Record from this period testifies to the enormous number of private pension bills introduced. While the universe of private legislation extends beyond pension bills to include measures modifying a soldier's military record (with the intent of making him eligible for a pension), requests for relief (often related to war claims), and a smattering of other topics, the vast majority of private legislation dealt with pensions for former soldiers and their surviving dependents. This is clearly evident upon considering the division of labor among committees in the House and Senate. The panels dealing with private business (predominantly pensions and claims) were the workhorses of their respective chambers. For instance, the vast majority of the House's legislative workload (at the bill level) was handled by the Committee on Invalid Pensions, which saw its referrals increase from 1,262 in the 53rd House to about 10,000 in the 58th and 64th Houses, peaking along the way at nearly 20,000 in the 61st House. While most committees witnessed an increase in bills over the same period, none were as stark as Invalid Pensions, whose share of the House workload rose from 14 percent to roughly half (or in the case of the 61st, 60 percent). While the other committees dealing primarily with private claims also saw an elevated number of bill referrals, the change as a percentage of total bills was comparatively small. The House's division of labor was a bit more nuanced than that of the Senate. In the former, the Invalid Pensions committee handled only claims related to service in the Civil War while claims arising from service in other conflicts were referred to the Committee on Pensions (Finocchiaro 2008). On the other hand, all military pensions were routed through the Senate's Committee on Pensions. As such, this committee managed an even greater proportion of the chamber's business than either of its counterparts in the House. For instance, in the 64<sup>th</sup> Senate, pension bills made up more than 62 percent of the legislation referred to a committee.

### **Data and Analysis**

In order to explore the dynamics of the legislative agenda – both in terms of its composition and the end-game of legislative outputs – I compiled data on all bills introduced by members of the House and Senate in the 58<sup>th</sup> (1903-1905) and 64<sup>th</sup> (1915-1917) Congresses. These congresses are drawn from an ongoing data collection enterprise, and were chosen because they coincide with one congress in which direct election of senators was not in effect, as well as provide a sample that includes variation in

party majority status (Republicans in the 58<sup>th</sup> and Democrats in the 64<sup>th</sup>). Additionally, as indicated in Figure 1, these are fairly representative in terms of the legislative workload relative to contemporaneous congresses. The sample is comprised of all bills introduced in the two congresses: 40,313 in the House and 15,629 in the Senate (resolutions are not included). For each bill, the title, sponsor, committee of referral, and a series of legislative status indicators were coded.

### *Analysis of Bill Introduction*

Figure 1 depicted the stark rise in bills introduced after the turn of the 20<sup>th</sup> century. As described, the lion's share of the legislative agenda was composed of private bills, primarily dealing with pensions of military veterans and their dependents. What was the source of this increased activity? There is no clear explanation in the realm of pension policies themselves, in that nearly all Civil War veterans, who made up most of those on the pension rolls, were eligible shortly after the turn of the century. Thus, one possibility is that members began to seek out and act upon credit claiming opportunities that presented themselves. Hill and Williams (1993) build an argument for private legislation as a tool for constituency service prior to the mid-20<sup>th</sup> century. To what degree did individual members seek out such opportunities by introducing legislation? Of the 51 members who served in both the 53rd and 58th Houses, 45 (or 88 percent) introduced more bills in the latter Congress. The difference for members elected to both the 58th and 61st Congresses is of a similar magnitude, as 75 percent of the 186 returning members introduced more bills in the 61st than they did in the 58th. Another way to look at the data is in terms of the average number of bills introduced. Here again, the pattern of increasing activity is clear. From an average of 24 bills per House member in the 53rd Congress, the corresponding figures rose to 48 and 80 for the 58th and 61st, respectively. Not surprisingly, the number of bills sponsored by an individual member that were referred to the Invalid Pensions Committee reveals much the same dynamic. In the 53rd, the most active member sponsored 46 such bills, and that figure rose to 144 for the 58th and 438 in the 61st.

To begin considering the implications of bicameralism when it comes to representational strategies, I turn to bill introduction. Introducing a bill is relatively costless for legislators, and represents one quantifiable activity geared toward satisfying constituents. Particularly in the realm of private legislation, these efforts are targeted to a specific individual or family (as in the case of a pension bill or legislation to "correct" a veteran's military service record) or perhaps a small group of people (as in the case of a claim for damage to a church or business). Broader (usually public) legislation can carry targeted constituency benefits as well—the most common examples being the types of legislation

reported by the Committees on Public Buildings and Grounds in the House and Senate or the House Committee on Rivers and Harbors. While I consider each of these types of legislation, the analysis that follows centers primarily on private and distributive legislation in that it is in these areas more than others that members garner credit-claiming opportunities (Mayhew 1974) and have the opportunity to build a personal vote (Cain, Ferejohn, and Fiorina 1987).<sup>1</sup> Using bill-level data also affords an opportunity to directly examine a measurable aspect of representation during this period, and as such builds on recent efforts focused on bill-level analyses of the contemporary Congress (e.g., Anderson, Box-Steffensmeier, and Sinclair-Chapman 2003; Krutz 2005; Schiller 1995) as well as samples of historical bills (Meinke 2008, Schiller 2006).

After a descriptive examination of the data, I estimate a series of count models to determine the impact of a variety of variables on the quantity of bills introduced by members of the House and Senate in the 58<sup>th</sup> and 64<sup>th</sup> Congresses. The dependent variable is simply the number of bills introduced at the member level across various classes of legislation. Since the dependent variable is a count that exhibits evidence of overdispersion, negative binomial regression (NBR) is employed as opposed to Poisson regression. The presence of overdispersion is born out in likelihood ratio tests of the alpha parameter.

Building from the literatures on bicameralism and malapportionment (and Ashworth and Bueno de Mesquita 2006, in particular), I am interested primarily in exploring the degree to which (1) multi-member districts (as observed in the Senate), (2) partisan balance in the district, and (3) divided Senate delegations impact the representational choices of legislators. Due to a greater likelihood of free-riding and a more challenging context in which to claim credit, MMDs are hypothesized to diminish legislators' efforts at constituency service. Second, districts that are more competitive are expected to carry with them more efforts on the part of legislators aimed at non-policy responsiveness and service, since personal vote activities can reap rewards with all voters. And third, the portfolios of incumbents in a divided (by party) delegation may be more differentiable, therefore spurring additional constituency service (see also Schiller 2000). Additionally, since this period coincides with the shift to direct election of senators, I examine whether this significant change in the electoral context carried with it corresponding changes in their bill initiation activities. The presence of multi-member districts and the presence of directly elected senators can be accounted for at the model level since I do not pool the data across chambers or congresses. Partisan balance, which I operationalize as competitiveness, is measured based on the state two-party vote for the presidential candidate of the incumbent's party in a proximate election for the Senate since direct electoral results are not regularly available. For the 58<sup>th</sup>

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<sup>1</sup> Appendix A describes the classification of bill type corresponding to the committee of referral.

Congress, I use the 1902 election. Because of the split among Republicans in 1912, I use the 1916 election results to measure partisan balance for the 64<sup>th</sup> Congress. For the House, I simply employ the incumbent's vote share in the previous election, although in future analysis I plan to also measure partisan balance absent incumbent effects by using district-presidential vote. Divided delegations are those in which senators of opposing parties simultaneously represented a state in the Senate. In the systematic portion of the analysis, I also account for other factors that are likely to be associated with legislator activity, including constituent demand, population, membership on the relevant committee, and seniority.<sup>2</sup>

I begin the analysis by examining the aggregate pattern of bill introduction across chambers and time in the two congresses comprising my sample. In the Senate, the mean number of bills introduced was 78 in the 58<sup>th</sup> and 82 in the 64<sup>th</sup>, with a range from 0 to 593 in the former and 0 to 453 in the latter. Of course, the vast majority of bills were private—and among the private bills, most were pension bills. The means were 65 (ranging from 0 to 537) of which an average of 37 (0 to 361) were pension bills in the 58<sup>th</sup> and 66 (0 to 438) of which an average of 52 (0 to 397) were pension bills in the 64<sup>th</sup>. For the House, the patterns are quite similar albeit of less magnitude. The mean number of bills introduced were 34 and 37 (with ranges of 1 to 336 and 1 to 287) in the 58<sup>th</sup> and 64<sup>th</sup> Houses, respectively. On average, pension measures made up a larger share of private bills in the House. The corresponding mean figures for the 58<sup>th</sup> are 35 (0 to 268) and 28 (0 to 157) and for the 64<sup>th</sup>, 40 (0 to 274) and 38 (0 to 257).

It comes as no surprise that on average individual senators sponsored more legislation than their House counterparts since they represent states and therefore typically more constituents. For this reason, it is also worthwhile to look at bill introduction per capita. Particularly as it relates to one of the key hypotheses developed by Ashworth and Bueno de Mesquita (2006) – that constituency service will be diminished in the context of multi-member districts – it seems appropriate to use a benchmark that is more comparable across chambers. Since bill sponsorship is relatively costless for senators, the per capita measure seems appropriate. Table 1 presents the mean number of bills of various types

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<sup>2</sup> Presidential vote data is from Leip (2008). Biographical data on party affiliation, seniority, etc., of members is from Study # 7803 of the Inter-university Consortium for Social and Political Research (ICPSR and McKibben 2007), congressional election returns from Dubin (1998), population data are from the U.S. Census Bureau at <http://www.census.gov/prod/www/abs/decennial/index.htm> (1900 Census, Vol. 1, pg. 2; 1910 Census, Vol. 1, pg. 26), committee membership from Canon, Nelson, and Stewart (1998), and constituent demand—measured as number of pensioners in the district—from various volumes of the Annual Report of the Commissioner of Pensions. District population is determined based on the state population divided by the number of congressional districts. Future analysis will account for district-to-district variation in population due to malapportionment by employing district-level data available in Parsons, Dubin, and Parsons (1990).

introduced by senators and representatives in each Congress. While the raw number of bill introductions is higher in the Senate, this difference is reversed when looking at the per capita measure. In each case, House members introduce more legislation per constituent than senators, and the difference is statistically significant across the board. The ratio is about two-to-one when looking at all bills and private bills, and approximately three-to-one when considering just pension legislation. Thus, although this is not a critical test of the MMD hypothesis, the patterns seem to offer some preliminary evidence that senators provide less representation of this sort than their House counterparts.

[Table 1 Here]

A related point has to do with the important change in the electoral context brought about by the 17<sup>th</sup> Amendment to the Constitution, which was proposed by the 62<sup>nd</sup> Congress (1911-1912) and ratified by the states in the early days of the 63<sup>rd</sup> Congress (April of 1913). The amendment called for the direct election of U.S. senators, and a significant body of literature has grappled with the implications of the amendment (see Gailmard and Jenkins 2009 and Meinke 2008 for recent reviews). While not of primary interest here, the data that I have compiled sheds further light on some of the competing claims—particularly, whether and to what extent direct election impacted senators' behavior. One piece of evidence is observed in Table 1. Not only did House members continue to offer more legislation than senators after ratification, the ratios remained virtually unchanged. Of course, the data does not distinguish between those senators who were originally-selected and chose not to run for reelection and those who did. However, even when the sample is pared down to include only those senators who were in cycle and sought reelection, the pattern remains the same. While the mean level of bills introduced per capita is somewhat higher in the 64<sup>th</sup> Senate relative to the 58<sup>th</sup> Senate, the difference in means is not statistically significant. Interestingly, however, senators who were in cycle and sought reelection in the 64<sup>th</sup> did introduce more bills per capita than their colleagues from the same congress not seeking reelection (for pension bills, the means were 0.00007 versus 0.00004;  $t=1.90$ ;  $p = 0.06$ ; the substantive effects are similar for the other classifications). This is in contrast to the 58<sup>th</sup> Senate, where there was not a distinguishable difference between those in and out of the electoral cycle. What seems to have occurred in the 64<sup>th</sup> Senate was a depressed level of output for senators out of cycle and a ramping up of effort by in-cycle members relative to the 58<sup>th</sup>. Further analysis on the full sample of congresses and bills from this period will afford an opportunity to delve deeper in the relationship between direct election and representation.

While the preceding descriptive results are informative, it is important to assess the degree to which the key variables exert an influence when controlling for other factors. For instance, since bill

introduction of pension legislation should be constrained or exacerbated by the number of veterans in a legislator's district, a fully specified model should incorporate such constituency dynamics when possible. Measures of demand based on constituency characteristics are more straightforward for some types of legislation than for others. The number of veterans is a straightforward analogue to district "need" in this policy area, but it is less apparent how to account (and data is less accessible) for policies such as war claims and public buildings. As such, I focus on pension legislation since I can treat it in a more nuanced fashion. While models are also estimated for distributive bills encompassing broader projects with potential spillover effects such as public buildings, river and harbor projects, and the like (what Ansolabehere, Snyder, and Ting 2003 term "lumpy" distributive goods), these results should be read with more caution in that I do not have a direct measure of constituency characteristics that might account for demand. Appendix A provides a description of the criteria for this classification based on the committee to which the bill was referred.

Table 2 provides a glimpse into the factors that help to explain the degree of activity on the part of individual legislators in offering constituency-oriented legislation in the House and Senate during the period considered here. Partitioning the sample by chamber, congress, and bill type reveals some interesting variation.<sup>3</sup> First, for pension legislation in the 58<sup>th</sup> Senate, the degree of partisan balance (as measured by the statewide presidential vote) exhibits a statistically significant effect, albeit in the opposite direction of the prediction. Rather than more bills being put forward by vulnerable senators relative to their more insulated colleagues, senators from states that are less favorable to their party appear to do less. In contrast, the prediction that senators from a split delegation may seek out opportunities to do more constituent service as they work to build an independent reputation is supported. Personal vote seeking may well be fostered by such constituency-oriented legislation in that the transactional nature of a pension bill provides benefits to individuals and makes a tangible personal vote connection between legislator and constituent. The substantive effect of this variable is to approximately double the number of bills introduced over the baseline. More senior members similarly introduce more bills, as do senators with a large number of veterans in their district and those with a seat on the Pensions Committee. Modifying the value of the explanatory variables from zero to one for dichotomous measures or from one-half standard deviation below the mean to one-half standard deviation above the mean for continuous variables produces an increase of about 20 percent more bills

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<sup>3</sup> The models in Table 2 include all members regardless of occupancy status. Since members often introduced a number of bills at once, punctuated by periods of inactivity, it seemed reasonable to include those who served only a partial term since the first task of many was to introduce a litany of private bills. However, the results are substantively unchanged if the sample is restricted to only those members who served a full term.

due to membership on the committee of jurisdiction and years of service in the Senate. The effect of the veteran population is larger—about 14 bills when moving from a relatively smaller population of veterans (one-half standard deviation below the mean) to a relatively larger one (one-half standard deviation above the mean). Senators whose term was expiring at the end of the current Congress produced no more legislation than their continuing colleagues, perhaps indicating some degree of insulation from the electoral cycle in the years prior to the advent of direct election.

[Table 2 Here]

Turning to the 64<sup>th</sup> Senate, as members who sought a return to the chamber faced direct election and with a Democratic majority in Congress, the factors affecting bill introduction present a different picture. No longer do partisan balance and coming from a split delegation exert a statistically distinguishable impact. Rather, being in the electoral cycle exerts a modest effect statistically ( $p=0.075$ , one-tailed) and substantively (an increase of about 40% in the number of bills introduced). Seniority continues to have a positive relationship ( $p =0.053$ , one-tailed) of roughly the same magnitude, as do the size of the veteran population and whether the senator has a seat on the Pensions committee.

A somewhat different dynamic is evident when we turn to the sorts of distributive legislation that contain more diffuse benefits—rather than targeting a single veteran or his dependents, these bills disperse economic and other benefits across a wider range of the population and geography. Scholars have suggested that these sorts of programs may be of greater interest to senators who serve state-wide constituencies as opposed to House members, in part because the former may more easily claim credit for them (e.g., Lee 2004). The coefficient for partisan balance is perhaps most interesting in this respect, as it changes direction from pre- to post-17<sup>th</sup> Amendment. While indirectly elected senators who came to Congress from highly polarized states sponsored less distributive legislation than their counterparts from states with a more secure partisan landscape, it is senators from more competitive states who are most active after ratification of the amendment, as reflected in the two right-most columns of Table 2. In both cases, the substantive effect in terms of the number of bills is about 30 percent relative to the baseline. Additionally, senators with more experience introduce more of this type of distributive legislation, perhaps suggesting a comparative advantage arising from longer service. Neither split delegations nor seniority produce coefficient estimates approaching statistical significance at conventional levels.

The bottom panel of Table 2 presents analogous estimates for the House. The models do not include the Senate-specific variables capturing Split Delegation and In Cycle. Unlike their counterparts in the upper house, representatives in both the 58<sup>th</sup> and 64<sup>th</sup> Congresses introduced more pension bills

the smaller their electoral margin—suggesting that introduction of bills serving a very narrow constituency was consistently attractive to House members, in line with the logic of Lee (2004). The substantive effect is an increase of about 17 percent in both cases. While seniority does not have a bearing on bill introduction in this case, constituency characteristics and institutional position – represented by the veteran population and membership on one of the House committees dealing with pensions – are associated with greater sponsorship of pension bills. A member with a seat on the relevant committee introduced 50 percent more bills in the 58<sup>th</sup> House and about 115 percent more bills in the 64<sup>th</sup>. The effect of district veteran population increased slightly across the two congresses analyzed—the change in percent of bills introduced when modifying this variable from one-half standard deviation below the mean to one-half standard deviation above was about 40 percent and 50 percent for the 58<sup>th</sup> and 64<sup>th</sup>, respectively.

Finally, the model presented in the two bottom right columns of the table suggest that electoral security also plays a role in the introduction of broader distributive bills, although the direction of influence differs from that of pension bills. The safer the member (and, presumably, the lower the partisan balance in the district) the more distributive bills become a tool for that member. However, the substantive effect is relatively small—in both cases, it is 20 percent or less when varying the measure one-half standard deviation about the mean. Of course, the sample of such bills is comparatively small in the House compared to the Senate, providing perhaps further justification for the thesis that senators and representatives focus on different types of distributive goods when building a personal vote portfolio. In sum, the examination of bill introduction patterns presented here strings together various strands of the literature on bicameralism. As suggested by prior scholarship, senators (who are selected in multi-member districts) engage in less service-oriented activities than their House counterparts. Furthermore, the two chambers appear to emphasize different types of distributive goods—with the House focusing more attention on narrow (even individual) constituencies while the Senate seems to concentrate more attention on broader constituencies. In each case, legislators are responsive to constituent “needs” in that their activities are directly related to constituency and committee characteristics tapping underlying attributes of the state/district. Finally, on occasion the partisan balance of the constituency and the presence of a split delegation also impact the decisions members of Congress make in the realm of bill introduction. While the results in this respect are inconsistent, further analysis based on a larger sample of Congresses and bills may help to clarify the results.

### *Analysis of Outcomes*

The second dynamic of interest in this paper is the degree to which bicameralism influences the outcomes of the legislative process. As described earlier, one of the primary implications that existing scholarship has examined is malapportionment and, more specifically, the potential for small-state bias to emerge as a result. Additionally, scholars have demonstrated that the two chambers at times work to balance one another (Fenno 1966; Shepsle, Van Houweling, Abrams, and Hanson 2009); that the first-mover may be advantaged; that amendment and supermajoritarian rules may shift outcomes in favor of one chamber; etc. (Ansolabehere, Snyder, and Ting 2003). It is beyond the scope of the present paper to delve into each of these factors. However, I begin to explore some aspects of bicameral negotiation and compromise with an eye to future elaboration.

A simple query that may be addressed based on the data at hand is the mode of response when the two chambers conduct legislative business. Table 3 reports the response of the Senate and House for each bill that passed the other chamber. Since pension bills make up the lion's share of the legislative agenda, these measures are considered separately for the 58<sup>th</sup> House. Pension bills are excluded from the 64<sup>th</sup> House data because in the 60<sup>th</sup> Congress committees began substituting omnibus vehicles containing hundreds of the individual bills when reporting them to the floor. Future analysis will incorporate the individual bills reported and amended via the omnibus route, as well as those bills that traverse the conference committee process, which was often utilized in the case of such measures.

[Table 3 Here]

As Table 3 reports, pension bills fared remarkably similarly across chambers. While more than twice as many bills passed the House as the Senate (2,348 versus 1,103), the ratio is still much less than what would be expected based purely on population differences. Each chamber accepted nearly identical proportions of the other's pension bills without amendment, and just a small fraction of bills died or faced amendment once adopted in the originating chamber. In contrast, there is a great deal of variation when it comes to non-pension legislation. The Senate accepted a much larger proportion of House-passed legislation without amendment than did the House for Senate bills in both the 58<sup>th</sup> and 64<sup>th</sup> Congresses, although undoubtedly this is at least partly due to the House's frequent position as first-mover. Another complicating factor to incorporate in future analysis is the degree to which one chamber substitutes the other's legislative proposals for the language of one of its own measures – thereby providing a clearer window into House-Senate dynamics and offering a more direct assessment of amendment rates.

While the data in Table 3 provide a glimpse at inter-chamber interaction, the central question is how bicameralism shapes the process and whether the two chambers produce differing outcomes as a result. To begin addressing this question, I adopt an approach similar to Lee (2004) and Hauk and Wacziarg (2007) and examine the per capita distribution of special pension acts – private bills adopted to benefit individual pensioners – at the state level in the 58<sup>th</sup> Congress. The models include representational controls for state “need” (the number of veterans per capita in the state) as well as whether the state was represented on the relevant pension committee(s) in the chamber, since congressional scholarship generally assumes an advantage growing out of the committee system for those members and states with a seat at the table. Finally, I account for apportionment differences across the chambers by including the reciprocal of state population in the Senate model and raw population for the House. The reciprocal offers a functional form that squares with the conception of the Senate as a body where large states obtain a large number of bills (or money) but less than their “share” in favor of smaller states that are easier by buy off in coalition building (see also Lee 2000). Since the dependent variable is a continuous measure of bills per capita, I employ ordinary least squares regression. The results appear in Table 4.

[Table 4 Here]

The first column presents the estimates for the Senate, where less populous states receive a disproportionate share of pension bills per capita. The substantive effect is roughly a doubling of the bills per capita for the smallest state relative to a state with average population. Somewhat surprisingly, the size of the veteran population in the state does not exhibit a statistically distinguishable effect on how well the state does in the Senate in the realm of private pension bills. However, states with a senator assigned to the Committee on Pensions do see their per capita output increased. The House presents, in many ways, a similar picture. Perhaps most surprising is that more populous states actually do worse in the House as well. However, while the coefficient is statistically significant, its substantive effect is virtually nothing (particularly when compared with the population effect in the Senate). One contrast to the Senate is that the size of the veteran population in the state has a significant impact on the allocation of private bills in the House. Additionally, states represented on one of the two House committees that oversee pensions also garner a greater number of bills per capita in the lower chamber than those states without a seat at the table.

## **Discussion**

While the preceding analysis has been primarily exploratory in nature, the findings suggest that it will be worthwhile to delve further into the effects of bicameralism in this period of congressional history. The results lend support to some of the expectations derived from recent theoretical work on constituency service as well as more long-standing considerations related to delegation characteristics, for example. Furthermore, examining bill introduction in this context may lend further insight into the changing institutional and electoral dynamics of the early 20<sup>th</sup> Century Congress, and the shift to direct election in the Senate in particular. The examination of House and Senate outputs also supports research that has been done on the contemporary Congress, finding a significant effect of malapportionment in the Senate during the historical period examined here.

One possible extension to this analysis, in addition to gathering more data on contemporaneous congresses and tracing the history of non-pension bills across chambers, is to consider in greater detail the conference committee process. Particularly in the 64<sup>th</sup> Congress, when pension legislation was packaged into a handful of omnibus measures by the committee in the chamber that originated the individual bills, it will be interesting to explore the degree to which chambers balanced one another and the factors that gave rise to more or less conflict between the two.

## Appendix: Classification of Bill Types

*Private bills* – include those measures referred to the following committees which predominantly, if not almost exclusively, handle private claims. The most common cases are described.

### Senate Committees

Claims (most private and domestic claims)  
Indian Depredations  
Military Affairs (dealing mostly with changes/corrections to individuals' military service records)  
Naval Affairs  
Pensions (all military-related pensions)  
Private Land Claims  
Revolutionary Claims

### House Committees

Claims (most private and domestic claims not war-related)  
Invalid Pensions (pensions of Civil War veterans and their dependents)  
Military Affairs (dealing mostly with changes/corrections to individuals' military service records)  
Naval Affairs  
Pensions (pensions of veterans of all other conflicts and their dependents)  
Private Land Claims  
Revolutionary Claims  
Revolutionary Pensions (pensions of Revolutionary War veterans and their dependents)  
War Claims

*Distributive bills* – include those measures referred to the following committees whose jurisdictions typically encompass bills with more diffuse benefits than exhibited in private legislation.

### Senate Committees

Coast Defenses  
Commerce  
Fisheries  
Forest Reservations and the Protection of Game  
Geological Survey  
Irrigation and Reclamation  
Public Buildings and Grounds

### House Committees

Irrigation and Reclamation  
Public Buildings and Grounds  
Rivers and Harbors

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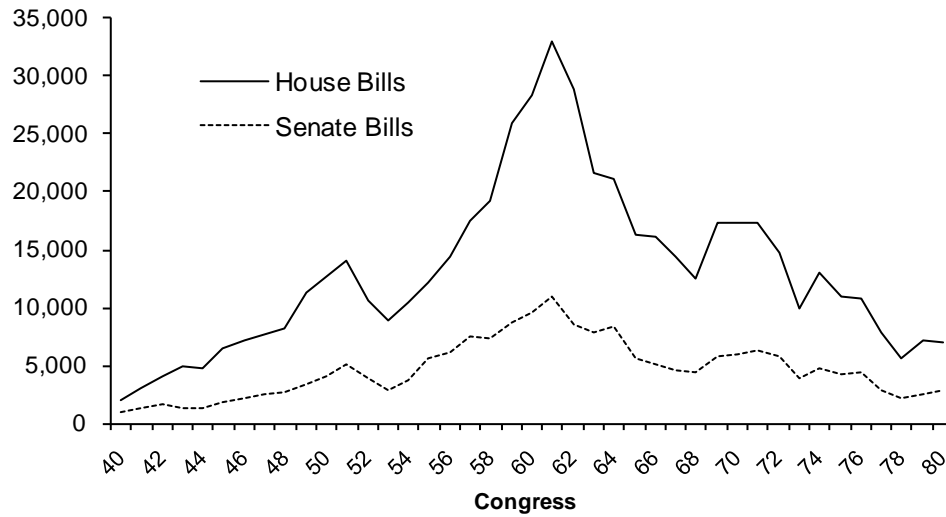
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Figure 1: Bill Introduction, 40<sup>th</sup> – 80<sup>th</sup> Congresses (1867-1948)



Source: History of Bills and Resolutions, *House Journal*, each of 40th through 80th Congresses

Table 1: House-Senate Differences in Bill Introduction, 58<sup>th</sup> and 64<sup>th</sup> Congresses

Mean Bills Per Capita	House	Senate	t-statistic
58 <sup>th</sup> Congress (n=484)			
All types	0.00025	0.00011	5.75*
All Private	0.00017	0.00008	5.02*
Pension	0.00014	0.00005	5.43*
64 <sup>th</sup> Congress (n=538)			
All types	0.00023	0.00009	6.15*
All Private	0.00018	0.00007	5.66*
Pension	0.00014	0.00005	5.11*

Note: t-statistic reflects test of  $H_0: \mu_{(House)} \neq \mu_{(Senate)}$  \*  $p < 0.001$  in each case.

Table 2: Determinants of Bill Introduction, 58<sup>th</sup> and 64<sup>th</sup> Congresses

	Pension Bills		Distributive Bills	
	58 <sup>th</sup>	64 <sup>th</sup>	58 <sup>th</sup>	64 <sup>th</sup>
Senate				
Partisan Balance	0.01* (0.00)	0.00 (0.00)	0.01* (0.00)	-0.01* (0.00)
Split Delegation	1.06* (0.40)	-0.04 (0.39)	-0.15 (0.48)	0.06 (0.26)
Seniority	0.03* (0.01)	0.02 (0.01)	0.03* (0.01)	0.04* (0.01)
In Cycle	-0.08 (0.23)	0.38 (0.26)	-0.04 (0.21)	0.01 (0.23)
Committee Member	0.59* (0.23)	0.44* (0.25)		
Veterans Per Capita	69.25* (19.10)	187.32* (24.60)		
Constant	1.80* (0.35)	1.70* (0.30)	0.69* (0.21)	0.67* (0.24)
N	93	100	93	100
House				
Electoral Margin	-0.01* (0.00)	-0.01* (0.00)	0.01* (0.00)	0.00* (0.00)
Seniority	-0.00 (0.01)	0.02 (0.02)	0.02 (0.01)	0.00 (0.01)
Committee Member	0.47* (0.17)	0.80* (0.20)		
Veterans Per Capita	0.00* (0.00)	0.00* (0.00)		
Constant	2.54* (0.19)	2.32* (0.16)	0.26* (0.08)	0.64* (0.07)
N	383	438	383	438

Note: Dependent variable is the number of bills introduced. Coefficients are estimates from a negative binomial regression, with robust standard errors in parentheses. \*  $p < 0.05$  one-tailed

Table 3: Inter-chamber Outcomes, 58<sup>th</sup> and 64<sup>th</sup> Congresses

Status in Other Chamber	House-Passed Bills	Senate-Passed Bills
	58 <sup>th</sup> Congress (Pension Bills)	
Passed without amendment	93.8%	93.4%
Amended and passed	3.3%	3.5%
Failed to pass	2.9%	3.1%
	n=2,348	n=1,103
	58 <sup>th</sup> Congress (Non-Pension Bills)	
Passed without amendment	61.3%	30.0%
Amended and passed	21.7%	9.5%
Failed to pass	17.1%	60.5%
	n=488	n=526
	64 <sup>th</sup> Congress (Non-Pension Bills)	
Passed without amendment	47.6%	25.3%
Amended and passed	17.6%	18.7%
Failed to pass	34.9%	56.0%
	n=591	n=525

Table 4: Determinants of Pension Bills Per Capita, 58<sup>th</sup> Congress

Status in Other Chamber	Senate Bills	House Bills
Reciprocal of State Population	5.75* (1.48)	
State Population		-4.69e-12* (1.83e-12)
Veterans Per Capita	2.04e-4 (7.97e-4)	1.75e-3* (3.68e-4)
Pension Comm. Representation	3.19e-5* (1.22e-5)	1.06e-5* (5.95e-6)
Constant	1.22e-6 (1.25e-5)	1.65e-5* (5.52e-6)
N	45	45
Adjusted R <sup>2</sup>	0.306	0.404
F-statistic	7.47*	10.96*

Note: Dependent variable is the number of pension bills passed per capita in the chamber. Coefficients are OLS estimates with standard errors in parentheses. \*  $p < 0.05$  one-tailed