

Bias in Conference: Theories of Congressional Organization and Conference Committees*

Ryan J. Vander Wielen & Steven S. Smith[†]

Abstract

The process of resolving inter-cameral differences using conference committees extends to subsets of the membership institutional advantages in policy formation, which generates opportunities for bias. Our paper addresses that bias by measuring the difference between the conference delegations and the parent houses and committees. We take the additional step to see if existing theories of committee bias provide guidance about where we are most likely to find conference delegation bias. We have two principal findings. First, a substantial number of conference delegations appear to be biased. Second, the record is consistent with theories that predict that committee type and party polarization affect delegation bias.

*Please send all correspondence to Ryan J. Vander Wielen. Email: vanderwielen@temple.edu; Phone: 215.204.1466; Post: Department of Political Science, Temple University, Philadelphia, PA 19122.

[†]Ryan J. Vander Wielen is Assistant Professor of Political Science at Temple University and Steven S. Smith is the Kate M. Gregg Professor of Social Sciences and Professor of Political Science at Washington University in St. Louis. We would like to thank Eric Lawrence, Forrest Maltzman, Andrew Martin, and Jason Roberts for their advice and thank Andrew Mitchell, Rob Holahan, and Elizabeth McAlpine for superb assistance.

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Introduction

Students of U.S. congressional politics have long been interested in exploring the policy consequences of legislative institutions. Of particular interest are those institutions that extend procedural advantages to subsets of the membership, as these institutions make it possible for advantaged legislators to exert greater influence over legislative outcomes than excluded legislators. Standing committees have drawn considerable attention over the years for this reason, and some scholars have concluded that committee members can and do move policy away from the median preference of the parent bodies (Weingast and Marshall 1988). Yet, few studies have similarly examined congressional conference committees. This is a remarkable state of affairs considering that conference committees play a central role in structuring outcomes for most important legislation and offer select members considerable autonomy in shaping legislative outcomes.

We seek to improve our understanding of the composition of conference delegations. Only Krehbiel (1991) offers published theory on the specific question of bias in conference committee membership. In this paper, we go beyond Krehbiel's analysis of House conferees by offering new hypotheses and providing an analysis of both House and Senate conferees for the period since the early 1960s. We consider the steps to be quite tentative. Our theoretical contribution is largely critical and our empirical analysis has some unavoidable limitations. Nevertheless, the importance of the subject seems to justify moving forward with the tools at our disposal.

We argue that most major perspectives on committees and conference committees predict at least occasional bias in conference committee composition, although they yield different expectations about *which* conference delegations should exhibit bias. Following Maltzman (1997), we argue that the three major perspectives accurately capture important features of conference committee politics and provide for bias in conference committee membership under certain conditions.

We search for possible conference delegation bias by examining 3,500 House and Senate conference delegations between 1963 and 2002. Our analysis considers the effect of House and Senate committee reforms on delegation bias, the record of delegations associated with the various stand-

ing committees, and the relationship between party polarization and delegation bias. We conclude that while conference delegation bias is not always present, it is common and can be understood in terms of theories of systematic variation in the relationship between committees (and conference delegations) and the parent chambers and parties.

Theoretical Perspectives on Congressional Organization

Conference committee bias interests us only because we believe such bias may have some relationship to outcomes. Bias in outcomes, however, is not readily operationalized. We might conceptualize bias in outcomes as the distance from the median in unidimensional policy spaces or a centroid in multidimensional spaces, but there are considerable complications associated with measuring outcomes and ascertaining the source of bias. To date, there is no reliable metric that allows us to place outcomes and member preferences on a common scale, which limits our ability to measure distances between the two.¹ Moreover, conference delegation bias is only one of many potential sources of bias in outcomes. For example, deciphering the net effect of majority party bias and conferee bias on outcomes is a deserving but challenging task. In this paper, we take the preliminary step of investigating the composition of conference committees.

Only Krehbiel (1991) provides explicit theory about the composition of congressional conference committees in published work. Because conference delegations are comprised primarily of members of the committees of jurisdiction, we turn to theories of the composition of standing committees, including median-legislator theory advocated by Krehbiel (1991), for guidance about the composition of conference delegations. Attributing an account of conferees to theories that were not developed for the purpose of explaining conference composition is treacherous, but it is a useful first step in developing theory about conferees. In each theory, the reliance on standing committees is given a rationale that can be reasonably extended to conference committees. Our review of the theories yields testable hypotheses about conference committee composition.

¹Measuring policy change is a more manageable task, and scholars have employed creative techniques to do so (see, e.g., Cameron 2000). Yet, measuring the distance between an outcome and some point in the policy space (e.g., median ideal point) has proven far more difficult.

Median-Legislator Theory

Krehbiel (1991) tackled the important and difficult problem of conference appointments when others have avoided it. Krehbiel posits that congressional policy making occurs in a unidimensional space in which the median legislator of the chamber dictates institutional arrangements and policy choices. In Krehbiel's account, the median legislator requires information about the relationship between legislative choices and policy outcomes and motivates committee members to provide the information. Conference committees, as extensions of the committee system, exist to generate information and apply expertise that serves the decision-making needs of the median legislator of the parent house. If this is so, then conference delegations should exhibit the same properties deemed desirable for the parent committees. Specifically, conferee delegations, according to this perspective, are expected to be unbiased relative to their parent bodies, and exhibit some degree of heterogeneity of preferences.²

Distributive Theory

Many scholars have characterized congressional policy making as primarily distributive (Mayhew 1974), but the distributive theory of Weingast and Marshall (1988) has been most influential in recent years. It is based on the stylized view of legislators' policy preferences as having been induced by intense external constituencies that place demands on legislators for particularistic benefits. Each type of benefit represents a different dimension and legislators care predominantly about the dimension relevant to the constituency group dominant in his or her home electorate. Each committee's members reflect the biases of their constituencies on matters within the jurisdiction of the committee, and legislative outcomes reflect those biases.

Weingast and Marshall's theory concerns a unicameral legislature and therefore the theory is silent on the question of conference delegation bias. One possible bicameral elaboration is that constituency interests are identical for the two houses. If so, the two houses would create parallel committee systems and generate identical legislation. Alternatively, differences in constituencies and terms of office might produce different jurisdictional alignments in House and Senate committee

²Heterogeneity, a feature of standing committee said to contribute to the generation of information, is not discussed directly in Krehbiel's chapter of conference committees. It is not clear why it should be less important at the conference stage than at earlier stages.

systems and yield somewhat different legislation. Still, given the logrolling *modus operandi*, we might not expect conferences to be necessary.

Conference committees are common so we assume that distributive theorists could construct a rationale for them. With memberships of homogeneous outliers, the corresponding House and Senate committees would yield similarly biased conference delegations. High demanders dominate both the committees of origin and the associated conference delegations by extension.

The only published empirical work that offers a test of distributive theory in the context of conference committees is Krehbiel's examination of House conferees (Krehbiel 1991). That analysis suffers from flaws that we correct for in this study. Krehbiel controls for membership on the committee of origin in his model predicting conferee selection. Unfortunately, if committee membership is heavily biased and homogenous, as distributive theory provides, it is inappropriate to control for committee membership in estimating the effect of preferences. Second, the Krehbiel analysis does not include the Senate. Given that outcomes of conference are contingent on interaction between delegations from both chambers, any hope of connecting conferee bias to outcomes is forsaken in a single-house analysis (for another prominent single-house analysis, see Shepsle and Weingast 1987a).

Partisan Theory: Externalities

A third account is a by-product of an effort to explain the presence of parties and leaders in the House and relate their functions to the committee system (Cox and McCubbins 2007). Legislative parties are formed in response to collective action problems associated with the electoral interests of legislators. In particular, legislators of the same party recognize that the party record – the “actions, beliefs, and outcomes commonly attributed to the party as a whole” – affects their own electoral prospects (Cox and McCubbins 2007, 102). Legislative parties organize to promote the party record, which is accomplished through legislating and other means.

According to Cox and McCubbins, a party's leaders have reason to assign loyal legislators to those committees whose legislative activity is likely to reflect on the party record. Consistent with Shepsle (1978), Ray and Smith (1983), and Maltzman (1997), Cox and McCubbins find that a record of party loyalty is most strongly related to assignments to the “control” committees – Appropriations, Rules, and Ways and Means. This pattern is inconsistent with the self-selection

emphasis of distributive theory and the non-partisan focus of median-legislator theory. For committees whose jurisdictions are composed of narrowly targeted issues, Cox and McCubbins suggest that the logic of distributive politics may apply (2007, 177-178).

Left with Cox and McCubbins' analysis of party loyalty in committee assignments, we might predict that the control committees would be stacked with loyalists. This possibility is not addressed theoretically. Instead, Cox and McCubbins provide an analysis of the policy externalities (uniform, mixed, and targeted) of issues falling under the jurisdiction of standing committees, where jurisdictions with uniform externalities are of interest to all legislators and targeted externalities of interest to a narrow subset of the membership. They argue that parties, which seek to maximize seats, will not discriminate among legislators in making appointments to uniform externalities committees. That is, a party works to enhance partisans' electoral prospects by constructing uniform externalities committees in a fashion that reflects the competing views within the party, as opposed to exclusively pursuing policy objectives (e.g., the party's median ideal point).

Squaring the expectation (and finding) that loyalists are more competitive for top committee assignments than other legislators with the expectation (and finding) that no policy-related or factional discrimination is applied to those committees is not easy and Cox and McCubbins do not attempt to do so. If we settle for their analysis of externalities and committee composition, their expectation for the composition of uniform externalities committees does not appear to be substantially different than Krehbiel's. Cox and McCubbins theorize that uniform externalities committees will have "contingents that are microcosms of their party caucuses" (2007, 184), and thus we can infer that these committees will be generally representative of the chamber.³ Conversely, for committees with targeted externalities, Cox and McCubbins' expectations are similar to Weingast and Marshall's in that they suggest that party leaders can best maximize seats by appointing to tar-

³When the ratio of majority to minority party members is the same on committee as it is on the floor, than the proposition that contingents will be "microcosms of their party caucuses" yields an expectation identical to Krehbiel's. We know, with exception of the Rules committee in the House and the ethics committees in the House and Senate, that party ratios on committees have closely tracked party ratios on the floor throughout most of the twentieth century (Poole and Rosenthal 1997). However, at times the majority has claimed a disproportionate number of seats on some committees. Therefore, we should expect Cox and McCubbins' argument to allow for more bias than Krehbiel's, but only if there are sufficient levels of (1) party seat advantage on the committee above that suggested by the party ratio of the floor and (2) party polarization.

geted externalities committees those members with the strongest interests and permitting them to “do what they will” (2007, 178). Only for the committees with mixed externalities do we get intermediate expectations that do not fit into the pure distributive or median-legislator theories.

Although Cox and McCubbins do not address the composition of conference delegations, party leaders should be no less motivated to protect the party record (by considering externalities) at the conference stage than at the committee stage of the decision-making process. If so, then composition of conference delegations should parallel the composition of committees. That is, as the uniformity of externalities associated with conference committees increases, we should expect a decrease in the bias exhibited by each party’s contingent on the conference committee relative to the party. In turn, when externalities are uniform and each party’s conference contingent representative of the party, then the entire conference delegation is likely to be representative of the parent chamber.

It bears notice that partisan-externality theorists, like distributive and median-legislator theorists, have little to say about the Senate. The Senate’s supermajority requirement for cloture serves as an important barrier to majority party control of that chamber and its rules. Nevertheless, the electoral foundation for legislative parties appears to apply equally well to the Senate and should be evident in assignment decisions and the composition of committees and conference delegations.

Partisan Theory: Policy Coalitions

Schwartz (1989) views a legislative party as a long-term policy coalition. Shared policy interests, over the long term, are served by organizational collaboration and some short-term policy sacrifice by legislators. Schwartz’s original and unpublished exposition of the theory can be elaborated in the direction taken by Cox and McCubbins – some issues are central to the coalition and party leaders give their attention to those issues. On such issues, a party would exploit its ability to appoint a majority of its chamber’s conferees to bias the location of the median conferee in its favor.

A variation on this partisan theory is the conditional party government thesis (Rohde 1991, Aldrich and Rohde 2000). As the two legislative parties become more polarized (i.e., as intra-party homogeneity and inter-party distance increase), party leadership is granted more authority by the rank-in-file membership to pursue partisan causes. Accordingly, we should expect to see more partisan influence, relative to the underlying distribution of preferences, as party polarization

increases. This may come in two forms. Party leaders may influence conferees so that they are more supportive of the party than their preferences would dictate. Second, party leaders may manipulate the composition of conference delegations so that the delegations, acting according to their preferences (perhaps even with some leadership pressure), produce legislation more favorable to the party (Carson and Vander Wielen 2002).

With our data, we can observe only the effects of the second form of influence – the manipulation of conference delegation composition. Controlling for changes in the overall alignment of preferences, conditional party government thesis predicts that polarization is positively related to the pro-majority party bias in the location of conference medians. Polarization itself reduces the distance between the chamber and majority party medians, so we must control for this when looking for evidence of partisan manipulation of conference delegations. If the majority party leadership is more manipulative under conditions of polarization, then the leadership should be able to pull the delegations median in its direction beyond that which would be expected from the overall alignment of preferences.⁴

Hypotheses

The propositions about conferee bias suggested by the theories of committee and conference delegation bias are as follows:

- *The Median-Legislator (Krehbiel) Proposition.* Conferees are *unbiased* sets of legislators relative to the parent chambers and exhibit variance in policy preferences similar to that of the parent chambers and committees.
- *The Distributive (Weingast and Marshall) Proposition.* Conferees are *biased* sets of legislators relative to the parent chambers with respect to the issue dimension relevant to legislation in conference.

⁴It is worth noting that the polarization thesis has been applied to both houses but its relevance to the Senate has been questioned. Brady and colleagues (Brady, Brody, and Epstein 1989, Brady and Epstein 1997) argue that the assertiveness of the Nelson-Aldrich leadership group at the end of the 19th and beginning of the 20th century was the product of party polarization. However, Smith and Gamm (2001) argue that Senate rules do not allow the majority party leadership to acquire the procedural advantages required to transform a cohesive party into centralized leadership.

- *The Partisan Theory: Externalities (Cox and McCubbins) Proposition.* There is a *negative* relationship between the uniformity of the externalities associated with the conference committee and the bias of the conference delegation relative to the chamber.
- *The Partisan Theory: Policy Coalitions (Schwartz) Proposition I.* There is a *positive* relationship between the uniformity of the externalities associated with the conference committee and the bias of the conference delegation relative to the chamber.
- *The Partisan Theory: Policy Coalitions (Rohde) Proposition II.* There is a *positive* relationship between party polarization and the pro-majority party bias in conference delegations (relative to the chamber), controlling for the distance between the chamber and majority party medians.

Data and Methods

We compare the policy positions of conference delegations with those of their parent chambers for the period 1963-2002 – the 88th – 107th Congresses – for both House and Senate. Our purpose is to explore the conference composition predicted by the competing theories.

The data include 3,500 House and Senate conference delegations and 1,750 conference committees. Delegation membership for both houses was coded from the House *Final Calendar* for each Congress. Occasionally, one house appoints conferees and the other house does not so no conference convenes. Such cases are excluded from our analysis. For this preliminary report, we also include only those delegations on which all conferees are full participants. Delegations on which conferees are assigned voting rights for only parts of the legislation (limited authority conferees) are excluded. The result is that many delegations in recent Congresses, including budget reconciliation conference delegations, are not accounted for in this analysis.⁵ This less-than-desirable exclusion allows us to readily determine the median legislator for each delegation and compare the delegations over time. These delegations warrant special consideration in future study.

⁵The vast majority of these delegations concern multiple-committee measures (often bills subject to multiple referral in the House) that almost certainly are high in importance and particularly relevant to party records. Therefore, excluding these conferences is likely to disadvantage partisan theories in this analysis.

For this analysis, we use first-dimension common space scores (derived from W-NOMINATE scores). We use Poole’s common space scores to facilitate comparison of House and Senate delegations to one another and across time (Poole 1998).⁶ Ideally, when examining policy positions, we would instead use measures of preferences that would allow us to compare conference delegations with the parent chambers on the policy dimensions relevant to each bill in conference. This is, after all, a central component to some of the theories discussed above. Unfortunately, we are unable to measure the preferences in the specific policy space of each bill, given the statistical and computational complications associated with doing so.⁷ Other analysts have attempted to characterize committee preferences on scales that are generally related to a committee’s jurisdiction – interest group ratings or scales calculated from the floor voting record associated with each committee’s bills (Krehbiel 1991, Cox and McCubbins 1993, Maltzman 1997). Each of these measures has strengths and weaknesses that are appreciated by the analysts.

In effort to address this important issue, we supplement our analysis by examining the subset of conference committees associated with bills that have a close correspondence to the first dimension of the common space. Specifically, for this portion of the analysis we restrict the dataset to those conferences in which the first dimension common space correctly classifies at least 80 percent of the roll call votes on at least one corresponding vote on final passage or the conference report. While this requirement severely reduces the number of observations ($n = 520$), we can be reasonably confident that our measure of preferences is on the relevant dimension for these conferences.⁸ As will be demonstrated below, the analysis of the restricted data yields results that are substantively

⁶Common space scores assume that legislators who serve in both houses have identical policy positions in both houses. This assumption anchors the estimations of policy positions and allows representatives and senators to be placed on the same scale. Worth noting is the fact that the scores are based on roll-call votes and so are endogenous to the politics we seek to characterize. Endogeneity is a source of measurement error that makes it more difficult to find significant relationships of the kind theory predicts.

⁷In order to estimate ideal points for every bill, one would need to have a sufficient number of votes associated with the bill (e.g., amendments, etc.), and even then convergence does not guarantee that the resulting ideal points will be informative considering the potentially sizable errors.

⁸The 105th – 107th congresses are not included in the restricted dataset, as we do not presently have the data that identifies all votes on final passage and the conference report associated with each conference.

similar to that of the unrestricted data.

We proceed in two stages. In the first stage, we determine whether conference delegations are biased relative to their parent houses and whether House and Senate delegations show similar bias when it occurs. We define a delegation as biased if the median of the delegation falls outside the middle quintile of the parent body. We operationalize bias in this way because delegations are often quite small (frequently, just three members), and requiring that biases be larger than expected by chance would be an unreasonable threshold. Legislators, of course, do not concern themselves with statistical significance of the bias present in delegations, and this definition, we believe, captures a standard of bias that legislators would recognize as politically significant.

In the second stage, we provide a multivariate analysis with the goal of estimating the effects of externalities and party polarization on differences between conference delegation and parent body medians. We do so for both houses, using robust standard errors to correct for heteroskedasticity.⁹ We use two dependent variables, both the real and the absolute value of the difference between the conference delegation median and the median of the two parent bodies. The real difference is measured as the pro-majority party bias, and is positive when the conference delegation median is on the majority party medians side of the chamber median. The absolute value allows for conference biases to occur in both directions from the chamber median, as permitted by partisan-externalities theory (i.e., there is no directional prediction for bias on targeted externalities committees).

In order to test the relationship between conference composition bias and externalities, we require a measure of the breadth of policy externalities. Ideally, such a measure would allow variation from conference to conference as the legislative issues vary. Unfortunately, we have no such measure, so we instead measure the jurisdiction of the standing committee associated with each conference. We use a measure of relative committee attractiveness calculated by Groseclose and Stewart (1998, 1999), which accounts for transfers among committees. The “Grosewart” coefficient surely reflects the scope of externalities and salience of committee jurisdictions. Large,

⁹We find evidence of contemporaneous correlation in errors across the House and Senate equations using the Breusch-Pagan test. This suggests that we would have more efficient (smaller) standard errors estimating the equations using seemingly unrelated regression (SUR). The SUR approach yields even stronger results (smaller corresponding p -values), which are available upon request. However, there is considerable evidence of heteroskedasticity, which cannot be properly accounted for in the SUR model using statistical packages, and therefore we adopt the more conservative estimation method – OLS with robust standard errors.

positive scores indicate greater attractiveness, and thus increasing uniformity of externalities.¹⁰ Certainly there are circumstances in which the externalities of a conference committee do not perfectly conform to the aggregate measure of externalities for the standing committee of origin, but given the issue congruence between the two we should generally expect them to be closely aligned.

The party polarization theory provides that as inter-party heterogeneity and intra-party homogeneity increases party leaders are empowered to pursue partisan objectives more aggressively – in this case, to more aggressively manipulate conference delegation membership. We measure polarization by incorporating the conditions of inter-party divergence and intra-party cohesiveness in a single measure:

$$\frac{|party\ median_{maj} - party\ median_{min}|}{\sqrt{sd_{maj} \cdot sd_{min}}}$$

In using a single variable to capture these conditions, we (a) are able to capture the full meaning of the condition in conditional party government arguments and (b) avoid the problem of collinearity between the separate indicators during this time period.

In estimating the effects of committee externalities and party polarization on conference delegation bias, we control for the number of conferees in delegations, the identity of the majority party, and, for the House, the effect of 1975 and 1977 reforms instructing the Speaker to appoint delegations representing House opinion. The majority party is coded 0 for Democratic and 1 for Republican; pre-/post-reform is coded 0/1.

Findings

Frequency of Biased Delegations

Figure 1 presents a summary of the proportion of conference delegations between 1963 and 2002 in which the median conferee is outside the middle quintile for both the House and Senate. The lines lighter in shade represent results for the restricted data, in which only those conferences that strongly correlate to the first dimension are considered. The record demonstrates that a sizeable

¹⁰Groseclose and Stewart (1998, 1999) estimate the value of House and Senate committee seats between the 81st and 102^d congresses. We use these estimates for all congresses in our analysis.

proportion of delegations in both chambers exhibit bias across the period of analysis. Figure 2 suggests that the magnitude of the distance between the conference and chamber medians is quite significant. Moreover, House and Senate delegations show similar bias in a substantial number of conference committees, as shown in Figure 3. When House and Senate delegations are biased in the same direction, outcomes are more likely to be negotiated in conference to the boundaries of the joint House-Senate winset. Overall, 12.9 percent of the conferences in the unrestricted data and 12.7 percent of conferences in the restricted data involve House and Senate delegations with bias in the same direction for the period of analysis. In each figure, rates of bias for the restricted and unrestricted conferences are astonishingly similar across time.

[INSERT FIGURES 1, 2, AND 3 HERE]

We draw the inference that there are too few biased delegations to be satisfied with distributive theory and too many biased delegations to rest with median-legislator theory. While we arrive at the same conclusions from the results of both datasets, the results of the restricted data are a more appropriate test given the requirements of unidimensionality in median-legislator theory and bill-specific dimensionality in distributive theory.¹¹ Moreover, there are trends that bear further examination. Thus, there is reason to proceed to tests of propositions specifying systematic variation in delegation bias.

The Effects of Committee Externalities and Party Polarization

Estimates of the effects of committee externalities and polarization on pro-majority party delegation bias are reported in Table 1. The right-most columns contain the estimates for the restricted data, which are strikingly similar to the unrestricted estimates. The first feature of the estimates to notice is that the models explain only a fraction of the variation in conference bias, which suggests that there remains much to uncover.

¹¹Conferences associated with votes (final passage or conference report) on which a single dimension successfully classifies a high percentage of roll calls can be categorized as predominantly unidimensional, thus satisfying the median-legislator requirement of unidimensionality. Distributive theory predicts conferees to be outliers on the relevant dimension, and high classification of roll calls by the left-right dimension further suggests that it is the relevant dimension for the given bill.

The coefficient for committee externalities, *Grosewart Coefficient*, is negative and significant for the House and Senate in both the restricted and unrestricted models. That is, conference delegations from committees with uniform externalities are closer in proximity to the floor median than conferences from targeted externalities committees. While partisan-externalities theorists (like distributive theorists) do not assign directionality – pro- or anti-majority party – to the bias they forecast, this finding suggests that bias on targeted externalities conferences systematically favors the majority party. This is not terribly surprising considering that the majority party has a numerical advantage on conference committees, and is the agent for selecting its contingent. Furthermore, both the House and Senate coefficients exhibit a nontrivial effect. For instance, the restricted House model predicts that a one standard deviation increase in the Grosewart coefficient from its mean, which is approximately analogous to a move from Energy and Commerce to Appropriations, results in a conference delegation with less than half the pro-majority bias, *ceteris paribus*. The Senate results suggest even greater movement.

[INSERT TABLE 1 HERE]

Party polarization also has the predicted effect in the House for both the restricted and unrestricted models – as polarization increases the pro-majority party bias in conference delegation medians increases. The relationship holds even when we control for the distance between the chamber and majority medians, which exhibits the expected powerful effect on the location of conference medians. Again, the effect of polarization is not inconsequential. The restricted House model predicts that a transition from the low point of polarization during the period of analysis, the 92^d Congress (1971-1972), to the high point, the 107th Congress (2001-2002), results in an increase of pro-majority bias by a factor of six. Interestingly, polarization proves statistically significant in the Senate for both the restricted and unrestricted models as well, lending some support to Brady and others who have asserted the relevance of the conditional party government thesis in the Senate.

The estimates reported in Table 1 for the unrestricted House model also are consistent with the view that the reforms of the 1970s yielded more delegations biased in the direction of the majority party. That is, relative to the experience of the 1960s and early 1970s, conference delegation medians have shifted toward the majority party’s median since the 1970s. Broadly speaking, this appears consistent with the conditional party government thesis and accounts of Rohde (1991).

Interestingly, after controlling for polarization the *Republican Majority* variable in the unrestricted House model is negative and statically significant. This suggests that under analogous levels of polarization, Democratic majorities are more likely to appoint biased conference delegations than Republican majorities in the House. Since conditional party government theory rests solely upon conditions of polarization, and not on any characteristics intrinsic to the parties, this finding, while perhaps counterintuitive, is not contrary to the polarization thesis. Neither the reform nor the Republican majority variables are statistically significant in the House restricted model, although the Republican majority variable is negative and statistically significant in the Senate restricted model.

The partisan-externalities theory, as discussed above, does not predict the directionality of bias, so we must briefly inspect parallel estimates for a non-directional measure of bias (Table 2). Similar results are obtained for this test of committee externalities: Conference delegations associated with uniform externalities committees show less bias than delegations associated with targeted externalities committees.

[INSERT TABLE 2 HERE]

Conclusion

Most recent theories of legislative decision making fail to explicitly account for an important stage in the legislative process – the conference stage. Nevertheless, the theories have implications for the composition and behavior of conference committees. Yet, remarkably little published work is devoted to extending these theories or building new theory about conference delegations. This is particularly surprising considering the critical role conference committees play in shaping legislative outcomes for most important legislation. Our purpose has been to restart the program of research by taking an expansive view of the relevant theories, critiquing them, deriving testable propositions, and providing some empirical observations about patterns of delegation bias.

We have two principal findings. First, a substantial number of conference delegations appear to be biased, but this bias is not constant across all conferences. Second, the record is consistent with theories that predict that committee externalities and party polarization affect delegation bias. While we are reluctant to link conference composition to legislative outcomes based upon this analysis, these findings suggest at the very least that conditions exist for conferees to move

legislative outcomes away from their parent chamber's median. Furthermore, these conditions appear to be related to partisan goals.

These findings caution against treating theories of party effects in Congress as mutually exclusive. While partisan-externalities theory is driven by the assumption that legislators' immediate concern is reelection and partisan polarization theory is grounded in the assumption that legislators' policy considerations drive party activity, the evidence is consistent with the view that legislative parties pursue both electoral and policy goals. Variation in the bias of conference delegations may at times reflect a party's response to legislators' demands and at other times be the result of manipulation in the interest of the majority party's collective policy objectives.

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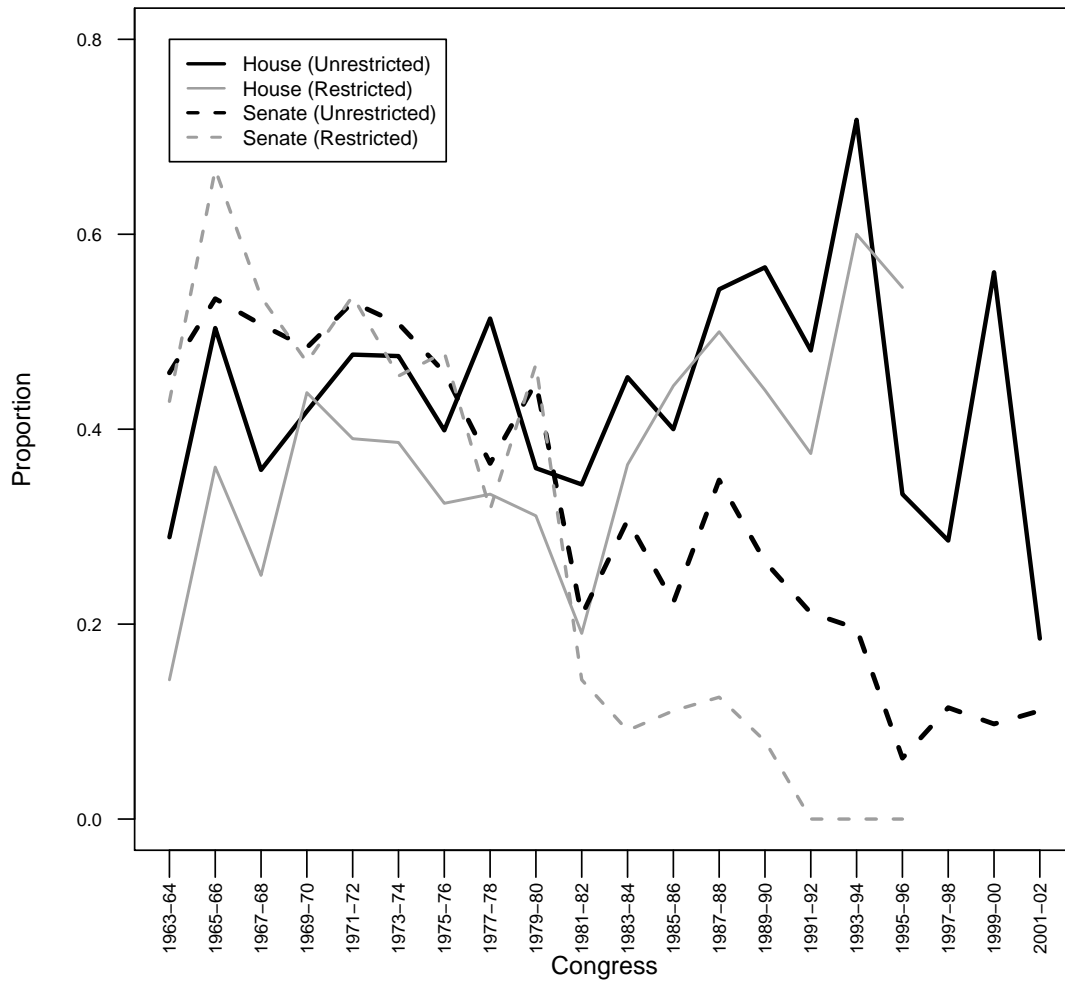


Figure 1: *Proportion of Biased Conference Delegations*

Notes: A biased delegation has a median outside the middle quintile for the chamber. “Unrestricted” data include all conferences, and “Restricted” data include only those conferences that strongly correlate to the first dimension common space.

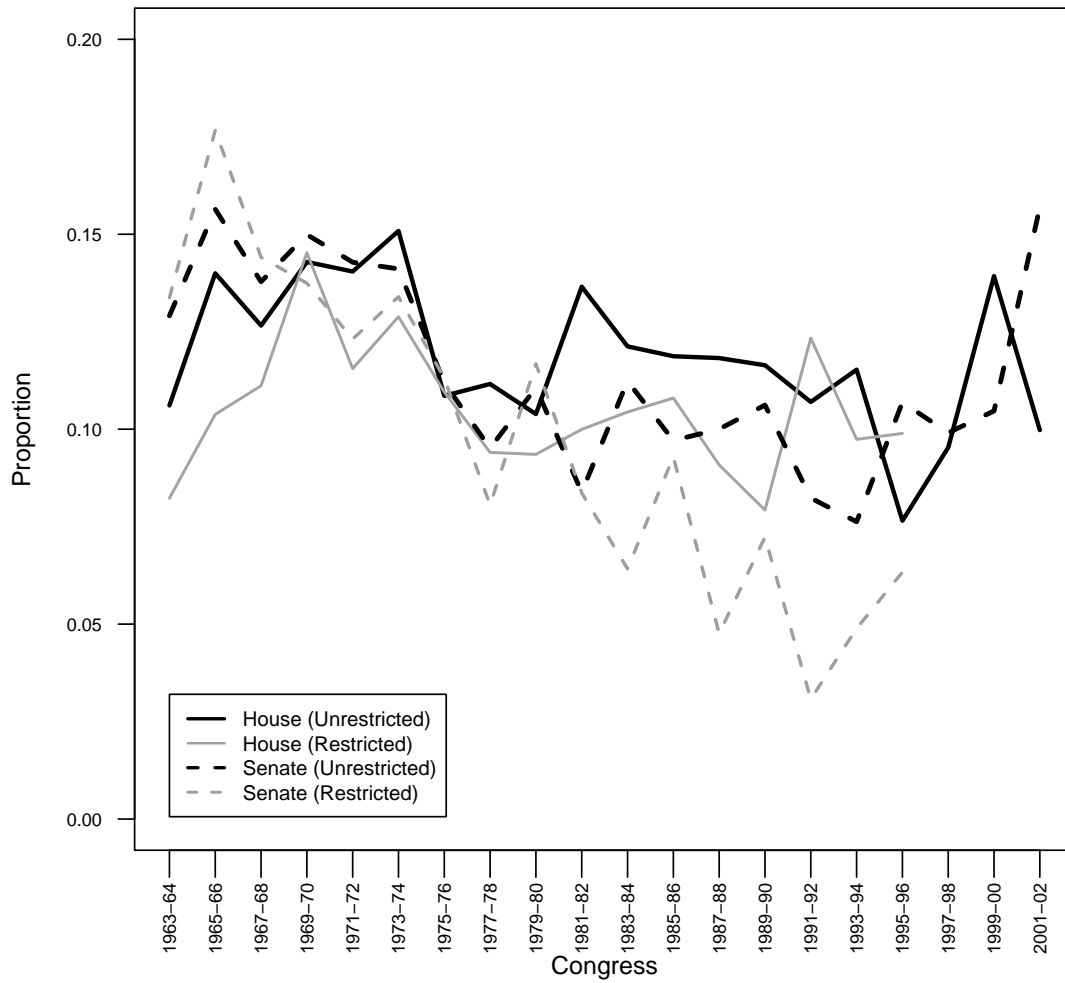


Figure 2: *Mean Bias in Conference Delegations*

Notes: Mean absolute difference between delegation and chamber medians. “Unrestricted” data include all conferences, and “Restricted” data include only those conferences that strongly correlate to the first dimension common space.

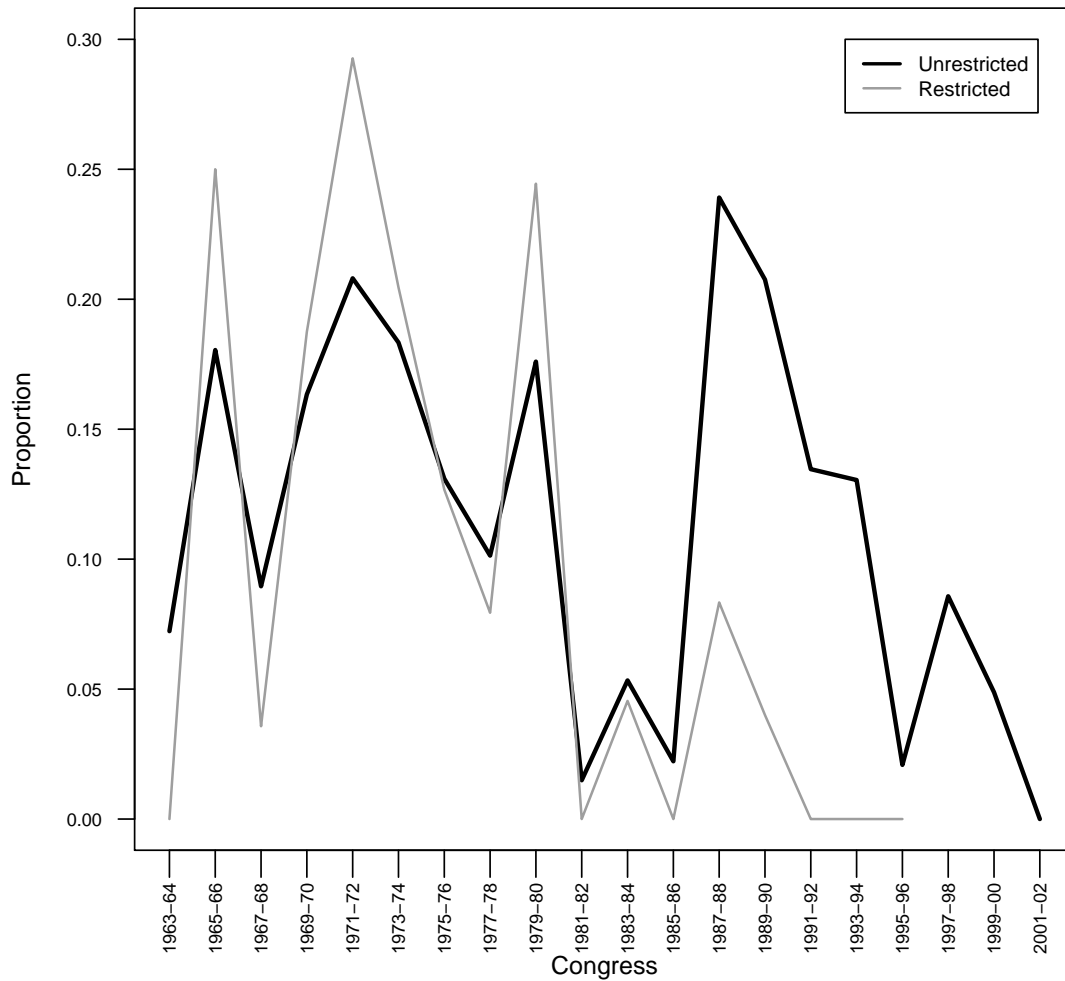


Figure 3: *Proportion of Conferences in which both House and Senate Delegations are Biased*

Notes: Bias exhibited in the same direction outside of the middle quintile of parent chamber. “Unrestricted” data include all conferences, and “Restricted” data include only those conferences that strongly correlate to the first dimension common space.

Table 1. Influences on Pro-Majority Party Bias in Conference Delegation Medians

	Unrestricted		Restricted	
	House	Senate	House	Senate
Groswart Coefficient	-.0089* (.0015)	-.0601* (.0035)	-.0134* (.0026)	-.0580* (.0066)
Polarization	.0491* (.0096)	.0421* (.0065)	.0658* (.0167)	.0575* (.0125)
Distance Between Majority Party and Chamber	.5320* (.0604)	.9594* (.0711)	.4386* (.0937)	.8502* (.1381)
Number of Conferees	.0017 (.0009)	.0015* (.0006)	.0001 (.0009)	.0013 (.0010)
Republican Majority	-.0697* (.0172)	-.0772 (.0108)	-.0586 (.0337)	-.0606* (.0171)
Post-Reform Period	.0423* (.0093)0068 (.0141)	...
Constant	-.2366* (.0333)	-.2534* (.0217)	-.2269* (.0537)	-.2883* (.0413)
R^2	.0847	.2381	.1019	.2282
F -Statistic	32.64	110.80	9.55	28.25

Notes: Columns labelled “Unrestricted” show results for model including all conferences for the period of 1963-2002. Columns labelled “Restricted” restrict analysis to only those conferences in which the first dimension common space correctly classifies at least 80% of the votes cast on at least one corresponding final passage or conference report vote for the period 1963-1996.

Robust standard errors are shown in parentheses.

Dependent Variables – pro-majority party distance between the median of the conference committee and the median floor member. When the distance between the conference committee median and median floor member is positive, the conference committee median lies on the majority party median’s side of the chamber median.

* $p < .05$

Table 2. Influences on Bi-Directional Bias in Conference Delegation Medians

	Unrestricted		Restricted	
	House	Senate	House	Senate
Groswart Coefficient	-.0150* (.0010)	-.0164* (.0024)	-.0143* (.0018)	-.0199* (.0046)
Polarization	.0205* (.0068)	-.0083 (.0045)	.0241* (.0121)	-.0360* (.0076)
Distance Between Majority Party and Chamber	.1366* (.0340)	.0918 (.0487)	.1156* (.0560)	-.0778 (.0881)
Number of Conferees	-.0013* (.0004)	-.0025* (.0005)	-.0013* (.0005)	-.0039* (.0007)
Republican Majority	-.0311* (.0128)	-.0128 (.0074)	-.0286 (.0245)	.0076 (.0107)
Post-Reform Period	-.0036 (.0055)	...	-.0058 (.0082)	...
Constant	.0786* (.0218)	.1670* (.0160)	.0635 (.0375)	.2941* (.0279)
R^2	.1388	.0743	.1531	.1841
F -Statistic	48.92	40.85	12.20	36.39

Notes: Columns labelled “Unrestricted” show results for model including all conferences for the period of 1963-2002. Columns labelled “Restricted” restrict analysis to only those conferences in which the first dimension common space correctly classifies at least 80% of the votes cast on at least one corresponding final passage or conference report vote for the period 1963-1996.

Robust standard errors are shown in parentheses.

Dependent Variables – absolute distance between the median of the conference committee and the median floor member.

* $p < .05$