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### CHAPTER 13

#### THE SPATIAL THEORY OF LEGISLATIVE POLITICS\*

For many years, only members from agricultural regions, lobbyists for farm groups, and officials in the Department of Agriculture paid much attention to federal farm policy. In recent years, however, federal subsidies, import quotas, and other favorable policies for America's farmers and ranchers became controversial. Concern about large federal budget deficits led presidents and members from urban areas to target farm programs for spending cuts. The debate about farm programs reached a critical point in 1990, when the farm programs had to be reauthorized by Congress and when President Bush and Congress decided that something dramatic had to be done about the deficit. And the debate was rekindled in 1993, when President Clinton's Secretary of the Interior, Bruce Babbitt, attacked the cheap fees charged to ranchers for grazing herds on land owned by the federal government.

In this chapter I use the battles over the 1990 farm bill and the 1993 grazing policy proposals to illustrate the mix of national and local forces at work in congressional politics. In the case of the 1990 farm bill, the traditional trio of farm members, farm lobbyists, and department officials was overwhelmed by pressures to do something about the deficit. In the case of the 1993 struggle over grazing policy, a group of Western-state senators was able to block legislation that they deemed unfavorable to ranchers' interests.

Before turning to these episodes, I introduce a more formal way of depicting legislative politics: spatial theory. Spatial theory provides a way of understanding legislators' strategies. The purpose of the theory and its assumptions are to identify the most critical features of a legislative battle (the legislators' legislative objectives, the rules used to make decisions, and so on) and to generate predictions for the behavior of the players. We also discover that many of the themes of previous chapters can be expanded and clarified with spatial theory.

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\* Authors' note: This chapter is adapted from the first edition of *The American Congress* and did not appear in the second edition.

## Basic Concepts

Much of congressional politics has geometrical characteristics. For example, when we speak of the Democrats on the left and the Republicans on the right, we have in mind an ideological continuum—a line—along which we can place members of Congress. We also speak of members' positions in two-dimensional spaces. We say that a senator is conservative on economic issues but liberal on social issues. A Republican senator might be positioned close to most of his Republican colleagues on one dimension but is some distance from most of them on the other dimension. We could think of members being positioned in a three-dimensional space by adding, say, a dimension on foreign policy issues.

Political scientists have taken advantage of these geometrical characterizations in spatial theories of legislative politics. The theories provide a way to represent the placement of individual members, the institutions, and the likely policy outcomes. For the most part, the theories conform to our intuition about how legislative politics works, but sometimes the theories clarify aspects of legislative politics that we would not understand with a more fully developed theory. In recent years, the theories have helped political scientists describe and explain the power of committees, the leeway of bureaucratic agencies, presidents' veto strategies, and congressional responses to Supreme Court decisions, among other things.

## Preferences and Strategies

Spatial theories assume that legislators and presidents have preferences about policy outcomes.<sup>1</sup> Their preferences may reflect personal beliefs and political influences. The theories also assume that each individual's preferences about policy choices are consistent. For example, if a legislator prefers policy *A* over policy *B* and also prefers *B* over policy *C*, then she favors *A* over *C* as well. When the legislator's most preferred outcome is depicted geometrically, as in Figure 13.1 shown below, it is usually assumed that alternatives that are closer to the legislator's position, *L*, are preferred by the legislator to more distant points.

Spatial theories also assume that each legislator chooses strategies that she believes will produce policy choices that are as close to her most preferred outcomes as circumstances permit. That is, the person makes rational choices, based on her policy preferences, about what actions to take. This means that she must have information about the available choices and strategies, as well as about the possible actions of others.

Critics of such theories of politics are quick to point out that people often do not behave in a manner consistent with these assumptions. The critics note that many people manage to tolerate inconsistent preferences, pursue strategies that seem disconnected from their goals, and lack the information required to act rationally even if they wanted to do so. Any theory that fails to fully account for these features of human decision-making, the critics charge, is doomed to failure.

Spatial theorists are quite aware of these problems and have labored to understand the consequences of making other assumptions. Those complications need not detain us here.

The important question is whether the conditions assumed by most spatial theories are a reasonable approximation of the conditions that we find in Congress. Do members of Congress hold consistent preferences about the alternatives that they face on most bills? Do they normally seek strategies that gain the best possible outcome for them? Do they usually acquire the information they need to devise reasonable strategies? The cases of congressional action on agriculture policy that are described in this chapter indicate that the answer is often yes.

Figure 13.1. A Legislator's Preferences Over Three Alternative Policies



### Rules and Institutions

Throughout previous chapters, a theme has been that decision-making processes translate preferences into policy choices. The decision-making processes of Congress are specified in both formal rules and informal practices. The standard bill process discussed in Chapter 3—bill introduction, referral, committee action, floor action, conference, and so on—is governed by a variety of rules and practices that define a process for translating members' preferences into a policy choice. The particular formal practices of Congress define it as a unique institution. Indeed, spatial theorists define an institution as a set of rules and practices.

As a class, Congress and other legislatures have certain institutional features in common. They are multimember institutions, which means that some decision rules governing collective choices are required. In the case of Congress, majority rule is normally required for final approval of legislation in the House and Senate, but for some matters such as treaties, constitutional amendments, and veto overrides, more than a simple majority is required. The Constitution grants to the House and Senate the power to set rules on how legislation or other matters get to a final vote.

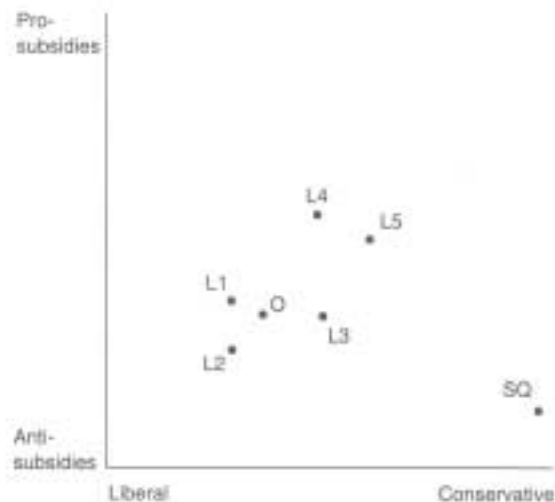
Spatial theorists ask, *For a particular set of preferences and rules, what policy outcomes can we expect?* Their argument is that rules structure how preferences are

translated into policy outcomes. If preferences are widely varied and the institution's rules and practices are complex, as they are in Congress, making predictions about outcomes can be difficult. Spatial theorists began with very simple models of preferences and institutions and are gradually complicating their models to more closely approximate situations that we find in Congress and other legislatures. Fortunately, their work has progressed to the point that important features of congressional politics can be illuminated.

### Winning and Losing in the Legislative Game

Quite naturally, winners and losers in the legislative game are judged by how far the policy outcome falls from the players' most preferred outcomes. A hypothetical bill such as a farm bill nicely illustrates the difficulty of making inferences about winning and losing. In recent years, two dimensions or basic attitudes appeared to have dominated debate over farm bills. One concerns whether the federal government should subsidize farmers to secure farmers' income and protect rural America. For example, members have debated whether the federal government should continue buying huge quantities of honey from beekeepers as an incentive for them to keep bees pollinating crops. The second dimension has been a miscellaneous set of issues that tend to divide liberals and conservatives: food stamps for the poor, the cost of crop insurance, the treatment of organic farming, requirements that the government's food donations be exported on U.S.-flagged ships, and so on. These dimensions are indicated in Figure 13.2.

Figure 13.2. Hypothetical Positions of Legislators on a Farm Bill



In this hypothetical legislature, five legislators, labeled *L1* to *L5*, hold various views on the two dimensions of the farm bill debate. Under majority rule, the outcome (*O*) falls somewhere within the triangle formed by *L1*, *L2* and *L3* because they constitute a fairly cohesive majority. They seem to be the winners, although we might go further and indicate that *L1* and *L2* are bigger winners than *L3* in this case. *L4* and *L5* appear to be

clear losers; *L5* loses by a larger margin than *L4*. Winning and losing are a matter of degree.

Even *L4* and *L5* may not be disappointed with the outcome. The previous policy—often called the *status quo ante* and depicted in the figure as *SQ*—was so undesirable that all legislators feel better off with the outcome *O*. In Congress, this might happen after an election when a new group of legislators with very different preferences arrives in Washington. Everyone knows that the old policy will not survive, so they focus on the region defined by the new group of legislators. In that narrow context, *L4* and *L5* might appear to be losers even if they prefer *O* over *SQ*. If *L1*, *L2*, and *L3* comprise the majority party and *L4* and *L5* comprise the minority party, an observer might further conclude that one party was the winner and the other was the loser. The full story is that both parties and all legislators prefer the new policy to the old policy.

In the real world of politics, of course, *legislative* wins and losses cannot always be equated with *political* wins and losses. Members of Congress, presidents, lobbyists, and other participants have multiple goals. A member whose bill is rejected by the House of Representatives by a wide margin might be seen as a loser, but she may benefit from favorable press coverage and an appreciative constituency for putting up a good fight. A president who fails to get Congress to enact a bill to his liking may use the issue in a campaign to gain reelection. And a lobbyist who fails to achieve her client's goal still collects her fees and may ensure that she will be hired in the next Congress to keep up the fight. These are concerns beyond the scope of current spatial theory, for which the only outcome is the policy outcome.

### The Farm Bill in Spatial Perspective

The idea of a legislative battle being fought in two or more dimensions may appear to be a strange conception of politics, so an example might help. Most of the federal agriculture and nutrition programs must be reauthorized every five years in what is known informally as the farm bill. Congress passed a farm bill in 1985 and confronted the challenge of passing a reauthorization bill in July 1990. A reporter summed up the politics of the farm bill as the Senate prepared for floor action in July 1990:

A rather typical farm bill dynamic has begun to emerge. The administration is accusing Congress of being overly generous with farmers. Democrats in the House and Senate are blaming the president [George Bush] and his lieutenants for threatening the economic health of the farm sector. Opponents of the farm program are attacking it for being wasteful and inequitable. And farm-state Republicans are wrestling with whether to support the administration's calls for lower farm spending—or side with the Democrats.<sup>2</sup>

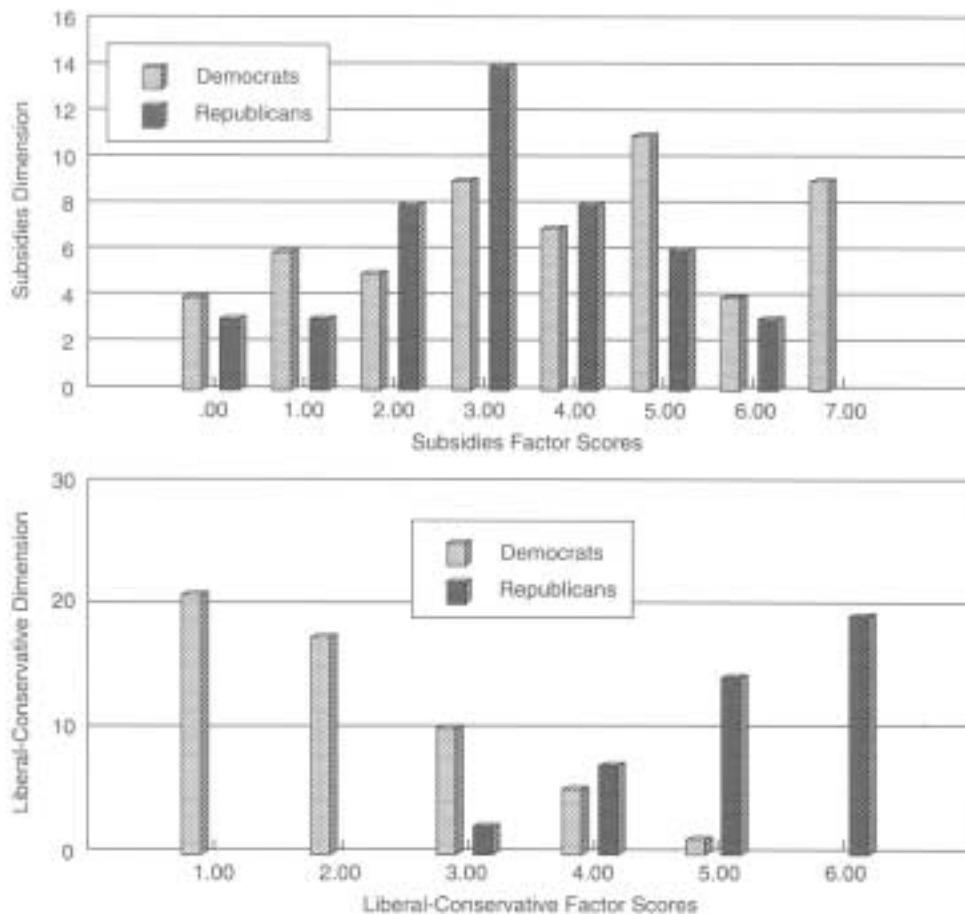
As the reporter implies, the two political attitudes identified in Figure 13.2 were at work in mid-1990. The first was members' general attitude about government policies designed to manage the economy and maintain a standard of living. Liberals, who are mainly Democrats, favor a stronger federal role than conservatives, who are mainly Republicans. The second was whether particular farmers—growers of wheat, corn,

cotton, and rice—should benefit from federal price and income supports. These subsidies prop up farm income but may also keep up prices in the grocery stores. Farm-state members are more supportive of the subsidies than other members.

### Senate Preferences

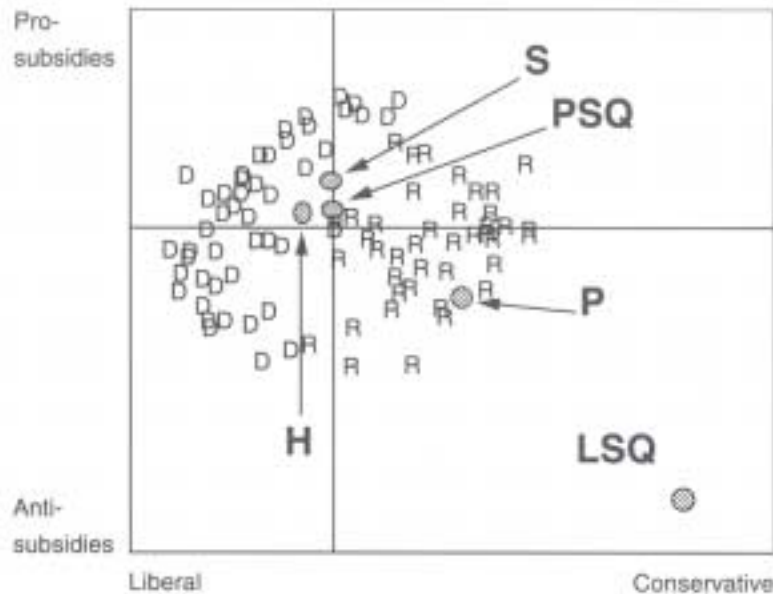
Senate voting on the farm bill reflected these two dimensions.<sup>3</sup> The distribution of senators' positions on the two dimensions is shown in Figure 13.3. Voting on amendments concerning subsidies produced the pattern shown on the top of Figure 13.3. Both parties show wide variation on the subsidies issue—Democrats and Republicans are scattered across the dimension. But the parties are far more distinctive on the other farm-bill issues, such as the food stamp program or the cost of crop insurance, that appear to divide members on more ideological grounds. Democrats are more liberal than Republicans as the bottom of Figure 13.3 shows. Figure 13.4 shows how senators are distributed in the space defined by the subsidies and liberal-conservative dimensions. A good guess about where President Bush stood on the issues is indicated by *P*. Here and in the remainder of the chapter, the placement of the policy positions represent our judgment about the relative placement of the major players and groups.

Figure 13.3. Senators' Scores on the 1990 Farm Bill



Farm-bill politics are strongly influenced by the fact that most members favor some bill to no bill. The reason is that a bill must pass for the programs to continue at all.<sup>4</sup> Only the most conservative urbanite probably would favor such a result, which is indicated by *LSQ*, for legislative status quo, in Figure 13.4. A reasonable guess for the placement of the 1985 law is *PSQ*, or policy status quo.

Figure 13.4. Senators' Positions on the 1990 Farm Bill



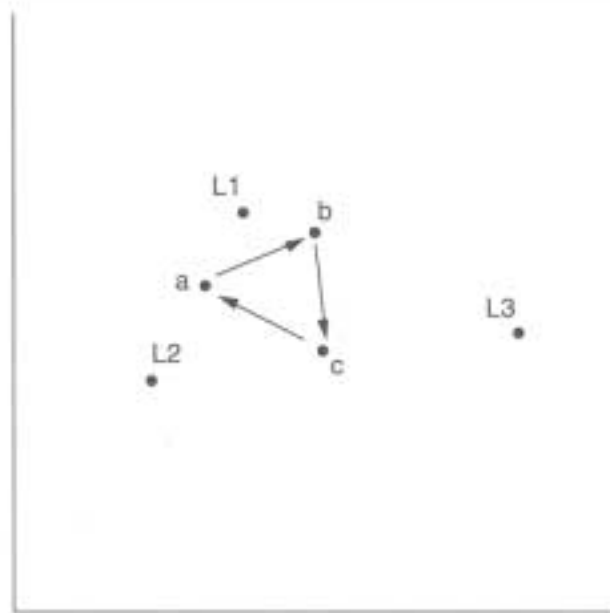
Note: D (Democrat) and R (Republican) senators. S (Senate-passed bill), H (House-passed bill), PSQ (policy status quo—previous policy), LSQ (legislative status quo, policy if no bill is enacted and farm programs are eliminated). Scores based on a factor analysis of Senate votes on Senate farm-bill votes in 1990.

The necessity of passing a bill helps force compromises among members who fear the consequences of stopping or even disrupting the flow of payments to farmers—that is, who fear reverting to *LSQ*. The problem is that there are many ways to construct a majority out of a distribution of members like the one for the 1990 farm bill. In fact, theorists have demonstrated that no majority can dominate all other possible majorities in most distributions with two or more dimensions. This principle is known as the *chaos theorem*, a term that reflects the inherent instability of majority rule when there are two or more dimensions.<sup>5</sup>

The example shown in Figure 13.5 illustrates the chaos theorem. If the three legislators start with policy *a*, legislators *L1* and *L3* would be willing to vote for *b* because it is somewhat closer to their most preferred outcomes than *a*. But *L2* and *L3* will support *c* over *b*, and then *L1* and *L2* would support *a* over *c* and they are back where they started.

As long as the legislators are free to offer an alternative, no natural stopping point or outcome can be predicted.

Figure 13.5. An Illustration of the Chaos Theorem



For the managers of the Senate's farm bill, Senators Patrick Leahy (D-Vermont) and Richard Lugar (R-Indiana), the distribution of senators' preferences meant that the bill they fashioned in the Agriculture Committee was quite fragile. The bill could easily unravel on the floor as their colleagues fashioned amendments that appealed to one mix of senators and then another. To keep this from happening, Leahy and Lugar struck a deal. Leahy and Lugar crafted a bill that was not very different from the previous policy and they agreed that they both would defend the committee bill against all floor amendments, even those amendments that one or the other might prefer to the committee version.

The Leahy-Lugar strategy worked. An observant reporter explained that

a carefully fashioned coalition of farm-state Republicans and Democrats managed to withstand most assaults from both sides: those who wanted to make the bill more generous to farmers and those who wanted to cut subsidies. [Leahy and Lugar] argued that amendments that greatly altered the basic deal they had worked out in committee would lead to a free-for-all, whose outcome no one could predict.<sup>6</sup>

The Senate passed its bill, indicated by *S* on Figure 13.4, on a 70 to 21 vote. The vote outcome was never in doubt. The few senators voting against the bill included Eastern



Democrats who found it easy to vote against spending on farm subsidies and farm-state senators who favored more generous subsidies for farmers in their states.

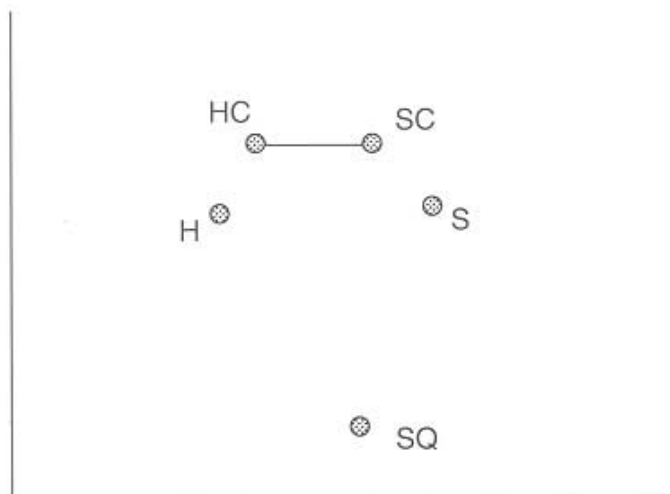
The House farm bill, *H*, differed from the Senate bill in just a few small ways. For example, the House did not create new loans programs for feed-grain and wheat producers. The differences were considered by the bill managers to be small and were easily resolved in conference committee negotiations.

### Conference Committee Politics

As we note in Chapter 7, the House and Senate appoint conference delegations to work out differences between the chambers on most important legislation. Conference committee negotiations are a critical stage in the legislative process because it usually is the last stage at which the details of a major bill are altered. Conferees, who are almost exclusively members of the standing committees that originated the bill, have substantial influence over the final version of the bill. The most important constraint on the negotiations is that the final product, a conference report, must be approved by both houses.

The importance of the chamber-to-conference-to-chamber sequence can be illustrated with the help of the hypothetical case illustrated in Figure 13.6. The positions of the House and Senate committees, *HC* and *SC*, are shown in the figure, along with the positions of the two houses. The power of the committees rests on their ability to gain House and Senate approval of a conference report that bends the policy in the direction of their policy preferences.

Figure 13.6. Hypothetical Alignment of Committees and Their Parent Houses



Conferees of the two chambers, representing the two standing committees that originated the legislation, will negotiate something along the line running between their

most preferred outcomes. Will the House accept the conference outcome negotiated by its conference delegation? In this case, the answer is yes—probably. The House prefers the possible conference outcomes to the status quo. Because the House is confronted with an up-or-down choice at that stage, a majority of the House accepts the conference outcome even if it does not perfectly represent its views.

The answer is “yes—probably” because the House may believe that it can gain a more favorable outcome by forcing the conference negotiators to go back to the bargaining table. This sometimes happens. But the small gains may not be worth delaying final action on the bill—as may be true at the end of the session when protracted conference negotiations threaten to extend the length of the session.

In the case of the 1990 farm bill, the positions of the House, Senate, and the two agriculture committees were close. Concern that the committees would move from the chambers’ positions on the central issues was not voiced in the debate of either house. Three factors may have reduced concern about the conference. First, the two agriculture committees took into account what would be acceptable to the parent chambers in drafting their original bills. Had the committees followed their natural predispositions, farm subsidies would have been even more generous in the committee bills. Second, the closeness of the House and Senate bills meant that the negotiations would be limited to the region close to the House and Senate positions. Finally, another bill, a large budget-cutting package, was under negotiation among congressional leaders and the administration. If a budget deal could be struck, it would likely include provisions on the cost of farm programs, so it wasn’t clear that the House and Senate positions on the farm bill would be the basis of discussion in the conference. We discuss the budget package in a later section.

The immediate problem for the bill managers was the administration. Several administration officials said that President Bush would veto the bill unless the cost of subsidies was reduced and other policy changes were made. So to understand the politics of the conference, we must understand the president’s role as provided in the rules of the game created by the Constitution.

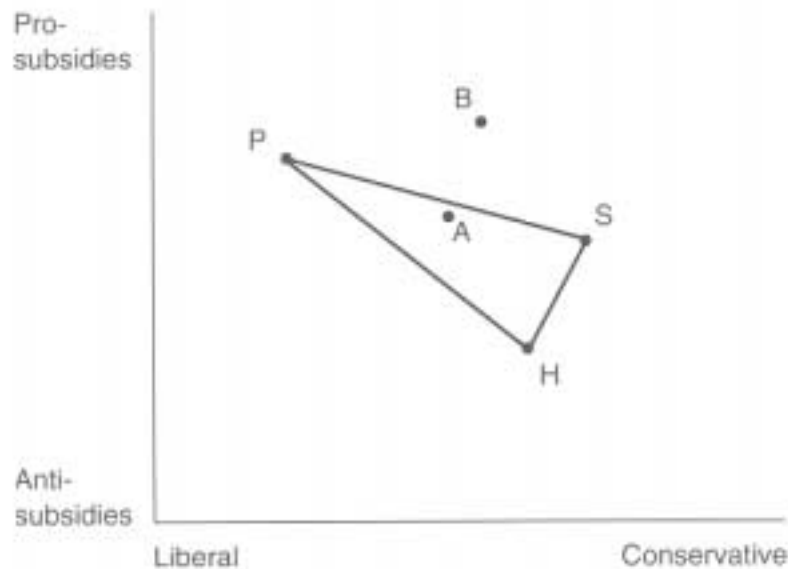
### **The Constitutional Game**

The Constitution sets up rules for a three-institution legislative game. The House of Representatives, the Senate, and the president must agree to enact a new law, with the House and Senate expressing their agreement by simple majority votes (in the absence of a Senate filibuster). If the president vetoes the measure, two-thirds of the members of the House and the Senate must agree to override the veto. If any of the three players withholds consent, or if a presidential veto is upheld, the legislation dies.

In Figure 13.7, the positions of the House, Senate, and president are illustrated for a hypothetical bill as *H*, *S*, and *P*. Outcomes will fall somewhere within or on the lines drawn between the players. Why? For any policy falling outside of the triangle, all three players will prefer some point that lies on or within the triangle. For example, the House will insist that a bill proposing point *B* be modified to some point more acceptable, say

point *A*. Point *A* also is slightly closer to the positions of the Senate and president, so they, too, would support a move from *B* to *A*.

Figure 13.7. Hypothetical Positions of the House, Senate, and President



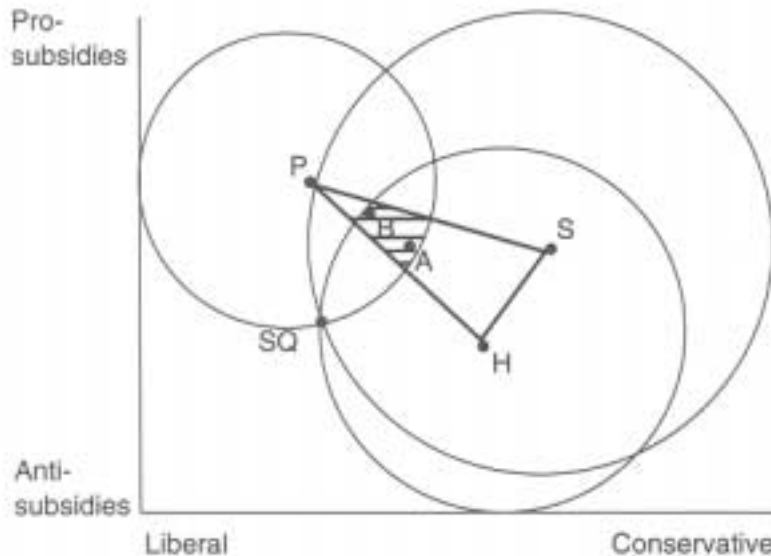
The figure illustrates an important principle of congressional politics: The size of the triangle determines the potential importance of factors other than the institutions' policy preferences in shaping the final outcome. Large differences among the three institutions create a large triangle within which we expect the outcome to fall; small differences among the institutions create a small triangle within which we expect the outcome to fall. The larger the triangle, the larger the number of possible outcomes and the greater the potential influence of resources such as staff, expertise, and agenda-setting and persuasive skills in determining the specific policy adopted. Thus, a disclaimer should be attached to most spatial theories of legislative politics: While legislative politics may be primarily about the pursuit of legislative goals under a set of rules, outcomes are seldom completely explained by preferences and rules alone, as is assumed by most spatial theories. Consequently, legislators' strategies, which certainly account for the spatial context, also take into account non-spatial considerations.

Let's set aside that disclaimer for now to more fully understand the implications of preferences and rules for policy outcomes. As we will see, we usually can further restrict the space within which we expect outcomes to fall.

Figure 13.8 complicates the legislative situation a little by illustrating the importance of taking into account what will happen if the institutions do not agree on a new bill. If existing policy, *SQ* (or the legislative status quo, *LSQ*), falls outside of the triangle, we expect the House, Senate, and president to agree to new legislation that will bring the policy back within the triangle. This situation is common for programs that must receive

annual appropriations or be reauthorized periodically. It also happens when elections or events have produced a change in the preferences of members of Congress or president.

Figure 13.8. Hypothetical Positions of the Status Quo, House, Senate, and President on a Farm Bill



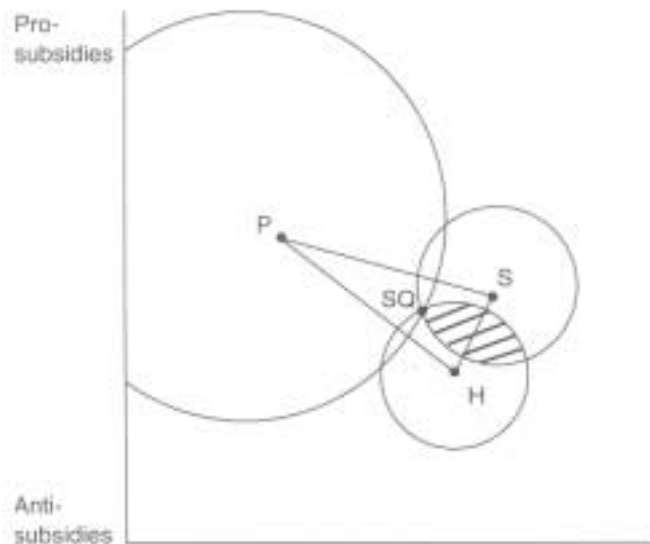
For each institution, there is a circle running through  $SQ$ . The circle and its interior is the set of policies that the institution likes as well or better than  $SQ$ . We expect the three institutions to agree on a policy when they all like the new policy as well or better than the  $SQ$ . That is, the new policy will be located within the intersection of the three circles and within the triangle between them. This is the shaded area in which points  $A$  and  $B$  are located.

The Constitution adds another wrinkle to the rules of the game: The president can kill a bill by exercising the veto power so long as at least one house of Congress cannot muster a two-thirds majority to override the veto. When will the president exercise the veto?

In Chapter 9, we note that a president may veto legislation to extract further concessions from Congress. Figure 13.8 shows a possible scenario. Let's say that the House and Senate pass a bill at  $A$ , just inside the region of outcomes preferred by the president to the status quo,  $SQ$ , but just barely inside that region to keep the bill as close to their own preferences as possible. By vetoing the bill at  $A$ , the president may think that he can get simple majorities in both houses to agree to a new bill closer to his own position, say  $B$ . This strategy, however, depends on whether a two-thirds majority exists in both houses to override the veto of the bill at  $A$ .

A different scenario is depicted in Figure 13.9, where the status quo is located within the triangle. The president would exercise the veto with the intention of killing a bill if the House and Senate acted. A House-Senate bill would fall in the shaded area, but the president is worse off at any point within the shaded area. Moving to any point outside of the shaded area would be unacceptable to either the House or the Senate. Thus, if Congress chose to act in this situation, a bill-killing veto would result. If members of Congress recognized this situation in advance and were concerned exclusively about the policy outcome, they would not bother to pass legislation in the first place. They would act on a bill only if they saw some political benefit other than the policy outcome, such as electoral benefit from making a symbolic statement.

Figure 13.9. Hypothetical Positions of Another Status Quo Point, the House, Senate, and President on a Farm Bill.



### Back to the Farm Bill

If we knew in advance the preferences of the three institutions, we could readily make the predictions of the kind just discussed. Real politics leaves many of those preferences uncertain at the beginning of a legislative battle. Sometimes the politicians simply do not disclose their preferences. Sometimes they even deliberately camouflage them. At other times, pressures from their constituencies, interest groups, and others produce movement in politicians' policy preferences. Thus, congressional politics is seldom as mechanical as the previous discussion of preferences, rules, and strategies suggests.

In the case of the 1990 farm bill, it was plain to everyone that the president was in the lower-right quadrant of Figure 13.4, which created a sizable gap between the

president and both houses of Congress. We would expect the final bill to fall somewhere within the triangle formed by the positions of the House, Senate, and president (the committees' positions were so close to that of the parent chambers that we need not worry about separate committee positions here). But matters were not so simple.

Farm programs became an important issue in the budget deal being negotiated between the White House and top congressional party leaders at the same time the House and Senate were acting on their farm bills. It was not clear that the Republican administration and Democratic congressional leaders would be able to devise a plan to reverse the trend in the federal deficit. But the chances seemed good enough to warrant a delay in the farm bill conference. The eventual budget agreement provided for cuts in agricultural subsidies and created a mechanism for enforcing the deal. Farm-bill negotiators were left with little choice but to abide by the new rules of the game. They cut the cost of agricultural subsidies to a point well below the levels provided in the House and Senate bills—a total of more than \$13 billion in spending cuts below the expected level for the next five years. The result was an outcome on farm programs that was much more to the president's liking than the House and Senate bills.

The budget battle, it turned out, overwhelmed the best laid plans of the farm bill's managers. The 1990 outcome was determined on the basis of congressional and presidential preferences about overall government spending and taxing rather than on the basis of the issues most directly related to the farm bill itself. Many proponents of generous farm subsidies ended up voting for the budget package when they were faced with the possibility of even deeper cuts in other popular programs or higher taxes. How the issues were framed—that is, how the dimensions and policy options were defined—produced a substantial and somewhat unexpected change in the outcome.

### **Grazing Policy in Spatial Perspective**

Early in the Clinton administration, Secretary of the Interior Bruce Babbitt proposed that fees charged to ranchers who grazed livestock on federal land be raised and that new environmental standards be imposed. Many Western members of Congress, reflecting the sentiments of their rancher constituents, were shocked by the scope of Babbitt's proposals. Senator Malcolm Wallop (R-Wyoming), for example, later claimed that "this is an issue of a war on the West. This is an issue of the assault of the Secretary of the Interior to try to gain control over the West [sic]."<sup>7</sup> Another, Senator Larry Craig (R-Idaho), said that the proposals would do "what generations of blizzards, droughts, recessions, and diseases failed to do—drive people off the land."<sup>8</sup>

Western-state senators, led by Republican Senator Pete Domenici of New Mexico, looked immediately for a way to block Interior's new rules and they settled on the appropriations bill for the Interior Department that was about to be considered on the Senate floor. Why did Western senators take the lead? They did so for two reasons. First, the sparsely populated Western states have more clout in the Senate than they do in the House because they each have two senators regardless of their population size. Second, senators can filibuster. The "Western coalition," as Domenici called it, threatened to

filibuster and kill the Interior appropriations bill unless Babbitt's rules were dropped. That is, the opponents of reform said that Interior would go without a new funding bill unless a policy acceptable to ranchers was firmly established in law.

Holding up the appropriations bill for Interior did not necessarily mean that the department would have to close down. Congress could, and it seemed likely that it would, pass a continuing resolution. But Babbitt and the Clinton administration, still in their first year in office, were anxious to get a new appropriations bill that reflected their priorities, which is why Domenici and his colleagues believed that holding up the bill gave them some leverage over the department. The hitch was that a continuing resolution could be held up in either house. Failure to pass a continuing resolution would mean closing down the Interior Department and its agencies—the National Park Service, Bureau of Mines, and other bureaus that serve the West more than other parts of the country.

### **Congressionally Speaking . . .**

*A continuing resolution* is a joint resolution that appropriates funds, usually for a limited period, when the regular appropriations bill has not been enacted by the beginning of a new fiscal year on October 1. As a joint resolution, a continuing resolution has the force of law and must be approved by Congress and the president (like any bill). Most continuing resolutions provide that spending for a project or activity be at last year's rate or at the rate provided in an appropriations bill that has passed the House or Senate, whichever is lower.

To understand the dynamics of the politics that followed, it is necessary for us to reconsider dimensionality and to expand the spatial models to include both the bureaucratic agency and the courts.

### **Dimensionality**

The hope of Domenici's coalition was that the administration's desire to get a funding bill would force the Interior Department to back down on the proposed rules. The reason the Western coalition needed that leverage was that the president and the House favored the Interior Department's proposed policy over the existing policy. This is shown in Figure 13.10. The figure is drawn in just one dimension because most positions seemed to fall neatly on a dimension that taps attitudes about how favorable the policy should be to Western ranchers. The figure shows the positions of the president, the House, and the Senate, as well as the positions of the Interior Department (D), the existing policy (SQ), and the Western coalition (W). In this case, S represents the position of the Senate majority. In the absence of other complications, we would expect the outcome to fall somewhere just to the left of S because the Senate would object to any policy that made it worse off than the status quo.

Figure 13.10. Alignment on Grazing Policy, 1993



The Interior Department had authority under existing law to change the grazing policy rules to point *D*, a point that was closer to the positions of the president and the House. In effect, this meant that the Interior Department could change the existing policy, *SQ*, to *D*. To be sure, the president and the House might agree to some compromise with the Senate that they would like better than existing policy, but Babbitt knew that he would prefer any House-Senate-White House compromise over the existing policy, *SQ*. The Western coalition, in contrast, preferred *SQ* to anything to the left of it.

Other issues (new dimensions) can complicate matters. The Western coalition moved to tie their legislation to block the grazing rules to another measure. In doing so, they were attempting to alter the policy space in which the legislative battle was fought. In this case, the hope was that the president, the Interior Department, and at least some members of Congress would want a new appropriations bill enough to sacrifice or at least make large concessions on grazing policy to get it. In Figure 13.11, the new dimension is the value attached to Interior Department spending.

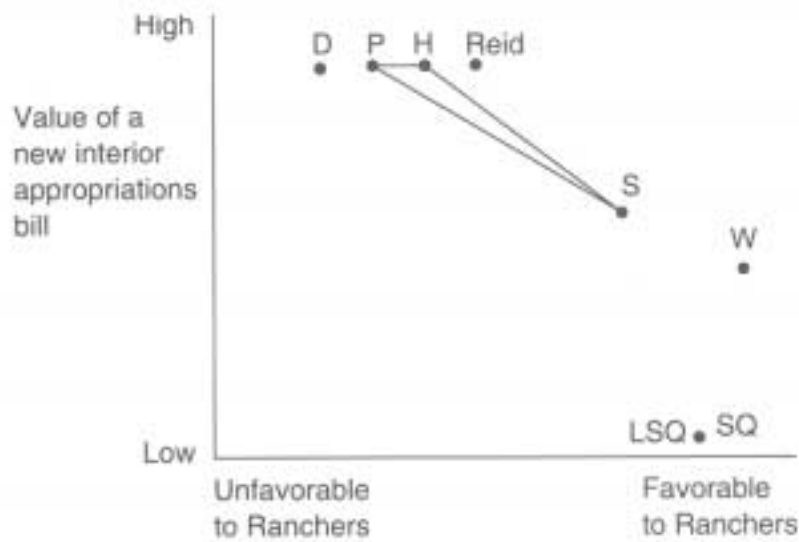
Note that the legislative status quo of no appropriations bill, *LSQ*, is quite undesirable for all of the institutions and the Western coalition. The Western coalition hoped that the president and the Interior Department would want to avoid the *LSQ* so much that, even in the short run, they would be willing to accept something quite close to the coalition's position on grazing policy. The coalition's success turned on the accuracy of its estimate of how much the president and the House cared about the enactment of the appropriations bill. The alignment in Figure 13.11 reflects the coalition's strategy.

### Agency Action and the Congressional Response

Figure 13.11 suggests that Secretary Babbitt preferred a policy somewhat less favorable to ranchers than the policies favored by the president and the House. In fact, Babbitt was seen as a radical environmentalist by some senators of the Western coalition. But Babbitt's authority to change the rules—his *independence* as the head of the executive agency in charge of the policy—cannot be equated with *autonomy*. He was free to shape policy as long as the House, Senate, and president did not agree to a new measure that would force him to implement a different policy. Thus, Babbitt's autonomy, like every agency's autonomy, was contingent on the placement of his policy position relative to those of the House, Senate, and president.



Figure 13.11. Alignment on Grazing Policy and Interior Appropriations, 1993



The need to gain the agreement of all three institutions, or the alternative of mustering large majorities in both houses of Congress to override a veto, works against adopting new laws and works in favor of agencies that can use existing law to their advantage. When the agency favors a policy that lies within the region of the triangle defined by the positions of House, Senate, and president, it may appear to be operating autonomously. That would be a misleading inference. All that the agency is doing is acting within the zone in which the three institutions will not respond with a new law to constrain the agency because one of the institutions will prefer the agency's position. The region may be large or small. If it is large, the agency has more discretion. It is also likely that the proponents of change in an existing policy will seek new administrative rules rather than new legislation.

Agency discretion, then, is a product of the policy positions of the House, Senate, and president, which certainly are not controlled by the agency.<sup>9</sup> This is why talking about agency autonomy is usually inaccurate. To be sure, the formal power delegated to an agency by Congress or the president matters a great deal. But autonomy comes from an agency's ability to act in a way that will not generate a legislative response. That is, agency autonomy depends on what the agency wants to do and how that relates to the positions of the legislative institutions. It is always a matter of degree.

In the case of grazing policy, Babbitt must have expected that his initial proposals would be modified by the House, Senate, and president to bring them inside the triangle formed by the three institutions. Domenici and his colleagues must have expected that some change was inevitable. Indeed, rather than proposing legislation that provided an outright ban on new grazing rules, the Western coalition proposed an amendment that provided a one-year moratorium on changes. Coalition senators argued that Babbitt's

proposals had not been subject to any congressional hearings, that the proposals were so sweeping that they required new studies of the impact on the West and the livestock industry, and that it was only fair to give the affected interests plenty of time to respond. Some of them contended that they would support changes in the rules if they had time to study the alternatives.

The Domenici amendment to prohibit new grazing rules was cosponsored by 16 Western senators, four of whom were Democrats. Domenici began the debate on his amendment by asking, “Are we going to let the executive branch of government, by executive order, following rulemaking and regulations, without any action by the Congress, not only raise grazing fees on America’s grazing permittees 130 percent over the next three years, but alter drastically the management of 260 million acres of land?”<sup>10</sup> The amendment was adopted 59 to 40. Except for four Eastern and one Midwestern Republicans, the Republicans supported the amendment. Western Democrats voted for the amendments, as did a couple of other Democrats who seemed persuaded by the congressional power argument and believed that a delay would do little harm.<sup>11</sup>

The House did not look kindly on the Domenici amendment. Just before the House voted to go to conference with the Senate on the appropriations bill, it adopted a motion to instruct its conferees to reject the moratorium provision. The motion was not binding on House conferees, but the vote, 314 to 109 in favor, sent a clear message that the House preferred Babbitt’s proposals to a moratorium. The table was set for hard bargaining between House and Senate conferees on a legislative matter that normally would not even be in an appropriations bill.

In conference, Domenici proposed that the moratorium on grazing land rules be retained and that the increase in grazing fees be stretched over six years rather than the three years proposed by Babbitt. Both House and Senate conferees rejected Domenici’s offer. Senator Harry Reid (D-Nevada), a cosponsor of Domenici’s amendment, then worked with Democratic leaders of the House Natural Resources Committee to devise a compromise that he said “was the rock-bottom best deal possible for ranchers” that the House would accept. The compromise, which was accepted by a majority of House and a majority of Senate conferees, was a nineteen-page amendment that incorporated both fees and management practices, although it modified the Babbitt proposals in many ways that made them slightly more acceptable to ranchers. In Figure 13.11, the location of the Reid proposal is indicated by *Reid*. The new compromise was unacceptable to Domenici and the Western coalition so they prepared to filibuster the conference report when it reached the Senate floor.

### **The Courts and the Legislative Game**

During the few days between conference and Senate floor action on the bill, senators in the Western coalition pondered their options. Further efforts to compromise seemed out of the question. Senatorial egos may have played a role here. Reid’s argument that the House would not make any more concessions led some senators to complain that the Senate should never buckle under to a threat from the House. On the first day of the

debate on the conference report, Senator Malcolm Wallop (R-Wyoming) exclaimed, “What in Heaven’s name is the House doing lecturing to the Senate?”<sup>12</sup>

There was more to consider than egos. Some senators of the Western coalition believed that they would be better off losing the legislative battle and taking their chances with Babbitt’s rules than making further concessions. Needless to say, that judgment made them less willing to compromise and more willing to go for broke on a filibuster. Why go for broke? They reasoned that Babbitt’s rules would be easier to overturn in the future than a new law. If a Republican administration took over in 1996 or 2000, it could change administrative rules but would have to gain the support of Congress for a change in the law. Wallop said, “If you take the Reid amendment, you take Bruce Babbitt, but worse. It is in statute now and not an executive order that can be reversed by reasonable minds.”<sup>13</sup> Plainly, attitudes about the fitness of changing the policy administratively or legislatively were driven by estimates of the best outcome over the medium term.

Moreover, some of Babbitt’s opponents noted that his actions could be challenged in court on substantive or procedural grounds. Senator Robert Bennett (R-Utah) made the point:

I called the people back in Utah who are all concerned with this issue and laid before them the proposition the Senator has laid before the Senate here tonight. I said, “I have been told by the Senator from Nevada that if we do not accept his compromise, Bruce Babbitt will do worse things than his compromise.” And I have asked, “Should I swallow my anger about what has happened and do the best thing by accepting the compromise, in order to side-step the threat that Bruce Babbitt will come down hard on us?”

The answer I got back very firmly was: “We would much prefer to deal with Bruce Babbitt and his threats than to compromise, because we think we have a basis in the courts to deal with Bruce Babbitt, and we can protect ourselves. But if the Reid compromise is written into law, then Congress has acted, and we have no standing before the courts. Senator, stand firm.”<sup>14</sup>

Bennett then submitted for the *Record* a letter from the governor of Utah that bolstered his claim about the prospects for a favorable outcome in court suits.

Court challenges might delay the implementation of the new rules so long that a new president or new Congress would get a chance to pursue a policy more favorable to the ranchers’ interests. Moreover, with a little help from a federal judge in some Western state who is sympathetic to the ranchers’ viewpoint, blocking or forcing substantial changes in the department’s rules might be possible. The tactics involved are worth brief consideration.

In Figure 13.12, a hypothetical court brings grazing policy to point C, perhaps by ruling that a larger change would exceed the secretary’s authority. In that case, the court outcome is much preferred by the Western coalition than anything in the range between the president, P, and the House, H. If the court moved the policy to C, so that C became the new status quo, the Senate could block any further changes to the left.

Figure 13.12. Hypothetical Position of a Federal Court and the Alignment on Grazing Policy, 1993



In this light, the go-for-broke, no-compromise strategy on the filibuster does not seem so risky. Western senators who believed that a court challenge had a high probability of success had little reason to concede to greater changes in grazing policy. In fact, the coalition held firm and, with the help of some Republicans who seemed to be voting on partisan grounds, the coalition defeated the first three attempts to invoke cloture during the last week of October. With sixty votes required to invoke cloture, the votes in favor of cloture numbered only 53, 51, and 54, with the Domenici forces gaining 41, 45, and then 44.

After the third attempt failed, the Senate approved a continuing resolution that extended Interior Department funding until November 10. Appropriations Committee Chair Robert Byrd said that he would not try another cloture motion until the day that the Interior Department ran out of money—unless an acceptable compromise was reached. Further compromise seemed unlikely. Speaker Tom Foley said simply, “I don’t think the House is willing to renegotiate the grazing fees.”<sup>15</sup> And Babbitt threatened to move ahead with his rules, which included stiffer environmental standards for rangeland use than the Reid compromise and could be implemented as early as the spring of 1994.

### **The Western Coalition Wins, For the Time Being**

Strategists for both sides did not sit still waiting for November 10, however. A group of Western senators met to consider withholding their votes for the North American Free Trade Agreement, a high priority for President Clinton, unless the administration altered its stance on grazing policy. Reid tried but failed to get his Western colleagues to discuss compromise, and he finally gave up on November 9. Neither side budged so the Senate majority led by Domenici stripped all references to grazing fees and rules from the Interior appropriations bill, leaving the issue in the hands of Secretary Babbitt and the courts.

Domenici proclaimed victory. “This is a big victory for the ranchers and all of the people of America’s rural West,” he said. Domenici and his allies let it be known that they would continue to use their ability to tie up the Senate if Babbitt proceeded with new rules. Reid responded that “it’s a victory for gridlock.”<sup>16</sup> And the chief proponent of reform in the House, Natural Resources Committee chairman George Miller (D-California), bellowed, “I have no doubt the minority that fought the Reid compromise believe they have survived to fight another day, that they will obstruct, undermine and mangle the grazing fee reforms to be issued by Secretary Babbitt. With promises of such

obstructionism in the future, they will claim they have won. They are wrong.”<sup>17</sup> Western ranchers seemed happy with the reprieve.

### **Procedural Pragmatism in Congress**

The filibuster on grazing policy led by Senate Republicans caught the eye of observers who noted that House Republicans had been fighting to allow House majorities to exercise their will freely on the House floor. For example, the editors of the *Washington Post* wrote:

A few weeks ago, the House Democrats were shamed by the Republicans into accepting a rules change aimed at making it easier for majorities to force legislation out of resisting House committees. The Republicans said in the course of the fight that they were the party of open government and majority rule; the Democrats were the thugs.

Today in the Senate, a second vote is scheduled on a motion to invoke cloture and end a filibuster against Western rangeland reform provisions in an Interior Department appropriations bill. Here again a minority in Congress is using the rules to thwart the will of the majority—but this time the minority is mainly Republican. The party that in September was an advocate of majority rights turns out in October to believe in minority rule as well—when it suits. That’s how it almost always is with principled procedural positions on the part of either party. Procedural principles tend to follow self-interest. . . .

If Republicans were so in favor of majority rule in the House in September, why aren’t they also in favor of it in the Senate in October?

Few Democrats are procedural purists either. Senate Republicans noted that Representative George Miller (D-California), chair of the House Natural Resources Committee, was a leading critic of legislating on an appropriations bill because it undermined the jurisdiction of authorizing committees. And yet Miller was eager to see changes in grazing policy that he favored incorporated in the interior appropriations bill.

*Source: “Cowing the Majority” from The Washington Post. Copyright © 1993 by The Washington Post. Used by permission.*

### **More Complicated Bills**

So far, we have reviewed bills for which the alignment of preferences could be viewed in just one or two dimensions. Congress considers measures producing much more complex alignments from time to time. When a bill has three or more distinct issues that generate different alignments, politicians, observers, and even spatial theorists can be excused for having difficulty making the calculations about the expected strategies. For some critics, this means that spatial theories have very limited utility in efforts to explain legislative politics. Such a judgment would be premature. Spatial theories of legislative politics are of very recent vintage and may eventually surprise critics who have pronounced them dead on arrival.

Some more speculative comments and observations about how politicians manage in complex political spaces are in order. First, when members are confronted with a complex bill likely to create several cross-cutting cleavages among them, they appear to have a strong tendency to coalesce around one of just a few focal points in the political space. The president's proposal often is the most obvious focal point. The existing policy, a bill that has been introduced and discussed in the past, and a task force proposal from the opposition party are common focal points for members whose preferences are spread throughout a complex space. These focal points really are packages of positions on the various issues that define the political space. The packages often have overlapping provisions, but they still serve as the major alternatives that members, reporters, and others debate.

Second, as members coalesce around a few focal points in the policy space, they may form distinct factions or blocs. Close observers can estimate the size of these groups and see the possible combinations of groups that might create the majorities necessary to pass or block legislation. When the players no longer have to predict the behavior of individual members and instead see the political space as populated by a handful of groups with identifiable sizes and policy positions, the task of making choices about legislative strategy is simplified. Moreover, many complex issues reappear periodically, as do appropriations and reauthorization bills, so that the players have some idea from past experience what the issues and groups will look like. And once members have coalesced into factions, faction leaders, who usually are quite knowledgeable about the issues and preferences involved, set strategies for their groups.

Finally, most complex bills are the product of the fragmented congressional committees and subcommittees. Fragmented committee and subcommittee jurisdictions often mean the segmentation of complex legislation into single-issue parts that are considered separately, at least initially. To be sure, when a committee glues together the handiwork of several subcommittees, or when a bill written in parts by several committees is stapled together before moving to the floor, some tradeoffs across issues are likely, but relatively few of the possible policy combinations are considered. Indeed, in the House, special rules may prevent some combinations from being subject to amendments on the floor.

Nevertheless, complex bills sometimes do create serious problems for legislators and others seeking to devise successful strategies. The uncertainty about strategies is one reason that opponents sometimes agree to conduct extended negotiations in which they gradually work through the issues but typically insist that nothing is final until all issues have been addressed. An example is the intense negotiations in Senator Mitchell's office on the Clean Air Act Amendments.

### **Conclusion**

The purpose of this chapter has been to encourage more systematic thinking about legislative politics and institutions. We have introduced spatial theories as a way to

conceptualize the legislative process. Farm-bill and grazing-policy politics demonstrate how an effort to conceptualize the strategic aspect of legislative politics can enhance our understanding of the choices made by legislators, presidents, and agencies. To be sure, spatial representations do not always yield a precise prediction of the location of policy choices, so they leave plenty of room for political resources, persuasiveness, and other factors to influence outcomes. And yet spatial theories illuminate many aspects of legislative politics—the importance of the location of the House, Senate, and president; the importance of rules, such as the Senate filibuster rule; the interpretation of winning and losing; strategic thinking in legislative politics; the importance and potential for manipulation of the status quo; the nature of committee and agency autonomy; veto strategies; the role of agencies and the courts in legislative strategies; and even tactical moves such as offering amendments to create new dimensions and alignments.

## NOTES

<sup>1</sup> For a readable introduction to the assumptions that commonly underlie spatial models of the type used here, see Gerald S. Strom, *The Logic of Lawmaking: A Spatial Theory Approach* (Baltimore: Johns Hopkins University Press, 1990), Chapter 1.

<sup>2</sup> David S. Cloud, "Senate Begins Farm Bill Debate Acceding to Budget Limits," *Congressional Quarterly Weekly Report*, July 21, 1990, p. 2303.

<sup>3</sup> The dimensions were identified in a factor analysis of all non-unanimous farm bill votes.

<sup>4</sup> Technically, it is possible to continue the programs without enacting reauthorization legislation. The appropriations would require a waiver of House rules to be considered on the floor, but this is done for many programs each year. In practice, the agricultural economy changes so much between the regular five-year interval of farm bills that most legislators seek to change policy.

<sup>5</sup> Strom, *The Logic of Lawmaking*, pp. 60-71.

<sup>6</sup> David S. Cloud, "House and Senate Resist Calls to Alter Course on Farm Bill," *Congressional Quarterly Weekly Report*, July 28, 1990, p. 2396.

<sup>7</sup> *Congressional Record*, October 21, 1993, p. S14086.

<sup>8</sup> *Ibid.*, p. S14087.

<sup>9</sup> On agency autonomy, see Thomas H. Hammond and Jack H. Knott, "Bureaucratic Autonomy, Presidential Power, and Congressional Dominance in a Model of Multi-Institutional Policymaking," paper presented at the annual meeting of the Midwest Political Science Association, Chicago, April 16, 1993.

<sup>10</sup> *Congressional Record*, September 14, 1993, p. S11630.

<sup>11</sup> Catalina Camia, "Babbitt and Western Democrats Reach Pact on Grazing Fees," *Congressional Quarterly Weekly Report*, October 9, 1993, p. 2723.

<sup>12</sup> *Congressional Record*, October 21, 1993, p. S14088.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*, p. S14170.

<sup>15</sup> Transcript, Daily Press Conference with the Speaker of the House, Speaker' Office, October 28, 1993.

<sup>16</sup> Domenici and Reid quotes from "Reid Suffers Serious Defeat in Grazing Fee Compromise," *Hill News*, Legi-Slate, November 9, 1993.

<sup>17</sup> Quoted in "Miller Calls Grazing Fees Action Hollow," *Hill News*, Legi-Slate November 9, 1993.