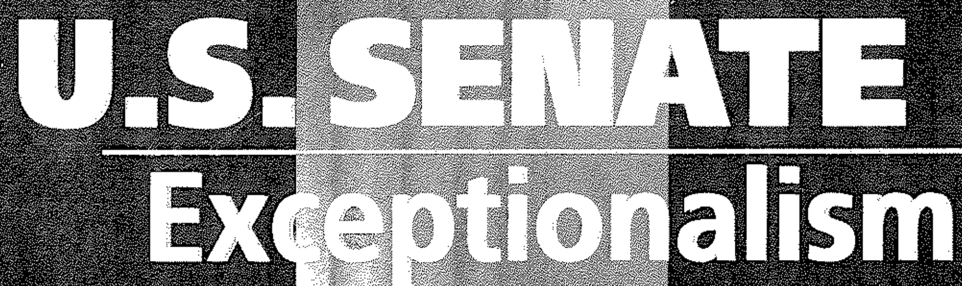

EDITED BY

BRUCE I. OPPENHEIMER

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How Senators Decide: An Exploration

C. Lawrence Evans

In June 1999, the Senate moved toward a cloture vote on legislation to set quotas on the quantity of steel imported into the United States. Domestic steel producers and organized labor supported the initiative, while a coalition of free traders and farm groups (concerned about foreign retaliation against their own products) was staunchly opposed. A top aide to a Senate Democrat summarized how his boss made up his mind on the vote:

> He has a free trade orientation to start with. . . . There's only limited steel in [the state], but the steelworkers have broadened to represent other workers. We received calls from state unions on this. . . . Every vote is a combination of an intellectual attitude, some mix of state interests, an interest group analysis. . . . Our trade staff prepared a detailed pro-con memo for [the senator]. We met with him and worked through it. The initial recommendation was, "This will pass anyway, so vote for it."

As the floor vote neared, however, the Clinton administration stepped up its lobbying effort against the bill. The staffer continued: "The vote was getting closer, and it was no longer a throwaway. So we took a closer look. A few days before the vote, we gave him another memo, updating him. . . . There was a follow-up meeting on the day of the vote. He ended up voting against cloture."

Contrast this fairly systematic approach to decision making with the process used by another Democrat on the same legislation. An aide recalled,

> _____ was giving a speech at [a union gathering.] The guy who was going to introduce him walked over and said, "It would be great if I could announce that you are supporting the steel imports bill." _____ said, "Sure, go ahead." . . . He

> decided right then. An important labor issue and a significant party constituency versus some abstract principle of free trade? That's a no-brainer. Politics ruled.

The staffer explained that his boss typically makes rapid decisions about upcoming roll call votes and policy issues in general. Not surprisingly, the office relies on verbal communications far more than written memos. "We don't spend a lot of time agonizing about the pros and cons of an issue. Look at the politics, whether there's a state interest, then decide. We don't hem and haw."

As these two vignettes suggest, the process of roll call decision making in the U.S. Senate varies. It varies by senator, by issue, and also over time. And senators' voting decisions are shaped by a wide range of forces—from constituent opinion and organized interests to Senate party leaders and the administration. The central premise of this chapter is that the voting decisions of senators can provide a useful window for examining a number of important questions about behavior, deliberation, and representation in the Senate. How do senators actually make decisions about the myriad of policy issues they confront? How much weight do they place on their own attitudes and core political values, the agendas of advocacy groups, and other factors? How common is conflict among these touchstones, and what strategies are used to resolve such conflict? In the modern Congress, decision making in both the House and Senate is often highly partisan, especially on the floor. But what are the policy consequences of Senate partisanship? Majority-party leaders in the chamber lack many of the procedural prerogatives and other resources used by their House counterparts. What role do party leaders play in the roll call decisions of rank-and-file senators? What tactics do they use to shape legislative outcomes? How effective are these tactics? The purpose of this chapter is to explore how senators make decisions about the positions to take and roll calls to cast on major legislation considered by the full chamber. In the first section, I overview the research and provide background about information gathering and roll call voting in the contemporary Senate. The second section is a description of the cues or touchstones that senators use to make roll call choices. For purposes of illustration, I analyze the impact of these factors on roll call behavior for three measures considered on the Senate floor in summer 1999. I close with a brief conclusion that touches on the theme of Senate exceptionalism, the role of parties, and the quality of congressional deliberation.

Information Gathering in the Senate

The existing literature has taught us a lot about the correlates of floor decision making, especially the relationship between specific roll call decisions and various constituency characteristics (Uslaner 1999b). Other research explores the number and substantive meaning of the various issue dimensions that structure

roll call behavior (Poole and Rosenthal 1997; see also Londregan 1999). Recent work also analyzes the strategic timing of position taking in the Senate (Box-Steffensmeier, Arnold, and Zorn 1997). Still, roll call data can only take us so far toward understanding legislative decision making. Such decisions, Richard Fenno (1986) emphasizes, are conditioned by a sequence of considerations and contextual factors that play out over time. For instance, political scientists agree that party line voting became increasingly common in the 1990s. But there is considerable scholarly disagreement about the causes of these divisions. Some scholars (Rohde 1991; Aldrich and Rohde 1997–98; Cox and McCubbins 1993; Sinclair 1995) emphasize the procedural prerogatives and other resources used by party leaders to influence rank-and-file lawmakers. Another view (Brady and Volden 1998; Krehbiel 1998) is that party line voting arises from the different policy preferences of Republican and Democratic members. It is difficult to evaluate these competing hypotheses with roll call data alone. Over two decades ago, in *Congressmen's Voting Decisions*, John Kingdon (1973, 1989) explained why: "Party voting may be a function of some constituency factor, coalition support of different kinds, sanctions employed by legislative leaders, administration pressure, cue-giving within the Congress, ideological similarity among fellow party members, and other possible factors, or various combinations of them" (11). As a result, scholarly efforts to evaluate the impact of party leaders, constituents, and other factors on congressional voting can benefit from systematic research about the *process* through which roll call decisions are made. In his landmark study, Kingdon provided useful guidance for conducting such research. As a generation of congressional scholars and students will recall, he relied on semistructured interviews with members of the House about specific roll call choices. The unit of analysis was the decision of an individual lawmaker on a particular vote, allowing Kingdon to evaluate the considerable issue- and member-specific variance that existed in legislative behavior. Kingdon asked his respondents a series of questions about the factors shaping their voting decisions; constituent preferences, the role of interest groups and party leaders, and so on. The result was a significant and unique contribution to our understanding of congressional behavior. Unfortunately, it would be highly difficult, if not impossible, to replicate Kingdon's research design in the contemporary Congress, especially for the Senate. Members are much busier now than they were during 1969, when Kingdon conducted his fieldwork. The time of an incumbent U.S. senator is a particularly rare commodity. In addition, relative to their 1960s counterparts, current members of Congress operate within a hostile public and media environment. They tend to be wary of outside analysts—even political scientists. Still, a number of scholars have usefully relied on interviews with knowledgeable staff for information about member attitudes, strategies, and behavior (Bullock 1976; Whiteman 1995). Hall's (1996) award-winning study of

committee and floor participation demonstrates the potential value of using staff as informants about member motivations. And Salisbury and Shepsle (1981) persuasively argue that congressional offices are best conceptualized as "enterprises" and that the proper unit of analysis for congressional research is the office rather than the member. This chapter is part of broader research in which I rely on interviews with top aides to thirty-six senators, equally divided by party, to explore how roll call decisions are made on a sample of 20 major issues considered by the full chamber during the 106th Congress (1999–2000). The sample of senators is broadly representative within each party, and the issues were among the most salient matters considered by the Senate during the period. The staff members I spoke with were mostly chiefs of staff and legislative directors, and they tended to be highly informed about legislative deliberations within their offices. As in the Kingdon study, the unit of analysis here is the decision rather than the office or the issue.[1]

Office Resources and Information Search

We do not know very much about the nuts and bolts of roll call decision making in the modern Senate. Much of our understanding about congressional voting derives from Kingdon's (1973) classic study, which focused on the House of almost three decades ago. His analysis emphasized an elaborate system of cue taking among lawmakers, with voting decisions occasionally being made on the floor. After arriving in the House chamber, members typically touched base with like-minded colleagues among the bill managers or on the committee of jurisdiction. Or a member might secure advice from one of the party whips, who typically stood by the door. Lawmakers often spoke with members of their state delegations.

Kingdon's compelling portrait of House roll call voting remains a staple of the scholarly literature about Congress, and it rightly has influenced a generation of student readers. But the way contemporary U.S. senators make roll call decisions diverges from his portrayal in certain ways. For one, current senators are far more extensively staffed on the major issues of the day. Kingdon found that House members rated staff as having a major or determinative impact on just 9 percent of the roll call decisions in his sample. This low percentage may partially arise from a disinclination among members to attribute significant influence to their staff employees. But it also reflects the limited role played by congressional aides during the period when Kingdon studied the House. In the late 1960s, the typical House office employed less than ten staffers, and only a fraction of that number were devoted to legislative duties (Fox and Hammond 1977). In both chambers, the number of personal staffers increased markedly in the 1970s. By the early 1990s, Senate offices employed an average of forty staff

persons, with the precise number varying by state population. Certain small-state senators employed fewer than 30 staffers; members from the largest states controlled as many as seventy (Joint Committee 1993, 1380).

Within individual Senate offices, there typically is an elaborate division of labor, with five to ten legislative aides assigned duties in specific policy areas. Consider the personal office of James Jeffords (a Republican member before switching to independent status in 2001), who represented the relatively low-population state of Vermont. His deputy chief of staff handled foreign affairs. The legislative director (LD) was responsible for transportation and energy. Five legislative assistants (LAs) covered issue portfolios such as judiciary/banking and agriculture/environment. In addition to personal office aides, the large number of committee leadership posts in the Senate provides many members with additional staff resources. As chair of the Committee on Health, Education, Labor, and Pensions during the 106th Congress, Jeffords controlled another twenty professional staffers.[2] As a result, the typical office enterprise in the contemporary Senate has the internal expertise necessary to advise the member on almost any major issue that comes up. In almost all of the offices under focus in this study, legislative staff communicate directly with the senator before the vast majority of roll calls. These contacts can take the form of written memos, verbal briefings, telephone conversations, or some combination of these modes of communication. The following are brief descriptions of how three senators typically prepare for floor votes:

> On every vote, _____ gets briefed on paper and face to face. We have a system with a form. The sheet includes the name of the bill, the amendment, who's sponsoring the amendment, what they are saying. You go over the basics pro and con, who has been contacted, and what they are saying, and then you make a recommendation. There's a space on the form for views from the state. That has to be filled in. If there's lead time, say five minutes before the vote, the LA goes in, hands him the sheet, and talks him through the information it contains.

> It's almost a Socratic method. [My boss] consumes enormous quantities of information, and that gets hard on staff. He likes to talk, mull things through. If possible, he gets a memo the night before a vote, ideally the week before if we can do it. He calls in before every vote from the cloakroom—before every vote without fail. I monitor the floor whenever the Senate is in session. A vote starts and I get a call. Always. [He asks], "Is it easy or hard?" . . . We use a code. We talk in terms of the senator and not the vote. It's too easy to get screwed up with tabling motions, budget points of order. So if it's a Leahy motion or amendment, I tell him, "Go with Leahy," or "Go against Leahy."

> It's like basketball—a moving, freewheeling game. No memos. We have a Monday morning staff meeting to go through the markups and big votes for the week. It's all oral. We talk it through—saves thousands of man-hours. During the week, if there's a bill up, a couple votes, he'll ask, "What's cooking?" and we'll make a recommendation. Ninety percent of the time you can say, "This is where he'll be."

A full analysis of the divergent approaches to information gathering employed by senators is beyond the scope of this chapter. But the way senators use their staff resources appears to reflect in part a member's professional background before election to the chamber. More concretely, senators who are former House members tend to run less hierarchical, more free-flowing offices, with more direct access among LAs to the member. The former House members in my sample also are particularly likely to rely on the advice of colleagues in making roll call judgments. In short, they are more likely to exhibit a decision-making style that scholars associate with the House. In addition to the broad differences across offices in decision-making styles, there is considerable variance within individual offices by issue. The most significant factors here are the importance of an issue to a senator, whether the member is on the committee of jurisdiction, and how much advance notice an office has about a roll call.

My informants emphasized that advance warning is particularly important. Consider floor action on the GOP tax bill in July 1999. The goals and policy agendas of most senators were evoked by the roll calls on the measure, and there was advance notification about most of the amendments. One moderate Democrat began preparing for the roll calls weeks in advance. His chief of staff described how the process began. "He pulled us in yesterday on the tax bills and said, 'I need to sort this out, do some reading.' We put Bill Bradley on his call list. We got some CRS [Congressional Research Service] products for him to look at. I gave him a 3 by 5 card with a list of senators to talk to. He'll talk to Roth and Rockefeller."

I spoke with the staffer a few weeks later, around the time the tax votes occurred. He continued to emphasize the depth of the search process: "_____ asked for point papers on the surplus, data about historical trends. He was trying to find out for himself if the surplus was real. . . . I pulled in an article by a Stanford economist, and he read it. We scheduled hours of quiet time for him in his hideaway office. He talked to people at CBO and OMB. He talked to Jack Lew."

In contrast, some votes occur with little or no advance warning, and senators must scramble to gather the information necessary to cast a politically nuanced vote. Surprise votes often occur on amendments offered to budget resolutions, appropriations, and reconciliation measures. But the absence of a general germaneness provision in Senate rules also makes surprise amendments possible on nonbudgetary legislation. Senate staff often refer to sequences of surprise

amendments and motions as "voteramas." Under these conditions, senators usually look toward low-investment informational cues, such as the party or ideology of an amendment's sponsor or the votes of like-minded colleagues.

Staff emphasize the pitfalls of information gathering during voteramas. Remarked the chief of staff to one conservative Republican, "When there's 20 amendments up on the floor and no one really knows them, that's when bad screw-ups occur. Your boss has to be smart. If Wellstone's on it, we're going to be skeptical. If Roberts is a yes, [my boss] is probably for that. If it's Bob Kerrey, maybe. John Chafee? Ugh. It's the sponsor and the issue." According to an aide to a southern Democrat, "We had 300 plus votes last session, but 45 came in one sitting [with] just a few minutes of debate on each amendment. Bang and vote, bang and vote." I asked him how he staffed the senator under such conditions. "I keep the floor on [the television monitor]. I send lots of e-mails out. On tax bills, having the amendments available on-line helps a lot. In other cases, less so, because it's not fast enough."

Not surprisingly, the amendment votes cast during voteramas are disproportionately party line. Caught by surprise, members tend to play it safe and stick with their fellow partisans. On tax and budget bills, for instance, one office in my sample routinely provided the senator with a list of pending amendments, with the understanding that he would vote for all GOP-sponsored proposals and against all amendments offered by Democrats—unless a proposal was highlighted in yellow. During the 106th Congress, the amendments offered during voteramas often were party message proposals, reinforcing the tendency to use "party of the sponsor" as the key voting criterion.

Recent innovations in information technology have facilitated the flow of information into Senate offices, even during voteramas. Before the mid-1990s, it could be difficult to get the text of surprise amendments. In the minutes leading up to a vote, legislative staff would have to scramble to the floor in search of amendment language. By the early 1990s, the two parties were providing television feeds that scrolled down the language of bills and amendments as the full Senate took them up. Beginning in the late 1990s, this process went on-line. With a fifteen-minute lag, Senate offices can now download the text of bills and amendments, as well as the accompanying debate. Some staff comment that this material is difficult to interpret and of limited practical value. But others describe the innovation as a potentially valuable source of information when unexpected amendments and motions come up on the floor.

Another important innovation for diffusing information about the floor agenda is the proliferation of partisan e-mail listservs. For instance, LDs in Democratic offices communicate with each other and the leadership on a daily basis about upcoming floor issues and other party matters. The LAs responsible for particular issue areas are similarly linked by e-mail. During Senate

consideration of managed health care reform in summer 1999, staff to the Democratic Policy Committee regularly provided Democratic health LAs with arguments, fact sheets, and related information via e-mail. Similar electronic linkages exist between offices on the GOP side. Within each party, the press secretaries in member offices are similarly wired to each other and to the leadership message operation.

The bottom line? In the contemporary Senate, individual offices are inundated with information about pressing policy issues and roll call votes. Much of this information is political, tactical, and partisan. It is exactly the kind of strategic intelligence that Kingdon argued legislators need to cast an informed floor vote. But the practical exigencies of information gathering reflect the administrative, technological, and increasingly partisan context of the modern Senate. Consider the comments of a longtime Senate chief of staff who also has House experience.

> In the House, everyone sort of finds people they respect—a stable of colleagues who are respected on an issue. So you'd go to Andy Jacobs on social security. You'd go to Lee Hamilton on foreign affairs. A member would noodle onto the floor, turn to Lee, and ask, "What should I do on Kosovo?" Senators check in with people too [before a vote], but the whole floor situation here is less dynamic. These guys have big staffs . . . plenty of people to brief them before they get down to the floor.

The aide emphasized the informational resources of individual senators: "Members of the House are more often specialists, more likely to need their colleagues' help on a regular basis. Senators [in contrast] are orbital universes unto themselves."

Roll Call Touchstones

As mentioned, Salisbury and Shepsle (1981) argued that legislative scholars should adopt a perspective of "congressman as enterprise." That is, we should analyze the behavior of offices rather than attempt to unravel the complex web of influence between lawmakers and their employees. Senate staff do influence the viewpoints, tactics, and decisions of their principals. But senators also hire employees who share their core values. They hire staff with the expectation that these individuals will help them develop agendas and proposals in new areas. Thus, Senate staff primarily should be viewed as resources for members.

In his study of the 1960s House, Kingdon (1973) found that lawmakers generally did not view staff as significant factors in their decision making. But in the Senate offices I have examined, the member speaks to a staffer or receives a

relevant memo before almost every roll call. I asked how often the member casts a vote without such input. Typical answers included "almost never," "less than 1 percent of the time," and "less than 10 times a year." Indeed, certain senators require that a knowledgeable aide be physically present in the corridor off the floor immediately before any roll call. Otherwise, "you're in serious trouble."

Such responses may reflect self-aggrandizement by staff, just as an analogous inclination may explain why Kingdon's respondents may have downplayed the role of staff in their roll call decisions. But I systematically followed up with concrete questions about the precise nature of staff input on particular votes—"Who talked to the senator?" "When did he/she receive the memo?" and so on. On the basis of these interviews, it is apparent that legislative staff have some input into the vast majority of roll call decisions made in the chamber. As a result of the extensive role of staff, and because of the difficulties of unraveling influence between members and their aides, I adopt the Salisbury and Shepsle perspective of "senator as enterprise." One implication—when I explore the factors considered by Senate offices on roll call decisions, staff input is left off the list.[3]

Senators cast hundreds of roll calls per year. Many of these votes are similar to previous roll calls or so clearly evoke a member's personal, constituency, or partisan interests that the decision is straightforward. Other votes present the member with new issues, or the relationship between the various alternatives and the lawmaker's electoral, policy, and other goals is unclear. And major votes can present senators with tradeoffs among different goals.

An aim of this research is to chart the processes through which senators make voting decisions under conditions of uncertainty or significant cross-pressure. For purposes of illustration, we can explore the factors relevant to vote choice on three issues considered during summer 1999: extension of the Northeastern Dairy Compact, the Y2K liability bill, and managed health care reform. For the dairy measure, the focus is on the August vote to invoke cloture and thus bring debate to a close. On Y2K, the emphasis is on the June vote on initial Senate passage. For managed care, my focus is on the final passage vote in July but also the more controversial amendments considered on the floor at that time. Table 13.1 provides summary data about the impact of six touchstones on member decision making for the three items. By *touchstone,* I am referring to a factor—a political actor or consideration—that plays some role in a member's decision calculus on a roll call. Six touchstones are mentioned in Table 13.1: general constituent interest, organized advocacy groups, the relevant party leadership, other senators, the administration, and a senator's core attitudes and policy views. On most roll calls, all of these factors are incorporated (to some extent) into the decision-making process. However, a factor's degree of importance will vary from member to member, from issue to issue, and over time. From the interviews, I

TABLE 13.1. Numbers of Roll Call Decisions on Three Issues (Dairy Compact, Y2K Liability, and Managed Care Reform Legislation) for which Touchstones Were of Major, Moderate, or Minor Importance

Touchstone Importance	General Constituent Interest	Advocacy Groups	Party Leadership	Other Senators	Administration	Core Attitudes and Political Views
Major	7	26	9	14	0	18
Moderate	6	7	6	9	2	6
Minor	23	3	21	13	34	12

Source: Interviews with Senate staff.

was able to code whether each touchstone was of major, moderate, or minor importance to a voting decision.[4]

General Constituent Interest

For the three pieces of legislation, Table 13.1 indicates that general constituency interest was a major factor in seven of the roll call decisions, a moderate factor in seven, and a minor factor (or less) in twenty-two. In his study of roll call voting, Kingdon defined "constituency" factors to include business interests and other organized elites, as well as mass opinion. My focus is more on ordinary citizens—the perceived mood of voters in the state. But also included here are the activities of opinion leaders and advocacy coalitions if their impact clearly took the form of grassroots mobilization. Interestingly, participants in the process emphasize that senators also consider potential shifts in constituent views and concerns when making roll call choices.[5] In the wake of the school shootings at Columbine High School, a number of GOP offices mentioned that their senators were attentive to the volatility of constituent opinion on gun issues during consideration of juvenile justice legislation in spring 1999. Similar calculations were mentioned on managed health care issues a few months later.

As Kingdon and others have observed, members of Congress use a wide range of indicators to gauge constituent opinion. Mail and telephone contacts are regularly mentioned as information sources, and these contacts are counted, tabulated, and interpreted with interest. Of course, such communications are highly sensitive to high-intensity constituent concerns and, increasingly, to sophisticated grassroots mobilization techniques aimed at stimulating—or simulating—constituent contacts with their representatives. An increasingly proportion of these contacts take the form of e-mail.

Table 13.2 summarizes the mail and telephone calls received by one office

TABLE 13.2. Count of Mail and Telephone Calls in a Sample Senate Office (Week of June 21–25, 1999)

Subject	Number of Contacts	At the End of Week
1. Anti PBS Air "It's Elementary"/Anti Gays	942	Mostly Monday
2. Anti Steel Imports	825	Decrease
3. Pro HR 1422/SS COLA based on CPI-E (PC)	735	Increase
4. Pro Notch Victims/Social Security (PC)	615	Steady
5. Miscellaneous	595	Steady
6. Pro S. 303/Networks on Satellites	385	Increase
7. Anti S. 254/Anti Gun Control (PC)	300	Steady
8. Anti Know Your Customer Banking	155	Increase
9. Anti New Gun Control Legislation	155	Steady
10. Anti CAFÉ Standards	145	Increase
11. Anti HR 45/Nuclear Waste Transportation	120	Steady
12. Pro Adult Education Funding	95	Decrease
13. Pro Bankruptcy Reform Act	40	Steady
14. Anti 602P/E-Mail Tax for USPS (hoax)	35	Steady
15. Anti Flag Burning	35	Mostly Friday
16. Pro Flag Burning	30	Steady
17. Pro Strengthen Social Security	30	Steady
18. Pro Civil Asset Forfeiture Reform	25	Steady
19. Pro Stronger Gun Control	20	Decrease
20. Anti S. 622/Hate Crimes Prevention Act	15	Steady
Mail Totals for the Week of June 21–25, 1999	Instate 4,681	
	Outstate 175	
	TOTAL 4,856	
Previous Week's Total (June 14–18)	TOTAL 5,899	

(from a medium-sized state) during a week in June 1999. As is typical, the legislative agenda for the period is only partially represented among the issues mentioned in these contacts. Indeed, of the measures considered on the floor in the surrounding weeks, only the steel import quota legislation was a top-20 mail item—and that was on the list because of an organized letter-writing campaign coordinated by the steelworkers. Managed health care reform, which would create gridlock on the floor the following week, did not even make the top-20 list.

Most citizens simply do not articulate strong preferences about the vast majority of roll call choices that senators confront on the floor—even for major items on the Senate agenda. Still, perceptions about current and potential constituent viewpoints can be a significant factor in roll call decision making. During 1999, the Y2K legislation, which dealt with technical issues of legal liability, was perceived as all but invisible to the average voter. General constituent attitudes likewise were not seen as a major factor on the dairy compact issue, with

certain exceptions. The dairy vote was viewed as critical to dairy producers in a small number of northeastern states and in the upper Midwest. In these areas, the issue generated substantial media coverage, which in turn created a degree of attentiveness that reached beyond the organized dairy community.

However, of the three issues addressed in Table 13.1, general constituent interest was most significant for managed health care reform. Mass opinion was viewed as a major factor in half of the offices sampled for the issue. The quantity of mail generated by the matter was less than most offices expected, and the general public did not closely follow the legislative debate about legal liability and medical necessity. But labor and business groups ran television commercials in a number of states at the time of Senate floor action. And both parties viewed managed care votes as potential fodder for future Senate campaigns.

I asked one Republican chief of staff about constituent interest in the managed care bill. He immediately ticked off statistics about the number of uninsured citizens in his state, the number enrolled in Medicaid and Medicare, and the number served by HMOs. During floor action on the measure, the office received just 200 e-mails and phone calls about managed care, and "most of these people didn't know what they were talking about. It was straight out of someone's press release." But the office closely monitored coverage of the debate in home-state newspapers. "We did a lot of public relations, radio, and press releases. . . . These issues tend to poll Democrat." After the leading newspaper in the state editorialized in favor of the Republican plan, the staffer judged the outcome "a big victory for us because we fought them to a draw." On managed care, then, perceptions about current and potential public opinion on the matter were a factor in roll call decision making, even though the average voter was unfamiliar with the details of the legislative debate. Interestingly, the level of public interest in managed care reform varied from state to state, depending on the degree to which HMOs had penetrated local markets for health insurance.

Organized Advocacy Groups

The second column of Table 13.1 captures the importance of interest groups in roll call decision making on the three items. Kingdon's (1978) definition of "interest group" was relatively broad. Among other actors, it included "lobbying organizations, identifiable but unorganized sets of people, and even such social classifications as 'middle-class taxpayers'" (146). I adopt a somewhat narrower definition here to help distinguish this touchstone from general constituent interest. By organized advocacy group, I mean exactly that—an organized collectivity of individuals, typically with some lobbying presence in the state or in Washington.

As indicated in Table 13.1, the Senate offices under focus here generally

perceived organized groups as a more significant touchstone than mass opinion. Advocacy groups were viewed as a major factor in over 70 percent of the voting decisions; the analogous figure for general constituency interest was less than 20 percent. Indeed, organized groups were a significant factor on all three measures, although there were major differences across states on the dairy vote.

Of course, there also are important links between constituent opinion and the activities of interest groups. Groups located in the state receive by far the most attention from an office. Dairy producers were a major factor on the dairy compact vote. But the decision making of senators was mostly driven by the interests of dairy farmers in their own states, and the industry was divided by region on the compact extension. Senate staff regularly comment that national lobbying organizations are given limited weight in a member's decision calculus unless they also have a presence in the state. And the more effective lobbyists usually bring officials or group members from the home state with them when they meet with a senator. A number of offices generally do not allow lobbyists in to see the member unless constituents accompany them.

Modern advocacy groups seek to influence roll call decisions via a range of tactics, including grassroots mobilization efforts. Such tactics further complicate the distinction between constituent interest and organized groups as roll call touchstones. On managed health care, for instance, the American Medical Association ran television ads in eleven states supporting reform. During floor action, the organization flew in planeloads of doctors from these states to help lobby wavering senators. Business and insurance groups also ran national advertising campaigns, again targeting pivotal votes. The AFL-CIO spent $500,000 on ads that aired in eight key states.

One example—Illinois Republican Peter Fitzgerald was widely viewed as a swing voter on a number of managed care issues. The week of floor action, the AFL-CIO spent $40,000 on radio ads in Chicago alone. The advertisements encouraged listeners to call the freshman and ask, "Which side are you on?"[6] The same week, representatives of fifteen large companies with a major Illinois presence (e.g., Caterpillar, John Deere, and UPS) met with Fitzgerald in Washington. The American Medical Association, which is based in Chicago, also ran ads in the city urging listeners to telephone Fitzgerald's office. The freshman Republican eventually voted with the Democrats against final passage.[7] Thus, interest groups matter, and their influence is often channeled through the folks back home.

Party Leaders

The extended party leadership (floor leaders, whips, deputy whips, and policy committee chairs) was a major factor on nine of the decisions in Table 13.1, of moderate importance on six, and a minor factor on twenty-one. Here the

differences across issues are particularly striking, in part because the three items were selected to illustrate different levels of partisan disagreement. All of the staff I spoke with agreed that the leadership had played no role in member decisions on the dairy compact. The lead backers of the proposal did work with Majority Leader Trent Lott to bring the matter to a vote. But beyond procedure and timing, the leadership was inactive.

Party leaders were more of a factor on the Y2K bill. The chief of staff to a Republican senator explained why: "[On Y2K], the party was involved up and down the line. Look at the top of the Standard and Poors 500 and you see Silicon Valley and High Tech. Members have figured out where the wealth is. . . . The Democrats are captives of the plaintiff's bar, and this bill forces them to choose between their long-time constituency and the new money in the High Tech community—people who are just getting active in politics. . . . The vote is an easy one for us and we welcome the Democrats' distress."

Lott and Majority Whip Don Nickles (R-OK) were integrally involved in mobilizing support for the legislation and moving it to the top of the floor agenda. Democratic leaders also were active, attempting to hold their fellow partisans in line against the measure—at least until the Clinton administration's initial opposition began to falter. At that point, Democratic leaders backed off.

The two party leaderships were a significant touchstone on managed health care reform. On both sides of the aisle, the initiative was viewed as a significant "party message" issue. A nascent centrist coalition was quickly countered by Democratic leaders interested in sharpening their party's public message on managed care issues and distinguishing it from the Republican stance. When Republican John Chafee attempted to push a centrist alternative, GOP leaders persuaded party moderates to ignore his effort. Recalled one Republican aide, "This one came up over two years. It was like two armies marching out of the mountains, across the river. They saw each other and each knew where the other one was. There were virtually no surprises." Within both parties, the leadership spearheaded the public relations effort on managed care. During chamber action, both parties had informal war rooms set up near the floor, manned by senators and staff who were available for talk shows and interviews. The Democrats referred to their operation as the "Intensive Communications Unit."

On the GOP side, a leadership-appointed task force chaired by Nickles drafted the Republican plan. Democrats countered with strategically crafted amendments aimed at confronting Republicans with politically difficult votes. One popular proposal—offered by Charles Robb (D-VA)—would have allowed women to designate a gynecologist or obstetrician as their primary care provider and would have given doctors and patients the right to determine the duration of hospitalization after a mastectomy. To minimize floor defections on such amendments, members of the GOP task force surveyed their fellow partisans about the

likely Democratic proposals. A Republican staffer recalled: "There was something like 16 questions—all the Democrat amendments—and they asked for yes, no, or undecided on each. The sheet asked what your problems were on the Democrat amendments."

Republican leaders used the survey results, along with other materials, to help draft narrower alternatives in the same topic areas as the Democratic amendments. The aim was in part to provide Republicans with political cover. For example, Republicans responded to the Robb amendment with an alternative offered by Olympia Snowe (R-ME) that just included the mastectomy language. Most Republicans voted against the Robb amendment and for the Snowe proposal. A number of Republican senators did vote with the Democrats on certain of the amendments. But the GOP leadership ensured that these defections were sufficiently spread out that Republican proposals still carried the day. Overall, staff from both parties described the GOP whipping process on managed care as highly effective.

Other Senators

As Table 13.1 indicates, other senators were a major touchstone in fourteen of the thirty-six decisions concerning the dairy, Y2K, and managed care initiatives. By "other senators," I am referring to significant contacts with—or consideration of—other members who are not part of the extended leadership. In the interviews, for instance, I asked if the relevant senator sought out the advice of a colleague about the vote under focus and also whether the member was directly lobbied on the matter by another senator. Thus, in addition to cue taking for informational purposes, this touchstone encompasses a range of member-to-member contacts that might affect the voting calculus. Also included are contacts made at the staff level if they were conducted at the instruction of the member—"Call Rockefeller's office and get his take on this"—or if such staff contacts were significantly above and beyond the routine interactions that occur between LAs with similar issue responsibilities.

The nature of the member-to-member contacts varied somewhat across issues. For the dairy vote, the contacts typically were at the member level. Extending the dairy compact was a major political challenge for Vermont Senators Patrick Leahy and James Jeffords and certain other northeastern colleagues. A number of midwestern senators, led by Herb Kohl (D-WI) and Rod Grams (R-MN), were adamantly in opposition. On both sides of the fight, the lead senators compiled lists of members who were solidly in their camp, solidly against, or to some degree undecided. As the LD to one cross-pressured Democrat recalled, "We knew this fight was coming up. The Ag LA talked to the dairy folks in [the state] and asked if they cared who won. Half said, 'No, stay out.' The others

said, 'Support Leahy because we may want our own compact down the line.' That's the clearest direction we got." The staffer emphasized that the member-to-member lobbying was central to her boss's decision: "_____ was heavily personally lobbied by Feingold and Leahy, and they're both buddies. Each side said that [dairy interests in the state] were with them. _____ had to tell these friends either, one, 'I'm with you' or, two, 'I'd like to, but my state dairy people say no.' . . . In the end, we thought we had a more credible explanation [by] going with the Northeast." The chief of staff to another Democrat commented: "Kohl and Leahy personally lobbied this one furiously. [My boss] talked to Leahy three or four times here and on the phone and more times on the floor. Leahy's chief of staff called and pitched it to me as a favor, not on substance." By all accounts, Senator Jeffords was similarly promoting the interests of his Vermont constituents among Republicans. For most offices, the parochial interests of home state dairy producers and the firms they supplied were the pivotal factors in the vote. But the member-to-member lobbying also mattered.

In contrast, the member-to-member contacts on Y2K and managed care were more informational, rooted in the substantive and strategic complexities of these issues. On Y2K, a number of GOP senators spoke with Robert Bennett (R-UT), chair of a special committee dealing with Y2K issues, and with Commerce Committee chair John McCain (R-AZ), who was lead sponsor of the measure. A number of Democrats sought advice from Chris Dodd (D-CT), John Kerry (D-MA), and Ernest Hollings (D-SC), all of whom were active in the debate. On managed care, GOP senators relied on the leadership of Bill Frist (R-TN) because of his background as a heart and lung surgeon and his general expertise in the area of health policy. Frist also was on the GOP task force for managed care. The task force divided the Republican Conference into zones, with a task force member assigned to work with colleagues from that area. The member-to-member contact on managed care was substantive, political, and extensive.

In short, other colleagues can be an important touchstone in the roll call decisions of senators. Most often, senators turn for advice to policy experts who share their core values and political goals. These contacts usually are not last-minute exchanges on the floor immediately before a vote is cast. Instead, they tend to occur earlier in the decision-making process.

Administration

The Clinton administration was not viewed as a significant factor in roll call decision making on the three bills. Indeed, the administration was judged as a minor consideration across the board, except for the cases of two Democrats on the Y2K measure. On dairy, the administration was opposed to the compact extension, but regional and member-to-member considerations dominated Senate

decision making. On Y2K, the administration's position shifted from early opposition to support for a compromise alternative. The preliminary opposition did help keep certain Democrats in line, but this constraint vanished as Clinton's position on the issue evolved.

Interestingly, none of the offices I interviewed about managed care perceived the administration as a major factor, even though the original "Patient's Bill of Rights" was drafted by an administration-appointed commission. Administration officials also spoke on a number of occasions at Democratic caucus meetings about the measure. But Senate Democrats primarily viewed Edward Kennedy (D-MA), (then) Minority Leader Tom Daschle (D-SD), and other Democratic leaders as the key party actors on managed care reform. A number of offices mentioned the impeachment experience as a reason for Daschle's policymaking prominence and the limited deference afforded the Clinton administration.[8] Especially in the 106th Congress, the impact of the president on Senate policy making mostly originated in the power to propose and the administration's influence over the national political agenda.

Core Attitudes and Political Views

In contrast to the other touchstones referenced in Table 13.1, the senator's core attitudes and political views was a touchstone that I did not ask specific questions about with regard to impact on voting decisions. But it was clear from the interviews that, on certain issues, a member approached a roll call choice by consciously relating the matter to his or her ideology and/or prior voting record. Asked about their boss's vote on the steel import quota measure, for instance, a number of staff immediately responded, "That was easy, he's a free trader" or "That's a quota bill and we're against quotas."

Clearly, we need to be careful in gauging the importance of a senator's political philosophy or record to a roll call decision. Such considerations are less visible and concrete than are the other touchstones. Moreover, there may be a natural tendency for Senate staff, who are highly political people, to exaggerate the philosophical underpinnings of their boss's decisions. Still, the linkages between a member's underlying attitudes and roll call choice surfaced repeatedly in my interviews. And a member's prior voting record can be a useful informational touchstone when there is uncertainty about a vote. Such linkages also have consequences for the deliberative character of roll call decision making.

As a result, I attempted to balance the potential importance of this touchstone with the obvious measurement problems by looking for spontaneous references to underlying political attitudes and their connections to vote choice. That is, I waited for respondents to mention such considerations and then made a judgment call about whether the touchstone was of moderate or major importance.

Again, these data should be interpreted with care, but there is substantial variance by issue, and the differences make good intuitive sense.

The dairy compact, for instance, was a classic parochial fight, and this last touchstone was of limited relevance. On Y2K, a number of Republicans viewed the issue in terms of their overall stances on liability and tort reform. Certain Democrats mentioned that their bosses regarded the proposal as an "access to justice" issue—above and beyond any political inclination to satisfy the trial lawyers. Not surprisingly, core attitudes and political views were a pervasive factor in the decisions about managed care reform. The issue had been on the agenda for three years; it tapped into ideological divisions between Republicans and Democrats; and senators routinely had been asked to explain their positions before and after the 1998 elections. Constituent, group, and party factors mattered a great deal on managed care. But core attitudes and political views also played a significant role.

Conclusion

The analysis in this chapter illustrates how legislators make decisions on major issues in the contemporary Senate. And my emphasis on the *processes* through which senators decide provides useful perspective on a number of theoretical and empirical questions of interest to legislative scholars. Briefly consider the differences between member decision making in the Senate and the House; the ongoing controversy about party power in Congress; and recent generalizations about the decline of deliberation in the modern Senate.

First, the main contours of roll call decision making have not changed fundamentally since the first publication of Kingdon's book in 1973, and important continuities also exist in the process of member decision making across the two chambers. In the contemporary Senate and House, legislators must repeatedly take positions and cast votes on complex issues subject to significant uncertainty and binding time constraints. Constituency imperatives—including mass opinion and interests groups with an important constituency presence—are central to decision making in both chambers. Similarly, the emphasis that the two political parties now place on formulating and publicizing a coherent party "message" shapes how senators and House members alike make up their mind on certain key issues such as managed care reform.

However, the analysis in this chapter also suggests important differences in member decision making across the two chambers. For one, compared to the House leadership, Senate party leaders often lack the formal powers necessary to control the floor agenda. As a result, the choice context on the floor is far less predictable in the Senate relative to the House, complicating the decision-making process for individual senators. Moreover, senators represent larger

more diverse constituencies than is the case for House members and thus typically confront a broader range of interests and pressures when deciding how to vote. However, Senators also have greater access to personal staff resources than do their House counterparts. The enhanced informational capacities of the typical Senate office enterprise help make decision making within the chamber more manageable—and also contribute to the hyperindividualism that characterizes the modern Senate.

As mentioned at the beginning of this chapter, a number of scholars have argued that party leaders in Congress do not regularly exert a significant and independent impact on legislative outcomes. Instead, congressional policy making is largely driven by the preferences of pivotal lawmakers—for instance, the median voter on the House floor or the senator providing the 60th vote on a cloture motion. Another view is that party leaders and party organizations can matter a great deal. The conditional party government perspective, for example, posits that when the majority caucus is relatively united about policy, rank-and-file lawmakers will empower their centralized party leadership, granting them the tools necessary to shift outcomes toward the preferences of the majority caucus (Aldrich and Rohde 1997–98).

The analysis in this chapter suggests that Senate party leaders do influence the legislative process under certain conditions. They help structure the choices that members confront on the floor. And they also shape the processes through which individual lawmakers decide how to vote. On managed care, for instance, some preliminary efforts were made on both sides of the aisle to forge a centrist coalition between the Republican and Democratic party stances. But leaders in both parties convinced wavering moderates that their political goals would be better served by staying loyal to the relevant party position. Each party sought to sharpen its public image on health care issues and distinguish its message from that of the other side. There was minimal arm-twisting. Rather, the emphasis was on convincing pivotal members that it was critical to present a unified partisan front to the voters and interested advocacy groups. During the 106th Congress, the legislative impact of party in the Senate typically took this form.

Under what conditions does party matter? The conditional party government approach emphasizes unity among members of the majority caucus. Clearly, there was the possibility of preference cohesion among Senate Republicans on managed care, tax reduction, and other issues considered on the floor during the 106th Congress. But the real impact of party was on the *process of preference formation*. Thus, we need to look beyond conceptualizations of a preexisting distribution of preferences to determine the conditions under which party matters in the Senate. And isolating such conditions requires that we closely examine the processes through which senators make up their mind on major issues and roll calls.

Finally, serious questions have been raised by scholars, legislators, and media analysts about the quality of deliberation in the contemporary Senate. A few years ago, Senator Robert Byrd (D-WV) even remarked that "the Senate's role as a deliberative body should be to endeavor to help the people hear all sides so that consensus may form; yet, as an institution the Senate is more and more ceasing to perform that deliberative function. It is not the Senate that I once knew. The Senate has lost its soul."[9] Byrd argued that members are spread too thinly, lack the time necessary to make informed judgments, focus too much on message and sound bites, and lean too heavily on staff.

If we are to evaluate the quality of Senate deliberation, though, we need to move beyond broad generalizations and consider up close how members actually make decisions on major issues. What are meaningful and realistic criteria for gauging deliberation in the modern Senate? To what extent do senators receive the information necessary to cast an informed vote? For that matter, precisely what constitutes an informed vote? To what extent do members consider different sides of an issue and competing evidence? Is the information gathering and analysis that occurs within a Senate office a form of deliberation? Is member-to-member contact and dialogue a necessary condition for a decision to be deliberative? Answering these questions is beyond the scope of this chapter. But sustained observation of the processes through which senators make choices on major policy issues can help us evaluate the deliberative capacity of this fascinating institution.

Notes

1. For each of the twenty issues included in the broader study, data were gathered from twelve Senate offices, equally divided by party. Thus, the total number of observations (roll call decisions) to be analyzed in the project is 240. In devising the sample of offices, I primarily relied on personal contacts. Thus, the selection process here diverges from the random design used by Kingdon (1973, 1978, 1989). For each office, my primary goal was to secure access to the staff person closest to the senator on the issues under study. In addition, it was critical that the relevant aides speak with me as candidly as possible about the decision-making process used on these issues. Selecting the sample randomly would have produced little access and even less candor. As a result, I constructed the sample in a piecemeal fashion via personal contacts who could vouch for my trustworthiness. Still, the sample constitutes a fairly large proportion of the entire membership. As mentioned, it is equally divided by party. Within each partisan cohort, efforts were made to keep the sample broadly representative by ideology and region. I also looked for a mix of junior and senior members. For reasons of access and candor, I promised in writing to all of the respondents that none of the remarks they made to me would be traceable to them or their bosses. Thus, the interviews were conducted on a

not-for-attribution basis. I took extensive notes during each conversation and then typed them up. In deciding what questions to ask the staff informants, I mostly worked off Kingdon's interview protocol. Indeed, I found that his core questions still work remarkably well. A preliminary questionnaire was developed and pretested with two Senate chiefs of staff that I knew and trusted. I spoke with them at length about question wording, topics to address, the likelihood of candid responses, and so on and made certain adjustments in question wording and order to reflect their concerns. In addition, at various points during the 106th Congress, top aides in ten of the thirty-six offices included in my sample met two or more times with groups of my students in Williamsburg, Virginia, at the College of William and Mary and spoke with them informally about the relevant senator's approach to the major issues on the legislative agenda. These sessions enhanced the level of rapport during my subsequent interviews with the staffers in Washington and also turned up interesting information about the Senate and member decision making.

2. *Congressional Staff Directory*, Spring 1999, 74.
3. In the revised editions of his book, Kingdon (1978, 1989) suggests that the "member as enterprise" approach is appropriate for analyzing decision making within the modern Congress, in part because of the proliferation of personal office staff.
4. When a touchstone is rated as a major consideration for a senator on a vote, it is likely that the factor also had some influence on the decision. So if the lobbying of party leaders is perceived as important on an issue, most probably the leadership influenced member behavior. But generalizations about influence should be based in part on linkages between the *preferences* of interested actors and the relevant legislative outcome. Such data were gathered as part of my broader project. But our focus in this chapter is on factors *considered* in the decision making process. Such consideration may or may not directly translate into influence.
5. For a conceptual discussion of the importance of potential publics in congressional decision making, consult Arnold (1990).
6. Robert A. Davis, "Hard to Get a Firm Grip on Fitzgerald," *Chicago Sun-Times*, July 15, 1999, 39.
7. Ibid.
8. Daschle also had a long track record as a policy expert on health care issues that predated his tenure as Democratic leader.
9. Hearing before the Joint Committee on the Organization of Congress, 103rd Congress, 1st sess., February 2, 1993, S. Hrg. 103-36, 5.