

The Evolution of Obstruction: Mike Mansfield and Multiple Tracks

BY

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## **Abstract**

A core question in analyzing political institutions is how these institutions themselves change. This thesis seeks to understand how the institutional procedure change of multiple tracks affects the functioning of the filibuster in the U.S. Senate. The data utilized are Washington Post discussions of the filibuster before and after the implementation of multiple tracks. Descriptive statistics, analyses of mean differences, and OLS regression are utilized to test how this change altered the functioning of the filibuster in the Senate. Ultimately, this thesis finds that the implementation of multiple tracks does not affect the functioning of the filibuster, but does alter the duties of the majority leader within the chamber in relation to managing filibusters. This finding is linked to classical and contemporary examples of the filibuster to illustrate how the role of the majority leader changes in practice.

## **Introduction**

On January 30, 2009, President Barack Obama signed into law the “Advancing America’s Interests Act,” an act to designate certain land as part of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes. This, the eleventh public law of the Obama administration, was the culmination of years of effort by environmental groups to preserve land on which endangered species live and to research the breeding and migratory habits of these animals. This did much to preserve public lands, but the “omnibus” portion of this bill was actually a catch-all for the Senate to overcome the actions of one senator, Tom Coburn (R-OK).<sup>1</sup> The “Advancing America’s Interests Act”, or the “Tomnibus” bill as it came to be known, was a legislative device put together by Senate Majority Leader Harry Reid (D-NV) to overcome Coburn’s objections to more than a hundred individual bills in the 110<sup>th</sup> Congress.<sup>2</sup> Still, the Senate is resilient, and despite the obstruction of Coburn to all of this legislation, Congress continued to function as a governing entity in the 110<sup>th</sup> Congress.

In stark contrast to the story of the “Tomnibus” is Strom Thurmond (D-SC) conducting what is perhaps the most famous filibuster in congressional history. Thurmond spoke consecutively for more than 24 hours in order to block consideration of the Civil Rights Act of 1957, a bill eventually passed over his objections (Stern 1995). Accounts of this filibuster report that he read from the Washington, DC telephone directory and various cookbooks, among various other sources. During his filibuster Thurmond adopted unorthodox measures to sustain himself, including drinking raw eggs for gains in energy. Thurmond also went against the

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<sup>1</sup> Hulse, Carl. “On a Sunday, the Senate Votes Yes on a Lands Bill.” *New York Times*. 1/11/09

<sup>2</sup> Hulse, Carl. “Democrats Try to Break Grip of Senate’s Dr. No.” *New York Times*. 7/28/08

wishes of his party leader in the Senate, Lyndon Johnson, in engaging in this obstruction, but had the backing of a sizable portion of Southern Democrats and Republicans in his action, including Richard Russell (Stern 1991). This lack of support from party leaders did not deter Thurmond from engaging in his filibuster, but also played a minimal role in overcoming it. No scholarly account discusses the role of majority leader Johnson in managing and overcoming Thurmond's obstruction, unlike the depictions of Coburn's obstruction.

These two differing tales of filibuster usage tell us, in broad strokes, both the potential gains from the filibuster and what can be lost. The obvious cost in classical manifest<sup>3</sup> filibusters is the time of the individual member holding the floor and other members being present for a quorum call at all hours (Binder and Smith 1997).<sup>4</sup> Another obvious cost is the lost scheduling time in which to consider other bills (Wawro and Schickler 2004). The most obvious gain is the ability to obstruct legislation that goes against the policy views of the individual senator and her constituency. There can also be bargaining gains from engaging in this obstruction (Evans and Lipinski 2005). One intriguing question at the core of this work is how these costs and benefits change when the procedural rules governing the usage and structure of the filibuster change. That is, what does it mean that one senator can shut down more than one hundred bills, but not shut down Congress entirely, whereas in classical treatments the debate of one bill shut down consideration of all others? Many of the costs in the classical filibuster have disappeared; there are no longer 3 am quorum calls, there is no longer a need to shut down the consideration of all

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<sup>3</sup> There are two types of filibusters in the Senate. The first, and classic, conception of the filibuster is the manifest filibuster, in which a senator or group of senators holds the floor for as long as possible through speeches. The second is where action on a bill is delayed through means which do not include holding the floor, such as debate on a variety of amendments or placing holds on a piece of legislation.

<sup>4</sup> Quorum calls are a necessary consideration in classical filibusters due to the need for continued debate in order to make it possible for the majority to invoke cloture. That is, if quorum is called and the necessary portion of the chamber does not answer the roll, the bill is deemed to be taken off of the agenda for the remainder of the term, effectively accomplishing the same objective as the filibuster itself. Thus a cost for the majority, and a benefit for the filibustering minority, is the maintenance and calling of quorum.

other bills, and the individual member is less of an individual actor in the functioning of the filibuster. However, there are new costs in that the ability of the Senate to hear bills in a timely fashion can be harmed, and individual members may be less likely to think of the needs of the institution.<sup>5</sup> The answer proposed to the question of changing costs and benefits in this work revolves around the ability of the party leaders in the Senate to “track” legislation, enabling the chamber to manage increased levels of obstruction while still functioning. This multiple track system has fundamentally changed the nature of obstruction in the Senate, and has changed the utility of obstruction for both members of the chamber and leaders in the Senate.

Filibusters, and their dilatory cousins continuous amendments and hold processes, are a dynamic part of Senate history, changing both its form and utility many times throughout the history of the Senate. Some debate exists over if these obstructionist tactics were intended to exist in the Senate by the framers, but this is likely not the case (Binder and Smith 1997). This thesis deals with multiple tracks and how this change in Senate procedure changes the utility of the filibuster for both individual senators and parties. In order to truly answer this question, I first explore how the situation came to be. The place to begin this exploration is with the history of the filibuster, but I will examine the history and usage of the tabling motion in the Senate. The discussion will then move to the issues and pressures surrounding multiple track system and why it came to be an appealing option.

## **History of the Filibuster**

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<sup>5</sup> A debate exists over if the change in perception of the institution by senators should be conceptualized and treated as a cost or tactic when exploring delay in the Senate. For the purposes of this work it is treated as a cost, as this thesis is concerned with the utility of actions on the part of various actors, and not the motivations underlying their actions.

The original design of the Senate was not intended to incorporate principles of unlimited debate (Beeman 1968).<sup>6</sup> Arguably, the principal role of the Senate for the founders was to preserve the unofficial aristocracy of the nation while slowing the actions of the more radical and intemperate House (Federalist 62). It was not until 1808 with the omission of the previous question motion that unlimited debate became possible,<sup>7</sup> and filibusters did not begin occurring with any regularity before 1877 (Binder and Smith 1997, 48). The principle of limited debate in early Senate history depended upon the ability of senators to self-govern their actions for the good of the institution. This self-governance diminished over time due to individual opportunism that rose from the dual pressures of chamber workload and chamber size (Wawro and Schickler 2006). That is, as the workload of government increases and the legislature grows in both size and power, the opportunities for obstruction by individual members increase. The chamber must then limit the ability for members to obstruct in order to maintain the functioning of government. Likewise, as chamber size increases, the number of different opinions to be heard increases as well, further encouraging debate restrictions. The combination of legislative workload and chamber size came into direct conflict with the requirements of governmental efficiency in 1917, prompting the passage of Rule XXII (Binder and Smith 1997, 7).

Passage of Rule XXII helped shape the modern Senate, establishing a cloture provision for cutting off debate. The threshold for implementing this stoppage was originally set at the support of two-thirds of members present and voting, with provisions for continuing debate for an hour per member, up to a total of thirty hours, after the passage of cloture. This 1917 structure of the filibuster has changed in two vital ways, however. The first of these was the

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<sup>6</sup> Extended and unlimited debate is but one form of dilatory tactic; other forms include motions to table, lack of quorum tactics, and holds, some of which will be discussed in this work.

<sup>7</sup> The principle of “previous question motions” is that it requires a vote to be held in a timely manner after the question has been called. This is the primary provision through which debate in the House is limited.

lowering of the threshold for implementation of cloture to three-fifths of all members. This rule, passed in 1975, was a product of the increasing workload of the federal government after the New Deal and Great Society programs (Mayhew 2003), and the increasing partisanship in the chamber (Binder and Maltzman 2005). The effect of this reform was twofold: first to lower the supermajoritarian threshold, and second to solidify the threat of altering the structures surrounding debate in the Senate. This revolved mostly around the changing behavior of Southern Democrats. After the passage of the Civil Rights Act in 1965 the voting behavior of these senators changed in such a fashion that they no longer voted to block civil rights, but rather the expansion of protections of these rights (Friesher 1993). Additionally, the strategies of filibustering changed during this period, with the dilatory tactics of Southern Democrats expanding beyond delaying civil rights bills to obstructing a much wider range of legislation (Binder and Smith 1997; Koger 2010).

Much has been written about the rising incidence of Senate filibusters over the last century (Binder and Smith 1997; Binder, Lawrence and Smith 2005; Koger 2010). Briefly, usage was minimal through the 1950s. This began to change in the 1960s as Southern Democrats increasingly used the strategy to block the civil rights and voting rights acts of 1957, 1964, 1965 and 1968. After the passage of these civil rights measures, Southern obstructionists re-evaluated their stance on the filibuster and decided that they would expand their usage of this dilatory strategy in order to convince the chamber to heed their wishes (Oleszek 2007, 239). After the passage of the three-fifths threshold in 1975, the filibuster has steadily become a prominent tool in the arsenal of minority obstructionists and dominates the nature of discussion in the chamber (Koger 2010; Binder and Smith 1997).

### **Filibusters: Costs, Benefits and Consequences**

The establishment of cloture was originally intended to deter filibustering, as it gave the chamber an ability to limit debate by individual members (Koger, 2010). As noted by previous scholars (Wawro and Schickler 2006), the assumption that debate takes place in a setting that does not allow for consideration of multiple bills is the model of a “war of attrition.” That is, the ability of members to obstruct legislation is based around a consideration of the costs of obstructing versus the benefits of blocking that particular bill, while the supporters of that bill are also forced to weight the costs of allowing the continued obstruction versus the benefits of defeating the obstruction. In these manifest filibuster situations, there are four different sets of actors who must weigh both these costs and benefits: the filibustering member or coalition, the supporter(s) of the filibustered legislation, the average member of the chamber, and the majority leader.

The filibustering member or coalition must weigh three separate costs. The first of these is the time spent obstructing the individual legislation under consideration. This most direct cost has changed in value over time, but has been shown to be a primary consideration in whether or not members join filibustering coalitions (Hartog and Monroe 2008). A second cost is the blocking of consideration of alternative bills. This cost differs for a single obstructor versus a filibustering coalition, in that an individual member does not have to consider bills which are being blocked affecting the re-election prospects of thirty-four or forty members. The unraveling of filibustering coalitions is not an unusual phenomenon as the end of congressional sessions approach, where the need to pass legislation not presently being considered increases on the various members of the filibustering coalition (Wawro and Schickler 2006). The third cost to the filibustering member is that of public perception of their actions. This form of position taking may be beneficial in their constituencies (Mayhew 1973), but it may not benefit senators’

progressive ambition, such as a party leadership position or that of higher office.

The costs for the supporters of the obstructed legislation are that of the loss of the legislation for their home constituencies. That is, if the legislation is blocked from passage, they cannot credit claim for the passage. This cost is more complex than it appears, in that the salience and importance of the legislation, along with the time remaining in the term, impacts how much cost the supporters are willing to bear in order to overcome the filibuster. The greatest example of this is the costs borne by anti-segregationalists in the battle over the 1957 Civil Rights Act. Although Thurmond engaged in the longest filibuster in Senate history, he in fact lost the vote to end his obstruction, as well as the vote on final passage for the legislation. The supporters of the bill were able to overcome this obstruction through pressure on members with the landmark nature of the legislation and the nation-wide public pressure on individual members and the chamber as a whole to act on the legislation. Had this legislation been less salient, the supporters of the legislation may have been willing to drop their support of the legislation and Thurmond would have succeeded in blocking enactment (Wawro and Schickler 2006; Binder and Smith 1997). The benefits of obstruction for supporters of the legislation could only potentially exist if the legislation itself was a public relations maneuver or a valence issue which could never have been passed and was proposed simply to force opponents into acting negatively on the legislation.

The costs of obstruction for the average member are more complex than that of either the obstructor or the supporter of legislation. The basic cost for all members is similar to that of the supporters of filibustered legislation, that other legislation cannot be considered on the floor while a filibuster is occurring. Koger (2010) demonstrated that the push for cutting off debate and lowering the threshold for cutting off debate is most applicable to senators close to the

median (50<sup>th</sup>) member, but the applicability of the logic diminishes the further from the median a senator is, and in fact changes to be anti-closure at the extremes. That is, as members become more ideologically extreme they become less likely to support closure motions and the ideological extremity of the chamber as a whole determines the costs of overcoming obstruction. Thus as parties in the Senate have become more cohesive, homogeneous and distinct (Rohde 1991), the costs of overcoming this obstruction have increased dramatically. The benefits of obstruction for all members of the Senate come mostly in the form of increased ability to shape and improve the party “brand” in pursuit of reelection (Smith 2007; Aldrich 1995) or in pursuit of the chamber majority. This implies that there are group costs and benefits in filibusters that stretch beyond the pure policy objectives of individual members.

These considerations are essential to understand, but clear are the costs and benefits for the respective party leaders, especially the majority leader. Wawro and Schickler (2006) implied that it is in the best interest of the majority leader to pass as much legislation through the chamber and debate will be structured as much toward this goal as possible. Deering and Smith (1990) as well as Sinclair (2002) allow that this may not always be the case, as the majority leader must answer to a party in order to maintain his position of power. This dichotomy of motivations implies that the costs of filibusters for majority leaders will be the perceived legitimacy of their position by both the party caucus and the broader public, while any benefits of filibusters will be oriented around the ability of the leader to demonstrate the attempts of the minority party to block vital legislation (Koger 2010).

These changes imply a basic pattern to the evolution of filibuster costs and benefits. First, there is a greater emphasis on the ability of the majority leader to work between the parties to overcome the increasing ideological space between the two parties. Second, the thresholds for

legislation change with the requirements for cloture, not only within the chamber for passage but also in the writing of bills. That is, the passage margin for bills after the implementation of the cloture provision went up, pushing majoritarian bills out of consideration by the Senate and moving the chamber to supermajoritarian structures (Wawro and Schickler 2006). This establishes a “filibuster pivot” in the consideration of legislation in the Senate (Krehbiel 1998), especially as it pertains to controversial legislation. This filibuster pivot implies that for controversial legislation, the implicit requirement for passage of the legislation becomes the number to overcome the filibuster, and not merely the simply majority formally required to approve bills.

### **Tabling Systems and First Recognition – The Basis for Tracking**

An essential, but often overlooked, portion of the functional Rules of the Senate is the ability for the chamber to table legislation. Under the procedures of the Senate, any senator may make a motion to table a piece of legislation, and that motion is non-debatable<sup>8</sup> and thus not open to the possibility of filibustering. If a majority of the chamber approves the motion, then the bill is removed from floor consideration for the duration of the session, or until revisited with the permission of the chamber. This is effectively a negative majority cloture vote on a minority bill. That is, the non-debatable nature of the tabling motion gives the majority the ability to kill a bill proposed and supported by the minority without having to overcome the supermajoritarian threshold established in Sections 2 and 3 of Rule XXII (Shuman 1957, 955).

Tabling motions have historically been used in this negative agenda control form by the majority. The best examples of this come from the civil rights debates, and the ability of the

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<sup>8</sup> The non-debatability of tabling motions is established in Section 1 of Rule XXII. Before this time, tabling motions were debatable, but were still majoritarian votes.

conservative majority to kill amendments to bills that would have given minorities rights, proposed by the liberal minority coalition (Shuman 1957). This is furthered by motions to table having the highest priority for consideration on the floor of the chamber after the motion is proposed (Wuffle 1986). In practical terms, this implies that the majority can have a large degree of negative agenda control (Gailmard and Jenkins 2008) on the floor of the Senate by usage of tabling motions and their dual properties of non-debatability and majoritarian nature.

The ability for the chamber to table legislation is not the only consideration which we must here take account. The second of these institutional developments is the “right of first recognition” for the majority and minority leaders. Rule I of the Senate states that the President of the Senate, as well as the President *Pro Tempore*, shall recognize the first senator standing in order to seek recognition for a bill, and no member may be passed over for recognition (Schneider 2001, 7). This Rule gives extremely limited power to the chair<sup>9</sup>, while simultaneously severely constraining the ability of party leaders to govern the process on the floor. The procedure was altered in 1937, when norm changes in the Senate gave the party leaders the right of “first recognition.” This created the ability for party leaders to control the agenda, and to bargain with one another over the agenda of the Senate (Lynch and Madonna 2010, 17). This is especially important in the time period discussed in this work, as the calling of the calendar had expired in the early 1960s (Tiefer 549). This meant that the structure of the day in the Senate was up for debate in the chamber, but the majority and minority leaders would be able to pick and choose what was discussed by their right of first recognition.<sup>10</sup>

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<sup>9</sup> This power is especially limited when taken in contrast to the Speaker of the House, who is the executive member of that body.

<sup>10</sup> Additionally, majority leaders have been able to effectively structure the recognition of other members to constrain the possibilities for both delay and bill consideration (Patterson 1989, 404).

## **Multiple Tracks: What is it and What Does it Do?**

The central point of this work focuses on how multiple track systems affect the utility of obstruction for both the party leaders and the individual members of the Senate, and this is where we now turn. First, however, we must first gain an understanding of what the tracking system is. It is, essentially a device for the simultaneous consideration of multiple bills in the Senate. The Senate was originally designed to be a chamber in which one bill was considered on the floor at a time, in correspondence with the legislative calendar, until all business was concluded or a motion to adjourn was passed. This is not the case with multiple track systems, as legislative procedure expert Walter Oleszek notes. “[...] With the two-track system, [Majority Whip Alan Cranston (D-CA)] found the Senate could, ‘continue to work on all other legislation on one ‘track’ while a filibuster against a particular piece of legislation is ... in progress on the other ‘track’’” (Oleszek 2007, 212). Senators often prefer the dual track system for purposes of streamlining the process of bill consideration, and lessening the potential burden on workload from obstructionism. Binder and Smith state, “with a two- (or more) track system, the Senate simply puts aside the filibustered measure and moves on to other legislation” (1997, 15).

The multiple track system can be summarized as a procedure through which senators agree to put aside a contentious bill for consideration in favor of moving onto another bill. The tabling procedure outlined above gives the basic system of multiple tracking. That is, a majority of the chamber can move to consider another bill, putting aside the current bill under consideration for later. This changes some of the tactical assumptions in the tabling motion, as it is no longer a vote to effectively kill the bill, but rather to delay its consideration. The second, more common, form of tracking comes when the party leaders will agree to put aside a piece of legislation to be considered later without the consent of a majority of the chamber. This form

drastically changes the tabling procedures due to an inclusion of the “right of first recognition” discussed above. This form of tabling allows the majority leader, with the minority leader’s consent, to be recognized first by the chamber leader and recommend putting aside the bill without the motion being by the chamber as a whole. As Oleszek states, “The use of unanimous consent agreements and the track system impose a measure of discipline of the Senate. Formerly, senators could [randomly and nongermanely object at length]. Today, complex agreements and the track system prevent that from happening. (2007, 212)” Simply stated, multiple tracks help give structure to debate on the Senate floor and help manage the ever increasing workload. This creates more opportunity and incentive for senators to filibuster, while effectively decreasing the cost of filibustering to zero (Koger 2010). This system of multiple tracks and sixty-vote cloture enactment<sup>11</sup> is the system as it exists today, and this work follows Binder, Lawrence and Smith (2002) in noting that 1970 is the beginning of the multiple tracking system.<sup>12</sup>

Understood at this point is what multiple tracks do and when they began. Before delving into the expected changes in institution and individual behavioral utility stemming from this new system, we must first have a brief discussion of what they *do not* do. Some scholars (Binder and Smith 1997; Binder, Lawrence and Smith 2002) have attempted to tie multiple track systems to

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<sup>11</sup> The majority can engage parliamentary procedures in order to lower the passage total of cloture to the agreement of 51 Senators, but this act is somewhat uncommon.

<sup>12</sup> A timeline needs to be established for when we should conceptualize the changes in Senate norms, as this will structure the treatment of the data and theory later in the work. Some debate does exist over when multiple tracks came into use, with some scholars proposing that the date as late as 1976 (Martin and Friedman 2010). This date is much too late, as the idea was implemented by Robert Byrd (D-WV) when he was majority whip (Binder and Smith 1997, 15), and was most likely the idea of Mike Mansfield (D-MT) as a response to Southern obstructionism around the Civil Rights bills of 1965 and 1968. Other sources also put this date at the beginning of the 1970s (Oleszek 2007; Smith 1989). Binder, Lawrence and Smith (2002) provide what this author believes is the most accurate date. They make the case that the correct date is 1970 during the election year. This makes sense, as it had been tried informally a few times before, but the idea needed an immediate push for leaders to get involved. Thus, for the purposes of this work, the date of 1970 will be treated as the beginning of the multiple track system.

the increase in the occurrence of filibusters in a causal fashion. That is, the presence of multiple tracks directly accounts for part of the increase in the occurrence of filibusters in the 1970s. Binder, Lawrence and Smith (2002, 411) discuss this as one of the primary sources of the individual impetus to filibuster in their work. Koger (2010), however, makes a point which cannot be ignored for the purposes of the present work. He states that the multiple tracks cannot be viewed outside the expanding view of filibusters on the part of Southern Democrats. The historical background surrounding the implementation of multiple tracks is one of expanding usage of the filibuster, both in number and issue area. The track system was designed to allow the institution to function under the strain of additional filibusters, not as a means to allow more filibusters to take place. Thus the multiple track system is a symptom of this expanding view, and while it may account for some of the expansion of filibuster usage after its implementation, a scholar cannot impute a directional causality from this relationship. The present work acknowledges this by testing for changes in the presence of the two types of filibusters and the changing role of actors within the system, and not testing for growth in the number of filibusters due to multiple tracks.

### **Multiple Track Systems: What Should We See?**

The classic construction of filibusters is a “war of attrition (Wawro and Schickler 2006)” in which two coalitions combat each other over a long period of time. Alternative pressures due to “impatient majorities (Koger 2010)” were placed on the chamber by the implementation of the cloture system in 1917, creating the ability to cut off debate with a supermajority vote. This system of speeches followed by votes to cut off debate is the filibuster as it is conceived of in popular media and thought today. The question here is what we should expect to see after the

adoption of multiple tracks that does not fit within the classic conception of filibusters. Briefly, the classic players and nature of filibusters will be outlined and the work will progress into the differing utilities and players under the multiple track system. Scholars (Binder and Smith 1997; Wawro and Schickler 2006) typically conceive of senators in the chamber being the most important players in the filibuster process. These are the individuals who begin the filibuster, sign the cloture petition, and attempt to organize their coalitions to preserve or end the filibuster, respectively. Parties in this model, especially party leaders, are conceived of as the agents who solve the collective action problem of getting members to join and participate in these coalitions (Wawro and Schickler 2006; Koger 2008). This evolves into parties playing the role of “logrollers” that coordinate filibuster efforts between members of their party and convince both parties that each will honor the commitment to assist in obstruction (Wawro and Schickler 2004). In this classic connotation of the filibuster, party leaders have no role whatsoever, and cannot be conceived of as part of the filibuster preservation or defeat system beyond managing the party labels. That is, they are conceived of as participating in filibusters in the fashion of Lyndon Johnson (Shepsle 1989), operating off the floor coordinating meetings between coalitions and not taking an active role in coordinating and managing the efforts of these coalitions on the floor.

With the implementation of multiple tracks, the players remain the same; filibusterer, supporters of legislation, average members of the chamber, and the party leaders. What changes from the discussion of costs and benefits of the classical filibuster above is the nature of how costs and benefits are structured in this new system. The costs of obstruction to the filibusterer change to be less structured around the time and effort required to maintain a filibuster on the floor and instead become about maintaining relationships within the chamber. In fact, the time and effort costs that were so overwhelming in classical filibusters decrease to effectively zero.

This is not the only change in the cost structure of filibusters, as the blockage of alternative legislation drops to effectively zero as well (Binder, Lawrence and Smith 2005). This creates an environment with minimal costs to the filibusterer, which enables the blockage of entire strains of legislation without ever expending any time or stopping any of the legislator's favored legislation from reaching the floor. The benefits of filibusters change slightly with the implementation of the tracking system as well. Whereas in the classical filibuster scenario the benefits of the filibuster flowed from the blockage of one particular piece of legislation, the post-multiple tracks filibusters become more like the systems of holds depicted by Oleszek (2008) and Evans and Lipinski (2007). That is, the benefits revolve more around utilizing filibusters as a situation of bargaining games in which the filibustered pieces of legislation only block the consideration of that specific piece of legislation. This is made doubly true by the devolution of the regional coalitions which existed in the 1950s (Sinclair 1990), which held disparate groups of senators from across party lines together in coalitions. This allows members to bargain individually with each other, rather than having filibustering coalitions bargain as collective units. This implies that there should be a rise in the number of filibusters after the implementation of multiple tracks due to the lack of costs in the system, which has been proven correct (Binder and Smith 1997; Binder, Lawrence and Smith 2005; Koger 2010). There is also another implicit benefit in the post-multiple track system for filibusterers, in that they are no longer bound by the previous restriction of filibusters to important legislation. Thus, there should be an expansion in both the numbers of filibusters and the realm of issue areas which they cover.

While the costs decrease dramatically for the filibusterer in the post-multiple tracks system, the supporters of the legislation bear much more of the costs than they previously had.

While on face the cost of overcoming the blockage of legislation may be the same, the underlying tools for doing so are radically different. The ability of supporters to utilize the pressure of the entire chamber on filibusterers is no longer present, as debate of the obstructed bill can be scheduled in such a fashion that it does not block consideration of other member's bills. This is magnified by the lessening of the "war of attrition" in legislative consideration. That only one bill can be blocked while others are considered enables filibusterers to receive less pressure from the chamber present in end of the term scheduling crunches, a pressure inherent in attrition games. What these two different cost structures imply is that the supporters of the obstructed legislation must take a more active role in overcoming the filibuster, rather than relying on old-style attrition games. That is, they must seek out the filibusterer and discuss what, if anything, will cause the obstruction to be dropped and work out a compromise so that their bill can be considered by the full floor.<sup>13</sup> The benefits of multiple tracks for the supporters of the legislation do not radically change, in that at best they can work out a compromise to have their legislation considered or utilize the obstruction as a method of reporting to their constituencies that they attempted to pass the legislation.

The cost structure for the average member of the chamber shifts as well. Unless a member is a supporter or opponent of the proposed legislation, both the direct costs and benefits of the filibuster decrease to effectively zero in the post-multiple tracks era. That is, when a

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<sup>13</sup> An alternate option, which the change in procedure around tracking systems has not eliminated, is for the supporters of legislation to force a manifest filibuster and ignore the ability to track the legislation. The validity of this strategy is debatable, as it would bring into greater effect the "war of attrition" game for the filibusterer, effectively increasing the cost of obstruction to pre-multiple tracks levels (Koger 2010). The argument for this logic is furthered by the increases in television coverage of the floor of the chamber (Mixon, Gibson and Upadhyaya 2003), which makes the public obstruction of all legislation in the chamber even more costly. However, this logic runs into difficulty when consideration is given to the increasing workload of the chamber and subsequent gridlock, even with tracking systems in place (Binder 1999). That said, the majority in the chamber does retain the ability under the Rules of the Senate to force the filibustering minority into engaging in a manifest filibuster in order to block legislation.

filibuster only halts consideration of the single bill, and not all bills, there is no effect on a senator unless she is directly tied to the legislation. The effect of the obstruction on the parties increases dramatically in the post-multiple tracks era, however. Insofar as members perceive the brand of their party to be a valuable electoral tool, they will enable or work against the blockage of any piece of legislation. This, then, becomes the primary effect of multiple track systems in the cost and benefit structures. Insofar as members perceive their brands to be electorally helpful, they will express opinions corresponding with the needs of their party in public forums. Most members of the majority party will express negative opinions of any filibuster, and members of the minority party will express positive opinions. More members will participate in this fashion than in filibusters in the pre-multiple track systems, as in this fashion the filibuster becomes a system-wide event which enables all members to have an opinion which is electorally valuable.

The expanded participation of all members in the chamber combined with the diminished costs for obstruction requires the role of the party leaders, particularly that of the majority leader, to increase in managing and structuring obstruction in the chamber. The presence of a party related motivation to managing and avoiding obstruction increases the need of the members to rely on the leaders to manage the excesses inherent when all members become more involved in the obstruction process (Binder 1999). Leaders under these pressures seek means to engage in the management of the system, and with the implementation of multiple tracks they are no longer bound to wait with the rest of the chamber for filibusters to expire due to coalition collapse and time pressures. Rather, they can actively schedule around filibustered legislation, removing the system blockage. This change implies that there is an increased cost for majority leaders in obstruction, in that they are now able to remove obstruction from the chamber. Senators can thus

expect the majority leader to manage obstruction within the chamber, and will put pressure on him to do so. If the majority leader fails to effectively function as an obstruction manager, this could cause his party to grant him less power through altering voting procedures or appointment structures (Schickler 2001). The majority leader will thus have a lower opinion of obstruction in the chamber, as it becomes a necessity for appeasing the legislators who make up his constituents. The majority leader will also become more involved in the management of obstruction on the floor, often interacting with filibustering legislators<sup>14</sup> in order to assist the supporters of legislation in overcoming hurdles in the new bargaining structure of filibusters.<sup>15</sup> While leaders may not be able to stop legislation which their party opposes, they are better able to schedule around, and induce the stoppage of, obstruction of favored legislation by the minority party.

This theory of the filibuster in a post-multiple tracks era gives us four basic hypotheses:

H1: After the implementation of multiple tracks (1970), the number of senators participating in, or connected to, both manifest and threatened filibusters should increase.

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<sup>14</sup> The expansion of the staff for the office of majority leader perhaps contributes to this expansion in the role of the majority leader. The argument goes as such: If there are more staffers to coordinate with other members and their staffs, the majority leader can thus expand his ability to interact with legislators who can hold the floor (Shepsle 1989; Bradbury, Davidson and Evans 2008). While this may contribute to the expansion of the role of majority leaders, the rise of staff numbers and budgets is not directly related to the present study. This stems from the focus of this thesis on the utility of action and opinions by senators and the majority leader, and not the direct link between off the floor actions of the majority leader's office and his ability to coordinate actions between senators on the floor. Future research could focus on the link between the rise of staff size and the ability of members and leaders to coordinate filibustering efforts.

<sup>15</sup> This may not be immediately obvious, as it seems that the party leaders should negotiate between themselves for which bills are put on the second track. However, when taken in conjunction with the theory of conditional party government (Aldrich 1995; Aldrich and Rohde 1998), this makes a great deal of sense. It has already been stated that in the conventional construction of filibusters the role of the party is to solve the collective action problem of inducing members to enter and stay in coalitions. However, when leaders are given the power to schedule legislation on the floor, the inducement to enter and maintain coalitions becomes much more party-based, and leaders are induced to act on behalf of their party as well as the chamber.

H2: In conjunction with the dismantling of regional coalitions in the Senate during the period of the 1960s – 1970s, senators participating in filibusters should be less region-bound after the implementation of multiple tracks.

H3: The Majority Leader should be involved in a greater proportion of filibusters after the implementation of multiple tracks in 1970 due to the needs of the chamber and his party for management of obstruction.

H4: Filibusters should have more party coherence after 1970; that is, a single party is more likely to be mentioned in discussions of the filibuster after the implementation of multiple tracks due to the increased presence of party in the creation and management of obstruction.

These four hypotheses will enable us to test some of the existing theories about the utility of the filibuster and the role of parties in obstruction. Scholars will now be able to say with more certainty how the structure of rules and norms impacts the likelihood of senators to filibuster, and how they perceive the utility of their obstruction. This advance in understanding filibusters will also allow a disentanglement of existing debates over the role of the lowering of the cloture threshold in 1975, as the data will provide a four year window in which multiple tracks exist, but the threshold is still two-thirds of all present members. We will also be able to speak to the role of the party leaders in the functioning of the filibuster, and how their role changes over time. In all, testing these hypotheses will enable us to articulate more clearly how the filibuster works and why it works in such a fashion.

## **Data and Methods**

The data utilized in this project will be a random selection of newspaper articles that mention the filibuster. The date selection with a study such as this is complex, as there are arguments for both ending the case selection before 1975 and continuing it to 1977, after the implementation of the three-fifths threshold. As the point of this work is to address the effects of multiple tracks, the case selection will end in 1973 with a six year case window. Scholars (Koger 2010) argue that it is impossible to disentangle the subject of multiple tracks from discussions of the rise in the number of filibusters (Binder and Smith 1997). Subsequent projects may attempt to disentangle the implementation of multiple tracks and the lowering of the cloture threshold, but this is not the point of the current project. This project aims to attempt to explain the effects of the implementation of multiple tracks on how the Senate functions, and not how it impacted future adoptions of Rules changes. To this end, the selection dates are from January 10, 1967 to January 3, 1974. These dates begin with the first day of the 90<sup>th</sup> Congress, and end with the day before the beginning of the second session of the 93<sup>th</sup> Congress. The news articles will be taken from the Washington Post. The Washington Post was selected for two reasons, the first of which is its national distribution. It is important in a project such as this that the public have the ability to be made aware of the actions of senators, as the utility of actions depends a great deal on the opinions of constituents (Mayhew 1973). Second, the Washington Post is in many ways the national newspaper of record for the actions of Congress. There are approximately 700 articles in the Washington Post for this period that fit our search criteria, of which 125 were randomly selected. Fifteen of these articles had to be removed from the analysis due to either usage of the alternate definition of “filibuster” or they pertained to discussions of filibusters in the Maryland state legislature.

The methods for this project are, arguably, simplistic. Most of the discussion of the data

will come in the form of descriptive statistics articulating differences between the two eras (1967-1969 and 1970-1974) present in the current work. While basic, these statistics are perhaps more important than any other for explaining and analyzing change in the function of the Senate. Smith (2007) is correct when he states that models must be constructed with the goal of explaining a singular outcome, and thus may (and very likely will) miss much of the change that is happening beneath the surface of the model's assumptions. To this end, we need to understand exactly what these differences tell us both before and during the analysis of models. That said, the study will also include a regression analysis of implementing manifest filibusters versus threatened filibusters. This analysis will allow us to explore any difference between the periods in how filibusters are handled by the institution, and how different actors within the institution affect filibusters.

### *Variables*

The primary variables of interest in this study revolve around the majority leader of the Senate, which in the analytical period of this study is Mike Mansfield. These variables include if Mansfield was mentioned in a story, the number of times he was mentioned, and his expressed opinion of the actual or threatened filibuster in the story. As detailed in the hypotheses, it is this last variable of Mansfield's opinion toward the filibuster that we expect to change, as his role in the functioning of the Senate is solidified with the right of first recognition. The other variables present in the study are the number of senators mentioned in a particular story, the number of times they were mentioned in a story, and their respective opinions of the filibuster. The party membership of each senator will also be coded, but these will be condensed further into a variable of party consistency in an article. That is, one of the questions in literature addressing

the functioning of the Senate is how parties interact in enabling, and disabling, the functioning of the Senate (Mayhew 2003). The last variable of interest is the mentioning of regions within the news stories. Numerous scholars (Key 1950; Sinclair 1990) have noted the changing demography of the Senate, as well as the shift away from regions within the voting coalitions. As the period under study in this work directly relates to the sectional breakdown of cross-party voting coalitions, the presence of geographic areas in discussions must be accounted for.

## Results

As discussed above, this study begins with much in the way of descriptive statistics. With a scale of 0 (Negative)<sup>16</sup>, 1 (No Expressed Opinion )<sup>17</sup> and 2 (Positive), the average opinion of filibusters by the majority leader is slightly negative at 0.595. This is a good deal lower than the average opinion of all senators mentioned in the sample of news articles, 1.002. This makes a great deal of sense, as it is intuitively more likely that the majority leader would be less in favor of obstruction in the Senate than the average of all members (Binder and Smith 1997; Koger 2010). There was an average of 3.266 senators mentioned in each newspaper article with 7.556 total mentions, leaving each senator mentioned in a story with an average of just over two mentions. Additionally, only 35.5% of the stories in the sample discussed the majority leader, Mike Mansfield (D-MT) in any fashion.

The stories are fairly even in consideration of each party in the full sample, with 45% of stories discussing Democrats and 40.7% discussing Republicans. A debate during the period of

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<sup>16</sup> For example: "Majority leader Mike Mansfield (D-MT) who told reporters earlier that he doubted that the package or any part of it, as things now stand, can be enacted by Jan. 3, said that if the president insisted on it, he would keep the Senate in session Sundays and New Years and Christmas to get a vote on Mr. Nixon's proposals." Cloture on SST Rejected 12/20/1970 p. 1

<sup>17</sup> For example: "But when the debate dragged on after the test vote, majority leader Mike Mansfield once again set the bill aside." Senator Gore Thwarts Aid Bill 12/7/1970 p.F1

consideration in this study is the steady disintegration of the Southern block, as discussed above, and 33.9% of the stories in the full sample do discuss geographic regions. Three variables are of particular interest in this study. Cartel theory (Cox and McCubbins 2005) tells us that there should be control of the legislature by the majority party, and that this should matter for the functioning of the legislative chamber. To account for the possibility of this control, the presence of a single party or mentions of both parties was coded. One-third of stories which mentioned at least one senator mentioned a single party. Second, the presence of an actual filibuster or merely the threat of one is an important consideration (Binder, Lawrence and Smith 2002), and 26.6% of the stories in the full sample discussed an actual filibuster, with 73.4% discussing threatened filibusters. Third, it is theoretically possible that the issue area of a bill may affect its relation to both the involvement of the majority leader and its likelihood to be related to a filibuster. Five-sixths of the articles in the full sample discuss domestic affairs, while the remaining one-sixth pertain to foreign affairs.

Table 2 presents the descriptive statistics for the pre-multiple tracks sample (1967-1969), and table 3 the post-multiple tracks sample (1970-1973). These tables are then tested against one another for differences between the samples, which is presented in Table 4. The first result of interest is that the average opinion of the majority leader is significantly different between the two samples. We can see from Tables 2 and 3 that the post-multiple tracks score for Mansfield's opinion is much lower than the pre-multiple tracks system, indicating that the majority leader expressed a more negative opinion of filibusters, both manifest and threatened, after the implementation of the multiple tracks system. This is an important finding, as it has numerous implications for aspects of senatorial business, such as the scheduling of bills on the floor and the usage of the multiple scheduling aspects in order to overcome obstruction. It is interesting to

note here that the test for the percentage of stories with mentions of Mansfield was insignificant, however. This tells us that the majority leader does not receive more coverage after the implementation of multiple tracks, but rather that his new role as administrator of floor time allows him to express his opinion on obstruction more often. That is, functioning multiple tracks require the majority leader to take stances on what bills should be allowed to be debated at specific times of day, and this necessity alters how the majority leader subsequently looks at obstruction.

Another result of interest is that the t-test for the presence of stories discussing Republicans is statistically significant. Tables 2 and 3 show that the percentage of such stories is much lower in the post-multiple tracks sample. This indicates that after the implementation of the ability for party leaders to schedule debates of multiple bills simultaneously the minority party is considered far less in the functioning of filibusters. The last statistically significant result between the two samples is the presence of foreign affairs in articles discussing the filibuster. The presence of foreign affairs in these articles is much higher in the post-multiple tracks sample, but this may be due to in most part to the issue of withdrawal from Vietnam and the bargaining which occurred over this issue between the two parties. The surprising results in this sample were perhaps that there was not a difference between the sample for the presence of regions and specific filibusters. The literature on the collapse of the solid South indicates that this should be significant, as the discussion should be centered less on the interests of region versus region, and more on the interests of party versus party. This is especially interesting when coupled with the significance of the difference in the articles mentioning Republicans, as the two would seem to be inter-related. The absence of significance for the specific versus threatened filibuster is especially interesting, as recent scholarship (Koger 2010) has suggested that the

multiple track system was merely a result of the increase in filibusters. If the implementation of multiple tracks was merely a byproduct of the rise in the number of filibusters, we would expect there to be a difference in the samples, as research (Binder and Smith 1997; Sinclair 2002) has shown that the number of filibusters steadily increased through the period covered by this thesis. That there is no difference between the two samples in this variable indicates that there may be motivations behind the implementation of multiple tracks which extend beyond dealing with the rise in filibusters.

The next step in the present analysis is to develop a model for predicting of there is an effect of the variables discussed above on the probability of a specific filibuster or a threatened filibuster being discussed in an article. Table 5 gives the results for the full sample period, and tells us that for the full sample the only statistically significant predictor is the intercept. This intercept gives us an evaluation that in any given article, the base probability of a manifest filibuster being discussed is 78.4%. This variable should not be substantively interpreted further than this, as the signs for all of the other variables except for issue area are negative. The step to addressing these other variables is to develop a similar model for both the pre-multiple tracks and post-multiple tracks samples.

Table 6 demonstrates that for the pre-multiple tracks sample, the only significant predictor of a manifest filibuster being discussed is the issue area of the bill at hand. That is, if the article pertains to a bill which is of internal political interest, there is statistically less likelihood that there will be a manifest filibuster. This result makes a great deal of sense when considering previous work on the filibuster (Burdette 1940; Binder and Smith 1997; Binder, Lawrence and Smith 2005). The filibuster was originally used mostly as a method to block the consideration of affirmative action bills, which is largely a domestic issue. When the purpose of

filibusters is to block the consideration of a limited strain of domestic legislation, extending obstruction to other areas may have been problematic in re-election campaigns (Mayhew 1973). Also, it is interesting to note, but difficult to interpret, the fact that the sign for issue area in this sample is the opposite of the full sample. This indicates that there is substantive value to the significance of the t-test for this variable presented in Table 4. Table 7 indicates that for the post-multiple tracks sample the significance of the issue area drops out, and that there are no significant predictors of a manifest filibuster being discussed. This is a problematic, but fairly predictable, result. Previous scholars have discussed the rise in the filibuster over this period, and how multiple tracks were implemented to stave off the expansion of obstructionist tactics (Oleszek 2007; Binder, Lawerence and Smith 2005).

These results help to explain some of the picture as the data relates the presence or absence of filibusters, but this is not the central point of the present work. To fully analyze the question of the effects of multiple tracks, we must explore the predictors of the presence, or absence, of the majority leader in discussions relating to the filibuster. Table 8 presents the model with this dependent variable for the full sample. There are no predictors which reach the level of significance, a result which, when considering Table 4, is not especially surprising. The question is if there are any predictors which reach the level of significance when considering the sub-samples in this work.

Table 9 shows that the number of senators mentioned in a particular story is a significant determinant of the involvement of the majority leader in the pre-multiple tracks sample. This is a theoretically under-developed aspect of filibusters, but has been discussed in some works (Binder and Smith 1997). The theory is that the more senators who engage in debate over a specific bill or set of bills, the more the debate will need to be controlled and focused toward

passing the legislation at hand. The positive directionality of the coefficient demonstrates that this understanding fits with the treatment in the current study, as the majority leader becomes increasingly likely to be involved in the discussion as more senators are involved. There are, however, no other statistically significant predictors in the pre-multiple tracks sample. This is somewhat surprising, given the focus on the resistance to legislation such as the 1968 Voting Rights Act by Southern senators in previous research. Table 10 shows that there are no such statistically significant predictors for the post-multiple tracks sample. The sign of the number of senators mentioned variable does not change, but becomes non significant. The substantively pertinent aspect of Table 10 is the number of sign changes from the sample in Table 9. The Issue Area, Party Consistency, Number of Mentions, Average Opinion, Democratic Party Mention and Geographic Region Mention variables all have reversed signs from the previous sample. However, none of these variables reach the level of statistical significance and thus cannot be interpreted as impacting the probability of discussions involving the majority leader.

The results in Tables 9 and 10 could imply one of two underlying patterns. First, there could be an element of complete sampling error from the articles that were selected. This could especially bear on the issue area and party consistency variables, as the issues mentioned in a particular piece could be grouped in such a fashion that a particular group of articles dealing with an issue were completely passed over due to the sampling technique. The other option is that the implementation of multiple tracks fundamentally changed how the majority leader deals with the chamber. Numerous scholars (Aldrich and Rohde 2001; Cox and McCubbins 2005; Smith 2007) have written on the ability of the House leadership to “gatekeep” access to the floor by their ability to exclusively schedule debate and consideration. The possibility exists that multiple tracks move the Senate toward this fashion, and that the ability for the majority leader to have the

ability to set aside contentious bills in order to continue debate on other bills allows floor leaders to enter into negotiations for floor time in a greater fashion. With the changes in sign of multiple variables from Table 9 to Table 10, combined with the significance of several variables in Table 4, lead this author to believe that the second rationale is driving the changes seen between the two samples.

## Conclusion

The history of academic studies of the filibuster has proven two things; that the number of filibusters has gone up over time, and that the strategy surrounding the usage of the filibuster changes over time. This study has attempted to advance the discussion of the filibuster beyond these two pieces of received wisdom, toward an understanding of what drives changes in the functioning of both the filibuster and the institution of the Senate. First, it must be acknowledged that none of the four hypotheses concerned with the functioning of the filibuster were supported by the tests in this work. That is, there was no change between the pre-multiple tracks sample and the post-multiple tracks sample in the number of senators mentioned in a particular story, the discussion of regions in connection with the filibuster, the presence of the majority leader in these discussions, and the consistency of a particular party in a story. The only two findings of any pertinence to the functioning of the filibuster in this story is that there is a difference in the presence of the minority Republican party between the two samples, and that the issue area (Domestic vs. Foreign Affairs) of a policy is a significant determinant of if there is a manifest filibuster in the pre-multiple tracks era. Minority party presence in an especially interesting variable, as it actually decreases from the pre-multiple tracks sample to the post-multiple tracks sample rather than increasing, as is implied in the fourth hypothesis. This finding

tells us a great deal about how multiple tracks impact the filibuster, as it demonstrates that in some way the minority party becomes *less* needed to hold up bills when debate can be structured in such a fashion that the institution still functions in the presence of obstruction. That is, the ability of the majority party leadership, and the party members' pressure on the leader, to overcome obstruction becomes more important than the ability of the minority party to maintain the delay.

While these two findings are important for understanding the functioning of the filibuster, this is not the only product of this study. The results allow us to understand far more about how changes in Senate procedure impact the functioning of the institution at large, as well as how these changes impact the function of particular entities within the institution. Specifically, the role of the majority leader in both structuring and facilitating obstruction can be seen more clearly than has been possible in other works to date. Table 4 clearly articulates the difference in the expressed opinion of the majority leader from the pre-multiple tracks era to the post-multiple tracks era. The difference here is two sided, in that not only is the expressed opinion of the majority leader in the post-multiple tracks era much lower, but the pre-multiple tracks sample does not contain any expressed opinions of obstruction at all. Mansfield is simply mentioned as a manager of the chamber as a whole, but does not enter into the debates over individual bills or dilatory tactics. After his implementation of multiple tracks, Mansfield became much more active in the discussions of obstruction, becoming more an agent of facilitating continued debate of bills rather than the obstruction of the chamber.

The question remains of what these results tell us about the two differing tales of the filibuster laid out in the introduction of this work. Primarily, we now know that the old style filibuster is largely a thing of the past. With the shift in scheduling procedures, members are no

longer bound to long filibusters, enabling them to engage in more filibusters, which function in different fashions. This produces two effects present both in the cases and in the data analysis. First, the relative importance of bills filibustered in the chamber decreases dramatically. That is, in the classic example of the filibuster the legislation considered stands among the most influential in American history, while the legislation in the current example is much less important and more varied in topic. This is borne out in the data, as the issue area of filibusters changes between the periods. Second, the mentions of Harry Reid in the management of Coburn's obstruction match the data. While the rate of involvement by the majority leader may not have changed, as his institutional role did not change, Reid is forced by the change to manage the obstruction on the floor and shift the schedule around it. This exhibits that while the formal role of the majority leader may not have changed, the necessary behavior, and its underlying utility of action versus patience, changed drastically. The data tell us that this is not an aberrant example, as Mansfield's behavior on the floor shifted as well. The majority leader is no longer simply a manager of the chamber in general, but must now be involved in setting the agenda on the floor and appeasing members in order to move legislation.

This study suggests that multiple tracks have had a two-fold effect. First, obstruction has become less costly for everyone in the chamber, but particularly for the majority party. This enables multiple bills to be held up at the same time, but the chamber can continue to function by the development of the second effect. In this fashion, multiple tracks perhaps help push the chamber as a whole towards Sinclair's (2002) "sixty vote Senate" by increasing the motivation to obstruct and placing higher costs on overcoming obstruction. The majority leader has become a much more integral part of the functioning of the chamber, no longer sitting back and allowing the chamber to function as the members wish but rather asserting the legislative procedures

necessary in order for the chamber to function at its highest capacity under greater stress. These two changes have inadvertently created the system as it exists today, in which a single senator can block action on more than 100 bills at a single point without shutting down government in total.

Future research should seek to explore the effects of issue area on the involvement of the majority leader, and how this variable should be structured when exploring matters of procedural context. These studies would allow scholars to better understand how the Senate functions under pressure and expand on some of the findings of Wawro and Schickler (2006) pertaining to wars of attrition in the Senate, but in the modern procedural context. Also useful for future research into the greater contextual effects of the multiple track system would be to engage the debate in this thesis with alternative data. A more nuanced and complete understanding of how this system impacted debate on the floor and the evolving role of the majority leader could be gathered from evaluating their role before and after multiple tracks on individual bills as the discussion appears in the Congressional Record.

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## Appendix 1: Tables

Table 1: Full Dataset Descriptive Statistics

Variable	Mean	Standard Deviation
Majority Leader Opinion	0.595	0.544
Average Opinion of Senators	1.002	0.582
Number of Times Senators Mentioned	7.556	5.152
Percentage of Stories With Mansfield Mention	0.385	0.489
Percentage of Stories with Party Consistency	0.333	0.474
Number of Senators Mentioned in Story	3.266	2.764
Percentage of Stories Mentioning Democrats	0.450	0.500
Percentage of Stories Mentioning Republicans	0.407	0.494
Percentage of Stories Discussing Regions	0.339	0.476
Percentage of Stories Discussing Specific Filibuster	0.266	0.444
Percentage of Stories Discussing Foreign Affairs	0.121	0.328

Table 2: Pre-Multiple Tracks Descriptive Statistics

Variable	Mean	Standard Deviation
Majority Leader Opinion	1.00	0.00
Average Opinion of Senators	1.094	0.595
Number of Times Senators Mentioned	7.025	4.610
Percentage of Stories With Mansfield Mention	0.375	0.489
Percentage of Stories with Party Consistency	0.350	0.483
Number of Senators Mentioned in Story	2.729	2.091
Percentage of Stories Mentioning Democrats	0.500	0.505
Percentage of Stories Mentioning Republicans	0.521	0.505
Percentage of Stories Discussing Regions	0.333	0.476
Percentage of Stories Discussing Specific Filibuster	0.292	0.459
Percentage of Stories Discussing Foreign Affairs	0.043	0.206

Table 3: Post-Multiple Tracks Descriptive Statistics

Variable	Mean	Standard Deviation
Majority Leader Opinion	0.292	0.550
Average Opinion of Senators	0.926	0.566
Number of Times Senators Mentioned	7.980	5.557
Percentage of Stories With Mansfield Mention	0.393	0.493
Percentage of Stories with Party Consistency	0.320	0.471
Number of Senators Mentioned in Story	3.686	3.149
Percentage of Stories Mentioning Democrats	0.410	0.496
Percentage of Stories Mentioning Republicans	0.317	0.469
Percentage of Stories Discussing Regions	0.344	0.479
Percentage of Stories Discussing Specific Filibuster	0.246	0.434
Percentage of Stories Discussing Foreign Affairs	0.180	0.388

Table 4: Pre-Post Multiple Tracks T-Tests

Variable	T-Value	95% Confidence Interval
Majority Leader Opinion	6.309	{0.476, 0.941}
Average Opinion of Senators	1.347	{-0.080, 0.416}
Number of Times Senators Mentioned	-1.905	{-1.958, 0.039}
Percentage of Stories With Mansfield Mention	-0.195	{-0.206, 0.169}
Percentage of Stories with Party Consistency	0.296	{-0.192, 0.232}
Number of Senators Mentioned in Story	-1.904	{-1.958, 0.039}
Percentage of Stories Mentioning Democrats	0.932	{-0.102, 0.282}
Percentage of Stories Mentioning Republicans	2.155	{0.016, 0.392}
Percentage of Stories Discussing Regions	-0.119	{-0.194, 0.172}
Percentage of Stories Discussing Specific Filibuster	0.529	{-0.126, 0.217}
Percentage of Stories Discussing Foreign Affairs	-2.351	{-0.252, -0.021}

Table 5: Predictors of Manifest Filibusters in Full Dataset

Variable	Coefficient	Std. Error	t value
Intercept	0.784*	0.349	2.246
Issue Area	0.0256	0.292	0.088
Party Consistency	-0.152	0.244	-0.623
Number of Senators Mentioned	-0.023	0.051	-0.454
Number of Mentions of All Senators	-0.026	0.023	-1.142
Average Opinion of Mentioned Senators	-0.015	0.121	-0.063
Majority Leader Opinion	-0.161	0.197	-0.816
Democratic Party Mention	0.169	0.189	0.894
Republican Party Mention	-0.200	0.192	-1.039
Geographic Region Mentioned	0.189	0.174	1.089
N			40

Table 6: Predictors of Manifest Filibusters in Pre-Multiple Track Senate

Variable	Coefficient	Std. Error	t value
Intercept	1.195	0.938	1.274
Issue Area	-2.284*	1.160	-1.969
Party Consistency	-0.919	0.653	-1.408
Number of Senators Mentioned	-0.259	0.153	1.692
Number of Mentions of All Senators	-0.049	0.036	-1.333
Average Opinion of Mentioned Senators	-0.837	0.529	-1.582
Majority Leader Opinion	.	.	.
Democratic Party Mention	-0.168	0.333	-0.504
Republican Party Mention	-0.261	0.401	-0.649
Geographic Region Mentioned	0.203	0.308	0.658
N			18

Table 7: Predictors of Manifest Filibusters in Post-Multiple Tracks Senate

Variable	Coefficient	Std. Error	t value
Intercept	0.625	0.411	1.521
Issue Area	0.204	0.310	0.658
Party Consistency	-0.041	0.309	-0.134
Number of Senators Mentioned	-0.037	0.068	-0.543
Number of Mentions of All Senators	-0.014	0.034	-0.396
Average Opinion of Mentioned Senators	0.005	0.305	0.015
Majority Leader Opinion	-0.286	0.228	-1.254
Democratic Party Mention	0.282	0.311	0.906
Republican Party Mention	-0.252	0.268	-0.942
Geographic Region Mentioned	0.174	0.265	0.655
N			22

Table 8: Predictors of Majority Leader Included in Discussion of Filibuster in Full Dataset

Variable	Coefficient	Std. Error	t value
Intercept	0.106	0.184	0.576
Issue Area	-0.048	0.171	-0.281
Party Consistency	-0.069	0.131	-0.526
Number of Senators Mentioned	0.059	0.033	1.782
Number of Mentions of All Senators	0.013	0.0147	0.881
Average Opinion of Mentioned Senators	-0.016	0.092	-0.176
Specific Filibuster	0.211	0.117	1.805
Democratic Party Mention	-0.079	0.117	-0.677
Republican Party Mention	0.072	0.122	0.555
Geographic Region Mentioned	0.059	0.109	0.541
N			85

Table 9: Predictors of Majority Leader Inclusion In Discussion of Filibuster in Pre-Multiple Tracks Senate

Variable	Coefficient	Std. Error	t value
Intercept	-0.282	0.269	-1.049
Issue Area	-0.355	0.381	-0.933
Party Consistency	-0.214	0.182	-1.174
Number of Senators Mentioned	0.124*	0.057	2.160
Number of Mentions of All Senators	-0.018	0.020	-0.884
Average Opinion of Mentioned Senators	0.212	0.123	1.723
Specific Filibuster	0.266	0.154	1.725
Democratic Party Mention	0.296	0.166	1.784
Republican Party Mention	0.097	0.18	0.619
Geographic Region Mentioned	0.018	0.158	0.116
N			38

Table 10: Predictors of Majority Leader Inclusion In Discussion of Filibuster  
in Post-Multiple Tracks Senate

Variable	Coefficient	Std. Error	t value
Intercept	0.360	0.254	1.418
Issue Area	0.008	0.192	0.041
Party Consistency	0.097	0.186	0.530
Number of Senators Mentioned	0.036	0.046	0.797
Number of Mentions of All Senators	0.023	0.021	1.110
Average Opinion of Mentioned Senators	-0.120	0.127	-0.944
Specific Filibuster	0.048	0.164	0.295
Democratic Party Mention	-0.315	0.166	-1.901
Republican Party Mention	0.034	0.18	0.190
Geographic Region Mentioned	-0.082	0.152	-0.541
N			46