3 Political Parties and Legislators

An American Perspective

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“I have a vision and you are a part of it.” On 18 May 1992 at the Palace Theatre in Los Angeles, then-Governor Bill Clinton memorialized an enormous success for the Lesbian, Gay, Bisexual and Transgender (LGBT) movement. Clinton was the first presidential candidate ever to openly support the LGBT community and actively seek their votes, and his campaign marked the beginning of what has become a high-profile alliance between the LGBT movement and the Democratic Party. In exchange for this historic support, LGBT voters donated almost $4 million to Clinton’s 1992 campaign and favored him 80 percent to 20 percent on election day. Within a year, however, the vision appeared to fade, as Clinton receded from his campaign promise to issue an executive order lifting the ban on military service for LGBT individuals. His “Don’t Ask, Don’t Tell, Don’t Pursue” proposal, offered as a “compromise” between the LGBT movement and its opponents, was lambasted by movement leaders, journalists, and grassroots activists who expected more from their White House ally. Torrie Osborn, Executive Director of the National Gay and Lesbian Task Force, characterized the alleged compromise as a “repackaging of discrimination,” and Tim McFeeley of the Human Rights Campaign Fund publicly lamented the “shattering disappointment for millions of gay, lesbian and bisexual Americans” (Rimmerman, 1996: 119; Los Angeles Times, 1993).

From one angle, this story is banal – a presidential candidate winks and smiles to gain support, and then fails to honor a campaign promise once in office. From another angle, though, it raises important questions about the relationship between political parties and social movements. Social movement scholars often explain policy outcomes with reference to “elite allies.” That is, movements are more likely to succeed when they have allies in powerful positions. According to the strong version of this argument, elite allies are necessary for movements to achieve policy change. According to weaker versions, elite allies merely increase the possibility of policy change (Soule and King, 2006: 1882). This intuition makes sense – movements should be more likely to achieve their policy goals when they have friends in high places. But, how do they acquire such allies? If we think about social
movements as political outsiders attempting to influence political insiders, then an elite ally is as much a consequence as a cause of movement success.

To understand how and why movements might develop elite allies, we must examine lawmakers’ goals and strategies. What do they want, and how might movements appeal to them? A simple and pessimistic answer to this question would be that politicians care primarily about raising money for their campaigns. This would not be good news for most social movements, which generally cannot compete financially with other special interest groups. But money is not the only thing that matters. Movements can appeal to lawmakers directly by offering other resources, like information and assistance with electoral mobilization, and indirectly by influencing their constituents’ views on issues. These kinds of actions can heighten lawmakers’ incentives to become movement allies.

Forging relationships is not the end of the story, since elite allies are not guaranteed to support any particular bill. As the LGBT case demonstrates, the relationship between movements and their “allies” can be complicated. In popular and scholarly discourse, social movement battles are often depicted as fights between movements and countermovements (e.g., pro-life versus pro-choice, gun rights versus gun control, etc.). I argue that these conflicts, while certainly not meaningless, are often secondary to the battles between movements and their own allies. This is true even if the movement has “picked sides” in party politics, giving them a more politically homogenous coalition of allies. From a policy perspective, the position of a movement in relation to its party and other movements within the same partisan camp matters at least as much as its position vis-à-vis its opposition. Even the most liberal government can only produce so much liberal policy. It would be very difficult, for example, for the Democratic Party in the United States to enact pro-environment, pro-women’s rights, pro-worker’s rights, and pro-LGBT rights laws in one presidential term, let alone one session of Congress. Gathering support for any one bill requires lawmakers to spend political capital. Each progressive policy also makes the government appear more liberal in the eyes of voters. To avoid running out of capital and moving too far from the median voter, even a Democratic Party highly committed to all of its progressive allies’ causes will need to pick and choose which issues to prioritize.

Hence, it is not especially surprising that movements’ ability to negotiate with their allies seems to vary over time. Most if not all social movements experience ups and downs in their relationships with elected officials, even those with whom they have relatively strong alliances. Once a movement acquires an ally, it faces the separate task of getting its ally to act on its behalf.
This challenge has an additional dimension in a collective decision-making body, like a legislature. If the movement’s ally is an individual or small group of legislators, then she (or they) face the additional task of persuading her (or their) colleagues to support the cause. This helps to explain why social movements often do not get what they want, even during the seemingly auspicious periods when their ally party controls the government.

To better understand these dynamics, I will discuss parties and legislatures as sites of political decision making. What kinds of arenas are they? How do their rules and norms empower and constrain their own members, as well as their movement allies? Addressing these questions will provide a sense of the opportunities and challenges facing movements with legislative goals. This analysis is based primarily on observations about American parties and the United States Congress, a bicameral legislature in a two-party system with single-member districts and winner-take-all elections. Some of the dynamics described herein may be different for systems with other characteristics. Nevertheless, this can serve as a starting point for thinking about the kinds of dilemmas social movements may face in their interactions with parties and lawmakers.

Parties (and Movements) in Government, as Organizations, and in the Electorate

Key (1964) argues that parties are not single entities. In other words, there is not simply one arena called “the party.” Rather, there is the party in government, the party as organization, and the party in the electorate. When people claim parties have become weak in the United States, they are often referring to parties in the electorate. More people identify as independents today than earlier in American history. When people claim parties are too strong in the United States, they are often referring to parties in government, as party line voting has reached historic levels. Aldrich (1995) reinforces the utility of this tripartite framework in his highly influential book, Why Parties?, though he prefers a third category of parties in elections to parties in the electorate. Either way, parties are better understood by distinguishing the arenas in which they operate. Each has its own set of norms, routines, and players.

The same is true for social movements. Just as Key and Aldrich note that parties are complex organizations that cannot be understood fully on one plane, so are movements. Indeed, I have argued that we can use the same tripartite framework commonly used to study parties to analyze social
movements and other special interest groups (Krimmel 2013). Like parties, many movements want to appeal to some portion of the electorate for support. This aid could be financial (e.g., donating money to the organization) or non-financial (e.g., joining a protest or becoming a member). If we wanted to measure movement strength in the electorate, we could look to see what percentage of the electorate belongs to the movement or has ever participated in one of the movement’s efforts. At the broadest level, we could even use survey data to see how many people sympathize with the movement’s positions. To measure social movement strength in government, we could consider how many movement actors occupy positions of power, or how often movement leaders are invited to decision-making tables in the legislative or executive branches. From another angle, we could also consider the extent to which government officials support the movement’s goals. To measure organizational strength, we could look at the movement’s financial resources, as well as its level of professionalization (e.g., staff size, number of offices, etc.).

Just as with parties, we may get very different pictures of movement strength in these three arenas. The challenges that movements face in each of these arenas will also differ. To fully understand movements’ relationships to parties, it would be valuable to analyze their interaction within and between all three spheres. They may have overlapping goals and/or resources in one or more spheres. For example, both may want to convince the electorate of a certain policy position, or figure out how to reach a particular group of voters, or tackle a specific policy problem. The size of the overlap between parties and groups will vary across groups, over time, and between arenas.

This piece will focus primarily on parties in government, and even more specifically on parties in the legislature. To understand movements’ interactions with parties in this arena, we need to consider lawmakers’ goals, the strategies they typically employ, and the means available to them in these pursuits.

Legislators’ Goals, Strategies, and Means

We can begin with the obvious but still critical observation that politicians care very much about winning elections. David Mayhew’s classic 1974 book, Congress: The Electoral Connection, starts with the assumption that Congressmen are motivated solely by re-election. While this may be an exaggeration, it turns out to be a useful one. For, even if politicians
have other aims, like the enactment of particular policies, electoral success is a proximate goal. Aldrich seconds the importance of this observation, claiming that we must understand the re-election goals of party members in order to understand their behavior.

Despite the unquestionable importance of elections, other goals deserve some attention as well. Key, among others, notes that while re-election may be parties’ main concern, they often have policy goals as well (Key, 1942: 244). Policy interests may stem from personal or constituent policy preferences, or both. Member of Congress also care about reputations – both their own, and their institution's. Mayhew (1974) argues that members of Congress value the legislative branch’s status and work to protect it (though not always successfully, as deteriorating public approval of Congress indicates). One might also hope that officeholders care about effective governance. Here, however, I will focus on electioneering and policy making because they are the two most widely accepted goals in the American Congress literature. Moreover, pursuing the goals of reputation maintenance and good governance would require many of the same strategies and resources as the goals of re-election and policy making.

Members of Congress tend to employ three strategies to achieve their goals: advertising, position-taking, and credit-claiming (Mayhew 1974). Advertising is meant to increase name recognition and build a positive image for a candidate. These kinds of efforts are very general, and do not involve substance (i.e., issues). Examples include appearing on television, shaking hands with constituents outside grocery stores, and attending community parades and other events. These types of activities get (or keep) the candidate on people's radar, and can make them more likely to support her on election day.

More substantive efforts fall into the second and third categories of position-taking and credit-claiming. As its name indicates, position-taking involves public statements on issues. These can be rhetorical (e.g., giving a speech at a town hall meeting, debating an issue on the floor of Congress, etc.) or behavioral (e.g., casting a roll-call vote in support of the issue). While these strategies may seem obvious, they are not costless. Indeed, researching what issues their constituents want them to address in speeches and what positions they should take on roll-call votes can require a great deal of time and resources (Krehbiel, 1991).

Credit-claiming, as its name suggests, involves taking credit for “particularized benefits” secured for constituents (Mayhew, 1974). This requires many of the same resources as position-taking, since members of Congress will need to know what their constituents want. However, it also requires a certain
degree of successful action beyond simply casting a roll-call vote. They might need to add something to the budget or pass a piece of legislation. This requires skills in coalition-building and navigating Congress's labyrinthine rules, norms, and routines. Building coalitions on controversial issues may require particularly intense persuasion. In this pursuit, it can be valuable for members of Congress to have incentives (e.g., campaign donations, endorsements, and so on) to offer their colleagues in exchange for their support.

Coalition-building is also important outside the halls of Congress. To win elections, lawmakers need to undertake the additional strategy of mobilization. Of course, the three strategies outlined above (advertising, position-taking, and credit-claiming) may indirectly contribute to electioneering efforts; however, candidates still need to intensify their direct mobilization activities leading up to an election. Approval is worthless if the candidate’s constituents do not go to the polls. Campaigning requires money, volunteers, and communication networks to promote the candidate and get out the vote.

Social movements can appeal to parties’ electoral interests by helping them carry out these strategies. Mass-based membership organizations should be especially adept at mobilization. They can also aid parties by gathering information about their members and helping parties understand how to appeal to them. These are significant non-monetary resources that groups can offer parties. Of course, it is important to keep in mind that their value may vary over time as electoral contexts change. They are likely to be especially precious when elections are very competitive. This helps to explain how movements might acquire elite allies, especially those who are not ideologically predisposed to support the movement’s cause.

The need for movement resources may vary across countries and over time. Highly professionalized legislatures, like the United States Congress, can gather more of their own information than less professionalized legislatures, for example. When they are more self-sufficient, their need for assistance from social movements may be reduced. There are many ways to evaluate professionalization. One key measure is staff size. A large staff can assist a legislator in reading bills and researching their potential consequences for constituents. Two other important measures of professionalization are compensation and number of days in session. These are often related. Today, salaries are high enough that legislators in many nations (and even subnational units) can devote themselves full-time to their positions. If compensation is meager, however, lawmakers may maintain others jobs in the public or private sector during their terms. Historically, this was often the case for American state legislators. Part-time legislators may need to rely more on informational shortcuts and outside assistance,
which may provide opportunities for movements to build relationships with them. Legislatures whose members are part-time may also meet for shorter sessions than legislatures comprised of full-time members. With more intense time constraints, part-time legislators may be more likely to turn to social movements and others outside the state for assistance.

Providing resources that could assist lawmakers with the tasks of advertising, position-taking, credit-claiming, and mobilizing voters can help movements acquire and maintain allies in the legislature. The next important question is, if lawmakers are willing to support a social movement’s goals, what means do they have to do so? There are many options available to lawmakers, and they require different levels of commitment. At the simplest level, they could vote in favor of a movement’s bill (or against a bill the movement opposes, depending on the situation). This does not require much effort, though it could be used against the lawmaker in a campaign. That someone caters to “special interests” is a common charge raised against incumbents by electoral challengers. Lawmakers could also introduce a bill on behalf of a movement. This requires a greater commitment, since it more closely identifies the lawmaker with the movement’s goals, and also involves some work in drafting or at least reviewing the movement’s bill. As discussed below, however, introducing a bill is only the first step in a long policy process. Most bills introduced in Congress never even reach a vote, let alone pass. The third and arguably strongest means at a lawmaker’s disposal is his power to persuade his colleagues to support the movement’s bill. He might offer his support for another bill of interest to his colleagues in exchange for their support on the movement’s bill. In lieu of, or in addition to, support on another bill, the lawmaker could also offer campaign assistance. If she is a well-known, senior member of Congress, she could offer to endorse a lesser-known member or provide fundraising assistance. She might also deliver a speech on the floor of Congress to persuade others to support the movement’s bill. These actions require more investment from lawmakers, so they are likely to be employed only by strongly committed allies.

Challenges to Movements’ Success in the Legislative Arena

Even the most dedicated allies encounter major hurdles in achieving legislative goals, however. I will review some of the most significant constraints faced by parties and legislators, which can turn into challenges for social movements as well. The first is related to time, which is always scarce in a
busy legislature like the United States Congress. Members, and the issues for which they advocate, must compete with one another for access to the agenda. Other limitations stem from hierarchy. That is, newer members of Congress typically have less power than more senior members of Congress. Still other limitations are inherent to deliberative bodies like legislatures. Unlike in the executive branch, where the president can make many decisions unilaterally, legislatures engage in collective decision making. Policy success requires considerable coordination and cooperation, and there are many opportunities for obstruction. An important factor influencing social movements’ legislative success will be the number and nature of veto players in the system. This can vary from legislature to legislature. Even if a majority of lawmakers support a social movement’s goal (or any bill, for that matter), a small minority of their colleagues – or, in some cases, even a single member – may be able to obstruct efforts to achieve that goal. Navigating these different constraints can be frustrating, since the best strategy for overcoming one of them may not work well for another. This tension can create dilemmas for social movements.

We can begin with time constraints. Collecting “yays” and “nays” is not the biggest challenge facing social movements in a busy legislature. Rather, the most formidable hurdle for most bills involves getting through House committees to reach a vote in the first place. After someone introduces a bill in the House of Representatives, the Speaker directs it to one of the chamber’s many committees for review. To receive consideration from the full body, the bill must be reported back to the floor from its assigned committee. An overwhelming majority of bills never reach this stage. With many bills to consider, committees cannot even hold hearings on all of them, let alone revise or vote to send them all to the floor. Of the 2,967 bills introduced in the House of Representatives in 2012, for example, only 335 were reported from committees to the floor (US Senate, 2013). Thus, movements face powerful gatekeepers at this stage of the legislative process. Committees’ ability to stymie progress gives them leverage in negotiations over bills’ substance as well.

Committee leadership was a key factor leading to what Katznelson has called the Southern “structural veto” in Congress, which frustrated gains for labor and civil rights activists in the early to mid-twentieth century (Katznelson, 2005; Farhang and Katznelson, 2005). Because one-party rule and disenfranchisement of African-Americans led to non-competitive elections in the South, members of Congress from this region had longer tenures than their non-Southern brethren, who faced more competitive elections. Because seniority is a key factor influencing the selection of
committee leaders, Southern legislators controlled a significant percentage of the committee system before the civil rights revolution and Republican realignment of the region. This gave Southerners power to shape as well as obstruct the progression of legislation. Though Southern Democrats agreed to support some labor legislation, they would not approve anything that could threaten the region’s racial hierarchy. Farhang and Katznelson note, “In light of their racialized, low-wage, mostly agrarian political economy, they insisted on occupational exclusions, leaving agricultural and domestic labor, the most widespread black categories of employment, outside the ken of legislative protection and empowerment” (Farhang and Katznelson, 2005: 6-7). Powerful committee leadership both slowed the enactment of progressive legislation, and also limited its breadth.

As the nation has become larger and more complex, legislative workload has increased, and competition for agenda space has become even more fierce. Figure 3.1 uses data from Adler and Wilkerson’s Congressional Bills Project to show the percentage of bills introduced in each year from 1947 to 2002 that get reported out of committee, and, secondarily, the percentage that pass. It is fairly clear from this graph that reaching the floor is the primary challenge in contemporary American politics; the gap between bills introduced and reported is much larger than the gap between bills reported and passed. The challenge has intensified over time, as the percentage of bills reported from committee fell from a little under 20 percent in the late 1940s to roughly 8 to 12 percent in the late 1990s and early 2000s. Of course, the perceived chance of passage may influence the decision to release a bill from committee. Nevertheless, getting on the agenda appears to be the foremost challenge; once a bill reaches a vote, it has a good chance of passing the House.

The question, then, is how movements can motivate legislators to prioritize their issues. In the United States House of Representatives and other legislative chambers with strong committee systems, having allies on key committees of interest to the movement is very important. A majority of the House might support a particular farm bill, for example; but, the committee to which the bill was sent could prevent them from expressing their support by refusing to release the bill from committee. A farming movement pushing this bill would benefit greatly from having allies on the House Committee on Agriculture, the most likely destination for this kind of bill.

1 Occasionally, an unusually high number of bills will not be assigned to a committee. In these years, the percentage of bills passed may exceed the percentage reported from committee.
However, allies’ value may change when party control of Congress changes. This is part of the dilemma of party alliance. Reaching the floor can be very difficult for members of the minority party in the House of Representatives because majority party leaders can use committees to monopolize the agenda. Cox and McCubbins argue in their highly influential 2005 book, *Setting the Agenda*, that the majority party is like a “cartel” with significant control over the House agenda and, by extension, legislative politics generally. To illustrate their theory, Cox and McCubbins develop the “roll rate.” A party gets “rolled” if a majority of its members vote against a bill, and it passes anyway. They find that the majority party almost never gets rolled, the minority party gets rolled much more frequently, and most bills that reach the agenda propose to move policy toward the majority’s ideal point.

This has a few implications for social movements, which may pull in different directions. First, it suggests that movements will need support from members of the majority party on key committees to reach a vote. Thus, it might be wise for movements to focus their efforts on a few individuals on these committees. However, this strategy could lead to problems in
other ways. It is, essentially, committees’ job to assure that bills that could potentially roll the majority party do not reach the floor. To receive support from members of the majority party on key committees, then, movements will need broader support from the majority party. This tension could strain a movement with limited resources. Gathering this kind of support in one party would be difficult; building it in two might be impossible for many movements. Even if they could appeal ideologically to both parties, movements might benefit from focusing their efforts on one party. However, this will make it much more difficult for them to reach the agenda when the opposing party controls Congress.

Fortunately for movements, the party cartel does not always get its way. While the majority rarely gets rolled, it is not immune to this phenomenon. Movements cannot change the rules and norms granting majority leaders’ monopoly power, but they could limit the party’s ability to use this power. Acknowledging that presidents, interest groups, and the public can increase the costs of exercising gatekeeping power, Cox and McCubbins claim the majority party may choose not to use it. Instead of holding a bill up in committee, leaders might attempt to package “sour pills” with “sweeteners” (i.e., put it in an omnibus bill with other items), or allow the party to get rolled and hope the president or the Senate stops the bill from being enacted. This more nuanced theory demonstrates how social movements could, by raising the costs of agenda control, gain some leverage over the majority party.

How might they do this? There are a number of possibilities. If the movement has strong minority party allies on the committee, they might be able to bargain with their majority party colleagues. They could also raise a bill’s visibility through protests and other activities. The public cannot possibly keep track of all bills before Congress, even those for which there would be significant support in the electorate. While it might look bad for the party to defeat a popular bill in a vote, a committee could obstruct its passage quietly by bottling it up in committee. Grassroots movements could make this more difficult by raising a bill’s salience.

Discharge petitions have provided another way for social movements to circumvent the majority party’s monopoly power since the enactment of a new rule in 1924. With signatures from a simple majority of House members (218), petitioners can force a bill out of committee and onto the floor for a vote. This is not an easy task, however. Not all members of Congress who would be willing to vote for a bill on the floor will necessarily be willing to sign a discharge petition, an action that would most likely be viewed as hostile by the same majority party leaders who distribute committee assignments and other rewards and punishments. Of the 597 petitions
filed between 1931 and 2006, only 48 (8 percent) reached the 218 signature threshold. This may not be as dire as it seems at first, however; even if a petition does not reach this threshold, it can make its way to the floor through other channels. Indeed, Beth (2003) finds that 16 percent of discharge efforts ultimately achieved floor attention. This suggests that highly motivated allies can make a difference for movements in the House.

Unsurprisingly, legislators’ willingness to sign petitions today depends on their party’s status in the chamber. This has not always been the case. Pearson and Schickler (2009) find that “for much of the twentieth century, majority party members demonstrated little reluctance to sign discharge petitions” (Pearson and Schickler, 2009: 1253). This was due largely to the split between Northern Democrats and their Southern colleagues, whose seniority granted them disproportionate power in the committee system. Many of the petitions signed by Northern Democrats during this time were on subjects of particular interest to social movements, like labor, civil rights, housing, and social security. This trend did not last, however. Pearson and Schickler note that majority party members now rarely support discharge petitions. In 2006, they find that only 11 of 235 Republicans in the House signed even one petition, and only 8 of these 11 supported more than one. Democrats, on the other hand, supported more than half of the discharge petitions filed in the same year (13 of 18, on average).

Despite this resistance from the majority party today, discharge petitions remain a potentially useful tool for movements. As Pearson and Schickler note, “discharge petition politics in today’s era of strong parties should not be confused with absolute majority party gatekeeping power: as the successful Shays-Meehan/McCain-Feingold campaign finance example from the 107\textsuperscript{th} Congress makes clear, the discharge procedure remains a viable option for cross-party coalitions when an issue is salient enough for dissident majority party members to buck their leadership” (Pearson and Schickler, 2009: 1254). Movements may be able to influence a bill’s salience through protests, marches, and other highly visible activities. Of course, this option will be most viable for movements whose goals are supported by at least some members of both parties. Movements with strong party identifications, like those concerned with abortion, are less likely to benefit from discharge petitions.

Even bills that are successfully discharged from the committee to which they were originally assigned need to pass through the House Rules Committee before reaching the floor, however. The danger here is not obstruction, but the assignment of an unfavorable rule. The Rules Committee sets parameters for consideration of each bill in the House. It decides, for
instance, how much time the floor will have to debate the bill, and whether or not amendments will be allowed. Under an “open rule,” members of the House may offer an unlimited number of amendments. In contrast, a “closed rule” bars all amendments – the floor must approve or reject the bill as written. Though this may sound benign, it can and often does have great consequences for bills’ fate. From a movement’s perspective, an open rule could allow members of the House to amend its preferred bill beyond recognition. It could also lead to an avalanche of alternatives that ultimately doom bills they dislike. Having allies on this seemingly unglamorous, but important committee would be extremely useful for movements. Not all legislatures will have a committee exactly like this. However, in studying movements’ interactions with legislatures, it is important to investigate how the chambers of interest determine the rules governing bill consideration, and pay close attention to any players in the legislative arena who have special decision-making authority in this area. If a movement appears to be underperforming, relative to its apparent support in a legislature, rulemakers – sitting under the radar with powerful tools – could be to blame. Courting their support could have subtle but significant payoffs for movements.

Movements are also likely to benefit from having allies in key chamber leadership positions. Even once a bill gets to the floor in the House of Representatives, it does not automatically fall into the hands of a supportive coalition of lawmakers. It still has to clear more gatekeepers. Party leaders, particularly the Speaker of the House, have powers and responsibilities that can strongly influence the fate of bills of interest to social movements. The Speaker of the House has more formal power than any other member of the chamber, and this power has increased since the 1970s. The Speaker’s power comes from their influence over the flow of the legislative process (e.g., referring bills to committees, presiding over roll-call votes, etc.). Importantly, the Speaker also has and can grant recognition within the chamber. Members of the floor must wait to be “called on.” This means that the Speaker could stop someone from introducing an amendment by refusing to recognize that person. Thus, it would be very difficult for a social movement to get a bill past a hostile Speaker.

Of course, not all legislative chambers grant these kinds of powers to their leaders. The House of Representatives is a special type of institution with strongly centralized leadership. In this context, even social movement bills that have widespread support among lawmakers may fail to make progress. Indeed, because of leaders’ power to bottle up bills at multiple stages in the
legislative process, lawmakers may not even have an opportunity to demonstrate their support in a roll-call vote. More egalitarian chambers, like the Senate, are not necessarily easier for social movements to navigate, however. They come with their own set of hurdles. Scholars studying movements in countries with relatively egalitarian legislatures may observe challenges similar to those faced by movements attempting to influence the Senate.

Historically, the Senate has tended to be more collegial than the House, owing largely to its relatively small size. With fewer members, there is less of a need for centralized leadership to control access to the agenda. Thus, committees and majority party leaders are far less powerful in the Senate than the House. Every Senator has the “right of recognition” (i.e., they can talk for as long as they want) and the chamber lacks a “germaneness rule” (i.e., its members can talk about anything, even if it is not related to the bill on which they asked to be recognized) and a “previous question” rule (i.e., the rest of the chamber cannot vote on the question until the person on the floor is done speaking).

This has a few implications for movements. While the chamber’s egalitarian nature may make majority party allies less valuable, it heightens the utility of minority party allies. Whether it offers individual movement allies more or less power is not necessarily clear, however. In one sense, it makes individual Senators more influential because they can make sure the movement’s bill receives recognition on the floor. In the absence of a germaneness rule, an ally could even discuss the movement’s bill in a debate about another issue. However, the Senate’s egalitarian ethos also enables its members to employ damaging dilatory tactics like the filibuster. Through their right of recognition, one member can theoretically hold the floor and delay a vote indefinitely. This processes derailed many civil rights bills that passed the House in the first half of the twentieth century. Since 1917, Senators have been able to end a filibuster through a motion for cloture, but this requires support from three-fifths of the chamber (60 votes in the contemporary Senate).²

One might question the importance of filibusters, since we rarely see such spectacles in contemporary American politics. Gone are the days when Senators would hold the floor for hours on end, reading from cookbooks and dictionaries to delay consideration of bills they disliked (often civil rights measures). Given Congress’s enormous workload, such dramatic obstruction

² Cloture initially required support from two-thirds of the chamber, but a 1975 amendment reduced the burden to three-fifths. After a successful cloture motion, debate is typically limited to 30 hours and all amendments must be germane.
would create a prohibitively costly logjam today. Just because we see very few filibusters does not mean they no longer matter, however. It is simply accepted that almost all bills will require supermajority support to pass the Senate, and few reach the floor if they are not expected to meet the 60-vote threshold. Though bills still technically need a majority to pass the Senate, Wawro and Schickler (2010) argue that the chamber has essentially become a supermajoritarian institution.

What does this mean for movements? If they want to pass new legislation, they are likely to need more allies today than they did in the past. This increases the difficulty of legislative success, since collecting more allies often requires more work. It can also influence the substance of legislation, as building a larger coalition generally requires more compromise. Movements that are unwilling or unable to move off strong positions will have a very difficult time pushing new legislation through today's Senate. If the movement’s goal is to stop legislation from being enacted, however, obstruction can be very useful. A relatively small minority of allies within the Senate can reduce the chances that a bill will reach a vote. By signaling to party leaders that they are prepared to fight against the bill, they might convince those leaders that consideration would be too costly.

The tricky thing is, these two scenarios require very different arrangements of allies. This dilemma is not unique to the Senate. Having many casual allies may benefit the movement in some situations (i.e., gaining supermajority support in the Senate for cloture, discharging a bill from committee in the House, passing a bill in either chamber, etc.), while a few highly committed allies may benefit the movement in others (i.e., obstructing an unfavorable bill in the Senate, getting favorable rules for bill consideration, etc.). While it is not impossible to have both, movements with limited resources may need to prioritize. Whether it is more beneficial to have a few close allies or many casual sympathizers will depend on the movement’s goals. And, of course, the nature of the movement’s aims – how extreme its preferences are in comparison to the median voter’s – will strongly influence the feasibility of gaining widespread support in Congress.

Navigating a Polarized Legislature

It would be impossible to write a full analysis of parties and legislators without reference to political polarization, one of the most remarkable phenomena in contemporary American politics. In 1950, the American Political Science Association’s Committee on Political Parties released a
report criticizing the parties for being too similar. If the parties do not offer voters clear policy alternatives, the report argued, the electorate does not have a meaningful choice in elections, and democracy cannot function properly. This is not a complaint we hear very often today. Since the early 1970s, the parties have become more internally homogenous and externally distinct (McCarty et al., 2006). More votes break on party lines, and bipartisan coalitions are less common today than in the mid-twentieth century.

Whether this is good or bad for movements is not necessarily straightforward. On the one hand, party line voting eases coalition building within parties. This kind of efficiency is especially valuable for groups without many resources. On the other hand, it makes constructing bipartisan coalitions extremely difficult. Polarization’s implications for movements also depend on their goals. Movements wishing to block new legislation may welcome the gridlock caused by parties’ inability to find common ground. For those seeking to enact new legislation, however, polarization can pose a significant burden. Indeed, over the past few years, it has been difficult for Republicans and Democrats to negotiate successfully, even when the stakes have been high.

Just because movements face difficulties in convincing members of the opposing party in Congress to support their goals does not mean they will be unable to influence their constituents, however. Polarization has caused tension between the party in government and the party in the electorate, as many scholars argue that polarization has not increased at the mass level (DiMaggio et al., 1996; Fiorina, 2005). The alleged “culture war” is vastly overblown, despite the media’s enthusiastic attention thereto, they argue. While parties may have clear menus of issue positions (i.e., opposition to legislation on climate change “goes with” opposition to abortion in the Republican camp), people do not have such clearly correlated issue positions (Baldassarri and Gelman, 2008). This is significant for social movements because it means they have a chance to persuade people of both parties to support their positions, at least on some issues.

Of course, legislators will not necessarily respond to rising public support for movement goals. Recent work on gay rights issues suggests that polarization depresses responsiveness to public opinion (Krimmel et al., 2013). Public support for gay rights has increased significantly over the past 20 years, to the point where there are now majorities in support of many gay rights policies. On some issues, the support is overwhelming. For example, majorities favor a law protecting gays and lesbians against employment discrimination in almost every district in the nation. Yet, support in Congress has been much less strong. There is a significant
partisan dimension to this gap between opinion and legislative behavior, as Democrats have increasingly supported gay rights as public support has grown, while Republicans have not. Instead of following the median voter in their state or district, Republican members of Congress appear to be voting in accordance with their party’s conservative position. This suggests that gains in public support, even in conservative districts, will not lead immediately to commensurate policy gains for the LGBT movement. That said, more legislative successes have come as public support has risen. Working to influence the public may not bring quick legislative gains, but it is unlikely to hurt and may help the movement in the long run.

Conclusion

This chapter has reviewed the players and arenas associated with political parties in legislatures, based primarily on observations about the US Congress. Scholars studying other nations may find some parts of this analysis more relevant to their cases than others. Even if one is examining a legislature with very different properties than the Congress, this analysis suggests some important questions to consider. Specifically: Who controls access to the agenda? How many people have the authority to unilaterally obstruct a bill's progress? What rules govern debate and amendment on the floor? Are rules set, or does a body like the House Rules Committee tailor them to each bill? How centralized is the leadership? What size coalition is necessary to reach a vote and/or pass a bill? Are bipartisan or multi-partisan coalitions possible? Answering these questions will help to map the arenas that movements and their allies must navigate and provide insight into the number and nature of allies necessary to achieve legislative success.

If there is one bottom line in the United States, it is that pressing bills through Congress is very difficult, even for a movement with elite allies. Social movements with legislative goals face significant hurdles, particularly if they aim to enact new legislation. While elite allies are certainly helpful, even those most committed to the movement cannot guarantee success in a deliberative body like a legislature. Some will face more difficulties than others, however. All elite allies are not equal, especially in chambers with strongly centralized leadership, like the House of Representatives. Lawmakers in leadership positions will have more powerful means to pursue movement goals than members with less authority. However, even leaders’ influence will vary over time, as political contexts change. On the whole, allies' utility depends very much on their position within Congress.
and the balance of power in government at the time. A sympathetic Speaker of the House can be immensely valuable; but, even they cannot curb the threat of filibuster in the Senate.

One of the great dilemmas facing social movements is that different types of elite allies are useful in different situations. Given the tremendous competition for agenda space in the modern Congress, having a few highly motivated allies can be useful. A small cadre of committed allies can also help movements block unfavorable legislation in the Senate. In other situations, having a broader base of support is more helpful. To achieve consideration from today’s supermajoritarian Senate, a movement’s bill will most likely need a coalition of 60 allies. It is difficult – though certainly not impossible – to inspire fierce commitment from a few allies and diffuse support from a broader group. Stringent positions will most likely motivate the former, while more moderate positions will probably be necessary to recruit the latter.

Movements face another critical dilemma in choosing a party identification strategy. Should they try to build a bipartisan network of supportive allies or develop a more exclusive relationship with one party? Attempting to maintain relationships with both parties can be difficult. If their allies face pressure from party leaders to vote a certain way, their coalition could crumble in a vote. Building a bipartisan coalition is especially difficult when political polarization is high, as it is in the United States today. However, party affiliation comes with its own challenges. Studying the relationship between African-Americans and the Democratic Party, Frymer (1999) argues that party affiliation can lead to “electoral capture.” When a group throws its support behind one party, and is also rejected by the opposing party, its ally has little incentive to act on its behalf. With limited political mobility, a captured movement cannot credibly threaten to defect from its ally party.

The barriers discussed in this chapter are not necessarily fixed. Aldrich (1995) argues that parties are endogenous institutions, which evolve in response to changing historical conditions. Rules, norms, and routines may be parametric for individual legislators, especially in the short term, but they are ultimately endogenous for the collective, and in the long run. Even if movements cannot easily influence these rules, norms, and routines, it is certainly in their interest to be aware of them. This will help them determine how to use resources most efficiently and to identify when political conditions will be most auspicious for legislative gains.
References


