

Analyzing the Vice President's Role in Enforcing Order in the U.S. Senate.

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Abstract

The constitutional designation of the vice president as the president of the United States Senate is a curious feature of the chamber. It places control over the Senates' rules and precedents in the hands of an individual who is not elected by the chamber and receives no direct benefits from the maintenance of its institutions. This arrangement has produced noteworthy conflicts between vice presidents and senators serving in the chamber. These conflicts suggest that when given the opportunity, the vice president would more likely to vacate long-standing chamber precedents in order to facilitate the success of his party's agenda. This article examines the vice president's role in the senate by utilizing a dataset of all questions of order that resulted in roll call votes. We find that despite the lack of any electoral or institutional benefits from upholding chamber rules, vice presidents are not significantly more partisan than other senators serving as presiding officer.

Introduction

On December 26, 1825, President John Quincy Adams sent the nominations of two men — John Sargent of Pennsylvania and Richard Anderson of Kentucky to the Senate for confirmation. The men were to serve as ministers to a Congress of Latin American ministers in Panama. The United States support of the Panama Mission was one of the centerpieces of the Adams administration’s agenda.¹ While few doubted that the ministers would eventually be confirmed, it became quickly apparent that they would encounter aggressive opposition (Hecht 1972; Peterson 1987; Remini 1959; 1991; Malanson 2006).

The opposition was led – in part – by Vice President John C. Calhoun. Calhoun utilized his position as presiding officer at key points during the debate to thwart both the administration and a majority of the Senate. First, the vice president took advantage of an earlier Senate decision to infuse its presiding officer with the ability to appoint senators to committees (Gamm and Smith 2000). Calhoun used this power to appoint four Southern opponents of Adams to the five-member Foreign Relations Committee. Not surprisingly, when the committee reported out the nominations, it was accompanied by a lengthy critique of the Panama Mission (Malanson 2006).

Second, Calhoun used his position as vice president to enforce chamber debate rules only when it suited Adams’ opponents. Senators like John Randolph (Jacksonian Republican - VA) used the debate to publically assail and slander the president. Adams and his supporters in the Senate took offense to Calhoun’s refusal to call Randolph to order during a six hour speech, despite his irrelevance, violent acquisitions and that, during the tirade, the vice president allowed Randolph to “drink himself drunk with bottled porter” (quoted by Remini

¹Adam’s justifications for the mission included the desire to eliminate high duties on American goods coming into the Latin American countries, the opportunity to bolster the nation’s recommendation by helping secure a peace settlement between Latin American and Spain, and a general showing of good will to the United States neighbors (Sanders 1954). The reasons for opposition to the mission were fairly diverse: bitterness at the administration; resentment of the varying levels of support Latin America had shown the United States; a fear that slavery would be challenged at the conference and a concern that attendance would violate the American policy of neutrality.

2002, 84). Calhoun defended his decision by arguing that the vice president had no power to call a senator to order, and that if given that ability “[it would] virtually place the control over the freedom of debate in the hands of the Executive (from Onslow’s Second Letter to ‘Patrick Henry’, 1826 in Cheek, Jr. 2003).” The vice president’s concerns did not, however, stop him from declaring an Adams sympathizer out of order during debate a few months later (Hatfield 1997).

The nominations were not confirmed until March 14, 1826 by a vote of 27 to 17. Ultimately, the delay proved to be fatal for the United States involvement in the mission as neither minister was able to arrive in time.² Perhaps of even greater importance though, was that the episode highlighted the consequential role the vice president can play in the Senate.³ The constitutional placement of the vice president as president of the Senate means that the chamber is led by a member who they did not elect, and thus, may represent a differing party or ideology.

While the Senate opted to strip the presiding officer of the ability to select committees, the presiding officer is still charged with several important duties. Specifically, it is up to the presiding officer to call dilatory members to order and to rule on questions of order. The latter point is one of potentially great importance as such rulings have the ability to alter long-standing chamber precedents, which can lead to the bypassing of supermajority rules required to end debate. Given that the vice president is not elected by the chamber and receives no direct benefits from the maintenance of its institution, we hypothesize that he would be more likely to use his position as presiding officer to facilitate his ideological goals. In this article, we assess the vice president’s role in the chamber utilizing a dataset of all

²Because of the delayed approval, Sergeant and Anderson were forced to travel during the height of the summer disease season. Sergeant arrived right as the Congress was concluding and Anderson died of disease en route (Malanson 2006).

³Another outcome of Calhoun’s refusal to call Randolph to order was that the speech led to a duel between the senator and Secretary of State Henry Clay. During the speech, Randolph had compared Clay to “Judas” and denounced him as a “blackleg,” or a swindler (Hecht 1972, 43). Clay promptly issued a challenge to the Virginian, which he accepted. While the two men missed on both shots, the second round went through Randolph’s coat (Benton 1897, Kirk 1951).

questions of order that resulted in roll call votes in the Senate. We find no evidence that rulings by vice presidents are more partisan than those made by other senators serving as presiding officer.

The Vice President in the Senate

Article 1, Section 3 of the United States Constitution decrees that “the Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.” The clause was adopted ten days before the Constitutional Convention adjourned, with eight states in favor, two opposed and one abstaining (Gamm and Smith 2000; Farrand 1966). In support of the provision, Roger Sherman argued that the vice president’s presence in the chamber was necessary to prevent a tie vote. Further, if he did not serve in the Senate the vice president would be “without employment (Farrand 1966, 537).”

While delegates to the Constitutional Convention devoted minimal time in debating the clause, there was some dissension. Elbridge Gerry argued against the clause’s adoption, suggesting that “we might as well put the President himself at the head of the Legislature. The close intimacy that must subsist between the President and vice president makes it absolutely improper (Farrand 1966, 536).” The inference from Gerry’s statement was echoed by Calhoun in the debate over the Panama Mission. By allowing the vice president to preside over the Senate, the framers were implicitly allocating legislative powers to a member of the executive branch.

Scholars suggest that these concerns played an important role in the development of the Senate (Gamm and Smith 2000). To overcome collective action problems in legislatures, members will delegate authority to a central chamber leader. Members of the Senate elected not to do this out of a fear the power would be abused by the vice president, whom they did not elect and could not control. Further, although the Constitution specified that the

Senate could elect a president *pro tempore*, it specified that they could do so only in the vice president's absence. Thus, powers granted to the president *pro tempore* today could be executed by the vice president tomorrow. The result is that in the modern Senate the presiding officer possesses minimal formal powers for managing the legislative agenda.

This contrasts sharply with the institutional development of the House of Representatives. In that chamber members allocated their presiding officer, the Speaker of the House, a great deal of formal authority. At various points in time this has included – among other things – the ability to choose whether or not to entertain dilatory motions, the right to recognize various members on the floor, the right to refer bills to various committees and the ability to appoint committee members. These powers effectively put an end to obstruction in the House of Representatives.⁴

Most of the Senate's limited collective decision-making authority has been parceled out to parties and committees. Of the powers the presiding officer does possess, the right to interpret rules and precedents when questions of order are raised and the right of recognition are the two most substantial. In both cases, vice presidents have demonstrated a willingness to depart from existing chamber precedents and drastically reform the way business is conducted in the Senate.

The right of recognition specifies that no member may speak with out being consented to by the presiding officer. While the Senate's formal rules have long stated that the presiding officer must recognize the first senator who addresses him, the situation was often more confusing. The presiding officer would be assailed by numerous senators seeking recognition and he would have to make an often controversial judgment call on who addressed him first. In 1937, Vice President John Nance Garner (D-TX) broke from that practice by asserting that the chair would recognize the majority and minority leaders first (Binder et al. 2007).⁵ The right of first recognition has since become the most important power

⁴Throughout the 19th century, obstruction - or filibustering - was worse in House than in the Senate (Koger 2004).

⁵When confronted as to why he recognized Senator Alben Barkley (D-KY) when other senators were

enjoyed by the majority leader (Byrd 1988). It guarantees that he will be the first member allowed to propose a motion to proceed, to report a unanimous consent agreement or offer an amendment (Gamm and Smith 2002; Beth et al. 2009). These powers are critical in order for the majority leader to manage the Senate’s floor time effectively.

A question of order may be raised in the United States Senate at virtually any time.⁶ The question is to be decided without debate by the presiding officer. Recently, the question of order procedure has garnered a great deal of attention from scholars of the United States Senate because it bears directly on the right of senators to engage in unlimited debate (or filibuster). In 2003, majority party Republicans sought to use a question of order to overcome a Democratic filibuster of several of President George W. Bush’s judicial nominees. Vice President Dick Cheney (R-WY) indicated a willingness to break from existing chamber precedent by issuing a ruling that debate must be brought to a conclusion. An opponent of the ruling could appeal the chair’s decision and the appeal would be debatable. Supporters would then be able to offer a motion to lay the appeal on the table. The motion to table is not debatable and subject to only a simple majority vote. Had a last minute compromise not thwarted Cheney from issuing a ruling, the episode would have effectively ended the filibuster in the Senate (Madonna 2007).

Cheney’s threat was comparable to an episode in 1957, when Senate liberals sought to remove the filibuster in an effort to pass a civil rights bill. In that case, Senator Clinton Anderson (D-NM) sought a ruling from Vice President Richard Nixon (R-CA) that a motion to change formal debate rules by a simple majority was in order because the Senate was not a continuing body (Gold and Gupta 2005; Wawro and Schickler 2004; 2006.) Vice President

requesting the floor, Garner stated that “The chair recognized the senator from Kentucky because he is the leader of the Democrats in the Senate.” Later in the debate he announced that he “would recognize the Senator from Vermont [Mr. Austin], acting Republican leader, in the same way (*Congressional Record*, 74th Congress, August 13, 1937).”

⁶Rule XX of the United States Senate specifies that “A question of order may be raised at any stage of the proceedings, except when the Senate is voting or ascertaining the presence of a quorum, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.”

Nixon was openly courting black voters for his presidential run and stated in an “advisory opinion” that he would support the Anderson motion. The vice president was unable to formally rule on the motion because Senate Majority Leader Lyndon Johnson (D-TX) used his right of first recognition to table the Anderson motion. However, much like Cheney, Vice President Nixon indicated a willingness to vacate long-standing chambers rules in exchange for short-term political benefits.

What the preceding discussion suggests is that through his role as presiding officer, the vice president has the formal authority to play a critical role in influencing chamber policy. Further, because he is neither electorally accountable to the Senate, nor invested at all in their institutional stability, the vice president is likely to operate in a manner inconsistent with other presiding officers. In the next section, we evaluate this empirically by utilizing a dataset of all questions of order that resulted in roll call votes in the Senate.

Enforcing Order

When a question of order is raised in the United States Senate, the presiding officer can choose to uphold it, reject it, or submit it to the floor for consideration by the full chamber (Tiefer 1989; Madonna 2007). If the presiding officer chooses to submit the question, the resulting Senate vote does not create a formally binding precedent. This is the traditional response for questions of order raised on the basis of germaneness. Rulings issued by the presiding officer are subjected to an appeal of the full Senate. As the example with Vice President Cheney indicates, while that appeal can be subjected to a filibuster, it may also be bypassed by passing a non-debatable motion to table.⁷ Thus, rulings on questions of order occupy an important role in the United States Senate.

⁷The ability to utilize this procedure has not been constant throughout the chamber’s history. The motion to table was made non-debatable sometime between 1828 and 1841. Even after Senate practice had dictated that it was non-debatable there was much ambiguity as to whether it was in order on an appeal. In 1841, the Senate overruled a decision by Senator Willie Mangum (W-NC), declaring that it was (*Congressional Globe*, August 7, 1841). The first successful table of an appeal does not occur until 1854 (*Congressional Globe*, July 31, 1854).

To evaluate the role the vice president plays in enforcing order in the Senate, we created a dataset of all rulings issued by the presiding officer that resulted in roll call votes from the start of the 25th Senate to the end of the 106th.⁸ By restricting the data to only rulings that resulted in roll call votes we are hoping to better isolate contentious or non-trivial rulings.

We then further narrowed the dataset by dropping all votes on questions of order that appeared to be dilatory. We define dilatory questions as those raised for the purpose of demonstrating the lack of a quorum.⁹ Accordingly, we dropped all votes that resulted in a “no quorum” and those decided unanimously. For observations that met these qualifications, we went through the Register of Debates, Congressional Globe, Congressional Record and Senate Journal and recorded who the senator was that offered the question of order, who was in the chair at the time and what the ruling was.¹⁰

[Figure 1 Here]

This procedure yielded 641 observations, which corresponds to 8 per Congress. Of these, vice presidents issued rulings in 152 of them. These data are depicted in Figure 1. The figure demonstrates a large spike in the number of votes on questions of order occurring between the 94th and 100th Senates. This spike coincides with a change in the congressional budget

⁸These votes were identified by numerous different keyword searches of voteview (www.voteview.com), the *Congressional Globe*, *Congressional Record*, *Annals of Congress* and *Senate Journal* (<http://memory.loc.gov/ammem/amlaw/lawhome.html>) and back-checked using the indices of the *Congressional Record*. Additionally, from the 1st to the 24th Senate there were only 5 votes stemming for chair rulings – these were omitted from the dataset to alleviate some problems in determining party affiliation during these congresses.

⁹The disappearing quorum was a popular tool for filibustering minorities in both the 19th century House and the Senate. Once a vote revealed the lack of a quorum all business would cease until the quorum was brought to the floor. This forced nearly the entire majority party to stay near the floor. One example of the disappearing quorum was provided during debate on Senator Nelson Aldrich’s (R-RI) resolution to limit debate in the chamber. Opponents under the leadership of George Gray (D-DE) obstructed the Aldrich resolution. During the filibuster Gray made a point of order that compelling absent senators to attendance was out of order. The chair, Senator Henry Blair (R-NH) ruled against Gray, upon which the Delaware Senator appealed and Aldrich moved to table the appeal. The motion to table was upheld 29-7, but no quorum being present, the question recurred. It passed 4 more times with no quorum present before Aldrich finally was forced to move that the Senate adjourn (*Congressional Record*, January 21 1891).

¹⁰In the rare occasion that the record only referred to the chair as the president *pro tempore*, we relied on Sachs (2003) for a listing of who was serving at the time.

process which specified that budget rules be enforced using questions of order (Saturno 2009). In order to accurately fit a model of the presiding officers' decision-making, this and other issues need to adequately be controlled for. The next section details how this is done.

The Vice President and Chair Rulings

Questions of order govern the way rules and precedents are interpreted and applied in the United States Senate. Accordingly, they can have an extremely important effect on the chamber's policy output. To examine how presiding officer's rule on such questions of order, we fit two separate multinomial logit models. The dependent variable, point status, is coded (1) if the chair upholds the point of order, (0) if she submits the point of order to the Senate or (-1) if she rejects the point.

The first multinomial logit model evaluates chair rulings prior to the 69th Senate. In the 69th Senate, presiding officers started to defer to a chamber parliamentarian. The parliamentarian is charged with providing information on chamber precedents and procedure to the chair. The introduction of the parliamentarian likely served to cut down on information asymmetries that existed in the early Senate. Madonna (2007) has shown that the introduction of the parliamentarian has had a depressing effect on the likelihood of a partisan ruling in the chamber. However, as the Cheney and Nixon episodes highlight, the presiding officer is free to reject the advice of the parliamentarian. The second model examines rulings that occurred during and after the 69th Senate.

Favorable rulings on questions of order can help majorities bypass restrictive chamber rules. They can also establish new precedents the Senate has to abide by. Given this, we would expect that the presiding officer would be more likely to uphold questions of order raised by senators that share the same party label (Madonna 2007). Such a hypothesis is consistent with research done on the House of Representatives, where scholars have found substantial evidence of party influence on procedural matters (Binder 1997; Dion 1997; Snyder and Weingast 2000; Cox and Poole 2002). This is accounted for using a dummy

variable coded (1) if the member raising the question of order shares the same party label as the presiding officer.

The comments by Elbridge Gerry at the Constitutional Convention, Vice President Calhoun during the Panama Congress debate and the actions of Vice Presidents Garner, Nixon and Cheney all suggest that vice presidents should behave differently when serving as presiding officer in the Senate than other members. This is consistent with the theoretical evidence presented by scholars. Vice presidents are not electorally accountable to the chamber and are governed by a different incentive structure than other senators. He can not engage in a filibuster or offer a non-germane amendment, and therefore, is less likely to seek to preserve those institutions by sacrificing short-term policy gains. In the Cheney example, the vice president appeared more than willing to end the filibuster – an institution that has existed in the Senate for nearly two centuries – in exchange for the confirmation of a handful of his party’s judicial nominations. Vice President Nixon was willing to end the institution in effort to position himself better for a future election. Accordingly, we would anticipate that vice presidents should be more willing to sacrifice Senate precedent for short term partisan gains than other presiding officers. To account for this, we include a dummy variable for when the vice president was serving as presiding officer. We also include an interactive dummy variable, denoting that the vice president was in the chair and the question of order was offered by a member of his political party. The expectation is that the interactive variable will be significant and positive for upholding the question of order as opposed to rejecting or submitting it, and negative and significant for rejecting it as opposed to submitting it. Further, the expectation is that this is likely to hold even after the introduction of the parliamentarian, whose advice the vice president is not bound by.

As the spike in Figure 2 demonstrates, questions of order related to the germaneness of an amendment are contentious and fairly common in the United States Senate. While the right to offer non-germane amendments is one of the Senate’s most distinguishing features it is not absolute. There are several occasions when the chamber requires germaneness: when

the Senate is operating under a unanimous consent agreement that specifically forbids non-germane amendments, for amendments to general appropriations measures, after cloture has been invoked or during the consideration of a budget resolution or reconciliation measure (Oleszek 2004, Tiefer 1989). If an amendment to a general appropriations bill is challenged as containing legislation – than the senator offering the measure is likely to raise a defense of germaneness. The chair almost always submits these questions to the Senate to be decided without debate (Riddick and Frumin 1992). However, even when the defense of germaneness is not raised, custom traditionally dictates that questions of order on amendments are submitted to the Senate (Bach 1989; 1991). The amendment variable is a dummy signifying whether the question of order concerns the status of an amendment: 1 if so, 0 if not.

The multinomial logit model also features several additional control variables. First, it is reasonable to infer that the more intraparty homogeneity and interparty heterogeneity in the Senate, the more contentious voting will become (Rohde 1991). Binder and Smith (1997) note the important role partisanship had on the growth of obstruction throughout the nineteenth and twentieth centuries. Presiding officers may seek to avoid unnecessary conflict with a partisan senate. Therefore, we should expect to see questions of order be submitted to the full chamber more often during periods of high polarization. Polarization is defined as the absolute difference between the majority and minority party medians, using DW-Nominate scores (Poole and Rosenthal 1997). The range is from the .456 to .896.

The smaller a minority party is relative to a majority, the more likely it would need to exhaust all its' obstructive tactics to beat back unfavorable legislation. Conversely, large majorities may find it easier to wait out minorities rather than attempt to beat them back by establishing new precedents. Consequently, chairs should be more likely to reject these questions of order as being meritless. The variable, seat advantage, is coded as the difference between the number of majority and minority party seats in the Senate where the vote occurred.

Finally, Southern Democrats like James Allen (D-AL) and Richard Russell (D-GA) gained

great notoriety for their ability to use parliamentary procedure to filibuster civil rights legislation supported by a majority of their party. Accordingly, I control for the presence of a Southern Democrat during a ruling of the chair. The dummy variable is a 1 if it occurs before the 97th Congress, both the chair and the senator raising question of order are Democrats, and one of them hails from a Southern state. This simply reflects the view that southerners offering points of order are more likely to have their points rejected by fellow Democrats than other party members. The results are presented in Table 1.

[Table 1 Here]

Results

The results of the model are presented in Table 1. Not surprisingly, the coefficient on the same party variable is significant in the pre-parliamentarian model for upholding a question of order rather than rejecting it and upholding it rather than submitting it. Again, the primary theoretical expectation was that the vice president would be more likely to issue a partisan ruling than other presiding officers. The coefficient on the interactive variable achieves statistical significance in only the post-parliamentarian model – for submitting a question of order rather than rejecting it. However, the sign on that coefficient is in the opposite of the expected direction. Ultimately, understanding the substantive implications of these findings necessitates evaluating predicted probabilities.¹¹

Consistent with earlier findings, senators serving as presiding officers are more likely to uphold questions of order raised by fellow partisans than either submit or reject them (Madonna 2007). In the pre-parliamentarian model, if we hold the southern and amendment variables to 0 and all other variables to their means, the presiding officer is 41.7% more likely

¹¹The multinomial logit model relies on the assumption that adding or deleting alternatives will not alter the relationship between the remaining alternatives. This is often referred to as independence of irrelevant alternatives. Accordingly, a Small-Hsiao test was conducted to evaluate the appropriateness of the IIA assumption. The test failed to reject the assumption that IIA holds, indicating that the multinomial logit model may be appropriate. The predicted probabilities were generated utilizing the SPost package in Stata programmed by Long and Freese (2006).

to uphold a point of order offered by a fellow partisan. As expected, the presiding officer is also significantly more likely to reject questions of order raised by senators who do not belong to his political party. Again, if we hold the southern and amendment variables to 0 and all other variables to their means, the presiding officer is 31.6% more likely to reject a question of order if it was raised by a member of the other party. These findings conform to our expectations that Senate majorities in the 19th and early centuries were likely to utilize questions of order to bypass restrictive chamber rules requiring supermajorities. While the coefficient on the same party variable was also significant at the .10 for upholding the question of order rather than rejecting it in the post-parliamentarian model, there was no significant change in the predicted probability. Again, this suggests that after the introduction of the parliamentarian, the presiding officer stopped utilizing partisan cues as the basis behind his rulings.

The vice president is not electorally accountable to the Senate, nor does share any long term benefit from maintaining its institutions. As such, the expectation was that the vice president would exhibit more partisan behavior than his senate counterparts while serving as the presiding officer. The results presented in both Model 1 and Model 2 fail to confirm this hypothesis. Curiously, the only time the interactive dummy variable is significant is in the post-parliamentarian model and the coefficient is in the opposite of the expect direction. In the post-parliamentarian era, the vice president is 25.7% more likely to reject a question of order from a member of his party than other presiding officers. This counter-intuitive finding is likely to result of a failure to control for fractures between the progressive and conservative wings of the Republican Party in late 1920s and early 1930s. Republican Vice Presidents Charles Dawes (R-OH) and Charles Curtis (R-KS) issued a fair number of rulings.¹² During that period, progressive Republican senators like Robert La Follette (R-WI), George Norris (R-NE) and Hiram Johnson (R-CA) were as threatening to the party's agenda as minority

¹²Dawes has spent so much time in the Senate that at the end of his term he was famously quoted as saying "I should hate to think that the Senate was as tired of me at the beginning of my service as I am of the Senate at the end."

Democrats.¹³

The coefficient on the amendment control variable was significant and in the expected direction in both models. This conforms to most of the scholarship that looks at germaneness rules in the Senate (Bach 1989, 1991; Madonna 2007). Holding all other variables to their mean or modal values, in the pre-parliamentarian model, questions of order on amendments were predicted to be submitted to the full chamber in 52.1% of cases. Questions on all other matters were submitted only 16.2% of the time. Again, this is consistent with chamber rules. In the post-parliamentarian model the percentages are nearly identical. Questions are only predicted to be rejected in 4.4% of cases, indicating that most challenges to the order of amendments are valid (Bach 1989).

The coefficient on the polarization control variable is significant in the pre-parliamentarian model for submitting the question of order. While holding the southern, amendment and vice president variables to zero and seat advantage to its mean, moving from the minimal amount of polarization to the maximal amount yields an 18.9% increase in the likelihood a question of order would be submitted. While the coefficient for the seat advantage variable was significant in the pre-parliamentarian model, there was no significant change in the predicted probability.

Discussion

The constitutional designation of the vice president as the president of the United States Senate is a rather unique facet of the chamber. It placed control over the Senates rules and precedents in the hands of an individual who is not elected by the chamber and receives no benefit from the proper maintenance of its institutions. This arrangement has produced noteworthy conflicts at important points in the Senate's development. Rulings and threats of rulings by Vice Presidents Calhoun, Garner, Nixon and Cheney suggest that the vice president may be more likely to vacate existing chamber precedent for short term policy

¹³Future iterations of this paper will control for this.

gains.

Despite the lack of any electoral or institutional benefits from upholding chamber rules, the evidence presented in this study does not demonstrate that vice presidents behave significantly more partisan than senators serving as presiding officer. If anything, it suggests that vice presidents are less deferential to members of their own party. Ultimately, several explanations could account for this. First, while in the modern era the president *pro tempore* is typically the most senior member of the majority party, for most of the chamber's history this was not the case. Rather, the president *pro tempore* was elected by a simple majority vote in the Senate. Majorities may have sought to elect its most loyal members to serve in this capacity. Compared to vice presidents who were elected on a ticket by the general public, presidents *pro tempore* have a greater incentive to work for their party. This implies that the vice president may be a more neutral interpreter of chamber rules.

There is at least some evidence that senators serving as presiding officer were more willing to defer to the majority party than the vice president. For the 641 chair rulings that resulted in roll call votes, the presiding officer formally ruled on 369 of them and submitted the rest to the full chamber. Of those, 241 (65.31%) of them went in favor of a majority party member or against a member of the minority. In the 97 cases the vice president ruled on, only 56% of the time did his ruling go in favor of a majority party member or against a minority party member. Other presiding officers issued rulings in 272 cases, ruling for a majority party member or against a minority party member in only 68% of them.

Additionally, as the vice president is less invested in the institutional maintenance of the chamber, senators may have been less willing to refer important questions of order to him. For instance, when the vice president was a member of the minority party, there were a mere thirteen observations in which he issued a ruling. In all thirteen cases, the question was raised by a member of the minority. All thirteen were either upheld or submitted.

Future work should explore these possibilities in greater detail. Further, while rulings by the presiding officer have important policy implications, so do appeals of those rulings.

One might expect rulings by the vice president to carry less weight than rulings by elected president *pro tempore* and, as such, be more apt to be overturned. Future iterations of this paper will seek to address this.

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Figure 1: Votes on Chair Rulings Per Senate

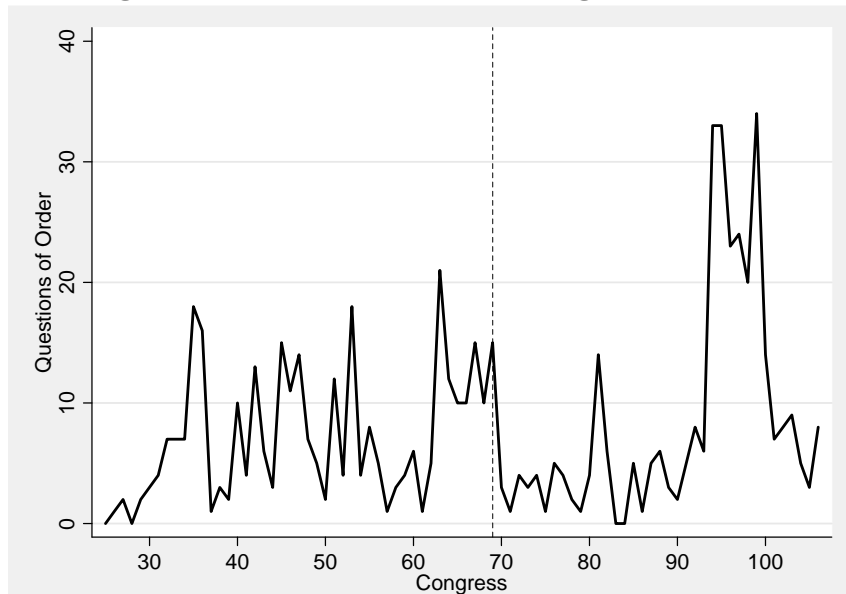


Table 1: Multinomial Logit Model of Questions of Order in the U.S. Senate

Covariate	Model 1 Pre-Parliamentarian			Model 2 Post-Parliamentarian		
	Uphold: Reject	Submit: Reject	Uphold: Submit	Uphold: Reject	Submit: Reject	Uphold: Submit
Polarization	1.220 (1.774)	5.104** (1.632)	-3.884** (1.688)	-1.635 (2.744)	1.431 (2.583)	-3.066 (2.120)
Vice President	-0.822 (0.877)	-0.879* (0.519)	0.056 (0.949)	-0.434 (0.908)	0.753 (0.641)	-1.186 (0.885)
Same Party	2.266** (0.499)	0.220 (0.396)	2.046** (0.483)	0.803* (0.427)	0.498 (0.404)	0.305 (0.290)
Vice President - Same Party	0.540 (0.966)	0.914 (0.676)	-0.373 (1.019)	-0.646 (1.012)	-1.785** (0.813)	1.140 (0.973)
Seat Advantage	-0.022 (0.014)	-0.031** (0.015)	0.010 (0.014)	-0.022 (0.018)	-0.006 (0.020)	-0.017 (0.016)
Southern	0.048 (0.383)	-0.307 (0.352)	0.355 (0.363)	-0.150 (0.428)	-0.248 (0.445)	0.098 (0.392)
Amendment	0.461 (0.331)	2.036** (0.331)	-1.575** (0.015)	2.320** (0.402)	2.506** (0.382)	-0.187 (0.320)
Constant	-2.376 (1.535)	-4.426** (1.310)	2.050 (1.456)	0.444 (1.767)	-1.280 (1.747)	1.723 (1.478)
Observations	312			329		
Prob i χ^2	0.000			0.000		
Pseudo R^2	0.190			0.129		

Note: Coefficients with robust standard errors listed in parentheses; *indicates significance at the p = .10 level; **indicates significance at the p = .05 level.