

Chris Den Hartog and Nathan W. Monroe. *Agenda Setting in the U.S. Senate: Costly Consideration and Majority Party Advantage*. New York: Cambridge University Press, 2011. 235pp.

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In January 2010, Republican Scott Brown won the Massachusetts Senate seat left vacant by the death of Edward Kennedy. This loss, in a state often glibly assumed to be a Democratic fiefdom, was especially ominous coming in the midst of the congressional battle over President Obama's healthcare reform proposals. "The health care bill," gloated Fred Barnes in *The Weekly Standard*, "is dead with not the slightest prospect of resurrection." Yet, Brown represented the 41st vote in a chamber of 100 legislators. Democrats still held 57 seats, with two independents in their caucus. In total, they wielded an eighteen seat majority while commentators predicted the frustration of their ambitions. Stephen Colbert, host of *The Colbert Report*, joked that Republicans now had "an unstoppable 41-seat super minority."

This is very much the popular understanding of the Senate: a dysfunctional body packed with preening prima donnas exploiting arcane and barely comprehensible rules to ensure legislative stasis. Despite such prognostications of doom, however, Obama's signature healthcare reform passed. Indeed, as the authors note, the 111th Congress, which Brown apparently gatecrashed, "enacted several major, controversial policies, including a massive economic stimulus... and a sweeping reform of the financial system." It was hailed by numerous commentators as the most productive since the Great Society. There emerges a curious paradox, then. How can gridlock be so fruitful?

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Parties are weak in the Senate, runs the conventional wisdom. Party leaders are “constrained, impotent, and beholden to the power of individual senators exercising their institutionally supported prerogatives” (32). The House, it is assumed, is the more straightforwardly majoritarian body, in which each party’s leaders wield considerable power over the rank-and-file. Cooperation is rewarded, independence punished. “To get along,” House Speaker Sam Rayburn would tell new members, “go along.” The Senate, on the other hand, was established as an explicitly deliberative body, a forum where minority opinions could be heard, and subsequent institutional reforms have strengthened the agency of individual senators. In the House, party leaders could become significant legislative actors, able to marshal their caucuses to advance or obstruct a partisan programme. At times its Speakers – most notably Tip O’Neill and Newt Gingrich – have become the sparring partners of presidents. There is no such tradition of centralised leadership in the Senate. Indeed, arguably the only Senate leader of the twentieth century to rank alongside O’Neill and Gingrich in terms of influence was Lyndon Johnson, and his tenure is often dismissed as an anomaly that depended upon his remarkable personal attributes.

These are the assumptions that Chris Den Hartog and Nathan Monroe, two Californian political scientists, set out to challenge. The authors’ revisionism rests on a theory of legislative agenda setting which emphasises the systemic advantages wielded by the majority party. Agenda control is understood as the power to ensure, or prevent, ‘consideration’ of any given piece of legislation. The authors define ‘consideration’ as a proposal reaching a final passage vote, as opposed to being discussed in committee or debated on the floor. Agenda setting, they argue, is a costly business. To reach a final vote, a bill must be navigated through “numerous procedural minefields” (7), which can require considerable expense of effort (by legislators and their staff) and resources (political favours, votes on other legislation, campaign funds, etc). The majority party is better able to pay these

costs than the minority. Not only that, but the majority party enjoys procedural advantages denied to the minority, such as the right of first proposal and a monopoly on committee chairmanships, as well as scheduling and floor amendment prerogatives.

Den Hartog and Monroe extend John Rawls's metaphor of a majority caucus as the team playing offence and the minority playing defence, asking the reader to,

. . . imagine a football game in which one team always plays offense: the majority is in a much better position than the minority to score; this does not mean that the majority scores on every drive or that the minority never scores off a turnover, but overall we expect the majority to score decidedly more often than the minority (7).

Though the terminology of American football is essentially a foreign language to this reviewer, the above metaphor is as good a summation of Den Hartog and Monroe's argument as any in the book.

Take, for example, a procedural quirk of the Senate that draws the heaviest criticism: the filibuster. Institutional reforms in the 1970s, which reduced the number of votes required to invoke cloture (i.e. to end a debate and thus a filibuster), have resulted in an agreement between the parties that accepts the indication by a senator of an *intention* to filibuster as itself a legislative block. Had this agreement existed in *Mr. Smith Goes To Washington*, the film would have been a good deal shorter and Jimmy Stewart better rested. The consequence has been the proliferation of filibusters and, as evidenced by the reaction to Scott Brown's election, the apparent transformation of the Senate into a super-majoritarian chamber.

Den Hartog and Monroe do not dispute that the filibuster represents "the most significant and consistent component of the majority party's consideration costs" (99). However, they suggest that the Senate literature overestimates the extent to which filibusters undermine the majority party. With illuminating case studies, the authors demonstrate

convincingly that not only does the majority party incur lower consideration costs to overcome a filibuster than the minority, but that these costs are by no means prohibitive. In numerous instances, the majority can pay the costs and overcome the roadblock.

Of course, to argue that a majority exerts influence over the legislative process is not to assert that common interpretations of the Senate are entirely mistaken. Determined minorities can exploit the chamber's procedures to frustrate the majority party. However, the admission that the majority cannot exert total control over the legislative agenda should not lead scholars to conclude that parties, and party leaders, are irrelevant. Persuasively and closely argued in measured tones from a solid empirical base, this book is highly recommended for those seeking to understand the dynamics of the modern Senate.