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Congressional Vote Options

Numerous accounts reveal that congressional leaders often secure "hip-pocket votes" or "if you need me" pledges from rank-and-file legislators. These are essentially options on votes. Leaders exercise sufficient options—pay legislators to convert to favorable votes—when those options will yield victory. Otherwise, they release the options. A model shows that this optimal strategy for leaders produces many small victories, few small losses, and losses that are, on average, larger than victories. We find precisely these patterns, hence strong evidence for vote options, in *Congressional Quarterly* key votes from 1975 through 2001 and in non-key votes from the 106th Congress (1999–2000).

Introduction

On June 20, 2001, the House of Representatives took up a supplemental appropriations bill. President George W. Bush, having signed a large tax cut package a few days earlier, strongly favored a controversial provision to spend $30.5 million on mailings that would tell taxpayers a rebate check was in the offing. David Obey (D-WI) offered an amendment to spend the money on drug-trafficking programs instead. The official record from that vote shows that President Bush and the House Republican leadership won, defeating Obey's proposal 216 to 212 (Parks 2001), but that narrow tally tells only part of the story. Six Republicans changed their votes from "yes" to "no" as the Republican leadership extended the time for voting. In those closing minutes, Republican leaders called in "if you need me" pledges from wavering members while full-throated Democrats chanted "shame, shame, shame." If changing or delaying one's vote in response to a promise from the leadership is a real shame, then it is widely shared.

Marjorie Margolies-Mezvinsky (D-PA), for example, cast the deciding vote on President Clinton's 1993 budget-reconciliation bill. As the last legislator to vote on August 5, 1993, the outcome was hers to determine, and most observers expected a "no" vote. Margolies-Mezvinsky voted "yes" instead. *Congressional Quarterly* tells the story: "She had pledged during her campaign and even the day before

the vote that she would vote against a bill that increased taxes. But Democratic leaders extracted a private promise from her to support the deficit-reduction package if her vote proved necessary to pass it" (*CQ Almanac* 1993, C39). This was a classic "if you need me" pledge, which we shall label an "option." Although it was widely predicted that the tax package would be handily defeated, President Clinton and House leaders got matters close enough that calling in the option on Margolies-Mezvinsky's vote was worthwhile; the bill triumphed by a single vote.

The literature on presidential leadership is rich (Bond and Fleisher 1990; Covington 1987, 1988; de Marchi and Sullivan 1998; Edwards 1989; Kernell 1993; Moe and Howell 1999; Peterson 1990; Sullivan 1987, 1990a, 1990b; Rivers and Rose 1985). Likewise, insightful scholarship has addressed the role of coalition leaders in Congress (Baron and Ferejohn 1989; Carrubba and Volden 2000; Cooper and Brady 1981; Dodd 1983; Fiorina and Shepsle 1989; Groseclose and Snyder 1996; Sinclair 1995; Snyder 1991). None of these models includes what is at the heart of the Obey and the Margolies-Mezvinsky stories. Yet the story is common in legislatures, where the art of politics is deft coalition building and "if you need me" pledges are critical building blocks.

This paper employs a simple, nonformal model to introduce the concept of securing options on votes. In brief, leaders build coalitions that are "close enough" to make it worthwhile to call in pledges from cross-pressured members. In most legislatures, coalition leaders rarely buy votes outright at the moment they need them, as consumers buy apples or candy bars. Rather, legislative leaders purchase "hip-pocket" votes or "if you need me" pledges, which are *options on votes* to be called in if and when needed.

President Clinton saw several "narrow victory" coalitions unravel. Few were more embarrassing than the defeat he suffered on the 1994 Omnibus Crime Bill.[1] On a critical procedural vote, White House Chief of Staff Leon Panetta boldly predicted victory ("we're going to kick some ass" was his delicate phrasing), but the president lost by 15 votes in the House. A hoped-for win turned out to be a big loss. Why? "Several members who had been willing to support the leadership if needed instead voted no when it became clear the [measure] would not pass," explain Idelson and Sammon (1994, 52). President Clinton did not get the vote close enough to make it worthwhile to call in the "if you need me" pledges (i.e., to exercise the vote options) he had spent the previous week securing.

When coalition leaders do secure sufficient votes to win, excess vote options will not be exercised. Washington Democrat Norm Dicks said as much to John Kasich (R-OH) and Ron Dellums (D-CA) on

September 7, 1995. Dicks's coalition, which maintained funding for the B-2 bomber, won 213 to 210. The win was narrow, but Dicks warned his opponents not to take much comfort from getting so close, boasting that he "held six or seven votes in reserve" (Cassata 1995).

Before vote options potentially come into play, the vast majority of non-optioned legislators must decide how to vote. To do so, legislators take account of their personal values, announced positions, the views of their constituents, and the preferences of their financial supporters (Covington 1988; Kingdon 1989). These four need not be aligned. If they are not—which is likely for members whose constituents have heterogeneous beliefs on many issues (Fiorina 1974)—legislators are cross-pressured. The net sum of a legislator's conflicting influences indicates which way that legislator would *like* to vote, absent further pressure.

On most votes, legislators are blissfully uninformed about the president's position or the stands that their party leaders may be taking. Indeed, the president takes no formal position on the overwhelming majority of votes cast in the House and Senate. The standard expectation held by the president and by the party leaders in the House is that legislators will vote, whenever possible, with their constituents and with the voting cues given to them by trusted members from the committees with jurisdiction.

Our focus is on the effects of the substantial pressures that coalition leaders bring to bear on legislators (Dodd 1983). When votes look as though they may be close, clever leaders seek out those members, often cross-pressured already, whose votes might be tipped in their direction most cheaply. Leaders then induce them—through compromises, side payments, and threats—to pledge their votes should they be needed.

Most of this article analyzes cases in which the president and the Speaker are on the same side of an issue. We recognize that countermobilization takes place (Groseclose and Snyder 1996), and it is especially prevalent under divided government. We discuss and present evidence on the success of countermobilization later in the article.

A simple presentation, absent a formal model, illustrates the qualitative features of vote options. Our goal is to bring a dose of day-to-day reality to the examination of how legislative coalitions are often formed and operated. Our empirical findings support the vote-options formulation, but our findings do not exclude complementary contributions from other factors ranging from selective gatekeeping by committees to agenda manipulation by the Rules Committee (Dion and Huber 1996; Groseclose and King 2001; Krehbiel 1987; Shepsle and Weingast 1987).

Former Speaker Tip O'Neill tells a colorful story about Leo O'Brien, a 1950s Democratic representative from Albany, New York.[2] O'Brien pledged his vote on an offshore oil bill to House Speaker Sam Rayburn (D-TX), but when newspapers found out about the promise, O'Brien had second thoughts and asked to be released from his pledge. Rayburn responded:

I can certainly appreciate your situation, so here's what I'll do for you. On the day of the vote, I want to see you in the front row. Keep your eye on the doorkeeper [Fishbait Miller]. If I don't need your vote, Fishbait Miller will give you the sign and you'll be free to vote your district (O'Neill 1987, 134).

Tip O'Neill continues Leo O'Brien's saga:

It was a close fight, but in the end Sam had enough votes to win without Leo O'Brien. The funny part of it was that when Leo took his seat in the front row, he looked around and saw *thirteen other guys* that Sam had in his pocket in case he needed them. It wasn't just Leo. The entire front row was sitting there and waiting for the nod from Fishbait Miller (1987, 134).

There are endless stories about leaders carrying around hip-pocket votes to be used when needed or otherwise released. As Kingdon noted, the leadership often has "ready a group of congressmen who will cast their votes with the leadership, only in the event that their votes are absolutely needed" (Kingdon 1989, 131; *cf* Dodd 1983, Dodd and Sullivan 1981, and Sinclair 1995, 244–48). Uncertainty is the primary force that gives options on votes their superiority to buying votes directly. By uncertainty we mean that, from the standpoint of a leader, there is a distribution of possible vote margins for any single vote; a wider distribution means the coalition leader has a greater uncertainty of the likely final tally.

Former House Speaker Thomas Foley (D-WA) nodded sagely and smiled broadly as we read him the Fishbait Miller passage. Foley observed that "if you need me" agreements are commonplace. Rayburn's innovation, he noted, was to place his hip-pocket voters in the front row, so he could keep an eye on them. "The problem with some 'if you need me' pledges," cautions Foley, "is that when you need them, they sometimes can't be found until it is too late."[3]

Throughout this article, when we refer to "united government," we mean that the same party holds the House and the White House, regardless of which party controls the Senate. Under united government we cannot tell to what extent it was the president or the Speaker who was collecting vote options. Under divided government, we find that the Speaker often successfully countermobilizes against the president. Whether we are examining united or divided government, the data produce patterns that are readily explained by the use of vote options.

We study the 417 *Congressional Quarterly* (CQ) key votes cast in the House from January 1975 through November 2001. We choose key votes because they tend to be salient and because the president and Speaker are likely to lobby members. Furthermore, CQ reports the president's preferences on the key votes. Of the 417 votes, the president took a position on 273 (65.5%) and the Speaker voted—voting by the Speaker is relatively rare and signals a strong lobbying position by the party leader—on 93 (22.3%) of the key votes. We have no systematic way of knowing the president's or the Speaker's position on the overwhelming majority of non-key votes. Still, we include a brief analysis of non-key votes in the 106th Congress and also find patterns consistent with the use of vote options.

Key votes are more likely to be among the ones that activate House whip organization, which is important in helping leaders coordinate vote buying and vote options. Over the last three decades, the House leadership whipped one vote every other week, on average. Under Texas Republican Tom Delay, the whip's office is more active but still endeavors to lobby and monitor legislators on no more than five votes per month. We acknowledge up front that vote options (and, indeed, vote buying) may not be used on most low-salience votes. Our objective, however, is to understand more about the knitting together of temporary coalitions on votes that are likely to have important policy or political consequences. The whip's office exists to build accurate counts of the "yeas" and "nays" on a handful of important bills, thereby reducing the uncertainty that House leaders have about vote outcomes when deciding whether or not to bring a bill to the floor.

Buying Votes and Vote Options

Presidents and legislative leaders put together bill-specific coalitions to win votes.[4] Riker (1962) provides the classic treatment of such coalitions. He develops the "size principle" in the context of zero-sum cooperative games, where legislators bargain over a fixed pie of political goodies. The size principle predicts that minimum winning coalitions (MWCs) will form. Additional vote switchers must be compensated, either through side payments or through benefits paid by tailoring the legislation. Extending the size of a coalition beyond a bare majority is costly; only MWCs will be observed. A generation of work on voting has wrestled with both the assumptions and predictions of MWCs (Baron and Ferejohn 1989; Browne 1993; Groseclose and Snyder 1996; Koehler 1972; Koford 1982; Shepsle 1974; Snyder 1991). Under different vote-buying assumptions, there are essentially two outcomes: MWCs and universalistic coalitions.

Universalistic coalitions are common even in fiercely divided U.S. legislatures. Weingast (1979) outlined the conditions under which they would be created, and his solution focused on designing bills that would economically benefit a significant majority of districts (also see Butterworth 1971; Ferejohn, Fiorina, and McKelvey 1987; Fiorina 1981; and Mayhew 1974). In the 1997–98 House, 324 nonprocedural roll-call votes—42% of the total—passed with more than 300 votes.

Legislators are interested in long-run policy outcomes and how their own votes contribute to those outcomes. We examine the outcome when the leader is able simply to "pay" legislators to switch their votes, and we acknowledge that straightforward vote buying is effective when the outcome is predictable. But when uncertainty abounds, as it usually does with legislative votes, we show that the leader will prefer to employ vote options, as opposed to straight vote purchases.

Political payoffs from the president may be especially valuable to members of Congress. They range from relatively benign (such as invitations to the White House), to valuable campaign appearances and fundraisers, to the targeted design of legislation. Members of the opposition party are routinely rewarded with presidential requests for earmarked appropriations and, occasionally, by promises not to campaign against the helpful opposition member in a subsequent campaign. Likewise, party leaders are able to reward and punish legislators by influencing which committee assignments they are likely to receive and whether or not political action committee money, controlled by the leaders, will be spent to help reelect a member (Cox and McCubbins 1993; Rohde 1991).

Long before an issue comes to a vote, leaders and members have opportunities to shape legislation by drafting bills, attending committee meetings, bargaining with colleagues over provisions, and blocking agenda items. The time at which they enter the policy debate and declare a position on a bill also affects their bargaining strength (Box-Steffensmeier, Arnold, and Zorn 1997). In deciding how and when to vote, legislators take account of a bill's likelihood of success and the degree of opposition.

Consider how votes and vote options can be bought. The leader, who could be the president or party leader in a legislature, is planning for a vote on an important issue, the outcome of which is in doubt. This doubt creates a subjective distribution of the unimpeded outcome. We call it *unimpeded* because neither votes nor vote options have yet been bought.

Every legislative leader uses a whip system for counting potential votes. The president's whip organization includes the leadership of his or her party on Capitol Hill along with professional vote-counters in the West Wing. Even ephemeral coalitions with transient leaders develop networks for counting votes so as to push an issue on the agenda (or

FIGURE 1
Leader's Subjective Distribution
on the Unimpeded Outcome
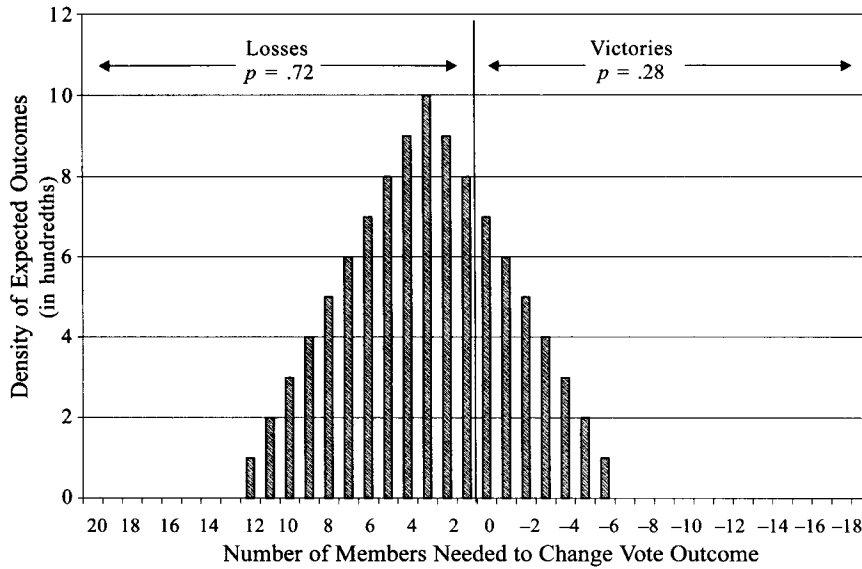
strategically withhold it) at an auspicious time. With imprecise information about who is on their side, leaders carry in their heads subjective distributions of the probabilities of winning.

We adopt two conventions for expositional purposes. First, legislators are identified as female and leaders as male. Second, we treat the leader's position as a yes vote, although we understand that, in practice, the leader may sometimes be opposed to a bill. We illustrate our analysis assuming that the density function, f(s), giving the leader's subjective distribution on the unimpeded outcome, has a triangular shape. Assume an odd number of voters. The index of the density function, s, gives the number of legislators who would have to switch their votes to produce a bare win. Thus, s = 0 is a bare majority of 1. Similarly, s = 5 implies that five legislators would have to switch their votes to get the outcome the leader prefers; if none switch, then the measure would lose by nine votes. Negative values of s imply that the unimpeded outcome would have a surplus victory.

As shown in Figure 1, the assumed density function, which naturally sums to 1, has its peak of 0.10 at s = 3. This result implies that if the leader does nothing, then a three-vote loss is the most likely outcome and should occur 10% of the time. Given uncertainties, the leader

would have a reasonable chance to win. Adding up the density from s = 0 to the right, we find the win probability is 28%.

We now ask how these outcomes would be affected by the potential to buy votes or options. We use numerical illustrations but do not intend our analysis to serve as a formal model.

Buying Votes

The vote-buying leader must determine how many votes to buy. The answer will depend on how much he values a win and the cost per vote. The leader would pay W to achieve a win. W can be measured in utiles, or dollars, or some currency of political obligation. We assume, for simplicity, that the leader can purchase all votes from legislators who would otherwise be opposed, and that each potential switching legislator would charge c to do so. The final input to the leader's calculation is the change in the probability of victory depending on the number of votes purchased. The first vote purchased adds f(1) to the probability of victory, the second f(2), and so on. If v votes are purchased, then the win probability increases by

$$F(v) = \sum_{i=1}^{V} f(i).$$

The leader deciding how many votes, v, to buy would maximize the net benefits from buying votes, or

$$WF(v) - cv \ .$$

WF(v) gives the expected gain from buying v votes, and cv is the cost of buying v votes. Taking the equivalent of the derivative with respect to v for a discrete function, we find the first-order efficiency condition is:

$$Wf(v) \geq c, \text{ and}$$

$$Wf(v+1) < c.$$

This formula is general and does not depend on the subjective distribution. Since the f(v) function rises before it falls, a global condition must also be satisfied, namely that buying v votes is better than buying none,

$$WF(v) - cv > 0.$$

To illustrate the leader's calculation, we return to our triangular distribution. If c = 6 and W = 70, then the leader will find it optimal to purchase four votes, because f(4) = 0.09 and 70*0.09 > 6 and f(5) = 0.08 and 70*0.08 < 6. Figure 2 shows the outcome, and Table 1 shows that the global condition is satisfied. There is a 36% gain in probability from the unimpeded case, giving a total win probability of 64%.

FIGURE 2
Leader's Subjective Distribution,
Four Votes Bought

Number of Members Needed to Change Vote Outcome
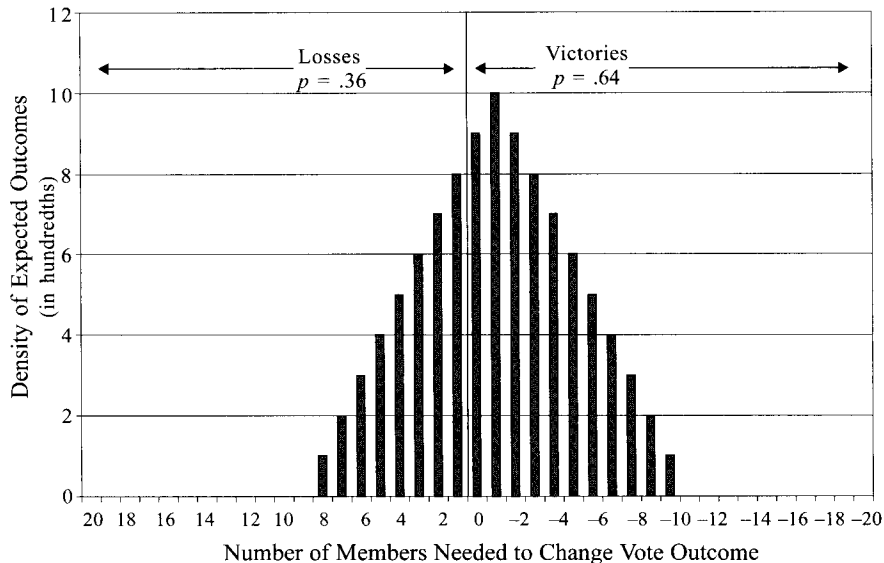
There are dangers and inefficiencies associated with straight vote buying. Given inevitable uncertainties, the leader may end up buying too many votes or paying for votes in a losing effort. A precise purchase would require an unachievable prognostic capability. Better whip systems may narrow the range of a probability density function, but uncertainties about the outcome will always remain.

TABLE 1
Optimal Purchases of Votes and Vote Options

Mechanism	Optimal Purchase	Gain in Win Probability	Expected Benefit	Expected Cost	Expected Net Benefit
Vote Purchase	4	0.36	25.2	24.00	1.20
Vote Options	11	0.71	49.7	20.64	29.06

Buying Vote Options

As an alternative strategy, the leader could purchase vote options. Options offer a distinct advantage in that they are not exercised when they are not needed to affect the outcome. Options are cheaper to purchase since a legislator will sell her vote more cheaply on a probabilistic basis than for certain. Presumably Sam Rayburn incurred less of a debt to Leo O'Brien because he might not need his vote, as he didn't in practice. A legislator who would need to be paid c for changing her vote for certain, should presumably only need pc to change it with probability p.[5] Of course, once the option is purchased for pc, the legislator will prefer it not be exercised, since that will cost her something but will yield no additional payment.

To determine how much options will cost, we must know how often they will be exercised. Assume that the first option bought is the first exercised. If u options are bought, then the first seller will have to switch F(u) of the time. The second seller, however, will not switch whenever just one vote is needed. Hence, she will switch $F(u) - f(1)$ of the time. The third seller will switch $F(u) - f(1) - f(2)$ of the time, and so on.

The marginal conditions for efficient purchase are readily seen. The last option purchased, the uth option, will produce a win f(u) of the time, yielding expected benefit Wf(u). The probability that this option is exercised is f(u). Its purchase also makes it f(u) more likely that each previous option will be exercised; hence, each optionee must be paid cf(u) more. The marginal cost is thus cf(u)u. The efficiency condition is

$$Wf(u) = cf(u)u, \text{ and}$$
$$Wf(u+1) < cf(u+1)(u+1),$$

which simplifies to

$$cu < W < c(u+1).$$

For the values of our numerical example, it is desirable to purchase 11 options. All 11 options will be exercised 0.02 of the time, adding 0.02*6 each to the cost of 11 options. The eleventh option thus incurs a cost of 11*0.02*6 = 1.32 and yields a benefit of 0.02*70 = 1.40. Given the assumptions about the leader's subjective distribution shown in Figure 1, with 11 options bought, we find the probability that the leader will call the first option to be 71% = (2+3+4+5+6+7+8+9+10+9+8)%. The second will be called 63% of the time. If vote options are sold at expected cost, then the first option would cost 0.71c = 4.26, the second 0.63c = 3.78, and so forth. Thus, options reduce the cost of securing a

vote switch—a straight vote purchase costs six—when a vote switch is desirable.

We recap the leader's calculations in Table 1, with all calculations relative to buying nothing. From the standpoint of the leader, vote options are far preferable. Note also that since options are cheaper than votes to buy, more of them are bought.

Thus far we have assumed that vote options work through a one-time, up-front payment. It will often be desirable, however, to have vote options, like most options, work with two payments, one up front and one paid upon exercise.[6] So, rather than paying the first optionee 4.26, the leader might pay 1, with an additional payment of $3.26/0.71 = 4.59$ if the option is exercised. The expected payment is $1+0.71(4.59) = 4.26$. A two-part payment has an advantage. It prevents the leader from exercising options when a win is not worth a great deal to him and thus may be desirable when the leader's reputation for "honest exercise" has not yet been established.

Whether the vote-buying or vote-options approach is used, presumably legislators get paid sufficiently, through some combination of carrots and sticks, to participate. Future payoffs may involve explicit commitments or informal IOUs, given to the legislator herself or to her constituents (Dodd and Sullivan 1981).[7] In most of the analysis below, we assume that the leader establishes the terms of the contract and is therefore the primary beneficiary from the efficiency gains of options.

Outcomes with Vote Options

Vote buying shifts the whole distribution of outcomes to the right by the number of votes bought. Judiciously exercised vote options, by contrast, merely excise a slice of losses and move that portion of the distribution to produce a bare majority (or possibly a slight surplus, for reasons we will see in the next section). If leaders use vote options on closely contested votes, then (1) they will have many small wins and few small losses, and (2) even in circumstances where they are winning the majority of votes, the average size of leaders' wins will be smaller than their average losses. We will look for these two patterns when we test to verify the use of vote options. Unless the outcome absent purchases is known with certainty, vote options will produce larger average losses but smaller average wins than either vote buying or the unimpeded outcome.

An additional distinguishing feature is that with vote buying, there will still be many small losses, as seen in Figure 2. If there were an unusually significant central tendency for small losses in the unimpeded

distribution, then vote buying (moving the distribution to the right) could conceivably increase average losses and reduce average wins. Nevertheless, vote options would both increase and reduce by more.

The Individual Legislator, a Slight Surplus, and Price Discrimination

We turn from the legislature as a whole to its micro-underpinning, the behavior of an individual legislator. Imagine that, absent vote buying, the legislator prefers a no vote, whether the measure passes or it fails. The switch incentive, or its options equivalent, is assumed to be sufficient to get the legislator to vote yes. The cost of a yes vote, both in personal guilt and, more important, blame from constituents, may depend on the outcome of the vote. Constituent punishment is likely to be more severe if the vote passes; citizens do not get particularly riled up when they get their preferred outcome.

The fiercest punishment—as Marjorie Margolies-Mezvinsky learned when she lost her next election—goes to the legislator who provides a critical vote against her constituents' interests. (The White House paid for her option exercise with a position promoting women's rights.) If the cost of voting the wrong way for a measure that passes by one vote is high relative to the costs if it passes, say, by three, then the leader may prefer to purchase a small surplus. Legislators, knowing they will not be subject to the most severe costs, will sell their votes or their vote options cheaper.

We consider one more refinement on vote buying. Not all legislators who oppose a measure oppose it equally. This disparity suggests that a constant value for c is an oversimplification. A good leader knows well whom to pressure—that is, those who will sell their vote most cheaply—and how to bring pressure to bear. Leaders can never know legislators' preferences and cross-pressures fully. Hence, some legislators who actually support the leader's legislation may bluff hesitancy, hoping to secure a side payment in exchange for a positive vote. DeMarchi and Sullivan (1998) model such a game, looking in particular at how the game changes with repeat play.

Early and Late Purchases and Countermobilization

We have considered two strategies a leader could employ: buy votes early or purchase options. A third possibility is that he buy votes late, when the actual vote is imminent and more is known about the distribution of outcomes at the time of the vote. This possibility informs the implicit model in much of the minimum winning coalition literature.

Once the vote draws near, however, it is usually too late to "round up the cowboys." Moreover, such purchases would be unseemly and, quite possibly, spotlighted. The media are less likely to be looking early on, when a vote or vote option might be purchased, as opposed to the time of the vote. In addition, a buying-late process would be hard to orchestrate and possibly unstable, with opposition bidding creating even more uncertainty. Late buying has the additional disadvantage that it makes the leader vulnerable to extortion.

Vote options are superior to straight vote buying on efficiency grounds. They offer two additional benefits to the leader. They deter countermobilization, and they enable the leader to save payments through price discrimination.[8] The countermobilization benefits of vote options arise because presidents and legislative leaders enjoy major information advantages over lawmakers. They know more about the content, timing, and prospects for legislation. This informational asymmetry is greatest early on, long before an issue comes to a vote. By the time of the vote, potential countermobilizers also know what is at stake, who is on their side, and who can be induced to switch. If all vote buying were done at the end, then legislators would reap the vast majority of the surplus from a switch in outcome to the leader's side. To capture more surplus for themselves, leaders have an additional incentive to secure "if you need me" pledges early, and legislators—finding the world highly uncertain—will have a hard time resisting.

How Vote Options Work in Practice

Complementing our "hip-pocket" tales, we offer two types of evidence that are consistent with the use of vote options. First, we show that possibilities exist for the strategic timing of one's vote, making the exercise of options much easier. Second, we examine 26 years of key House votes to see if leaders do indeed "win by a little or lose by a lot" when trying to pass important legislation, a phenomenon not predicted by traditional legislative voting models.

The Time Dimension within Votes

In the U.S. Congress, votes remain open for 15 or 20 minutes, and changing one's vote is permissible.[9] This within-vote time window facilitates two critical components of vote options. First, legislators can vote contingent on how others have already voted. Thus, some legislators wait strategically until the outcome of the vote is assured. In this context, Speaker Rayburn used to tell new House members, "One of the wisest

things ever said was, 'Wait a minute'" (Hardeman and Bacon 1987, 428). Second, given the way the vote has gone, leaders have the time and the information to exercise vote options; remember Fishbait Miller's front row.

There are two good reasons for a legislator to wait before voting: (1) She has given the leader an option and must wait until it is exercised or released, and (2) although uninvolved in options, she is cross-pressured, and the way she wants to vote may depend on which side will win. There is a loss from voting on either side, but constituent anger is far less if she votes on the losing side, because she cannot be blamed for a bad outcome. Given the 15- to 20-minute vote window, unless it is close to a tie, either the leader or the legislator can usually know a vote's outcome before deciding how a ballot should be cast.

Watching from the House galleries, we observe "strategic waiting" on many votes, and one can see the dynamic unfold on C-SPAN as well. Take, for example, the 1990 House vote on President George Bush's constitutional amendment banning flag burning. Public support for the amendment was high, although a clear majority of legislators—a far greater percentage of Democrats than Republicans—had deep personal objections to the proposal (Lascher, Kelman, and Kane 1993). Speaker Thomas Foley (D-WA) opposed the amendment. Moreover, he believed that defeating it was important for the Democrats. The outcome was uncertain, and presumably Foley secured some vote options on his side. Moreover, he recognized that a cross-pressured Democrat, whose constituents supported the measure although she opposed it, could wait to vote until after the outcome was determined. If the legislator was needed to swing the vote, then she could vote with him. Otherwise, she could vote on the losing side and preserve good standing with her constituents.

The anti-flag-burning amendment needed yeas from two-thirds (288 out of 431) of the members present on June 21, 1990, meaning that 144 nays would be sufficient to defeat it. The proportions of Democrats and Republicans voting yes before and after the total reached 144 are shown in Figure 3. The data from this example were distilled by recording updates from C-SPAN's broadcast of the roll call. The final vote count was 254 yeas and 177 nays, but as negative votes reached the critical 144 (there were then 163 yes votes), members began applauding and exchanging high-fives, even though 124 members had *not yet* voted.[10]

Of the Democrats who had voted to this point, only 28% had supported the measure. Now it was time for the strategic waiters to vote. With the amendment's defeat guaranteed, Foley could release his options.[11] Moreover, any cross-pressured Democrat, whether or not an optionee, could now vote for the losing side. Figure 3 shows the

FIGURE 3
Strategic Waiting in the
Defeat of the 1990 Anti–Flag-Burning Amendment
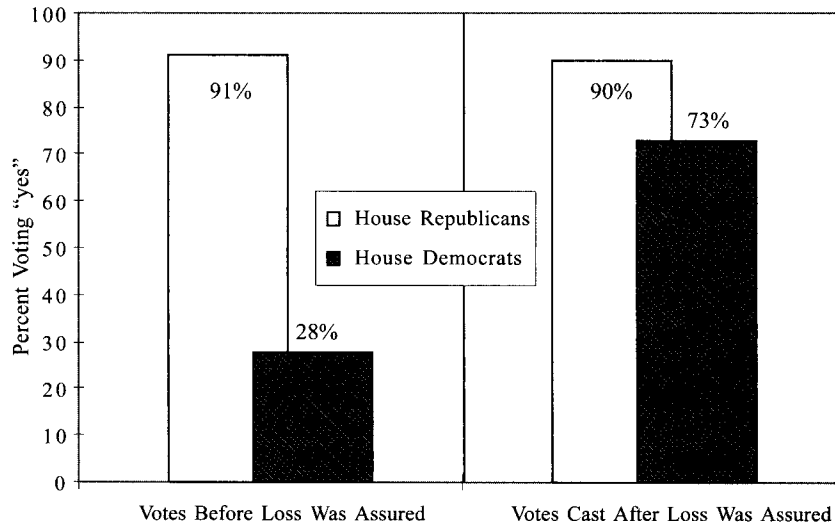
marked difference in the ways that Democrats voted before and after the pivotal 144th no vote was cast. A remarkable 73% of the Democrats quickly voted "yes," giving the appearance of a much closer outcome than one would have expected at the moment that the 144th no vote was cast.

The strategic waiting dynamic shown in Figure 3 arises again and again. Leaders can hold onto their "if you need me" pledges until the last possible moment, allowing coalition leaders to exercise options so as to "win by a little" without paying off on too many votes. This flexibility produces an efficiency gain as well, as judged from the standpoint of legislators and leaders. Legislators need not suffer discomfort from voting the wrong way when such a vote is not necessary, and leaders need not compensate them for discomfort that yields no value.

Size of Victory Margins on CQ Key Votes

Recall that *Congressional Quarterly* identified 417 key House votes from 1975 through 2001. They were usually salient votes on which members were more likely to be cross-pressured by party leaders, constituency, and policy loyalties. We also look at CQ key votes because

the president's position is clearly marked for 65.5% of the votes and because key votes are those most likely to have activated the House whip organization.

To see if a vote-options pattern is present, we would have to know what would happen if the options were not employed. Assume for the moment that vote options were unlikely to be used by the Speaker or the president on key votes on which neither took a clear position. We measure the size of victory on a vote by the "surplus" members, the number who would have to switch to reverse the result. On these votes, our baseline scenario, the majority party's position won 69.6% of the time, with a median of 45 surplus members. Among the 30.4% of votes that the majority party position lost, the median surplus was 20. So, without strong preferences expressed by the president or Speaker, the majority party wins were much larger than its losses. Furthermore, narrow wins (defined here as votes with a surplus of five or less) were no more likely than narrow losses.

Now consider CQ key votes taken when the same party held the House and the White House and the president indicated whether he wanted to see a yes or a no vote. In these situations, vote options were likely to be employed, and significant countermobilization was unlikely. There were 73 such votes from 1975 through 2001, and the president's position won on 65.7% of these.

Given the fact that presidents win more than they lose, we would expect wins to be larger than losses, unless some additional force, such as vote options, were influencing outcomes.[12] Figure 4 shows CQ key votes when the president took a position under united government and the surplus was 50 or fewer members. The pattern of voting margins under united government yields the distinguishing prediction of vote options. The median number of surplus members, 17, was far smaller in victory than the median number in a loss, 34. Recall that the comparable margins were 45 and 20 for votes when the president and Speaker did not take a position.

Figure 4 includes lopsided wins and losses, to which our theory does not apply. Vote options are bought and exercised when the outcomes are uncertain. We cannot say, after the fact, how large a victory margin still allowed the outcome to be uncertain before the vote was taken; 27% of the president's victories, however, were produced by five or fewer members, whereas only 8% of his losses were by that small a margin. At five members, our benchmark for a small surplus, the win and loss curves differ significantly ($p < 0.001$), and the ratio (27 to 8) makes it clear that some mechanism shifted a number of small losses into narrow wins.

FIGURE 4
CQ Key Votes on which the President Took a Position,
United Government, 1975–2001

Number of Members Needed to Change Vote Outcome
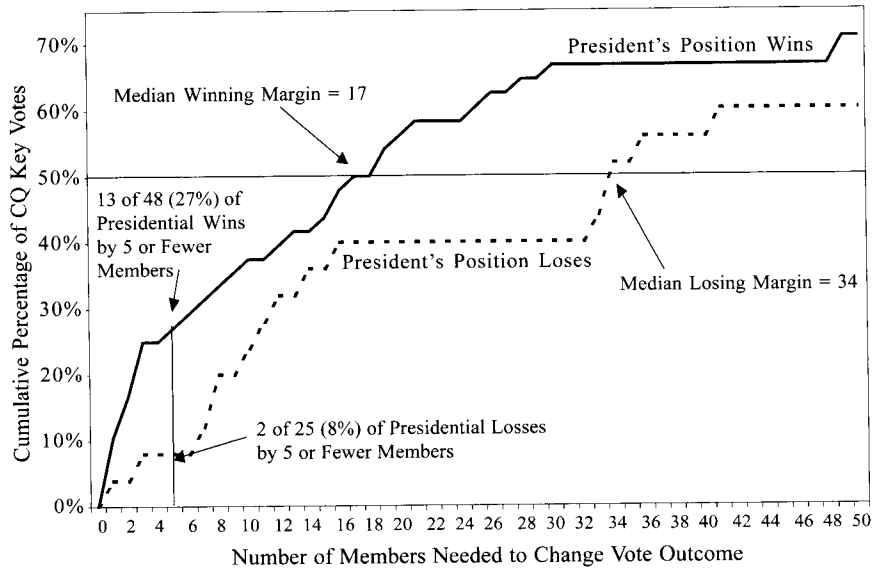
Countermobilization

This article examines how vote options are employed on one side of an issue and focuses primarily on united government. Nevertheless, opponents may try to countermobilize and, as Groseclose and Snyder (1996) predict, they are likely to be successful when the president and Speaker come from different parties (divided government).

When countermobilizing, the Speaker has salient advantages. As the majority party's true leader in the House, the Speaker influences committee assignments and the scheduling of legislation. We conducted calculations for the 181 House key votes in a divided government in which the president took a yes or no position and countermobilization was a threat. (Hence, we excluded the 19 cases in which the Speaker voted with the president.) The president won 30% of those 181 votes; the opposition, presumably with guidance from its leaders, won 70%.

Two competing theories offer suggestions as to whether the president or the House leaders should have the larger margins in victory. If the lopsided win-loss ratio of House leaders over the president merely reflected their numerical advantage, then we would expect their margins

TABLE 2
House Key Votes on which President Took a Position,
Outcomes with Divided Government, 1975–2001
(#, [median surplus])

	Speaker against the President	Speaker Does Not Vote	Row Total
President Wins	10 [31]	44 [41]	54 [39]
President Loses	27 [22]	100 [36]	127 [29]
Column Total	37 [23]	144 [38]	181 [34]

in victory to be greater than in defeat. On the other hand, if this ratio reflected a strong advantage in securing and exercising vote options, then their victories could prove smaller than those of the president. In fact, the median victory margin for the House leaders was 29; for the president, it was 39. This outcome is precisely as vote-options theory would predict. Thus, we have the remarkable finding that when the president took a position, his median victory margin was far greater when the House was against him than when it was with him, when it was 17. The reason, of course, is that in the latter situation he was often able to exercise vote options to eke out small victories.

The Speaker rarely votes, but on 37 occasions he voted against the president, a very strong indicator of countermobilization. The results are telling. The Speaker's side won 27 times (73%). As vote options would predict, the Speaker's median winning margin, 22, was smaller than the president's median winning margin, 31. Moreover, six of these times, he had a narrow win (a surplus no greater than five); the president had only one narrow victory. In head-to-head situations, wherein both sides presumably seek vote options, the Speaker in opposition has a significant advantage over the president, as indicated by frequency of both wins and narrow victories. Table 2 summarizes our findings for divided government.

Whether under united government, when the president and Speaker have their whip systems aligned, or under divided government, when the Speaker actively opposes the president's position, we find the telltale signs of vote options that have been secured and selectively released.

We wished to determine if the vote-options pattern applies on non-key votes. We examined 421 non-key votes in the 106th Congress (1999–2000), a divided government in which we would expect the Speaker and majority party to be the primary user of options.[13] The majority party's position won 332 times and lost 89 times. Consistent with the vote-options theory, the median winning margin, 13, was smaller than the median losing margin, 25. In addition, there were many more small (five or fewer vote switches needed) victories than small losses (18.1% wins compared to 10.1% defeats).

Conclusion

The literature on legislative coalitions has focused on how leaders buy votes through promises and side payments in advance of a bill coming to the floor. Two outcomes have been derived from vote-buying formulations: either coalitions will be barely big enough to get a bill passed without overbuying (Riker 1962) or a coalition will be universal-istic, encompassing as many members as possible (Weingast 1979). In practice, these approaches are either perilous (one may not buy enough votes in advance, thereby risking narrow losses) or expensive (paying for excess votes). The day-to-day practice of building coalitions works more like an options market than a bazaar.

An intriguing game plays out between leaders and legislators. Leaders try to find ways to exert leverage, seeking to pay the lowest cost for whatever amount of outcome shifting they can achieve and losing without wasted expenditures when a win would be too costly. Consistent with this effort, they also seek to minimize the costs their followers incur by voting the "wrong way." With a simple model and data from House votes and presidential positions, we have shown that leaders exert leverage and legislators respond through the use of vote options. The leverage is most severe, and most worth exerting, in the neighborhood of close outcomes.

Our empirical findings support the vote-options formulation. We found evidence that legislators strategically wait to cast their votes, demonstrating that how a member votes depends on her perception of the likely outcome of the vote, as seen with the 1990 Anti-Flag-burning Amendment. Vote options are most likely to be exercised when the predicted outcome is close to 50%, converting narrow losses to narrow wins and thereby making the latter common and the former rare. Narrow wins are indeed more frequent than narrow losses under united gov-ernment. Further, when the likely vote outcome is not close enough for accumulated vote options to tilt the balance, leaders release members

from their pledges, which leads to not-so-narrow losses. Under united government, when conditions are ripe for lopsided use of vote options on the president's side, narrow wins are indeed more frequent than narrow losses. The median winning margins are about twice the size of the median losing margins, which is roughly the opposite of what we found for CQ key votes on which the president did not take a stand. With divided government, countermobilization is effective. The president only wins one third of the time and, as the vote-options theory would predict, the House leaders' victory margins are smaller.

Four phenomena indicate when vote options rather than vote buying has likely been at work: (1) numerous eyewitness reports of vote options in use, (2) strategic waiting during a vote, with legislators staying accessible to be told whether or not to vote with the leader, (3) significant payments being made when a switch proves critical, and (4) the leader reaping many small victories relative to small losses. The Fishbait Miller tales show the first, the anti–flag-burning amendment the second, Marjorie Margolies-Mezvinsky the third, and our analysis of CQ key votes the fourth.[14]

Our empirical work focused on the small-victory/small-loss disparity and the remarkable finding that the advantaged side—as measured by frequency of victory—had smaller victory margins than did the disadvantaged side. Documenting these patterns provides strong evidence for vote options as opposed to vote buying. Options are the sharper scalpel, cutting out small losses that then get stitched into narrow victories. Vote buying, by contrast, merely shifts the whole distribution of outcomes to the right. With vote buying, any disparity between small wins and small losses is simply due to the slope of the density function for votes and would be unlikely to produce the sharp differences we observe.

By considering roll calls with options in mind, we gain insights into a new dimension of strategic voting. The timing of votes on the House floor shows that legislators' vote choices anticipate the likely outcome. The extant work on strategic or sophisticated voting looks across votes, showing (for example) that members anticipate forthcoming amendments and vote strategically (Riker 1982, chap. 6). In most cases, the outcome is determined long before the final member pushes a green or red button, and as we saw in the flag-burning case, members do indeed vote strategically within the brief period of time they have to maneuver.

The ideal legislative leader gets the outcome he wants, when the purchase is worth it, at the cheapest price. Many results in economics and positive political economy are of the spirit that monopolists maximize profits even though they may have never heard of a marginal

revenue curve. Our story of a leader securing and selectively using vote options is not so straightforward, and play may not always be perfect. The strategies are much more complex. There are past masters like Sam Rayburn and Lyndon Johnson. But there are also those who throw away opportunities, buy votes that yield no fruit, or systematically secure too many votes or too few.

Superb vote counting is but one technical skill of a great leader working through a democratic legislature. A great leader also knows how many "hip-pocket" votes to secure, how to buy them, when to use them, and when to release them. In legislatures, "winning by a little" is a sign of effective leadership, but that delightful outcome is often just a hair's breadth away from "losing by a lot."

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NOTES

1. "Clinton Cabinet Lobbying House on Trade," *United Press International*, 6 November 1997; "North Carolina Lawmakers Battle Over D.C.," *Washington Morning Star*, 11 October 1997; Robert Dodge, "Senate GOP Acts Revive Fast-Track Trade Legislation," *Dallas Morning News*, 1 October 1997; Meredith Oakley, "Crime Bill: Clinton Bears up for Compromise," *Arkansas Democrat-Gazette*, 15 August 1994.

2. We thank Tim Groseclose for suggesting this example.

3. David C. King, interview with Speaker Thomas Foley, Cambridge, Massachusetts, 5 April 1995.

4. The literature on congressional bargaining tends to come either from a president's perspective or from a congressional leader's point of view. Both literatures capture critical elements of institutional power that the other branch does not hold. Any leader can employ vote options. Indeed, a coalition leader need not have a formal leadership role at all, as the Norm Dicks example illustrates. Nevertheless, the president and the Speaker have more "carrots" and more "sticks" available to secure vote options and to pay for exercising them when they are needed.

5. If the legislator's utility function is separable in the way she votes and the payment received, and she is risk averse, then the amount would actually be less than pc.

6. An analogous situation has a warehouse hire an armed guard. In theory, the guard gets paid now to take aggressive action should a pistol-toting burglar arrive. But might the guard not duck out when a truly dangerous situation arose, even if it meant being fired? Offering a salary now, with a reward later, would be a more secure arrangement.

7. Future payoff reduces the cost of securing the votes and minimizes the efficiency cost to the legislators when the leader exercises the options. Payoffs from leaders need not be explicit distributive goodies, or pork-barrel projects, that lard up budgets. More common payoffs include simple promises to be helpful on future bills, grants of personal benefits (such as campaigning in the district, invitations to the White House, cancellation of past debts), or general credits that can be exchanged for future favors.

8. Consider a leader who needs two votes and who would pay 23 for a victory. The legislators he needs to turn around, label them I and II, charge 8 and 12 respectively; simplify and assume these amounts are independent of the state of the world. If the leader, being unable to discriminate, purchases both, then he would have to pay 12 to each legislator, which would be inefficient since he would be paying 24 for something that cost the legislators only 20 to provide.

9. Some legislatures, such as the Russian Duma, however, tally simultaneous or near-simultaneous votes.

10. In theory, of course, the proportion already voting nay determined the vote far earlier; 144 served as a focal point for both applause and vote switching.

11. This was a countermobilization situation. Presumably, President Bush released any options he may have secured, not wishing to exercise them for a losing cause. The Republicans, however, were solidly lined up behind the amendment anyhow.

12. By analogy, one would expect a basketball team with the president's winning percentage (0.658) to win big (when it wins) more often than lose big (when it loses). The empirics bear out our intuition for National Basketball Association teams in the 1999–2000 season. For all nine teams that won at least 60% of their games, a greater percentage of their wins were by large margins—ten or more points—than were their losses.

13. We are grateful to Keith Poole for providing these data. We removed two types of votes: those requiring two-thirds pluralities and—consistent with our treatment of key votes—lopsided votes requiring more than 50 switchers to be reversed.

14. Our analysis of non-key votes revealed the same pattern.

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