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The Politics of Obstruction: Republican Holds in the U.S. Senate

A defining feature of the modern US Senate is obstruction. Almost all pieces of legislation considered in the Senate are affected either directly or indirectly by obstruction. Obstruction takes many forms in the modern Senate, but one of the most prevalent, yet least studied, is the hold. Using a newly created dataset on Republican Senate holds, we cast light on this important practice. Our results suggest that a variety of factors including timing, party status, and a senator's voting record are related to both the prevalence of holds and the success of legislation subject to holds in the Senate.

Introduction

A defining feature of the modern US Senate is obstruction. The Senate's rules make it virtually impossible to begin consideration of a measure or end debate on one via simple majority rule (Binder and Smith 1997). The inability of the Senate to set its order of business through majority rule creates opportunities for individual senators or small groups of senators to obstruct the Senate's business through extended debate or filibuster. As a result, filibusters have been a feature of the Senate for more than a century (Wawro and Schickler 2006). Senate majorities have been thwarted or delayed on salient issues such as civil rights, voting rights, and military interventions by determined Senate minorities. Senators have shown less restraint in turning to obstructive tactics in recent years, as all indices of Senate obstruction show a sharp uptick over the past 30 years (Binder, Lawrence, and Smith 2002; Koger 2010; Sinclair 1989). This has resulted in a legislative climate where all pieces of major legislation are affected—either directly or indirectly—by obstructive tactics (Smith 2014).

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The threat of obstruction has created a legislative environment whereby Senate party leaders seek to develop strategies that will avert the use of outright obstructive tactics. The predominant method employed is to seek a unanimous consent agreement (UCA) to govern consideration of a measure. In fact, even in today's polarized political environment, much of the business that takes place in the Senate does so with the unanimous consent of all senators (Oleszek 2011a).

The near constant need for unanimous consent has given rise to the obstructive tactic known as the "hold." Party leaders inform senators of bills and nominations that may be subject to a UCA via a circulated calendar or through a hotline request. Senators signal their intent to object to a UCA—in essence a threat to filibuster—by sending a letter to their party leader indicating that he or she will or may object to a unanimous consent request on a particular measure. These threatened objections are referred to in Senate parlance as holds. The letters containing holds are considered private communication between a senator and his or her leader so they are kept anonymous unless a senator chooses to make his or her hold public.[1] Despite their lack of public visibility, holds have been the target of a number of reform proposals, loud complaints by senators, and intense media scrutiny in the past few years (Evans and Lipinksi 2005b,).

Despite the attention given to holds, scholars have a limited systematic understanding of the effect of holds on the legislative process. This is almost entirely due to the secrecy of the process. Evans and Lipinksi (2005b) provide the only empirical treatment of Senate holds to date, which was based on correspondence and marked calendars found in the personal papers of former Senate Republican Leader Howard Baker (TN) for the 95th (1977–78) and 97th Congresses (1981–1982). They find that holds significantly decrease the probability of a bill passing the chamber, especially when it is placed by a member of the majority party. In this article, we build on the work of Evans and Lipinksi (2005a, 2005b) and analyze the effects of the hold on the legislative process by combining their data with a unique dataset drawn from the archives of former Republican Leader Bob Dole (KS) to analyze Republican hold practices for the 95th (1977–78), 97th (1981–82), and 99th (1985–86) through 104th (1995–96) Congresses.

This combined dataset provides the most comprehensive portrait of Senate hold behavior to date. Eight congresses of data give us a window into variations in hold practices for Republicans under a variety of institutional circumstances. We have five congresses in which the Republicans were the minority party in the Senate and three in which they were in the majority. Of the five congresses with the GOP in the

minority, three occur with Republican presidents and a Democratic House, and two occur during unified Democratic government. In addition, we also have partial data on the 104th Congress, which was the first instance of unified Republican control of Congress in 40 years.[2] This variation in the control of the basic lawmaking institutions allows us to document differences in obstructive behavior as the relative institutional strength of the Republican party changes. In what follows, we use these data to pursue two goals: (1) to identify the characteristics of Republican senators who place holds and (2) to provide a systematic analysis of the relationship between Republican holds and the passage of legislation in the Senate.

The Evolution of Holds

According to Oleszek, the precise origin of the hold, "has been lost in the mists of history" (2011b, 2a). However, most observers note that the usage of holds increased in the 1960s and 1970s under the leadership of Mike Mansfeld (D-MT) and Robert Byrd (D-WV) due to those leaders relying increasingly on complex UCAs to manage the Senate (Roberts and Smith 2007; Smith 1989; Smith and Flathman 1989). As the Senate came to rely more on UCAs, leaders found it useful to anticipate and perhaps respond to pending objections on the floor.

With the increased usage of the hold came a change in its role in the legislative process. The hold evolved from a routine notification device that allowed senators to alert leaders to a potential objection to a bill or nominee into something that senators view as akin to a procedural right. As a Senate staffer explained to Sinclair,

> It used to mean that putting a hold on something meant simply that you would be given twenty-four hours notice that this thing would come up, so you could prepare for that. And, of course, when you put a hold on something, it put the people, the sponsors, on notice that you have some problems and it would be in their interest to come and negotiate with you. But four or five or six years ago it started to mean that if you put a hold on something, it would never come up. It became, in fact, a veto. (1989, 130)

Senate party leaders have been consistently frustrated with this evolution of holds. As Schiller (2012) notes, former Republican Leader Howard Baker (TN) forced members of his caucus to make their objections on the floor at times, but Baker and subsequent leaders have found that they lack the formal tools necessary to fully mitigate the effects of holds.[3] Insisting that senators go to the floor to raise their objections does increase the costs of obstruction for individual senators, but unanticipated objections seriously compromise the ability of the party

leadership to manage the Senate floor schedule. Ironically, a tool designed to increase legislative efficiency has contributed to an increase in obstructive behavior. As a result, party leaders have increasingly acceded to hold requests without requiring an in-person objection.

The increased usage of holds has drawn scrutiny from senators and Senate observers alike. Newspaper editorials seem particularly upset that holds are "secret" and wish to have them brought out into the open.[4] Senators themselves routinely complain about hold practices. Former Democratic Leader Tom Daschle (SD) once remarked in apparent frustration, "There are holds on holds on holds. There are so many holds it looks like a mud wrestling match" (Oleszek 2011b, 2). Senators have been seeking—with little success—to reform the practice of holds for at least three decades according to Oleszek (2011b). As frustrating as holds are for some senators, they do give us a more fine-grained view of obstruction practices than we can see by counting cloture petitions and cloture votes or by observing in-person filibusters.

Expectations

The practice of placing holds has numerous strategic elements. Senators must weigh the policy gains that can be attained through obstruction against the potential for reputation costs and the physical costs of filibustering a bill. Similarly, party leaders must gauge the seriousness of each senator's threat and consider both the likelihood of overcoming the objection and the cost in plenary floor time of moving the threatened measure through the legislative process. The strategic interactions between obstructing senators, party leaders, and bill sponsors is the essence of modern Senate politics. Though our new dataset provides us a window on these interactions, many aspects of these interactions are either unobservable or impossible to accurately measure.

We do think that the existing literature on Senate obstruction and lawmaking provides us with sufficient theoretical ammunition to derive empirical expectations about the usage and effectiveness of holds. In terms of predicting obstructive behavior, we expect senators to employ obstructive tactics more frequently when the relative costs are low and the relative benefits are high (Koger 2010). The question then is what factors affect the relative costs and benefits of obstruction for senators?

We expect a senator's general policy preferences to be related to the calculus of obstruction. For a senator who sits near the ideological

center of the Senate, obstructive tactics may not have to be employed in order to gain influence over the legislative process. Moderates are pivotal in the coalition-building process (Krehbiel 1998). They are likely to find few bills that can successfully navigate the Senate without their support and hence may find that their Senate colleagues are quite accommodating to their legislative requests. Conversely, more extreme senators may find that obstruction is one of the few ways to be influential in the Senate. By definition, ideological extremists are unlikely to find many pieces of legislation that can both pass the Senate and that are located near their ideal point; therefore, they will likely derive less policy utility from seeing legislation passed. If a senator understands that legislation they personally support or sponsor is unlikely to pass, they may derive greater utility from preserving existing *status quo* policies through the use of obstruction. As a result, we contend that ideological extremists have both the most to gain and the least to lose through the use of obstructive tactics.

Another factor that is likely to affect the frequency of obstruction is the political environment. If one's goal is to block legislation, then majority status in the chamber is likely to be an important factor. We expect that senators in the majority party would be less likely to rely on obstruction to block measures for at least three reasons. First, we assume that on average, senators find legislation produced by members of their own party more palatable than measures proposed by the opposing party. Second, senators in the majority party may find that they can obtain concessions through the normal legislative process without turning to obstruction as majority parties try not to put forward legislation that divides their caucus (Cox and McCubbins 2005). Finally, the opportunity costs of obstruction are potentially higher for senators in the majority party. Majority party senators are more likely to be granted access to the floor for their bills and are more likely to produce bills that have a reasonable chance of Senate passage. As a result, retaliatory acts may be more costly to their legislative agenda. On the flip side, senators in the minority are faced with legislation that likely runs afoul of their ideological and partisan preferences and are unlikely to play an active role in constructing legislation that ultimately passes the chamber. Obstructing, and thereby maintaining, the *status quo* policy may be their best legislative strategy.

With respect to the effectiveness of holds at preventing the passage of legislation, we expect that timing and the identity of the holding senator(s) are likely to be associated with hold success. If a measure is favored by at least 60 senators, then the majority leader can successfully counter a hold if he chooses to pursue cloture on the

measure. As such, the spatial location of the objecting senator is important. If a moderate senator is the one objecting, the leader may discern that garnering the 60 votes necessary to end the obstruction is impossible (Krehbiel 1998). However, for more extreme objectors the leadership would more than likely be able to find the votes needed to overcome the objections of the senator. It is important, however, to note that invoking cloture involves more than simply finding 60 senators who favor a measure. The process is time consuming, and as the Senate agenda has grown, floor time has become more precious. Overcoming obstruction places real opportunity costs on the chamber, as time spent overcoming objections is time that cannot be spent on other measures.

We also think the timing of obstruction affects the calculus for senators and party leaders. In fact, one could argue that timing is the key to effective obstruction (Oppenheimer 1985; Wawro and Schickler 2004, 2006). If a senator obstructs early in a Congress, there is often ample time for party leaders and the bill sponsor to overcome the obstructive tactics either through compromise or the cloture process, but as Oppenheimer notes, "Late in a Congress, choices are limited because time is not available. Moreover, those presenting the obstacle know their advantage and can extract a higher price for its removal" (1985, 395). At the end of a Congress, the leadership is often trying to fit numerous "must pass" pieces of legislation into a tight legislative window. For other bills, they either move quickly or they are unlikely to move at all. All actors understand that the cost of not giving in to an obstructing senator is higher than at any point on the legislative calendar. Thus, we expect holds placed late in a Congress to be more successful than those placed at the beginning of Congress.

Obstructive behavior can have tangible policy benefits for a senator. Threats to obstruct are generally taken seriously by party leaders. Thus, there are benefits to be gained through obstruction. Most individual bills or nominations are simply not important enough to the majority party leadership to warrant going through the procedures necessary to break a filibuster. As a result, most holds are honored and senators repeatedly observe the effectiveness of holds. This gives senators who are willing to obstruct the opportunity to block legislation, delay consideration of a measure, or use obstructive tactics to gain leverage on other unrelated measures.[5] We expect that a variety of contextual and individual factors affect a senator's propensity to obstruct legislation via the hold. In the next section, we outline the data we employ and present some summary statistics on obstructive behavior.

Data

Our data for this project are based on correspondence between Republican senators and former Republican Leader Bob Dole (KS) for the 99th (1985–86) through the 104th (1995–96) Congresses.[6] We also employ data based on correspondence between former Republican Leader Howard Baker and Republican senators collected by Evans and Lipinksi (2005a, 2005b) for the 95th (1977–78) and 97th Congresses (1981–82).[7] Our data were drawn from the personal papers of Senator Dole which are housed at the Robert J. Dole Institute of Politics at the University of Kansas. We found 1,750 unique letters between Senator Dole and other senators relating to the consideration of legislation, 153 of these were clearly not "holds," so they were excluded from our analysis leaving us with 1,597 unique hold letters containing 2,655 holds, which we then combine with the 1,016 holds found by Evans and Lipinski (2005a, 2005b).[8]

Hold Types

Using these letters, we coded the identity of the letter writer, the date the letter was written, the target of the hold (i.e., a bill, resolution, or nomination), and the type of hold being requested. We categorized each hold request into one of the following six categories.[9] For examples of each, please see the online appendix.[10]

Outright Hold. Letters that threaten to object to a unanimous consent request without providing any statement about what could be done to appease the senator.

Specific Amendment Request. Letters that threaten to object to a unanimous consent request unless a particular amendment is allowed to be offered to the bill.

General Amendment Request. Letters that threaten to object to a unanimous consent request unless an unspecified amendment is allowed to be offered to the bill.

Specific Demands. Letters that threaten to object to a unanimous consent request unless a particular provision of the bill is removed.

Requests for Notification. Letters that ask to be notified prior to a UCA being entered into without making any requests or demands.

Requests for Delay. Letters that ask that consideration of a bill be delayed in order to gather more information or hold a committee hearing.

In Table 1, we report the frequency distribution of the various hold types by Congress. These data give us a window into how Republican

TABLE 1
Hold Type by Congress

	95th	97th	99th	100th	101st	102nd	103rd	104th
Outright Hold	68.5% (367)	45.0% (216)	18.9% (82)	46.7% (284)	32.4% (134)	33.9% (150)	56.8% (208)	28.7% (111)
Specific Amdt. Request			8.8% (38)	1.8% (11)	6.0% (25)	2.9% (13)	5.2% (19)	9.8% (38)
General Amdt. Request			12.3% (53)	18.6% (113)	13.5% (56)	3.1% (14)	1.9% (7)	5.7% (22)
Specific Demand			13.4% (58)	3.8% (23)	4.6% (19)	6.1% (27)	3.0% (11)	28.4% (110)
Notification	25.4% (136)	49.6% (238)	40.5% (175)	25.5% (155)	38.9% (161)	51.2% (227)	30.6% (112)	21.7% (84)
Request Delay			6.0% (26)	3.6% (22)	4.6% (19)	2.7% (12)	2.5% (9)	5.7% (22)
Mae West Holds	6.2% (33)	5.4% (26)						
Total	536	480	432	608	414	443	366	387

Note: Each column represents the percentage of each type of hold in a given Congress. The number of holds for each hold type in a given Congress is in parentheses. Data for the 95th and 97th Congresses are taken from Evans and Lipinksi (2005b). Data on the 99th through 104th Congresses collected by the authors.

senators chose to employ the hold across the entire time period. We are hesitant to draw conclusions from tabular data, but some patterns are apparent. First, the number of hold requests placed by Republican senators varies greatly across congresses and leaders from a low of 366 in the 103rd Congress (1993–94) to more than 600 in the 100th Congress (1987–88). Second, the distribution of hold types within a Congress varies considerably. The data indicate that, on a percentage basis, Republican senators place more outright holds when they are in the minority. This pattern is more stark when the Republicans face unified Democratic government. The 95th (1977–78) and 103rd (1993–94) Congresses are the only two instances of unified Democratic government in our combined dataset, and they are the only two congresses where more than 50% of holds placed are outright holds.

Likewise, Republican senators seem to employ outright holds less frequently when they hold the Senate majority. For example, the 99th Congress (1985–86) represents the low point of outright holds both in terms of raw numbers and as a percentage of holds placed. Majority status is not clearly associated with the number of holds placed, but Republican senators employed different types of holds while in the majority.

For example, during debate on raising the debt ceiling, Senator Alfonse D'Amato (R-NY) wrote Dole a letter saying in part,

> . . .I assume that at some time in the future a unanimous consent request to shut off amendments to the Debt Ceiling legislation will be circulated. I would like to let you know that I will oppose any unanimous consent agreement that does not allow me to raise at least 4 amendments: #2227, #2229, #2230 (all of which have been filed) and an unprinted amendment not now identifiable.

D'Amato was not interested in preventing passage of the bill, but he was attempting to use the need for a UCA as leverage to gain votes on issues that were important to him. The association between the types of holds employed and majority status can be seen most clearly in comparing the 103rd and 104th Congresses.[11] Republicans placed a similar number of holds in both of these congresses, but the distribution of hold types varied considerably. Republicans placed many more holds making specific legislative demands in the 104th Congress and were less likely to place outright holds than they had been in the 103rd Congress.

Overall, we think the patterns of hold types fit with what most observers would expect with regard to party control of the institutions of government. Republicans used the outright hold tactic more frequently when they were in the minority and relied on it the least when they were in the majority. In contrast, they used the hold to attempt to secure policy gains most often when the party was in the best position to realize legislative goals. In the next section, we focus on the identity of the senators who placed holds.

Who Places Holds?

Are there patterns of hold behavior by individual senators? In some ways, the answer to this question is no, as holds were ubiquitous for these congresses. In the eight congresses that we have data for, only five Republicans did not place a hold. Though essentially all Republican senators placed holds during this era, there was a great deal of variation in the number of holds placed by each senator. By far, the Republican senator with the most holds during Dole's time as leader was Jesse Helms (NC). Out of the more than 2,600 holds placed in this time period, 449 or 16.9% were placed by the cantankerous senator from North Carolina. Some of Helms' hold activity can be explained by his membership in the Senate Steering Committee (more on this below), but much of it seems to reflect his own personal prerogatives. Any piece of legislation dealing with Martin Luther King, Jr., from the proposed monument in Washington, DC, to the federal holiday bearing King's name, to a

proposed extension of the holiday commission drew his ire. He is also one of the few senators who would occasionally add personal notes to his typed hold requests. For example, in his request for notification of any UCA on an extension of the Martin Luther King, Jr. Federal Holiday Commission Extension Act, he hand wrote a note saying, "I really need to be protected on this! Thanks, J.H." On another request he wrote in simply, "Bob–This is terrible!" with the word terrible underlined three times for effect. Helms, of course, was not alone in frequently placing holds.[12] The online appendix contains figures demonstrating the distribution of holds by senators in each of the eight congresses in our combined dataset.

Analysis

As we noted above, almost all Republican senators placed holds on legislation, but there is considerable variance in the number of holds that senators place. In this section, we identify factors that are associated with increases in hold behavior for individual senators. The dependent variable in the models that follow is the number of holds placed per senator in a given Congress.

Based on the data in the online appendix, there is some indication that our expectations with regard to ideological extremity and hold behavior are supported by the data. Republican senators with more conservative voting records are more likely to employ holds more frequently. In some ways, this is logical as senators near the extreme of a party that is typically in the minority may often find that proposed legislation is distant enough from their ideal point to risk having to pay the costs of obstruction. To measure this, we include a member's first dimension DW-Nominate coordinate as a measure of ideological conservatism in our multivariate model. We expect larger DW-Nominate coordinates to be associated with an increase in obstructive behavior.

In addition to overall voting patterns, we know that a key faction of Republican senators known as the Senate Steering Committee formed in the mid-1970s in an effort to combat what the members of the committee saw as an overly liberal floor agenda in the Senate. According to Evans and Lipinksi (2005b), the committee was modeled on the House Republican Study Committee and met regularly to plan strategy for promoting conservative initiatives and for impeding the progress of liberal initiatives on the Senate floor. One strategy that the group came to rely on regularly was the hold. Evans and Lipinksi (2005a) report that during the 95th Congress, Steering Committee chair James McClure (ID) placed unrestricted holds on scores of measures on behalf of himself and

fellow members of the committee. In our Dole data, we observe a number of hold letters that are either signed by a large group of members known to be on the Steering Committee or printed on Senate Steering Committee letterhead. We elected to code someone as being a member if they ever signed onto a letter on Steering Committee letterhead in a particular Congress. We expect membership in this group to have a positive effect on hold behavior, and we include an indicator variable for membership in the committee in the models that follow.

In addition, we include a number of control variables that tap the political environment and a member's stature in the Senate. These include indicator variables for whether a senator was a chair or ranking member of a committee, the number of bills the senator sponsored in the current Congress, and whether or not the senator was "in cycle" electorally. To test the effect of the political environment, we also include indicator variables for whether or not the Republican party was in the Senate majority, the identity of the Republican leader, and the party identification of the president. We then estimate negative binomial regression models of the number of holds by a senator as a function of these factors.[13] In Table 2, we present two models of hold behavior, one that covers all categories of holds and one that excludes requests for notification and delay given that it is possible that requests for notification are not, in fact, meant to be obstructive in nature.[14]

The results presented in Table 2 provide considerable support for our expectations. Focusing first on all holds, Steering Committee membership has the expected positive effect on hold count. Holding all else equal, a steering committee member requested twice as many holds (14.2) as did nonsteering members (7.3). A senator's voting behavior, as measured by DW-Nominate, is also strongly associated with hold behavior. A senator near the median of the Republican party had a predicted hold count of 7.3, whereas the model predicts that a moderate senator in the 10th percentile of the Republican party's expected count was 5.4 holds per Congress. In contrast, a conservative senator at the 90th percentile has an expected hold count of 9.8. Thus we find a strong relationship between conservative voting record and obstructive behavior. This pattern can be seen more clearly in Figure 1, which plots the predicted number of holds for a senator by the senator's first dimension DW-Nominate coordinate.

We also find that the strong relationship between the political environment and hold behavior found in the aggregate in Table 1 carries over to our individual models. All else equal, a Republican senator places an average of 8.4 holds when in the minority compared to 6.0 when

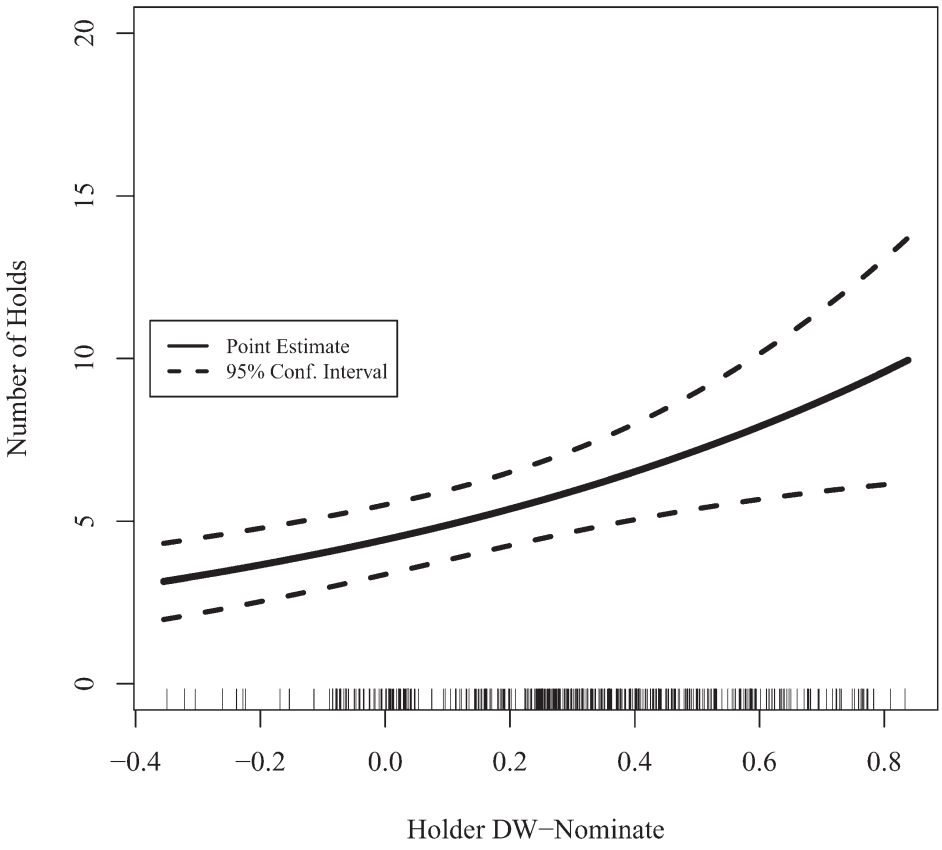
TABLE 2
Number of Holds per Republican Senator

Variable	All Holds	Demand Holds Only
DW-Nominate	0.97*	1.58*
	(0.41)	(0.49)
Steering Committee	0.66*	0.51*
	(0.19)	(0.22)
Committee Leader	0.30	0.35
	(0.16)	(0.20)
Up for Election	−0.06	0.01
	(0.08)	(0.11)
Bills Sponsored	0.009*	0.01*
	(0.003)	(0.004)
Republican Majority	–0.33*	–0.46*
	(0.12)	(0.12)
Republican President	0.23	0.08
	(0.12)	(0.14)
Dole as Leader	−0.56*	−0.63*
	(0.11)	(0.15)
Constant	1.56*	1.00*
	(0.21)	(0.25)
N	383	383
alpha	0.75*	0.84*

Note: Estimates are from a negative binomial regression model with the number of holds per senator, per Congress as the dependent variable. Standard errors in parentheses clustered by senator.
*$p \leq 0.05$.

there is a Republican majority in the chamber. In addition, we see the average senator placing more holds under the leadership of Senator Baker (11.2) than under Senator Dole (6.4). This difference between the Baker and Dole eras is somewhat surprising for two reasons. First, Schiller (2012) notes that Leader Baker sought to make senators placing holds object in person in addition to sending hold letters, a practice that could make placing a hold more costly for a senator. Secondly, most measures of polarization and obstruction show increases over the two decades covered by our combined dataset, which we would expect to lead to more, not less, hold behavior by individual senators. However, we do see in Table 3 that the number of bills reported by Senate committees—one reasonable proxy for bills "at risk" for holds—was much lower on average under Dole (370 per Congress) than under Baker (536.5 per Congress). This decline could be a result of an increasingly hostile political environment.

FIGURE 1
DW-Nominate Score and Predicted Number of Holds



We also see similar results if we restrict our attention to "demand holds" only (excluding notifications and requests for delay). The relationship between a Republican senator's voting behavior and his or her hold behavior is stronger if we look at only demand holds. In addition, majority status is more strongly associated with demand holds. On average, Republicans place 40% fewer demand holds when there is a Republican Senate majority. Taken as a whole, these results present clear patterns of obstructive behavior by individual Republican senators. We find that senators rely on obstruction more when they are in the minority party. We also see that members who are near the ideological pole of their party are more likely to employ obstruction as a legislative strategy. Both of these findings are consistent with our expectations. In the next section, we turn to the related question of the relationship between holds and bill passage in the Senate.

TABLE 3
Republican Holds and Bill Passage

Congress	Outright Held Bills	Without Republican Holds
95th	59%	84%
	(221)	(284)
97th	30%	46%
	(106)	(462)
99th	18%	56%
	(28)	(312)
100th	38%	60%
	(105)	(316)
101st	40%	58%
	(78)	(358)
102nd	37%	62%
	(76)	(335)
103rd	24%	54%
	(85)	(158)
104th	35%	35%
	(20)	(349)

Note: Nonheld bills refer to Senate initiated legislation that was reported from committee. Cell entries are the percentage of bills in each group that passed the Senate. The total number of bills falling in each category is in parentheses.

Republican Holds and Bill Passage

We now move from a focus on the factors that are associated with a senator's decision to obstruct to focus on the fate of legislation that has been obstructed by a Republican senator.[15] Our question here is simple. Did bills that received outright holds from Republican senators pass the Senate? Our results suggest a strong relationship between holds, majority status, and bill passage. Table 3 demonstrates that in seven of our eight congresses, bills receiving outright holds from a Republican senator passed at a lower rate than did bills that were reported from a Senate committee but that were not subject to a Republican hold. Table 3 also reveals considerable variation across the eight congresses in our data. In the three congresses with Republican majorities, the passage rate of outright held bills averaged 28.6% compared to 44.1% in the five congresses of Democratic control. Overall the data suggest that Republicans use outright obstruction less frequently when they are in the majority, but bills subject to outright obstruction have a lower likelihood of passing when the Republicans are the majority party.

Moving onto a multivariate treatment of bill passage, we focus on three factors that we expect to be related to bill passage: identity of the obstructing senator, the timing of the obstruction, and party control of the Senate. As we noted in the section on holder characteristics, members with moderate voting records may have more leverage when they place holds on legislation due to the fact that it is difficult to assemble a supermajority for passage without including moderate members of both parties. We thus expect to see holds by less conservative Republicans to be negatively associated with bill passage. In a similar vein, we include the DW-Nominate score of the bill sponsor with the expectation that bills with more conservative sponsors may be less likely to be obstructed. We also include a variable indicating that a hold was placed by a member or members of the Senate Steering Committee. As Evans and Lipinksi (2005a) note, Steering Committee members often worked as a group, so we think this is a proxy for more widespread objection within the Republican caucus.[16]

Timing is also a factor that has been demonstrated to be associated with the success of obstructive tactics. Numerous scholars have demonstrated that filibusters occurring later in a Congress are much more likely to be successful due to the shortened time horizon (Koger 2010; Oppenheimer 1985; Wawro and Schickler 2004). Evans and Lipinksi (2005a) report a similar finding for success of Republican holds under the leadership of Senator Baker. We expect to find a similar result for the holds in our combined dataset. We operationalize this by measuring the number of months remaining in a Congress at the time a hold letter is received by the leader's office. We also include indicator variables for the majority control, presidential party, and identity of the Republican leader.

Table 4 presents the results of a logit model of bill passage as a function of the variables discussed above.[17] The results of this model are in keeping with our expectations. The holder's DW-Nominate is in the expected direction and statistically significant. As Figure 2 demonstrates, bills subject to a hold by a Republican senator with a more moderate voting record are less likely to pass than those that are obstructed by more extreme Republican senators.

The timing of holds is also strongly associated with hold success. As the time remaining in a Congress decreases the probability of a bill passing that is subject to an outright hold decreases, all else equal. This relationship can be seen visually in Figure 3. We also find the expected relationship between Steering Committee and bill passage, though this relationship does not reach conventional levels of statistical significance. We find a similar relationship between majority control of the Senate

TABLE 4
Factors Affecting the Passage of Bills Subject to Republican Holds

Variable	Coefficient (SE.)
Holder DW-Nominate	1.43*
	(0.53)
Months Remaining in Congress	0.05*
	(0.02)
Steering Committee Holds	−0.30
	(0.27)
Committee Leader Hold	0.13
	(0.22)
Sponsor DW-Nominate	0.39
	(0.35)
Number of Cosponsors	−0.001
	(0.003)
Republican Majority	−0.66
	(0.44)
Republican President	0.77*
	(0.27)
Dole as Leader	−0.50
	(0.46)
Constant	–1.74*
	(0.61)
N	489
Log-likelihood	−296.1
$\chi^2_{(9)}$	23.16

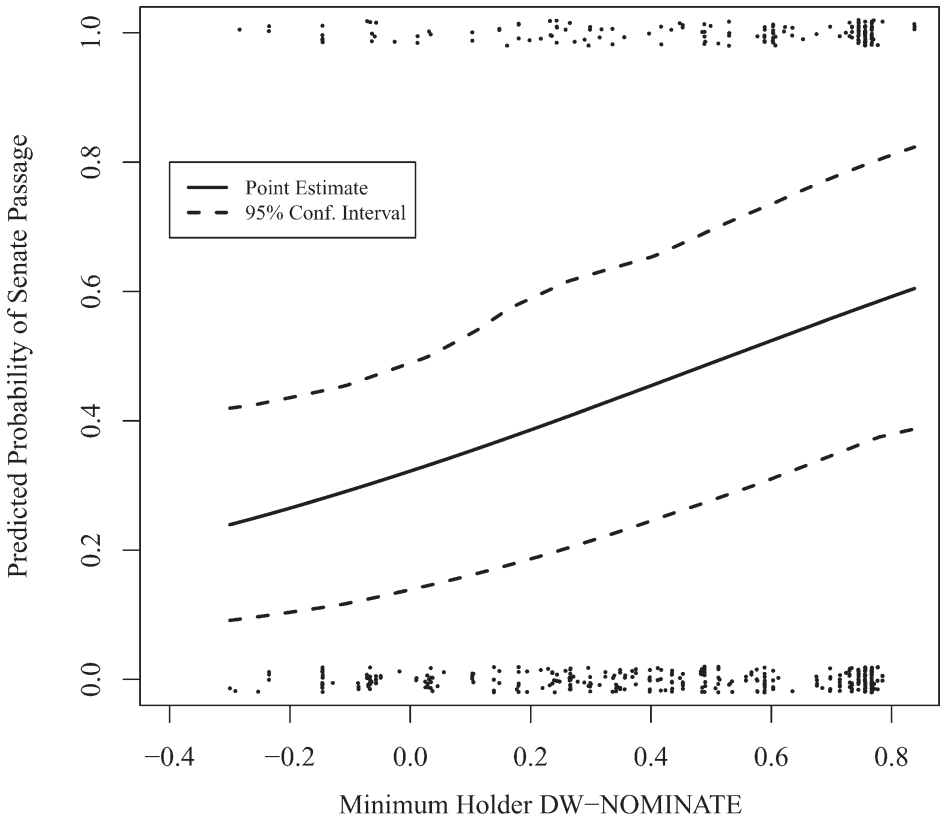
Note: Estimates are from a logistic regression model. The dependent variable is coded "1" if the bill passed the Senate and "0" if it did not. Standard errors in parentheses.
*$p \leq 0.05$.

and bill passage. The coefficient for Republican majority is negative but not statistically significant. We do find a positive relationship between having a Republican president and the probability of a held bill passing. It could be that Republican senators put less effort into obstruction if they think there is a good chance that a same-party president will veto undesired legislation. The nature of our data do not allow us to make causal claims about the results presented in Table 4, but the relationships we uncover do meet our theoretical expectations.

Discussion

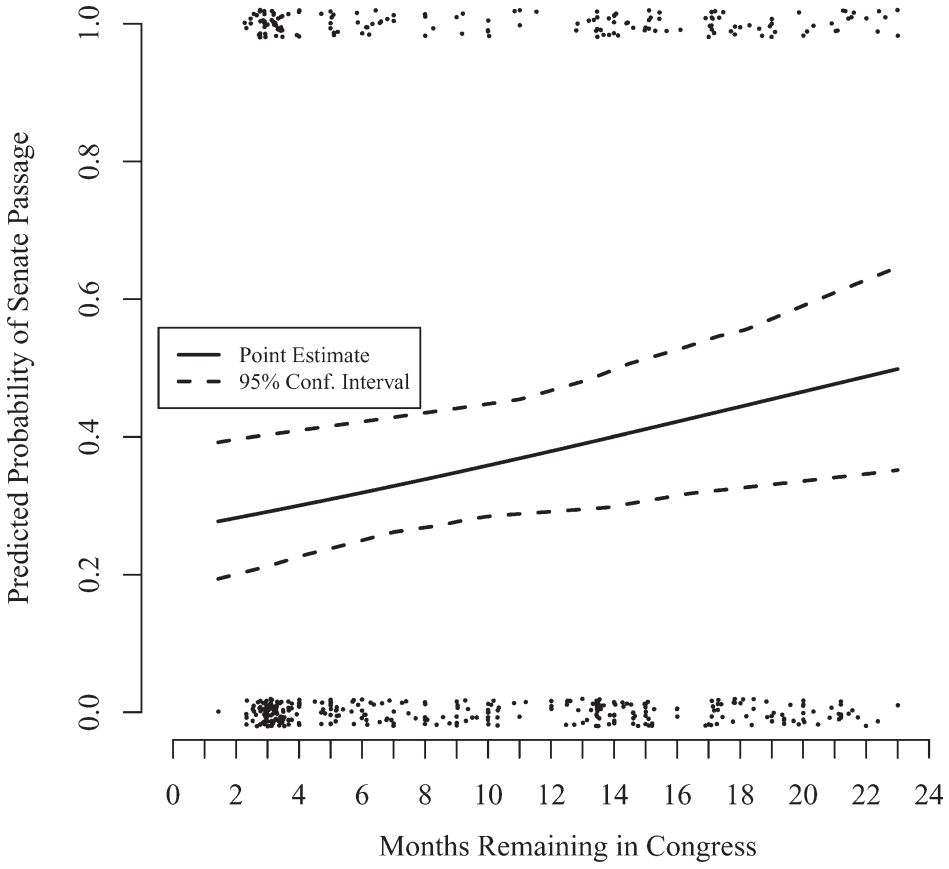
This article provides the most comprehensive treatment of hold behavior in the Senate to date. Our data allow us to document the

FIGURE 2
Holder DW-Nominate and Bill Passage



patterns of obstructive behavior that emerged during the leadership of Senator Bob Dole and allow us to compare these patterns to those found by Evans and Lipinksi (2005a, 2005b) for an earlier era. Our analysis reveals that holds are more frequently employed by more extreme members of the Republican party. This is not a surprising result, as more extreme members likely see obstruction as their best chance to have an effect on the legislative process. Unfortunately we do not have the data needed to perform a similar analysis for Senate Democrats, but we would expect to see a similar pattern.[18] We do, however, hesitate to conclude that the hold is only employed by members on the partisan extremes. Our data suggest that almost all Republican senators make use of the hold from time to time for a variety of purposes, some that are, no doubt, ideological in nature, but many are likely more personal or partisan in nature.

FIGURE 3
Republican Hold Timing and Bill Passage



Our findings also speak to the relationship between majority status and obstruction in the Senate. Senate Republicans employed outright holds less often when they were in the majority, but they more often used hold types that could result in changes to the current bill or some other legislative goal. However, when they found themselves in the minority, they were more aggressive in their efforts to block legislation. In many cases, these efforts were apparently successful. The majority of legislation that was subject to an outright hold failed to pass the Senate. These results are not surprising, but they do help demonstrate the power that the Senate rules grant individual senators if they choose to try to obstruct legislative measures. We observe that a simple letter from a senator to a leader can in some cases make it more difficult for a bill to pass the Senate.

However, our analysis of the relationship between holds and legislative outcomes is the most blunt measure imaginable—pass/fail. We also know, but do not yet have the data to document, that obstructive behavior can affect legislation in less direct ways through amendments, logrolling, and delay. Our results further illustrate the difficulty that the combination of political polarization and individualistic rules causes for Senate majorities. With narrow majorities, little to no partisan overlap in the chamber, and an increasing willingness of senators to employ obstructive tactics, it is not surprising to see the Senate struggle to move legislation that is favored by popular majorities. For our two Congresses of unified Democratic control (95th and 103rd), we see that more than one-third of bills reported by Senate committees were subject to an outright hold by a Senate Republican. Some of these bills likely failed for reasons unrelated to the hold placed, while others passed in spite of the obstructive efforts, but the set of rules that give rise to the hold no doubt increase the transaction costs associated with moving legislation in the Senate.

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NOTES

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1. Party leaders—with the permission of the senator placing the hold—occasionally share the identity of holders with bill sponsors (Smith 1989).

2. Senator Dole resigned from the Senate to focus on his presidential run against President Bill Clinton on June 11, 1996. As a result we do not have information on holds that were placed in the final few months of the 104th Congress.

3. Of course, a leader could just ignore a hold, but as we argue below, this tactic could prove more costly for the leader than for the obstructing senator.

4. See Carl Hulse, "Senate May End an Era of Cloakroom Anonymity," *New York Times*, August 2, 2007.

5. We assume that senators placing holds are motivated by policy goals. Given the secretive nature of holds, they are not well-suited for position-taking behavior.

6. We only have partial data for the 104th Congress due to Dole's resignation in June 1996.

7. Evans and Lipinksi (2005b) discovered hold letters similar to ours for the 97th Congress and marked calendars for the 95th Congress.

8. Some bills had more than one hold placed against it, while other letters placed holds on more than one piece of legislation.

9. The Mae West category created by Evans and Lipinksi (2005b) and used for the 95th and 97th Congresses is similar to the amendment request category in our coding.

10. The appendix can be accessed at http://jroberts.web.unc.edu/research.

11. Note we only have partial data for the 104th Congress due to Dole's resignation in June of 1996.

12. Evans and Lipinksi (2005b) report that James McClure of Idaho was the leading holder during the 95th and 97th Congresses.

13. We also fit these models including an interaction between being the Senate minority and a senator's DW-Nominate score, but the interaction did not add any explanatory power to the model.

14. Note that we also fit each model with Senator Helms omitted given how frequently he appears in the data. Including him does not alter our substantive results.

15. We also explored the factors that predict which bills will be subject to a hold. We found that bills sponsored by majority party members are more likely to have holds placed on them. In addition, bills that were multiply referred, had large numbers of cosponsors, and were sponsored by those with moderate DW-Nominate scores were more likely to be subject to holds. We considered fitting a selection model that jointly estimated the probability that a bill was obstructed and the outcome of the obstruction. However, our predictors of bills that get obstructed are the same as predictors of the success of obstruction so we determined that this type of model was inappropriate.

16. We considered controlling for bills that received multiple holds much like Evans and Lipinksi (2005b), but given that in the overwhelming majority of cases multiple holds, on a piece of legislation are a product of holds from the Steering Committee, we elected to use the more parsimonious measure. When bills have multiple holds, we use the DW-Nominate score of the most moderate senator in our model.

17. We omit the 95th Congress from the analysis in this table due to missing data on the identity of the holder for some of the bills held. Evans and Lipinksi (2005b) only have marked calendars for this Congress, not actually hold letters. The substantive results do not change if the 95th Congress is included.

18. One of the authors sought data on Democrats from the personal papers of former Democratic Leader George Mitchell (ME) but did not find comparable hold data.

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Supporting Information

Additional Supporting Information may be found in the online version of this article at the publisher's website:

Appendix.