

It Takes an Outsider: Extralegislative Organization and Partisanship in the California Assembly, 1849–2006

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Why are American politicians “single-minded seekers of reelection” in some decades and fierce ideological warriors in others? This article argues that the key to understanding the behavior of members inside a legislative chamber is to follow the actions of key figures outside the chamber. These outsiders—activists, interest groups, and party bosses—use their control over party nominations, conditioned on institutional rules, to ensure ideological behavior among officeholders. To understand how vital these outsiders are to legislative partisanship, this article takes advantage of a particular natural experiment: the state of California’s experience with cross-filing (1914–59), under which institutional rules prevented outsiders from influencing party nominations. Under cross-filing, legislative partisanship collapsed, demonstrating that incumbents tend to prefer nonpartisanship or fake partisanship to actual ideological combat. Partisanship quickly returned once these outsiders could again dominate nominations. Several other historical examples reveal extralegislative actors exerting considerably greater influence over members’ voting behavior than intralegislative party institutions did. These results suggest that candidates and legislators are the agents of activists and others who coordinate at the community level to control party nominations.

In *Congress: The Electoral Connection*, David Mayhew laid out a clear and compelling case that members of Congress are not particularly interested in party discipline. “American congressmen,” he wrote, “could immediately and permanently array themselves in disciplined legions for the purpose of programmatic combat. They do not” (1974, 98). Any party battles that occurred were, for the most part, theater; members of Congress maintained strong friendships across party lines and hewed closely to the median voters in their districts. Reelection was far more important than the advancement of any ideological agenda.

This same sort of faux partisanship pervaded for years in many state legislatures, as well. “I’ve been on a tour of state legislatures,” remarked humorist Mark Russell. “Mostly they are a bunch of fat white guys pretending to hurt each other” (Richardson 1996, 360). They’re not pretending anymore. Descriptions by Mayhew and others of American legislative life in the 1970s are dif-

ficult to reconcile with today’s Congress and state legislatures. Modern legislators are partisan warriors, marching in lockstep with those who share their label. While it was once common for members of different parties to call each other friends, today that almost never happens, and insults and even physical threats across party lines are becoming more common in Congress (Jamieson and Falk 2000). Interestingly, this recent period of party discipline is not a historical anomaly—it was the weak party era (roughly 1950 to 1980) that was peculiar (Ansolabehere, Snyder, and Stewart 2001). Except for that period, the parties in Congress have been notably disparate for nearly two centuries, and candidates for office have stubbornly defied Downs’ (1957) prediction of convergence.

Why are legislators who, by their nature, prefer to avoid real partisanship, increasingly behaving as partisan warriors? This question is all the more puzzling since, as surveys show, voters increasingly claim to dislike parties

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and partisanship. If neither legislators nor voters like strong parties, who does?

This article posits that legislators are heavily influenced by actors outside the legislature who, given the proper set of institutional rules, dominate the nomination process to select loyal partisans. These external actors share a desire for some policy output (contracts, ideological legislation, redistribution of public money, etc.), a recognition that parties are the way to achieve it, and an ability to control party nominations to ensure that their candidates, and not others, obtain office. These actors operate at the community level and include traditional party machines, ideological activists, and interest groups.

How can we determine that it is these outside actors, and not the legislators themselves, inducing legislative partisanship? California's political history offers us a unique natural experiment in which these outside actors were functionally removed from the electoral process through Progressive Era institutional reforms. The consequences of those reforms were profound: Elected officials moderated and legislative party discipline collapsed. A review of legislative roll-call voting history shows that political activity at the local level is the key to party discipline in the capitol. Real legislative partisanship only exists when actors outside the chamber can enforce it.

The Exogenous Factor

For years, the prevailing view of American politicians was that they were nonideological poll-watchers, adhering closely to the median voter in their districts and avoiding any stances that would offend the general electorate. As a former Capitol Hill staffer described congressional committee work, "You sit around a table and divide up the money. Anything that gets in the way of that process—philosophy, conscience, and so on—gets checked at the door" (Jackley 1992, 103). Differences between the political parties were notably blurry. According to the American Political Science Association's report "Toward a More Responsible Two-Party System," "Alternatives between the parties are defined so badly that it is often difficult to determine what the election has decided even in the broadest terms" (APSA 1950, 3–4).

This viewpoint was laid out most clearly and compellingly by Mayhew. Although he did not specifically call members of Congress "single-minded seekers of reelection," he suggested that such a view would have great explanatory power in predicting members' behavior. Parties, Mayhew found, were little more than labels attached to candidates' names, useful for mobilizing a bloc of voters in elections but not much more. Once in Congress, politi-

cians did not engage in ideological combat so much as a universalistic game of distributing public goods to benefit all incumbents. "[T]o a remarkable degree," Mayhew noted, "members can successfully engage in electorally useful activities without denying other members the opportunity to successfully engage in them" (1974, 82).

In a few short years, however, this culture of fake partisan conflict transformed into actual partisan conflict. Today, by virtual consensus, the parties in Congress and in many state legislatures have diverged (Poole and Rosenthal 1997). Candidates no longer converge on the median voter. They have returned to their old historical pattern of representing the ideologically extreme elements within their parties (Ansolabehere, Snyder, and Stewart 2001), despite the electoral risk that this strategy carries (Canes-Wrone, Brady, and Cogan 2002; Wright and Berkman 1986). Indeed, in recent years, an entire literature has evolved to explain why rational legislators would participate in strong parties, rather than eschew them (Aldrich 1995; Cox 1987; Cox and McCubbins 1993, 2005; Kiewiet and McCubbins 1991; Schwartz 1989; Volden and Bergman 2006). Parties, in this view, are "institutional solutions to the instability of majority rule" (Aldrich 1995, 72). Incumbents build parties because they make it easier to get legislative work done and thus improve their own career prospects.

One of the more interesting strains of this literature is known as conditional party government (CPG) theory, which suggests that legislative party leaders will develop and utilize intralegislative tools of party discipline (caucuses, whips, the awarding or denial of plum committee assignments, etc.) conditional on electoral forces exogenous to the chamber (Aldrich and Battista 2002; Aldrich and Rohde 2001; Rohde 1991; Rohde and Shepsle 1987). Specifically, if the electorate sends an ideologically coherent party contingent to Congress, that party can build on its coherence by enforcing discipline on roll-call voting. An ideologically incoherent party, such as the post-WWII Democratic Party with its northern liberals and southern segregationists, will have little success in whipping its members.

Given how crucial events outside the chamber are to behavior within it, it is remarkable that more attention is not devoted to such extralegislative forces, and all the more important that we try to understand them. We can categorize these influences into two main sources: voters and elites. The first of these is consistent with Rohde's claim that "the main driving force behind the resurgence of partisanship in the House is the exogenous influence of electoral change" (1991, 162). As Rohde notes, a good deal of the variation in unity among the congressional Democratic caucus on civil rights votes can be explained by voters' shifting preferences on racial issues. Jacobson

(2004) also finds that much (though not all) of the recent polarization of the congressional parties can be explained by the increasing homogeneity of congressional districts.¹ Similarly, shifting voter preferences are seen as a major cause of party “realignments,” inducing changes in the composition of the legislative parties (Burnham 1965; Schattschneider 1942; Sundquist 1983).

A key problem with this line of argument is Bartels’ (2000) observation that shifts in voter partisanship tend to follow, rather than precede, shifts in congressional partisanship. It seems, that is, that voters follow the cues of party leaders rather than the other way around (Hetherington 2001). These objections strongly suggest the importance of the second category of extralegislative forces: outside elites (activists, party bosses, and interest groups). These outsiders wield power over legislators through their control over party nominations and the resources needed to win them. If such outsiders serve as gatekeepers to holding public office, we would expect that shifts in external party coalitions will lead to important changes in legislative voting behavior, even if there has been no concomitant shift in mass voting behavior.

Historically, these outside actors have been able to alter politicians’ behavior without changes in the preferences of the mass public. For example, some Democrats’ embrace of civil rights in the late 1940s was not an adjustment to voter demands. Rather, the interest group Americans for Democratic Action essentially forced the issue of racial equality on President Harry Truman, whose nomination in 1948 was far from assured. Truman sided with the ADA and won the nomination, but this led to the Dixiecrats bolting the Democratic Convention in 1948 (Bawn et al. 2006). Similarly, recent literature has cast doubt on the designation of the 1896 election as a critical realignment of the electorate (Bartels 1998; Mayhew 2004; Stonecash and Silina 2005). There were few changes in electoral behavior around that period. Instead, it was a matter of political activists seizing power: Western silver-coinage advocates took control of Democratic nominations from eastern gold-standard supporters. Other examples of outsider-led (rather than electorate-induced) changes in party priorities include the creation of the Republican Party in the 1850s and the takeover of that party in 1964 by the conservative Goldwater wing.

One author who notably includes outsiders in a model of party politics is Aldrich (1983, 1995; see also Miller and Schofield 2003). Aldrich’s activists or “policy demanders” tend to be ideologically extreme and demand no small degree of extremity from prospective nominees. Candidates

recognize that moving away from the median voter may be costly in terms of votes, but that cost may be outweighed by the resources they receive from pleased activists. Aldrich maintains, however, that candidates and officeholders—not the polarizing activists—are the “actual leaders” of the parties (Aldrich 1995, 183).

While these outside activists may be highly influential over legislators, their power is mediated by the rules of the electoral process. Even in apparently robust party systems, small changes in electoral or legislative rules can cause party discipline to collapse. Democrats who left the U.S. Congress to join the partyless Confederate Congress in the 1860s suddenly began voting chaotically (Jenkins 1999), and committed ideologues elected to Nebraska’s nonpartisan statehouse vote without any apparent party discipline (Wright and Schaffner 2002). Subtler rules can have all manner of impacts on legislative partisanship. Some states, including Ohio and Texas, have “sore loser” laws, preventing candidates who lose party primaries from running as independents. Were there such a law in Connecticut, it would notably have prevented moderate Senator Joe Lieberman from running on the November 2006 ballot after his August primary loss, limiting voters’ choices to a conservative Republican or a liberal Democrat. Furthermore, rules specifying who may vote in primaries can affect the partisanship of elected officials; candidates from “closed” primary states tend to be more extreme vis-à-vis their districts than those from “open” or “blanket” primary states (Gerber and Morton 1998).

In some cases, it should be noted, outside actors are able to adapt to institutional rules. Party bosses, for example, found it relatively easy to control nominations under the direct primary—the very reform that was designed to put them out of business (Ford 1909; although see Ware 2002). Outsiders may even shape institutional rules; the McGovern-Fraser reforms of the early 1970s are a classic example of activists working toward a party nominating system that was both more fair and, conveniently, more under their control (Cohen et al. 2001). Despite these examples, outside actors may find themselves stymied by institutional rules. No doubt many interest groups would find direct democracy procedures, for example, convenient for enacting their preferred policies, yet very few states have adopted direct democracy beyond those that did so during the early twentieth century.

Changes in electoral rules allow us to examine the importance of outside actors in sustaining legislative partisanship. The ideal case would be one in which outsiders were essentially banned from electoral activities—what kinds of changes would that cause in legislative behavior? Such cases are difficult to find in the history of the U.S. Congress. However, the state of California offers us a natural experiment that is very close to this ideal. Progressive

¹Whether the polarization of districts is being caused by gerrymandering (Eilperin 2006) or self-sorting by voters (Oppenheimer 2005) remains the subject of some controversy.

era institutional rule changes, notably including cross-filing (1914–59), prevented outside activists from controlling party nominations for several decades. Incumbents were thus functionally in charge of their own nomination, allowing us to see how politicians behave when they are unpoliced by outsiders.

The section that follows provides a detailed account of California's experiment with cross-filing and describes what it teaches us about the sources of legislative partisanship. The subsequent section offers several other examples of outside activists compelling legislators to vote in certain ways.

The data presented throughout this article demonstrate instances in which legislative parties should have emerged, but, because of institutional rules that shut outsiders out of party nominations, did not. They also show moments when legislative coalitions did emerge but were clearly under the command of identifiable figures outside the legislature, including local party bosses, ideological movements, and other small groups operating at the community level. Ultimately, these data force us to reject the notion that legislators will embrace partisanship on their own and to accept the idea that the existence and style of party government is conditional upon the presence and activity of local groups that can influence primaries and institutional rules that permit them to do so.

Cross-Filing: Before, During, and After

Cross-filing (1914–59) was an invention of the California Progressives, who used it and other reforms to weaken the major parties, which they saw as corrupt entities interposing themselves between the government and the governed. Under cross-filing, candidates for office could run in as many party primaries as they wished and, until 1954, their party affiliation did not appear on the primary ballot. For example, a Republican Assembly member could run in the Democratic primary, as well as her own, without her party affiliation being visible to voters. If she won both primaries (as the vast majority of incumbents did during this era), hers would be the only name appearing on the general election ballot, accompanied by a “Rep-Dem” hybrid label. Most incumbents won reelection at the primary stage through such means.

Cross-filing makes for an incisive test of the importance of outsiders. That is, cross-filing did not impinge on incumbents' ability to organize parties. What cross-filing (and the absence of party labels) did do, however, was cut activists out of the party nominations process.

Activists simply could not control primaries when candidates of other parties could appear on the ballot without their party labels being known. So if legislative partisanship remained roughly constant during this period, that would suggest that legislators are willing and able to organize the chamber without the needling of outsiders. On the other hand, a decline in legislative partisanship during cross-filing would attest to the importance of the outsiders.

Speaker elections in the California Assembly provide a quick overview of legislative partisanship before, during, and after cross-filing. The election of a Speaker is the party's most important vote in any Assembly session—the Speaker has, throughout the state's history, exerted a great deal of power over the staffing and leadership of committees, the resources available to individual Assembly members, and the fate of legislation (Blair and Flournoy 1967). In a strong party system, the Speaker would be expected to act in a way that benefits his party at the expense of the minority. In the U.S. House of Representatives, for example, Speaker elections have been strict party-line affairs for over a century, and rare deviations on this key vote are considered punishable offenses. Thus elections for Speaker are a critical indicator of legislative partisanship.

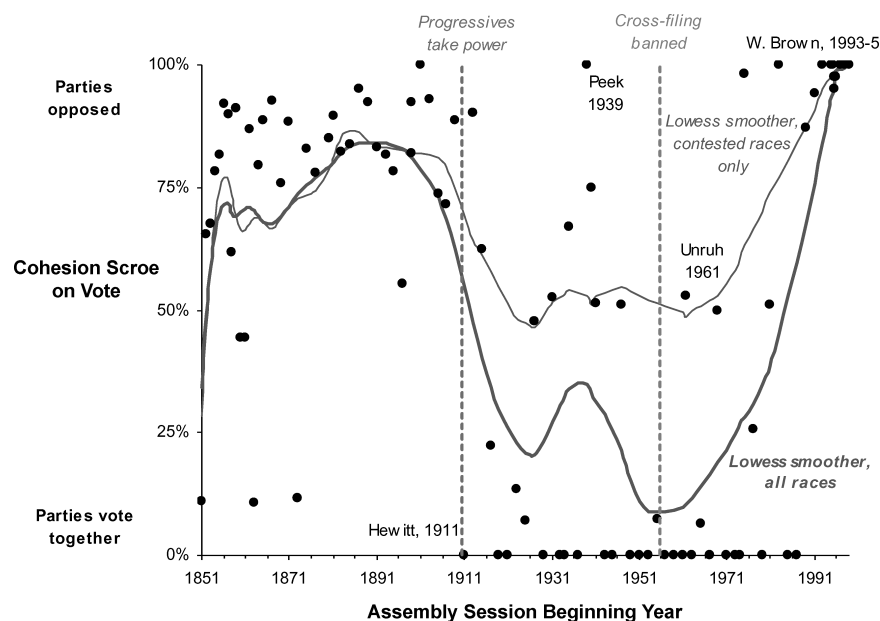
Figure 1 shows the partisan breakdown of Speaker contests between 1851 and 1999² using a Rice cohesion score.³ Two Lowess smoothers chart the trends in party cohesion on contested Speaker elections and all Speaker elections during this time frame. The first point to notice is the number of uncontested elections,⁴ which appear on the horizontal axis. Prior to the Progressive takeover of the

²The 1849 Assembly was completely nonpartisan, while the post-1999 Speakers have been elected on voice votes.

³Speaker election results are dichotomized, with the votes for the winner compared with the combined votes for losing candidates and those who simply voted “no” or refused to vote. The resulting cohesion number is the absolute value of the percentage of Democrats voting for the winning Speaker minus the percentage of Republicans (or Whigs, prior to 1856) doing so. When all Democrats vote in one direction and all Republicans vote in the other, cohesion is 100%; a zero score would result when the parties each split in their support for Speaker or when all members of the chamber vote the same way.

⁴Uncontested elections need not mean a completely nonpartisan environment. After all, they indicate a majority party that decides on a candidate in advance and holds its members to that choice. However, uncontested elections do indicate a minority party that doesn't bother to field a candidate and whose members don't fear the stigma of voting for a Speaker of another party. An election with only one candidate is, at best, one with somewhat compromised partisanship.

FIGURE 1 Assembly Speaker Elections, 1851–1999



Assembly in 1911, all the Speaker votes were contested,⁵ mirroring the pattern in the U.S. House. Between 1911 and the demise of cross-filing in 1959, however, only 44% of the Speaker elections were contested. This is uncommon among state legislatures and unheard of in the modern U.S. House. Still, the trend lines tell a clear story: Parties fiercely contested the speakership prior to the imposition of cross-filing. In the years following the Progressive reforms, Speaker elections called forth odd coalitions, with the winner occasionally receiving more votes from the minority party than from his own. With the exception of a briefly partisan period in the late 1930s under the leadership of liberal Democratic Speaker Paul Peek, partisanship remained low from the beginning of the Progressive era until the 1960s. In the years since, partisanship on Speaker votes has obviously become stronger, and a steadily higher percentage of those votes has been contested.

Left to organize themselves, it appears, legislators ceased to be partisan on the one vote that, in genuinely partisan bodies, is more likely than any other to be decided on partisan lines. Even during the New Deal, when the two major parties proceeded from vastly different world-views and sought to enact nearly opposite agendas for

the state, partisanship could not be maintained. But, of course, these results turn on just one vote per session. Do the same patterns show up if we examine all the legislative roll-call votes?

In answering this question, this article takes advantage of a new dataset of every roll-call vote cast in the California Assembly since the chamber's founding in 1849.⁶ The W-NOMINATE software program, designed by Keith Poole (Poole and Rosenthal 1997), was employed to boil down so many votes into a few meaningful statistics. This computer algorithm uses every single roll-call vote cast by every legislator as its input. The output is a single "ideal point" estimate for each legislator,⁷ ranging from -1 (the most liberal position) to $+1$ (the most conservative position). In addition to calculating legislator ideal points, W-NOMINATE produces a variety of indicators to describe the levels of polarization and the dimensionality of the chamber.

One such statistic is the aggregate proportional reduction in error (APRE), which describes how much variance in roll-call behavior can be explained by each dimension.

⁶The collection of this dataset was funded largely by the National Science Foundation, grant number 0214514.

⁷The program will calculate a member's score along each dimension of interest. In the U.S. Congress, for example, most votes fall along a single dimension, usually defined as left-right or liberal-conservative. At various times in history, there has been an important second dimension of voting, dividing members of Congress by region, attitudes toward civil rights, beliefs about monetary systems, etc.

⁵Upon his election as Speaker in 1911, A. H. Hewitt expressed his gratitude for being the first Speaker supported by the "entire vote of both the Republican and Democratic parties" (California Legislature 1911, 3). This election occurred, interestingly, prior to the implementation of cross-filing in the 1913 legislative session. It is thus more indicative of the overwhelming public support for the Progressive agenda than of the effects of any reforms.

In highly partisan chambers, the APRE of the first dimension should be high (the U.S. House of Representatives and Senate had first-dimension APREs of 63.4 and 72.6, respectively, in 1999), and the contribution of rival dimensions should be low. That is, most or all voting behavior should fall along the main liberal-conservative dimension. In weakly polarized chambers, the first dimension will have a relatively low APRE, and other dimensions will occasionally rival party. The danger of using such a statistic to describe partisanship in the California Assembly is that it ignores a potentially confounding variable—the size of the majority party. As state legislative scholars have shown (Aldrich and Battista 2002), majority size is an important determinant of legislative partisanship. This is a particularly vexing issue for California, since the Democratic Party nearly vanished from the California Assembly between 1896 and 1932 (Chinn 1958; Rogin and Shover 1970). At no point during that era did the Democrats hold more than 24 of the Assembly's 80 seats; in most years they held fewer than 10.

To compensate for this confounding problem, I have calculated the residual first-dimension APRE of each session after controlling for majority size. This residual plot appears in Figure 2. The two dotted lines indicate when cross-filing was imposed by the Progressives and when it was eliminated by the Democratic majority in 1959. The trend is such that, in the nineteenth century, APRE, controlling for majority size, stayed relatively flat, but began rising in the early twentieth century. Soon after,⁸ it began a decline that continued until the end of cross-filing in 1959. Immediately after that, APRE began its sharp upward move that continues to this day. The pattern is about as clear as it could be: The trend on partisan voting turns downward within a few sessions of the imposition of cross-filing and reverses almost immediately upon cross-filing's abolition.

The sharpest break in the data lies at the end of cross-filing in 1959. Scatterplots of legislator ideal points for the years 1953 (near the end of the cross-filing era) and 1963 (shortly after cross-filing's demise) help to demonstrate the sharpness of this break. The data points for these years are indicated by hollow points in Figure 2. Although these years are somewhat extreme relative to the smoother line, they are hardly unique as indicators of partisan behavior in their respective time periods.

⁸Note that APRE still continues to rise a bit even after the imposition of Progressive laws. This is explained somewhat by the strong factionalism within the Republican Party in the mid-1920s, as a resurgent Progressive movement battled conservatives for control of the party (Posner 1957). Like so many other factions under the cross-filing regime, however, this one proved short-lived.

The scatterplot for 1953, shown in Figure 3, reveals the overwhelming majority of legislators to be cross-filers.⁹ It also shows that while chamber Democrats are generally to the left of their Republican counterparts, there is considerable overlap, with several Democrats voting more conservatively than a number of moderate Republicans. Additionally, there is no space in between the two parties. Instead, there is a seamless spectrum from the left to the center to the right. Judging from this picture, the political center was a legitimate place for a legislator to reside, and many chose to reside there.

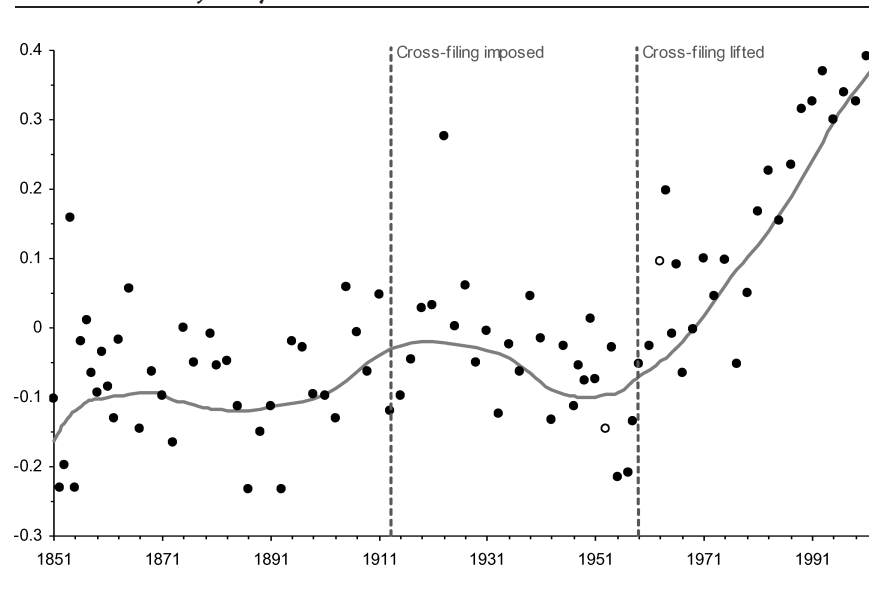
Just five sessions later, the scatterplot from the 1963 session is strikingly different (Figure 4). With cross-filing banned and the chamber now under the leadership of Democratic Speaker Jesse Unruh, the Assembly has been transformed into a sharply polarized legislature, with virtually all Republicans to the far right, virtually all Democrats to the far left, and only a few legislators in the center. Clearly, the demise of cross-filing had a dramatic effect on legislative behavior in a very short time span. With party activists suddenly able to monitor the behavior of legislators and hold them accountable to a party agenda, incumbents quickly fled the center. Party loyalty was the far safer course for career-minded legislators. "Now for the first time," a Republican Assemblyman complained in 1960, "we have obnoxious and unreasoning party discipline, imposed upon members of the Legislature to the exclusion of the people's interest" (Johnson 1960, 55). Such a complaint seems more likely to come from one of Mayhew's (1974) single-minded seekers of reelection than anyone who enjoys actual legislative combat.

These snapshots suggest that legislators moderated during cross-filing, hewing to the median voter when outsiders couldn't affect their prospects for renomination. To examine this more systematically, I have run multivariate regression equations that encompass the entirety of the cross-filing era, controlling for a variety of factors that could affect legislative partisanship. For my dependent variable, I have used Poole's DW-NOMINATE scaling program to produce dynamic ideal points for each member—coordinates that are comparable from year to year.¹⁰ To predict these coordinates, I used each member's party affiliation (Democrat = -1, Republican = 1;

⁹The first letter of any hybridized party label indicates the actual party affiliation of the member. So, for example, the label "D-R" indicates a Democratic legislator who has also won the Republican primary.

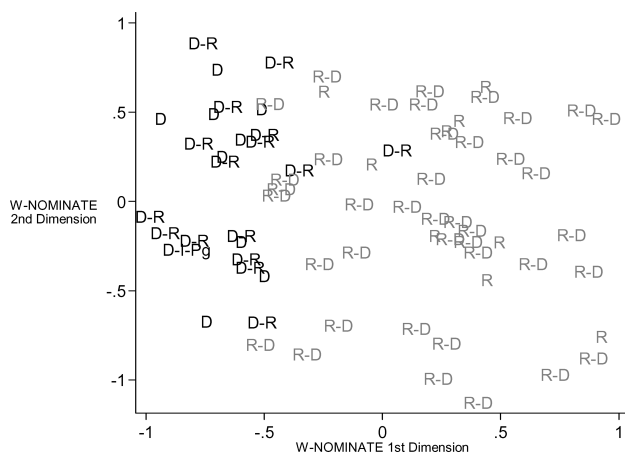
¹⁰This program is an iterative process that simultaneously calculates ideal points across all the different sessions. In this case, it calculated coordinates for nearly 3,600 legislators from more than 60,000 votes in 57 legislative sessions. This calculation required 43 minutes on a 2.5 GHz Dell Pentium IV computer. Votes from 1991 were not included in this study.

FIGURE 2 Aggregate Proportion Reduction in Error (APRE) in the California Assembly, 1851–2003, Controlling for Majority Size



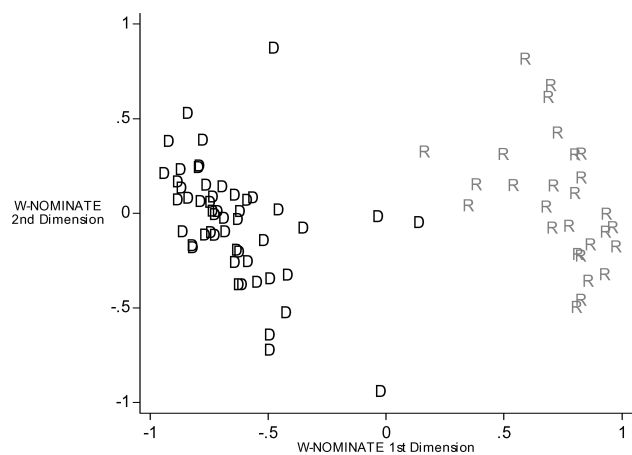
Note: Points are residuals from the regression of first-dimension APRE on the percent of the chamber held by the majority party.

FIGURE 3 Legislator Ideal Points, 1953



Note: Points are labeled by party. D = Democratic; R = Republican; I = Independent; Pg = Progressive.

FIGURE 4 Legislator Ideal Points, 1963



Note: Points are labeled by party: D = Democratic; R = Republican.

third-party members were excluded). I also used the Assembly district's Republican vote for president in a recent presidential election as a measure of district ideology. Also included were a dummy variable for cross-filing (equaling 1 from 1915 to 1959 and 0 at all other times) and a variable that interacts party with cross-filing. To compensate for influences on members' voting behavior other than party, the equation includes variables measuring

how urban each district was,¹¹ whether the legislator was from a northern or southern district, and the district's

¹¹This measure was derived from U.S. Census data describing the percentage of residents who lived in urban areas. Since those data were only available by county, I needed to convert it to a district-specific measure by averaging the statistic for each county within a given district.

tax burden to the state.¹² Legislative professionalization is another matter that required consideration, since professionalization is associated with greater partisanship (Fiorina 1994, 1999) and since Speaker Unruh's efforts to professionalize the chamber roughly corresponded with the jump in legislative partisanship (Squire 1992b). To control for legislative professionalization, I have included a variable measuring the length of each legislative session in days.¹³ I have additionally interacted that variable with the party variable to determine whether Democrats become more liberal and Republicans more conservative as sessions grow longer.

The equation also includes a variable measuring the size of the chamber's majority party (as a percentage of the whole chamber), as well as an interaction of that variable and the party variable to control for the expected decline in partisanship in an imbalanced chamber. I have also included a control for whether or not the member is part of the majority party and interacted that with the party variable, on the chance that membership in the majority party may encourage greater party discipline. Unfortunately, because district ideology data are only available from 1913 on, evidence from prior to that could not be included in this equation.

The party variable is predicted to be strongly positive; since DW-NOMINATE scores are scaled such that -1 is the most liberal position and $+1$ the most conservative, Republicans should tend to have higher scores. However, if cross-filing did, in fact, suppress partisanship, the interaction of party and cross-filing should be negative. That is, Democrats will tend to be more conservative, and Republicans more liberal, during cross-filing. District ideology should have a positive coefficient, as members from conservative districts should tend to have higher scores. The interaction of party and majority size is expected to be negative, as Democrats will tend to be more conservative, and Republicans more liberal, when there is less numerical parity among the two parties. Conversely, near-parity between the parties should encourage greater party discipline. Finally, the interaction of party and session length is expected to be positive, since Republicans should have become more conservative and Democrats more liberal as the chamber professionalized. There are no predictions for the other control variables.

¹²This measure consists of each district's rank in terms of per capita tax dollars sent to the state. The data were drawn from the *Biennial Report of the State Treasurer* (1902–44) and the State Controller's *Annual Counties Report* (1956–2002). As with the urbanism variable, this one had to be translated from a county measure to a district one.

¹³Source: *California Assembly Handbook*, 2005–06.

Table 1 displays the results of a fixed-effects regression¹⁴ on these variables, controlling for decade and district. The results strongly support the predictions about cross-filing. Party is, unsurprisingly, a strong predictor of first-dimension DW-NOMINATE scores, even controlling for district ideology. Both those measures are highly statistically significant and in the expected directions. The main interaction between party and cross-filing is also in the expected direction and is significant at the .001 level. In other words, controlling for ideological predispositions and other characteristics of members and their districts, members were notably more moderate during the cross-filing era, moving .12 points away from the extreme poles on the -1 to $+1$ scale.

More evidence of such moderation can be seen in Table 2. Here, cross-filers are compared with single-filers during the cross-filing years (1914 to 1959). The key variable is the interaction between party and cross-filing. All the other control variables used in Table 1 have been included here. As this shows, legislators who cross-filed were, on average, .045 points more moderate than those who did not cross-file, and that result is statistically significant at the .001 level. This is not an enormous coefficient on a scale that ranges from -1 to $+1$, but given how little distance there was between the parties at this time, it could have made the difference between voting with one's party or with the opposition on many bills.

The incentive to officeholders under cross-filing to avoid excessive partisanship is rather obvious. If one wishes to run as both a Democrat and a Republican, one cannot make a record that is too blatantly partisan in either direction. Middle-of-the-road politics—or what seems middle-of-the-road in one's own district—is the safest route.

These results show that, when legislators were severed from partisan forces outside the chamber, they did not adopt strong mechanisms to enforce party discipline. Rather, they were apparently quite tolerant of weak partisanship in the chamber, even when, from the 1930s forward, there were enough members of both parties to have a competitive party system. They allowed legislative parties to languish for decades.

What's more, the removal of the Progressive laws that suppressed partisanship came against the wishes of incumbents of both parties. It was liberal labor union activists who put an anticross-filing measure on the 1952 ballot. A majority of legislators within both parties fought this initiative by advancing a compromise measure that would leave cross-filing intact but place party labels on the

¹⁴A Hausman test confirms that a fixed-effects, rather than a random-effects, model is appropriate for these data.

TABLE 1 Predictors of First-Dimension DW-NOMINATE

Scores in the California Assembly, 1913–2003	
Variable	Coefficient
Constant	−0.240*** (0.073)
Party (Dem = −1, Rep = 1, else missing)	0.574*** (0.040)
Cross-filing era (1915–59 = 1, else = 0)	0.167*** (0.028)
Party × Cross-filing era	−0.122*** (0.017)
District ideology (Republican percentage of vote in recent presidential election)	0.240*** (0.057)
Session Length (in Days)	0.000 (0.000)
Party × Session Length	0.0001 (0.000)
Majority size (Percentage of whole chamber)	−0.060 (0.063)
Party × Majority size	−0.359*** (0.047)
Majority party member (1 = yes, 0 = no)	0.007 (0.010)
Party × Majority party member	−0.008 (0.011)
R-squared	.681
Number of cases	3,472

Notes: Cell entries are regression coefficients, using a fixed-effects model that controls for decade and district. Coefficients for region, district urbanism, and district tax burden are not shown. Standard errors appear in parentheses. Statistical significance is indicated by asterisks (* $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$).

primary ballot. While the compromise beat the anticross-filing initiative, the insertion of party labels gave primary voters vital information about the candidates on the ballot, and successful cross-filing declined dramatically before the practice was banned in 1959.

Prior to that change, legislators had plenty of opportunities to create and sustain strong party institutions within the Assembly, but they did not do so. Even during the New Deal, when the parties were roughly even in numbers and advocated strongly different worldviews, partisanship could not be sustained. Partisanship became strong only after cross-filing ended. It began at the district level, where primary voters could suddenly see which candidates shared their party affiliations and which did

TABLE 2 Predictors of First-Dimension DW-NOMINATE

Scores in the California Assembly, 1915–59	
Variable	Coefficient
Constant	−0.079 (0.105)
Party (Dem = −1, Rep = 1, else missing)	0.365*** (0.066)
Cross-filer (Won both major party nominations in previous election)	0.018 (0.014)
Party × Cross-filer	−0.045*** (0.014)
District ideology (Republican percentage of vote in recent presidential election)	0.122 (0.108)
Session Length (in Days)	0.000 (0.000)
Party × Session Length	0.001** (0.000)
Majority size (Percentage of whole chamber)	−0.067 (0.118)
Party × Majority size	−0.301*** (0.074)
Member of majority party (1 = yes, 0 = no)	0.026 (0.017)
Party × Member of majority party	−.001 (0.017)
R-squared	.459
Number of cases	1,751

Notes: Cell entries are regression coefficients, using a fixed-effects model that controls for decade and district. Coefficients for region, district urbanism, and district tax burden are not shown. Standard errors appear in parentheses. Statistical significance is indicated by asterisks (* $p \leq .05$, ** $p \leq .01$, *** $p \leq .001$).

not. Liberal districts began electing Democrats almost exclusively, and conservative districts began electing Republicans. Activists took advantage of voters' new party discipline and quickly organized to control primary elections; the California Democratic Council embraced this role eagerly in the 1950s. Legislative partisanship was a bit slower to respond to the end of cross-filing, but respond it did: The pattern of greater party responsiveness and declining district responsiveness clearly began then. These findings strongly suggest that party activity at the district level is what drives legislative partisanship. The next section further examines roll-call behavior in various years to try to determine who exactly was controlling outcomes in floor roll-call votes.

Ephemeral Coalitions and Islands of Accountability

The weakness of party as an influence of members' voting behavior allowed other temporary voting coalitions to control the early twentieth-century California Assembly. One especially important such alliance was the Speaker's coalition. Buchanan (1963) noted in his study of California politics during the 1940s and 1950s that bipartisan Speaker coalitions would form and maintain discipline on some set of issues over the course of several legislative sessions.

The Speaker's coalition is, in many ways, a proxy for the influence of lobbyists. Lobbyists, that is, did not need to control every vote, or even most of them, to get what they wanted out of the Legislature. Only a few key votes were necessary. One of these was the vote for Assembly Speaker. Since the Speaker has the power to appoint committees and to determine whether and when legislation goes to the floor, control of the speakership obviated the need for direct control over most other legislative votes. As one member reported in the 1950s,

You're a free agent 99 percent of the time—except on the speakership. They [industry lobbyists] want to control the speaker because they want to control the committees, so they can bottle up their bills. They all three [oil, liquor, and race track advocates] have money, have always given large amounts—twenty times what one man can give. If you go along with them you can make a 99 percent perfect record. (Buchanan 1963, 43)

Because control of the speakership was so vital, coalitions of lobbyists regularly nominated their own candidates for Speaker and tried to assemble support for them among other legislators.¹⁵ What's more, the lobbyists' oversight of legislators didn't end when the Speaker was selected. They made sure that the coalition stayed together on a subset of votes that were essential to their interests. Unlike the parties of the time, the lobbyists bankrolling the Speaker's coalitions had the means to monitor legislators' behavior and distribute rewards and punishments.¹⁶

¹⁵In 1946, Governor Earl Warren personally lobbied Assembly Republicans to elect Don Field as Speaker, while liquor industry lobbyist Artie Samish pushed the GOP to elect Sam Collins to the same post. The chamber ultimately went with Collins (Buchanan 1963, 28).

¹⁶In a mid-1950s survey of state legislators, California's statehouse members stood out for their reliance upon lobbyists to assemble legislative coalitions. Eighty-one percent of California legislators

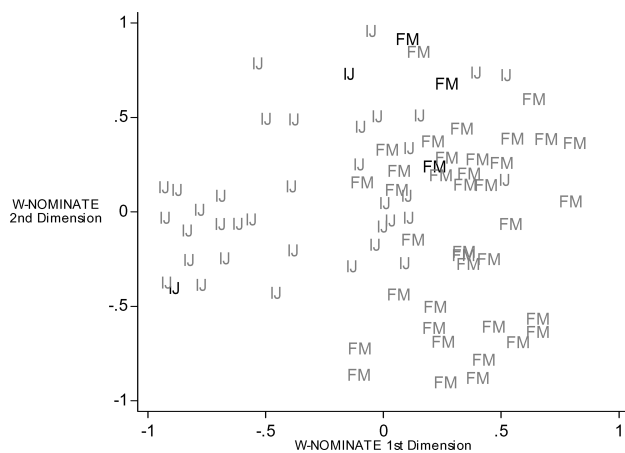
While in most sessions the Speaker's coalition only controlled the outcomes of a few key votes, it could occasionally become the dominant schism in a legislative session. This is what happened in 1925. The previous session had been dominated by conservative Republicans, who passed much of Governor Friend William Richardson's "economy" agenda, which drastically reduced funding for education and humanitarian agencies. Interpreting Richardson's agenda as an attack on Hiram Johnson's Progressive legacy, a group of journalists and current and former officeholders created the Progressive Voters' League, tasked with winning enough Republican primaries in 1924 to seize control of the Legislature. The League soon boasted a statewide membership of 542 activists in 40 counties, financing its work through newsletter subscriptions (Posner 1957).

The 1924 Republican primaries were bitterly fought, with the League hiring a public speaker to trail Governor Richardson around the state and inform voters of the Progressive cause. The primaries resulted in a near perfect split of the Assembly's Republican contingent, and the first battle between the two sides was over the speakership. On this vote, conservative Frank Merriam defeated the Progressive Voters' League challenger Isaac Jones 40–39. This vote set the pattern for legislative voting throughout the legislative term. Figure 5 plots the members' ideal points from 1925, with each legislator labeled by his vote for Speaker: "FM" indicates a vote for Merriam, and "IJ" indicates a vote for Jones. These coalitions split the first dimension, with Merriam's supporters all appearing on the right and Jones' supporters appearing to the left. For at least one session, this extralegislative coalition of Progressive advocates managed to enforce some legislative discipline among the incumbents they supported (Hopper 1975). This was not, incidentally, the only session in which a Speaker's coalition controlled the first dimension of legislative voting. Such splits occurred in 1923 and 1931, as well, and the Speaker's coalition was a significant rival schism in several other sessions.

Going back further in time, one can see that legislative coalitions could form suddenly when groups external to the legislature pressed for them. In the 1890s, for example, a coalition of nativists, socialists, and Populists coalesced to form the California People's Party. This mirrored national trends, since the Populists were gaining strength in many western states during this era, fueled by farmers and, to some extent, urban workers angered by unemployment and debt. However, the People's Party also had

agreed with the statement, "Interest groups and their agents give me valuable help in lining up support for bills." Only 58, 69, and 68% of legislators in New Jersey, Ohio, and Tennessee, respectively, agreed with that statement (Buchanan 1963, 106).

FIGURE 5 Legislator Ideal Points (Labeled by Speaker Vote), 1925



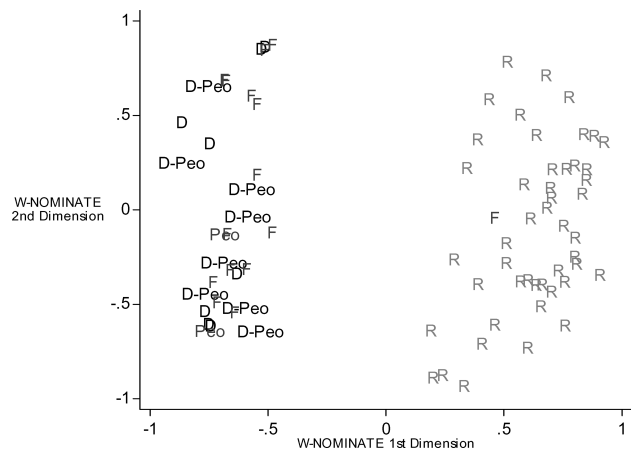
Note: Points are labeled by vote for Speaker. FM = Speaker Frank Merriam; IJ = Isaac Jones. Democrats appear in black, Republicans in gray.

a strong basis in local communities. The Populists in Tulare County in the San Joaquin Valley, for example, were led by an alliance of radical newspaper editors, ministers, and activists from various previous third-party efforts. Although a diverse lot, they were united by a belief “that something was terribly wrong with the system and something had to be done to improve it” (Hall 1967, 201).

With such leaders at the helm and such anger among the rank and file, the candidates that the People’s Party placed in office tended to vote as a bloc on a wide range of issues. This discipline was put to the test during the 1896 election, when the People’s Party formed a strategic alliance with the Democrats to back William Jennings Bryan for the presidency, abandoning some of its platform’s more radical planks in the process (Griffiths 1970). Many People’s Party legislative candidates agreed to fuse with the Democratic ticket, as well, and if the alliance was strained, it certainly doesn’t appear so in their voting behavior. As can be seen in Figure 6, fusion Assembly members (marked as either “D-Peo” or “F”) formed a strong voting bloc and consistently opposed the Republican Party on a wide swath of legislative votes. All the Republicans are well to the right, with Democrats and People’s Party members to the left, and a yawning gap between them. Clearly, Democrats and People’s Party candidates either felt strongly about the Populist agenda on which they were elected or feared the agrarian activists who got them nominated in the first place.

Earlier years under study provide evidence of more traditional party organizations and their influence over

FIGURE 6 Legislator Ideal Points, 1897



Note: Points are labeled by party. D = Democratic; R = Republican; Peo = People’s Party (Populist); F = Fusion.

elected officials. During much of the 1880s, for example, Democrats in San Francisco owed their elections to Christopher Buckley, the “blind boss” of San Francisco. Buckley’s organization was clearly in line with traditional notions of machine politics. He was, for one thing, adept at using patronage to reward regime adherents. The city’s school system, in particular, contained roughly half of San Francisco’s 1,400 patronage posts, and Buckley brazenly awarded such posts to political allies. Under his leadership, the school system created an Inspecting Teacher position, the holder of which would evaluate other teachers and could hire and fire them at will. A classroom at the Mission Grammar School was subsequently staffed by a steady stream of women with either romantic or familial ties to prominent ward leaders (Bullough 1979, 130–31).

Like other urban bosses, Buckley avoided taking ideological stances whenever possible. As one of his critics wrote, “Political principals [sic] are to him only a synonym for political pelf, and like the Hessians, he was ready to sell his services to the highest bidder” (Lynch 1889, 9). Buckley also resorted to traditional methods of manipulating election results, including paying voters up to three dollars each for their support at the polls (Bullough 1979, 178). Most importantly, though, Buckley controlled his delegation to state nominating conventions and used this control to influence legislative behavior. As Lynch writes, “People who wanted certain measures defeated, or passed, never went to the member of the Legislature direct. All their negotiations were with Buckley” (1889, 13). Bullough adds,

Buckley exerted a determined effort, from his first experience at a state convention in 1882, to make

his presence felt in the California Democracy, and he successfully retained sufficient authority to influence those state governmental and political affairs which directly involved San Francisco. (1979, 157)

To see an example of his influence, we can look at a scatterplot of the 1889 session, depicted in Figure 7. While party obviously played some significant role in this session—virtually all Republicans appear at the top half of the graph while all Democrats appear on the bottom—it is only the second dimension of legislative behavior. The first dimension can best be explained as a coalition of San Francisco Democrats (marked with the “Dsf” label) lined up against the rest of the chamber. Those under Buckley’s control demonstrated a level of discipline in voting that any modern legislative caucus would envy. Judging from the roll-call data, the boss’ poor eyesight didn’t prevent him from keeping an eye on those whose nominations he controlled.

A similar dynamic can be detected in the 1905 session. At this time there were a mere four Democrats in the chamber; partisan organization would have been futile for the Democrats and unnecessary for the Republicans. Organization on a regional basis, however, was useful, as evidenced by Republican boss Abraham Ruef’s influence over San Francisco’s delegation. Through shrewd alliances with the city’s labor activists and the leaders of the Southern Pacific Railroad, Ruef exerted great control over nominating conventions and the candidates that they produced. Ruef was widely credited, for example, with grooming

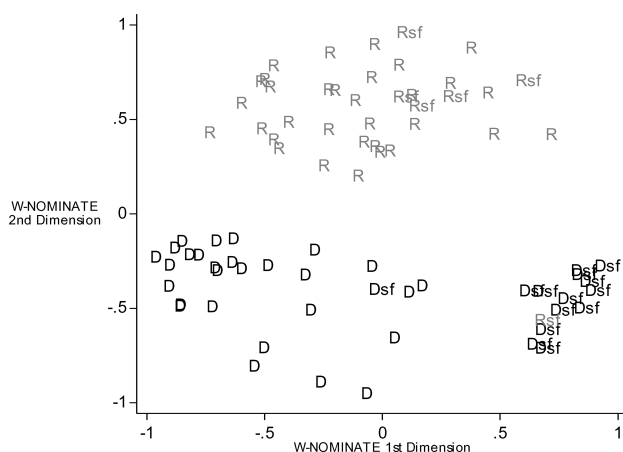
and installing Eugene Schmitz as San Francisco’s mayor in 1901. Their initial meeting, during which Ruef encouraged Schmitz to run, is telling. Schmitz, although considered a handsome and intelligent man, complained that he’d be a poor candidate since he had little political experience, knowledge of local affairs, public speaking skills, or money. Ruef replied,

You have as much experience and information as many men who have been nominated. . . and more than some who have filled the office. What you lack can easily be supplied. The speeches and the funds we can take care of. (Bean 1952, 21)

With such skills and assets available to him, Ruef was able to influence votes and control the destinies of many San Francisco politicians, as is evidenced by the scatterplot of ideal points of the 1905 legislature, seen in Figure 8. The San Francisco delegation clearly held together, occupying the right portion of the graph. As in previous examples, the primary dimension of roll-call voting was determined by a group outside the legislature that could hold officeholders accountable for their behavior. The true party leaders were outside the government, exerting control over those inside it.

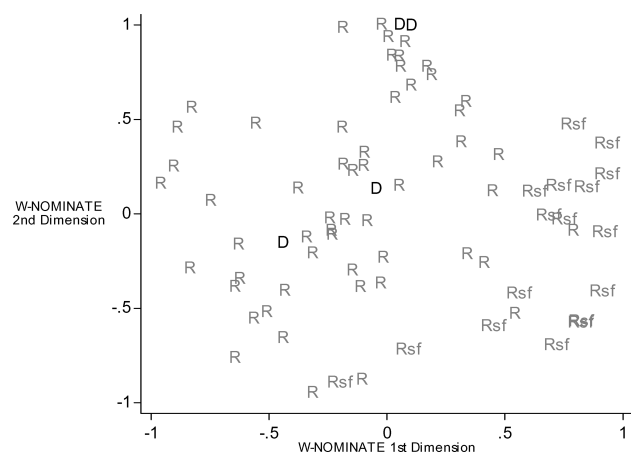
Another instance of outside forces controlling state legislators can be seen during the Progressive ascendancy in the 1910s. California’s Progressive Party began as an alliance of reform-minded journalists, attorneys, and wealthy benefactors who wished to drive the Southern Pacific Railroad from its position of power. They formed

FIGURE 7 Legislator Ideal Points, 1889



Note: Points are labeled by party: D=Democratic, R=Republican. Members from San Francisco have the letters “sf” appearing next to their party label.

FIGURE 8 Legislator Ideal Points, 1905



Note: Points are labeled by party: D=Democratic; R=Republican. Members from San Francisco have the letters “sf” appearing next to their party label.

organizations in various cities that raised issues, amassed funds, slated candidates, and got them nominated. Those who owed their position of power to the Progressive activists knew they could pay a price for straying from the organization's detailed agenda.

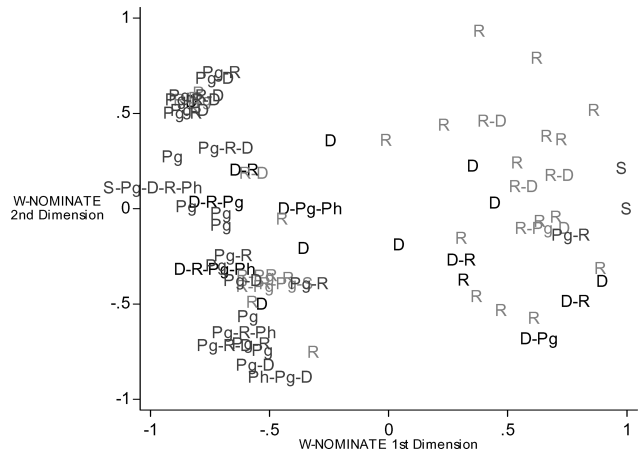
At least part of the Progressives' organizational strength can be attributed to their alliance with labor. Although the Progressive and labor agendas didn't correspond perfectly, many unions strongly backed Hiram Johnson and the Progressives (Mason 1994), and reelection-seeking incumbents knew that disappointed labor unions could impose heavy costs on their careers. Additionally, although women were new to the franchise, several women's political organizations began advocating for Progressive causes and candidates, and some contemporary observers held these women's clubs responsible for Republican presidential candidate Charles Evan Hughes' narrow statewide loss to President Woodrow Wilson in 1916 (Raftery 1994).

Figure 9 shows a scatterplot of legislators' ideal points in 1915.¹⁷ As can be seen, virtually everyone affiliated with the Progressive Party (whether it was their own party registration or whether they had cross-filed in that party's primary) appears to the left, while others are arrayed on the right. The first dimension in this session is division between Progressive and Standpat Republicans. The alliance of journalists, attorneys, women's clubs, unions, and good-government activists—all losers under the railroad-controlled Legislature who were united by various tenets of the Progressive Party—showed itself to be a powerful and continuing influence on behavior within the chamber. Ironically, although the Progressives considered themselves opponents of party organizations, they proved to be one of the more disciplined legislative coalitions that the Sacramento chamber had seen.

Given the apparent ease with which groups outside the legislature could structure chamber voting, one would expect a resurgence of legislative partisanship during the New Deal. And, indeed, some occurred. In the 1920s, Democrats were some 50 percentage points behind the Republicans in voter registration; by the 1930s they had pulled ahead by 20 points. Democrats, however, had a difficult time translating that voter registration advantage into electoral success. In part, this was due to cross-filing. Republican incumbents were still able to

¹⁷In earlier sessions, it is difficult to distinguish Progressive sympathizers from their Standpat opponents, since both groups bear the Republican Party label. However, thanks to cross-filing, it is easy to spot Progressive-leaning legislators in 1915 because they either listed Progressive as their primary party affiliation, or they chose to run in that party's primary.

FIGURE 9 Legislator Ideal Points, 1915



Note: Points are labeled by party: D=Democratic; R=Republican; Pg=Progressive; Ph=Prohibition; S=Socialist.

prevail in many Democratic primary contests, keeping the Democratic candidates off the general election ballot. The Democrats also shot themselves in the foot by nominating author Upton Sinclair for the governorship in 1934. Sinclair's End Poverty in California (EPIC) platform was widely perceived to be outside the political mainstream and embracing of socialism. Democrat Culbert Olson, however, was able to win the governorship in 1938, and the Democrats took the Legislature that year, as well.

At this point, conditions appeared to strongly favor a resurgence of legislative partisanship. The Democrats had their first majority of the century (and a narrow one at that), and they had a potent national agenda. Furthermore, unlike the parties in the contemporary U.S. Congress, California's parties were not torn internally on questions of race and civil rights. Yet they accomplished nothing. In a contested partisan vote that stands out as such in Figure 1, the Democrats elected New Dealer Paul Peek as Speaker, who began working with the governor to pass an aggressive liberal program. But the stress of party discipline was apparently too much. Peek was removed from the speakership by his colleagues, a new Speaker was elected on a bipartisan vote, and the Legislature, despite its "potential partisanship" (Buchanan 1963, 18), returned to its undisciplined ways.

Why were nineteenth-century Populists, San Francisco machine politicians, and Progressive reformers able to impose party discipline on legislative voting while New Deal Democrats were not? The former could control nomination to office, but, as a result of cross-filing, New Deal Democrats could not.

Discussion

Political observers frequently accuse politicians of being simultaneously soul-less poll-watchers and blind partisans, often without recognizing the inherent contradiction. Clearly, politicians cannot simultaneously toss aside beliefs to stay in office and risk office in the name of an ideological agenda. Still, our legislatures have been alternately dominated by each kind of politician in recent decades. Why have we seen single-minded seekers of reelection at some times and partisan warriors at others?

The answer, as this article argues, cannot be found by studying legislatures alone. To be sure, legislative party leaders have sought to increase party discipline in recent decades by using unit-voting rules, rewarding loyal members with plum committee assignments, punishing disloyal members by depriving them of perks, etc. However, as advocates of conditional party government theory concede, the ability of floor leaders to enforce these powers is highly contingent on electoral forces outside the chamber. In other words, it is very hard to cobble together a united party if the voters send you a divided one.

As this article has demonstrated, however, it is not simply random electoral forces or the occasional realignment that determines the shape of the party caucus that gets elected. Partisan alliances in the electorate can be quite stable, as they were in California post-1932 (Rogin and Shover 1970), but key outsiders, including party machines, activists, and interest groups, can still profoundly alter the shape of the legislative party by manipulating nominations.

Indeed, judging from both the qualitative and quantitative evidence presented, it seems fair to say that, were it not for these outsiders controlling the nominations process, we would see little, if any, legislative polarization. Politicians may enjoy the theater of legislative fights, but they tend to shy away from actual ideological combat. Only when outsiders who desire something from government have the will and the means to control party nominations will legislative parties actually fight each other.

It is particularly interesting to see “islands of accountability” form even at the turn of the twentieth century. This was a time when legislators served only a few months out of a two-year session, were paid but a paltry sum for it, and held office in most cases for only a single term. In these conditions, it would not be surprising to find legislators incapable of forming any sort of partisan attachments. Yet even under such constraints, partisan control of the legislature seemed to be increasing, as seen in Figure 2, up to the passage of cross-filing. And throughout this period, a variety of short-lived, externally driven coalitions formed and voted together with considerable discipline.

But cross-filing and the nonpartisan ballot proved devastating to party discipline, since activists could no longer nominate officeholders nor routinely hold them accountable. Even during the New Deal, when a revitalized Democratic Party had the numbers to control the Assembly, it was unable to sustain party discipline.

Tellingly, the reform that would reintroduce party discipline to California—the banning of cross-filing—was fought by legislators of both parties in 1952. Even the minority Democrats, who were kept in the minority by the ability of Republicans to dominate Democratic districts through cross-filing, fought against the reform. Partisanship, when it finally returned to the Assembly, was imposed through the efforts of extralegislative forces; namely, unions and liberal activists from the club movement.

This study of California’s Assembly has provided a chance to examine legislative parties under conditions that the modern U.S. Congress has never experienced. In particular, it has enabled us to see what happens when the link between incumbents and outside activists is severed and later restored. The results suggest that this link is the lynchpin for legislative partisanship. And given that California’s legislature is considered, among all state legislatures, one of the most similar to the U.S. Congress (Squire 1992a), there is reason to believe that these lessons apply elsewhere.

The results presented here may also call into question Aldrich’s claim that parties are the creatures of ambitious candidates and officeholders. If anything, the opposite would appear to be true. Those who control a party’s nominations rule the party (Bawn et al. 2006; Schattschneider 1942), and, for most of American history, it is these key outsiders who have actually controlled nominations. These true party leaders—the activists, the bosses, the interest groups—determine the raw materials out of which chamber leaders assemble legislative parties. If the outsiders are not interested in a party agenda or have lost control over nominations, the legislators elected will prefer nonpartisanship or, at most, fake partisanship. If the outsiders send party warriors to the capitol, chamber officials will require little work to get their teams fighting. Indeed, it will take real effort to keep them apart.

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