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Second Street Gangs: Ad Hoc Policy Commissions in the Senate

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Abstract

Recent debates in the US Congress over major policy issues, such as the US debt ceiling, the use of the filibuster in the Senate, and health care reform, have witnessed the emergence of small groups of legislators -- given names like “The Gang of Six” in popular press -- working to craft a bill that (they may expect) covers the middle-ground between opposing factions. Given the usual expectations that, 1) committee members are not preference outliers, and 2) committees have better policy expertise than the average chamber member, what purpose do these small groups serve? The argument here is that these gangs represent a focal point for accusations of ideological compromise and potential blame (if the product does not proceed to a floor vote). As partisanship in Congress has increased, the cost of compromise has increased, which may make the otherwise jurisdictionally-appropriate committee members less inclined to allow bills that would appeal to moderate voters to progress. Allowing other legislators to so visibly drive the work on moderate bills deflects the extremists from accusations of being “soft.” At the same time the heightened attention on the gang raises the reputational costs of failure. We should expect, then, to see gang membership to be comprised of more ideologically moderate members, who have served longer or who have won their seats by a wide margin (making them better able to absorb the reputational cost of failure). We review the (small) number of cases of emergent gangs to examine the model's comportment with observed behavior.

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Introduction

Major policy issues have been recently marked by a lack of Congressional action. From immigration reform to the debt ceiling, healthcare to the very rules of debate in the Senate, policy change often runs afoul of the gridlock for which Congress is infamous. Such gridlock is especially present in the Senate, where the development of the procedural filibuster has made the tool commonplace. Attempts to overcome this problem include what popular media has dubbed “gangs,” or groups of Senators that use informal processes to achieve compromise. Most recently, a Gang of 8 members, four Republicans and four Democrats, has been working together to achieve comprehensive immigration reform.

More technically, these groups are bipartisan, ad-hoc, policy-specific coalitions with select membership who attempt to find a policy solution to a problem such as the debt ceiling (though we, too, will call them gangs for brevity). While great media attention has been paid to the groups, especially by outlets that cover Capitol Hill with some regularity, little has been conducted in the realm of scholarly research as to their causes or effects.

One immediate question is why such a group is even necessary, given the usual logic suggesting that policy expertise sits with specialized committees (Krehbiel 1991). Committees and subcommittees are the best informed about the state of current law, have relevant policy expertise, and are therefore the best subgroup of the chamber to evaluate proposed changes to law. The existence of ad-hoc policy gangs suggests two possible shortcomings of the committee system—one substantive and one strategic. First, gang members may believe they possess superior information about the policy (proposed or extant) that positions them to make well-informed adjustments to the status quo. Second, gang members may believe they have superior strategic information or positioning that allows them to more effectively negotiate the legislative

process than committees members could. Our theory of the purpose and function of gangs rests on both of these possibilities. In short, policy gangs are a preference discovery mechanism.

Using social connections between Senators, gangs form to fill a void in substantive and strategic information that aims to find policy solutions that would not otherwise come about. Our theory addresses why gangs are formed, why they may be permitted by a committee system dedicated to specific jurisdictions, and what explains membership within a gang.

Perhaps unsurprisingly, in 2005, a senatorial gang formed to deal with its own process: the filibuster. President George W. Bush's appellate court nominees were routinely blocked via filibustering Democrats arguing against the conservatism of the candidates (Nather 2006). In response, Republicans proposed amending Senate rules to eliminate the filibuster entirely. Between the poles of broad usage and total elimination, 14 senators gathered to discuss alternatives. Given the balance in the chamber, six senators from each party deviating from their party line would serve to both end the constant filibustering and prevent the so-called "nuclear option" of eliminating the procedure (Nather 2005). Nominally, the issue of the filibuster would be under the Rules and Administration Committee. Consideration of changes to procedure would be considered by senators with the time and experience to know their effects, and, importantly, what changes would have a chance of passage. In this case, however, a gang formed that effectively circumvented this process by identifying seven senators from each party that agreed to deviate from the party line (see Binder, Madonna, and Smith 2007).

In this paper, we focus on explaining Senate gang *membership*. Our definition of a gang as an ad-hoc, temporary, bipartisan policy group highlights the features that separate them from more traditional informal coalitions such as caucuses, working groups, or commissions. These features also underscore our theory of their purpose, so we take them in turn.

Gangs do not arise out of any formal process, but rather form as provisional coalitions. Their occurrence is instigated by one or two senators seeking to address a specific topic. Even though party leadership less jealously guards the Senate's organization than the House (Stewart 2012), instigating a gang is a public act that likely excludes party and committee leadership. The other, unobservable, alternative is that leadership provides tacit approval to a gang, indicating some preference for alternative means of negotiating policy. Even informal groups hoping to manufacture policy face standard collective action concerns (Olson 1965) and need to have a reasonable belief that all members will contribute. In other words, gang members must trust one another. Such trust might arise from interpersonal relationships spanning years, topics, or both.

Our theory suggests that individual senators have personal and political characteristics that make them advantageous policy players in a given policy debate. These characteristics, we argue, increase the probability of a senator joining a gang. To start, we present four cases of recent gangs formed to overcome policy disputes during the 109th, 110th, and 111th Congressional sessions. A theoretical section follows; finally, we present statistical tests of our hypotheses, followed by a discussion of further steps.

Gang Stories

Early references to these types of policy-oriented gangs in the Senate can be found in the 1980s, when a group of five (later 6) members aimed to push President Ronald Reagan to champion more socially and environmentally friendly policies. In a 1993 interview, J. Robert Vastine, staff director of the Senate Republican Conference from 1985 to 1991, discussed the activities of this early group.

VASTINE: Chafee decided he wanted to offer his own budget resolution. That's something I knew how to do. So I wrote up a Chafee budget resolution, which

then became the resolution of the Gang of Five, later six when Mark Andrews was added to the Gang of Five by [Charles] Mac Mathias. Without asking anybody else, Mathias just included Andrews, who was not necessarily welcome! So this group of Chafee, [Lowell] Weicker, Mathias, and [Mark] Hatfield...then, finally, Andrews. Oh, [Robert] Stafford. They proposed their own budget resolution.... we had six Republicans who weren't going to go along with the budget resolution reported by Mr. [Pete] Domenici. And it took all of Senator Chafee's fortitude to—he really wanted to go over and be a good guy and work with [Howard] Baker and be part of the team with Jim Baker downtown, all of that. But he stuck to his guns. So each year for three years running the Gang of Five (or Six) forced upon the leadership elements of its own budget resolution which I had written.

RITCHIE: What was the reaction of the leadership? How did they try to get Chafee back in their, in the reservation?

VASTINE: Well, you know, Baker was a conciliator. Baker was a hands-on nice guy. They tried everything. They'd bring in the administration. They'd bring in Jim Baker. They'd bring in David Stockman. They'd bring in Jim Miller. All the levers were pulled. All the White House connections, including going down to the White House. They had six moderates on their hands, and they really never figured out how to deal with them except, finally, to give them some of what they wanted. Our job [on the staff] was to keep the senator [Chafee] on the steady path. Because the inclination of all these senators—except for Weicker who was a real maverick—certainly Chafee's inclination was to want to be a good guy, and a team player, and go along with the team—especially Howard Baker whom he really liked.

The fights these early moderates faced from other Senators, party leadership and the executive branch are shared by subsequent gangs that have formed, with one difference: the group that banded together in 1983 was comprised of all Republicans. As Oregon Senator Mark Hatfield quipped, “Without us, there would be no Republican majority. Six from 53 [the total number of Republicans in the Senate] is 47” (Calmes 1986). Yet this original gang is distinctive from subsequent groups in that it is the only group known to the authors that is *not* bipartisan. The idea of banding together to – hopefully – force compromise no longer takes the form of a partisan bloc negotiating with its leadership and the president. In fact, in the same year, another Gang of 6 worked together to work out arms control proposals, including a bilateral nuclear arms

build-down. The six Senators involved in negotiations could have stymied development of the MX intercontinental missile; Reagan's willingness to cooperate with the group ensured that the missile would enter its initial production (Towell 1983).

More recent gangs are bipartisan in nature, reflecting the changing nature of the art of negotiating in the chamber. Because of intense policy gridlock, it takes members of both parties to achieve compromise and pass policies. According to Alan Ota, a senior writer for CQ's *Roll Call*, the common meeting ground of Senate centrists in recent years has been "temporary ad hoc formations" (2008, 2).¹ In the early 2000s, Senators worked to achieve compromise on issues such as health care, but it was the disagreement over judicial nomination obstructions that brought Senate gangs back into the spotlight.

This paper focuses on four gangs that convened between 2005 and 2009 (during the 109th, 110th, and 111th Congressional sessions). They include: the Gang of 14 in the 109th Congress, which dealt with avoiding the "nuclear option" for judicial nominees; the Gang of 10 in the 110th Congress, dealing with energy policy; the Gang of 12, also in the 110th, concerned with immigration policy; and finally, the Gang of 6, tasked with developing health care policy options in the 111th Congress. A brief description of each gang is provided below.

Gang of 14 | Judicial Filibuster

The Gang of 14, as mentioned above, is one of the better-known gangs, due to both the importance of its achievements, and simply because it achieved what it set out to accomplish. In 2005, when Senate Majority Leader Bill Frist of Tennessee threatened to bar filibusters of

¹ This informal type of meeting style is echoed in other groups found in Congress, such as the Blue Dog Democrats, caucuses (Victor and Ringe 2009), and even breakfast groups of centrist Senators, led by Joseph Lieberman [D-CT] (Ota 2008).

judicial nominations, a group of seven Democrats and seven Republicans² agreed to vote against any such change, given that the Democrats (then in the minority) promised to withhold filibusters on future judicial nominees except in extreme cases (Nather 2005). This bipartisan group of “moderates, mavericks and institutionalists from both parties” formed this unusual consensus to solve a problem that Senate leaders Frist and Democrat Harry Reid “chose not to resolve” (Nather 2005). The talks worked; on May 24, the day after the negotiation occurred, the Senate voted to confirm Priscilla R. Owen to the Court of Appeals for the 5th Circuit after her nomination had been blocked for four years.

Luckily, perhaps, for the Senate, the filibuster agreement was not tested over the next few years. The Senate remained cooperative on other judicial nominations, including Brett M. Kavanaugh to the D.C. Circuit of the U.S. Court of Appeals (Perine 2006), a controversial nominee thought by Democrats to be too partisan and too inexperienced, and John Roberts and Samuel Alito to the Supreme Court. Both nominees to the highest Court in the land were seen as too highly qualified for their nominations to be filibustered; they did not fall under the agreed upon standard of “extraordinary circumstances” that would justify a filibuster.³

² Members include Lincoln Chafee [R-RI], Susan Collins [R-ME], Mike DeWine [R-OH], Lindsey Graham [R-SC], John McCain [R-AZ], Olympia Snowe [R-ME], John Warner [R-VA], Robert Byrd [D-WV], Daniel Inouye [D-HI], Mary Landrieu [D-LA], Joe Lieberman [D-CT], Ben Nelson [D-NE], Mark Pryor [D-AR], and Ken Salazar [D-CO].

³ While Washington insiders felt that the relevance of the gang ended with the 109th Congressional session in 2007, Senate Republicans in 2011 blocked the nomination of Caitlin J. Halligan, President Barack Obama’s nominee to the D.C. Circuit Court of Appeals. Harry Reid, Senate Democrat Majority Leader, voiced concern after Republicans blocked Halligan’s nomination in December. “I am concerned that today the Senate is backing away from the 2005 agreement that the minority would only block judicial nominees in extraordinary circumstances. Since Ms. Halligan’s nomination clearly does not meet that standard, Republicans today lowered the bar for filibustering judicial nominees” (Anderson 2011). Halligan is still fighting a battle for a seat today – her nomination was sent back to President Obama twice. He most recently re-nominated her for the third time on September 19, 2012.

Gang of 20 | Energy

In 2008, another bipartisan group⁴ began working together in July to assemble a drilling bill to address the concerns of both the Democrats and Republicans. Fresh off of their initiation into the gang of 14 in 2005, Senators Ben Nelson and Ken Salazar, both Democrats, agreed to help in this round of negotiations. While the House of Representatives voted in September to allow offshore drilling on the U.S. coastlines to boost energy production, Senators were reluctant to pass a similar measure. What started out as a group of 10 members, five from each party, led by Saxby Chambliss [R-Georgia] and Kent Conrad [D-North Dakota] later grew to 20 during the election year. According to a CBS News Report, the doubling of the membership:

...added senators from a wide political spectrum. Virtually every politically vulnerable Senate Republican, ranging from Norm Coleman of Minnesota to John Sununu of New Hampshire, has signed on to the bill. Left out in the cold as the coalition grows is [sic] Senate Republican leaders, who feel like they're losing a hot political issue to play against Democrats if their own GOP members latch on to a moderate oil drilling bill (2009).

They worked for weeks to craft a compromise bill that would pass in the Senate, meaning that it included different measures from those found in the House version (Palmer 2008). Specifically, the Senators altered the boundaries for offshore drilling set in House Speaker Nancy Pelosi's energy plan, and also allowed for revenue sharing with the states (Kane 2008). With the support of Democrats, the bill put forth by the gang would have a filibuster proof majority. Due to election-year concerns over high gas prices, plans for an energy bill were shelved, rendering the attempts at compromise essentially unnecessary.

⁴ Saxby Chambliss [R- GA], Bob Corker [R-TN], Lindsey Graham [R-SC], Johnny Isakson [R-GA], John Thune [R-SD], Kent Conrad [D-ND], Mary Landrieu [D-LA], Blanche Lincoln [D-AR], Ben Nelson [D-NE], and Mark Pryor [D-AR]. The group later added 10 additional members: five Republicans (Norm Coleman of Minnesota, Susan Collins of Maine, Elizabeth Dole of North Carolina, John Sununu of New Hampshire, and John Warner of Virginia) and five Democrats (Evan Bayh of Indiana, Tom Carper of Delaware, Tim Johnson of South Dakota, Amy Klobuchar of Minnesota, and Ken Salazar of Colorado.)

Gang of 12 | Immigration

A group composed of 6 Republicans and 6 Democrats⁵ began working together in 2007 to save a bipartisan agreement on immigration reform in the United States. Led by Edward Kennedy [D-Mass] and conservative Jon Kyl [R-Ariz], the plan set out to save approximately 12 million illegal immigrants to stay in the U.S. legally (Davis 2007). While some claimed that the gang's efforts at compromise may have been the best bet at creating a passable piece of legislation, other Senators were upset with not only the policy negotiations, but also the implications for constituents. Jim DeMint, a South Carolina Republican, did not approve of the legalization process suggested by the gang, or the gang process itself.

“A lot of us [Senators] don't feel like they're speaking for us, that this idea that we can't offer an amendment or it's going to blow up the deal is a bunch of nonsense,” DeMint said. “This is something that every member of the Senate should be participating in... not a small group,” DeMint said. “There's never been a more emotional issue for people back home. They feel betrayed and violated. They don't trust our Congress (Davis 2007).”

When negotiation efforts failed to produce a passable bill, the topic was left to the presidential candidates in the 2008 election. Then-candidate Obama campaigned on the promise to reform immigration during his first year in office, but was sidelined by the looming economic crisis and a loss of Republican counterparts in the discussions. In a town hall interview hosted by the Univision Television Network and Facebook during the 2012 campaign, Obama admitted that he missed the boat (pun intended) on keeping his promise:

When we talked about immigration reform in the first year, that's before the economy was on the verge of collapse.... And what I confess I did not expect — and so I'm happy to take responsibility for being naive here — is that Republicans who had previously supported comprehensive immigration reform — my

⁵ Edward Kennedy [D-Mass], Jon Kyl [R-AZ], Lindsey Graham [R-SC], Mel Martinez [R-FL], Arlen Specter [R-PA], Ken Salazar [D-CO], Dianne Feinstein [D-CA], Harry Reid [D-NV], Bob Menendez [D-NJ], John McCain [R-AZ], John Cornyn [R-TX], and Pat Leahy [D-VT].

opponent in 2008, who had been a champion of it and who attended these meetings — suddenly would walk away. That’s what I did not anticipate (Hicks 2012).

Early in December 2012, another group of Senators – the Gang of 8 mentioned in the introduction – began to meet to discuss possible immigration reform. They include Democratic Sens. Chuck Schumer of New York, Dick Durbin of Illinois, Michael Bennet of Colorado, Bob Menendez of New Jersey, and Republican Sens. John McCain of Arizona, Lindsey Graham of South Carolina, Mike Lee of Utah and Sen.-elect Jeff Flake of Arizona (Kim 2012). McCain was a member of the 2007 gang, Jeff Flake has drafted a plan for immigration reform in the past, and Dick Durbin is one of the sponsors of the DREAM Act for citizenship and immigration.

Gang of 6 | Health Care

Montana’s Max Baucus worked with five other senators⁶ in the summer of 2009 to tackle a policy issue that has haunted presidents for decades – health care. President Clinton’s attempts at major health care overhaul in the 1990s failed, and so, over ten years later, Baucus and his compatriots began negotiations on a comprehensive plan to restructure health care in the U.S. All six senators were members of the Senate Finance Committee, including committee leaders Baucus (Chairman) and Ranking Member Chuck Grassley [R-Iowa].

From the beginning, Republicans seemed wary of supporting any type of health care reform, and Democrats found themselves convinced that the Gang of 6’s negotiations were simply a waste of time, since they didn’t believe any Republicans would support the measure (Nather 2009; Schatz 2009). Even two GOP members of the gang, Grassley and Mike Enzi [WY] began to waver in their support as the negotiations dragged on (Bettelheim and Armstrong). Eventually, the gang fell apart because of a debilitating inability to cooperate or

⁶ Max Baucus (Montana), Jeff Bingaman (New Mexico), Kent Conrad (North Dakota), Mike Enzi (Wyoming), Chuck Grassley (Iowa), and Olympia Snowe (Maine).

compromise.⁷ Baucus later released his own plan, titled America's Healthy Future Act; when it was finally unveiled, it was one of the only proposals not to contain a public plan, yet it was not well received by Republicans; not a single member of the party signed on in support of Baucus's plan (Schatz 2009). This may have been due to the strong opposition of the Republican leadership to the gang negotiations, similar to the opposition faced by the 1980s energy gang described above. Minority Whip John Kyl stated that Grassley "was not authorized to negotiate for Republicans" on the Finance Committee (Schatz 2009). The White House even began to send signals that it was losing faith in the negotiation process, with officials "floating scenarios for splitting health care into two bills, pushing the most contentious pieces through the budget reconciliation process... and moving less controversial items... using the regular legislative process" (Nather 2009). Some of these steps were aimed at reducing the filibuster option for the GOP, others were to indicate that some options debated by the gang, such as health care cooperatives, were not viable fiscally or, more importantly, politically. A great deal of their work, although it never amounted to a law in its own form, shaped the Patient Protection and Affordable Care Act, more colloquially known as Obamacare, which passed in 2010.

Theory & Hypotheses

We posit that members of senate gangs will show greater interpersonal trust between themselves, than among gang members and non-members, or among non-gang members. While trust is not directly measureable, the frequency of collaboration and joint time in office is. Just in looking at the membership lists from each gang, we notice repeat offenders, such as John

⁷ The gang members came under scrutiny for a number of reasons during the negotiation process. It was noted by media outlets that the six senators came from states with relatively small populations – Iowa, Maine, Montana, North Dakota, New Mexico, and Wyoming. Together, these six states account for approximately 2.7% of the population of the United States (Herszenhorn and Pear 2009). Journalists also made note of the wealth of campaign contributions that gang members received from the health care industry. Chuck Grassley alone netted over \$270,000 in donations – 20% of his total revenues – from health care PACs.

McCain, Olympia Snowe, Lindsey Graham, Ken Salazar, Mary Landrieu, amongst others. This means that these Senators have worked in this informal setting in the past and are willing to give it another shot, even though the groups are unsuccessful in most cases. We believe that it is a willingness to work with others – and trust that this process may develop good policy – that brings members back (or there for the first time). We operationalize this interpersonal trust by documenting the network of committee memberships for gang members. The more committee memberships two senators share the more opportunities they have to interact and collaborate. In fact, research shows that the structure of a network (including the types of connections between members and the distribution of individuals) can have significant effects on the outcomes of activities conducted by the group (Siegel 2009).

If senators join gangs both because they offer a substantive and strategic advantage to a policy negotiation, then we expect senators who have greater policy expertise in the relevant policy area and who have many connections to disparate senators on the given topic to be more likely to join a gang. Both of these substantive and strategic characteristics may be captured by senators' participation in the formal committee system. To account for senators' connectedness to colleagues, we use a standard measure of social networking theory: eigenvector centrality. Eigenvector centrality is calculated through a factor analysis process that assigns a "score" to each node in the network, giving higher scores to nodes that are more "important" in the network and to those connected to higher scoring nodes (Hanneman and Riddle 2005). It is a nuanced measure that captures an individual's relative importance in the network based on local and global connections.

Specifically, we consider a network of joint committee membership among all the senators from the 109th, 110th, and 111th Congresses. Networks are frequently established for the

purpose of coordinating and transferring resources between members (Verba, Schlozman, and Henry 1995). Others propose that networks serve to spread new ideas and practices through interpersonal communication between members (see, for example, the classic study on diffusion by Ryan and Gross 1943; see also Rogers 2003; Valente 1995; Valente and Rogers 1995). In our case, presence on the same committee counts as having a shared connection. Centrality, then, is a measure of how connected one senator is to all others. Given that these connections are based on committee work, it is reasonable to believe that joint membership gives each senator better insight into the other's preferences than for two senators that do not have a shared membership. This leads to our first hypothesis:

***H1:** Senators more central in the committee membership network are more likely to join a policy gang.*

The gang phenomenon is both relatively new and transitory. Recent high-profile policy debates have seen the birth of gangs: the debt ceiling, healthcare, immigration, energy, and the aforementioned filibuster. The Senate, however, is often considered the more tradition-bound of the two chambers, with heavy emphasis placed on courtesy and respect (Loomis 2000). Circumventing standard deliberative fora upsets such courtesy in so far as it suggests that the policy-relevant committee is so unable to complete its job that another route must be followed. Such deliberation, however, is usually focused on policy-specific information (Krehbiel 1991), expertise in which increases over time. Gangs, however, are usually predicated on solving a near-term problem, and adopt short-lived solutions. The Gang of 14 exacted agreements from its members to vote (or not) in specific ways in a set of votes covered in only one Congressional session. It sought no greater jurisdiction and stipulated its own end date. While individual gang members may possess deep policy expertise, a group comprised wholly of experts would, by the

logic of specialization, mirror subcommittee membership almost exactly.⁸ Since this is not the case for the gangs considered here, some non-experts must be present. Given that providing non-experts with the necessary background is costly, the value of such members must reside elsewhere.

That gangs have had, to date, even numbers of members is not random chance. Every gang studied here has made equal participation from both parties a condition of existence. Again, the difference from the formal structure could not be clearer; gangs have no chairs doled out by party leadership as rewards or favors. While gang founders might be of interest to the media, they have no more systemic power than any other member. In an era of attention to the partisan fighting in Congress (Masket 2011), a public show of bipartisanship cannot hurt the gang's efforts. But we view it as more instrumental; gathering information on the other party's preferences requires collaborating on an even playing field. Being the minority party in an unbalanced group would likely appeal only to ideological confederates, and provide the gang less insight into the full range of opposition preferences.

Similarly, there is reason to believe that the relevant Senate committee may not be a fully representative subset of the parent chamber (Hall and Grofman 1990). Even if subcommittees and committees are not universally biased (Krehbiel 1990), the presence of a policy issue that has been stalled and gained enough prominence that a gang has formed to confront it sheds doubt on the possibility of the committee members representing the full range of the chamber's views. This is all to say that the gang's bipartisanship, in our view, supports its effort to reach consensus by being a more representative body. This leads to the following hypothesis:

***H2:** Ideological moderates are more likely to join gangs than ideological extremists.*

⁸ We do not include this as a specific hypothesis, though it is easily shown. Gang membership – noted in Table XX – sometimes include committee members, but this is a minority of the group.

Failure is a notable feature of all but one of the gangs in our data. Specifically, all but one of the gangs we studied failed to help pass a proposal into law. The original Gang of 14 had no particular legislative goal other than forestalling the elimination of the filibuster while curtailing its use, which it did. All other gangs had no direct output in law. Of course, this does not mean that they had no effect: success could be counted in terms of changing the course of debate and influencing the measures that ultimately did pass. As noted, the publicity for gang membership has been considerable, which has both positive and negative consequences. While policy entrepreneurialism may increase the chances that their ideas are included in the Senate's agenda (Mintrom 1997), the gang members risk their relationships with fellow party members. A failure to have arrived at a solution before the gang may indicate an entrenched position on both sides of the aisle. Given party control over assets necessary for running in an election, breaking from the party line could be costly. The cost would be lessened the more secure the senator is in her seat. We thus condition inclusion in a gang on electoral safety, which we measure as the difference between the senator and their challenger's vote shares in the most recent election. The higher the difference, the more secure the seat. We expect to see a positive relationship between electoral safety and likelihood of being included in a gang.

H3: The greater a senator's vote share in their most recent reelection, the greater their likelihood of joining a gang.

Further, senator seniority is measured as the number of terms served. Each consecutive term allows for greater interaction with colleagues and greater ability to manipulate procedure, and thus more value to a gang producing legislation. We would thus expect to see a positive relationship between number of terms and likelihood of gang membership.

H4: The more terms a senator has served, the more likely the senator is to join a gang.

Data and Methods

To assess our theory, we run three rare event logit models on a senator's decision to join a gang in the 109th, 110th, and 111th Congresses, individually. The rare events logit model accounts for the small proportion of members in each session of Congress that actually join one of the relevant gangs (0.14 in the 109th Congress, 0.30 in the 110th Congress, and 0.06 in the 111th Congress). In each congressional session, the dependent variable captures whether an individual senator joins forces with an *ad hoc* policy gang that formed during the confines of that congressional session. We culled gang membership from the *CQ Weekly* archives, which identified the senator composition of the policy gangs considered in this study. For the 109th Congress, this includes the Gang of 14; the Gang of 20 and 12 for the 110th Congress; finally, the Gang of 6 for the 111th Congress.

Independent Variables

The covariates of our models include measures of seniority, ideological extremism, network centrality, electoral vulnerability, committee leadership, party leadership, and membership on the committee of jurisdiction of the gang's policy concern⁹. We capture senator seniority simply via the number of terms served by the senator through the congressional session of interest. This variable ranges from 1 term to 9, with the median number of terms being 2. To measure ideological extremism, we take the absolute value of each senator's DW-NOMINATE¹⁰ score, where increasing values represent greater ideological extremism. This variable spans an ideologically moderate 0.021 to an ideologically extreme 0.907, with a mean ideology 0.409. We employ a senator's previous margin of victory in winning their senate seat as a measure of

⁹ We acquired committee membership and leadership from Charles Stewart and Jonathan Woon's (2011) data on congressional committee assignments.

¹⁰ Here, the variable has a theoretical minimum of 0 (perfectly moderate) and a maximum of 1 (wholly ideologically extreme—whether conservative or liberal).

electoral vulnerability. Ranging from 0.01% to 98.36%, increasing the victory margin corresponds to greater electoral security. We represent committee and party leadership variables with dichotomous variables, both taking on a value of 1 if a senator holds a leadership position on the committee or in the party, respectively. Finally, we use a dichotomous variable to denote whether a senator is a member of the committee with policy jurisdiction for the Gang's policy aims. In the 109th Congress, membership on the Judiciary committee takes on a value of 1, sharing the policy concern of the Gang of 14. For the other Congresses, this variable is coded as 1 when a senator is a member of the Judiciary or Energy and Natural Resources committee (sharing a policy concern 110th Congress' Gang of 12 and 20, respectively) and the Finance committee (sharing the policy concern of the 111th Congress' Gang of 6).

A unique factor that we add to our analysis is a measure of the network centrality of a senator in the Standing Committee structure of a given Congressional session. In general terms, we are trying to capture how well-connected each individual Senator is to other (well-connected) Senators.¹¹ To do so, we compile membership lists of each Standing Committee in the Congressional sessions, and use UCINET to create an adjacency matrix of shared committee assignments by members (Borgatti, Everett and Freeman 2002). Using this matrix, UCINET is able to calculate a measure of how central each Senator is in the committee system. Eigenvector centrality is our measure of choice; this will tell us the ease with which one member of a network

¹¹ The importance of such interdependence, and its benefits for group outcomes, has been long been established by influential researchers in the field of social network analysis. Granovetter (1973) demonstrates the importance of weak ties, or relationships, to other individuals; Marwell and Oliver's seminal work on collective action problems (1993) finds that small groups, rather than individuals, can drive the collective action process. Within groups of people, there are two fundamental characteristics by which the relations of the group can be examined. First, there are many different ways in which connections between different actors (anything from corporations to individuals) in the group can be established. Networks are founded on the ties that bind different members to one another. These ties can range from "collaborations, friendships, Web links, citations, resource flows, information flows, exchanges of social support or any other possible connection between particular units" (Marin and Wellman 2011, 12; Wasserman and Faust 1994). Ties are vital for maintaining transmissions between the actors. While it is not necessary that anything be transferred between all actors, networks are usually studied because the structure of, and diffusion between, actors is consequential (Lazer 2011).

is able to reach others (Hanneman and Riddle 2005). A higher centrality score means that the Senator is more well connected to others in the chamber, based on shared committee memberships, and as we hypothesize, more likely to mean that a Senator is a member of a gang.

Results

Gang Membership in the 109th Congress (Gang of 14)

The results from the rare events logit model predicting gang membership in the 109th Congress suggest that ideological moderation significantly increases the likelihood that a senator joined ranks with the Gang of 14 (Table 1)¹². Other covariates fail to reach statistical significance, save the measure of electoral security, which suggests that greater electoral security leads to a higher likelihood of joining the Gang of 14¹³. The variable indicating whether a senator is a party leader is omitted because when this dichotomous variable takes on a value of ‘1’, it perfectly predicts that a member will not join a gang. In other words, no party leaders in the 109th Congress were members of the Gang of 14. This is intuitive, as party leaders are expected to hold the party line, rather than being catalysts for compromise.

Figure 1 manifests the relationship between ideology and gang membership further, presenting the predicted probability of gang membership across increasing ideological extremism. As the figure shows, with greater ideological moderation comes a higher probability that a senator joined the Gang of 14. The predicted probability of joining the Gang of 14 plummets swiftly from just under 0.75 to less than 0.20, occurring almost entirely from the minimum (0.038) to mean (0.401) values of absolute value of senators’ NOMINATE scores for the 109th Congress. Once the ideological extremism surpasses the mean NOMINATE value, it

¹² Coefficients are reported with robust standard errors in this and all subsequent models.

¹³ This variable, which corresponds to the directional hypothesis that greater electoral security makes gang membership more likely, is significant ($p > 0.092$).

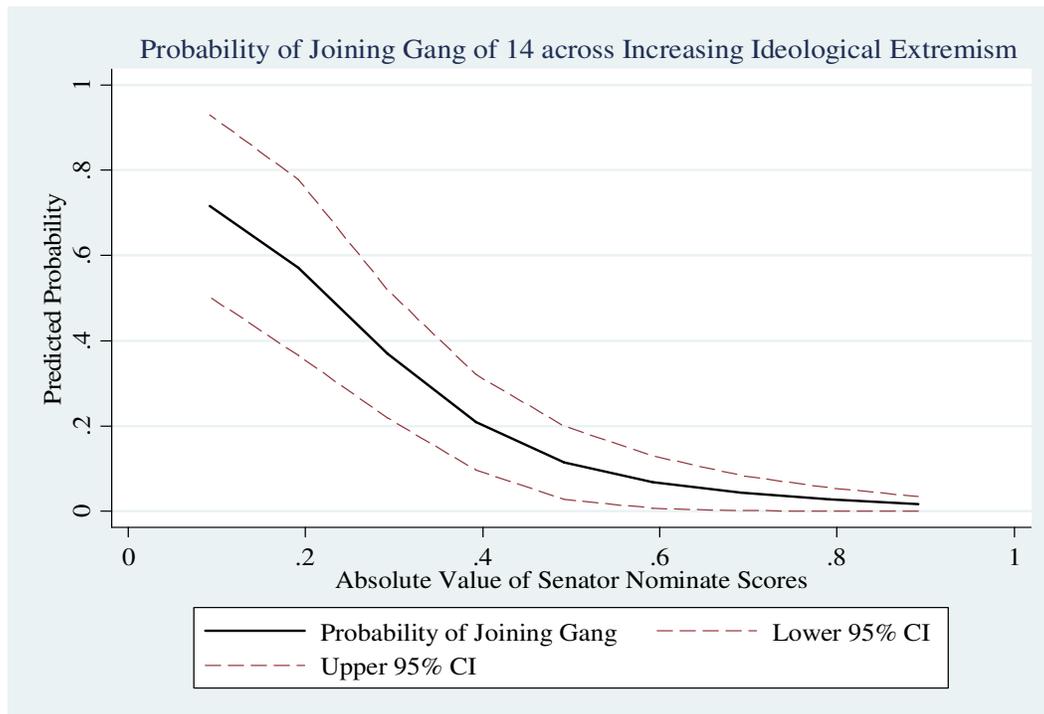
remains consistently at basement probabilities below 0.10. Thus, Gang of 14 members are ideologically moderate in nature. Perhaps they aim to leverage their ideological moderation to arrive at a policy proposal more aligned with the chamber median, rather than a more extreme policy proposal originating from the Judiciary committee composed of recalcitrant partisans and ideologues.

Table 1: 109th Congress

Gang of 14	Coefficient	P-Value	Robust Standard Error
<i>Absolute Value of NOMINATE</i>	-9.418	0.000	2.475
<i>Number of Terms</i>	0.057	0.856	0.312
<i>Member of Committee of Jurisdiction</i>	0.003	0.998	1.137
<i>Committee Leader</i>	-0.423	0.554	0.714
<i>Eigenvector Centrality</i>	4.008	0.979	150.021
<i>Previous Election Margin</i>	0.021	0.092	0.013
<i>Constant</i>	0.943	0.602	1.809

Number of Observations: 100 (14 Gang Members)
 Variables significant at the 0.05 level are **bold**

Figure 1: Probability of Joining a Gang, 109th Congress



Gang Membership in the 110th Congress (Gang of 20 and Gang of 12)

The findings from rare events logit model predicting gang membership in the 110th Congress largely echo those of the 109th. Ideological moderation remains the chief predictor of gang membership, with all other covariates remaining statistically insignificant (Table 2). Electoral security proves once again marginally significant ($p > 0.114$ with 2-tailed test). However, the negative coefficient sign bucks the hypothesized effect of the variable, suggesting greater electoral security leads to a lower likelihood that senator joins a gang in the 110th Congress. Additionally, the variable for membership on the committee of relevant policy jurisdiction is once again omitted because, when it takes a value of '1', it perfectly predicts that a senator will not join a gang. Once again, this conforms to intuition. We should not expect members of the relevant committee of jurisdiction to join the gang, since these *ad hoc* policy gangs likely form expressly to circumvent that entrenched committee of jurisdiction.

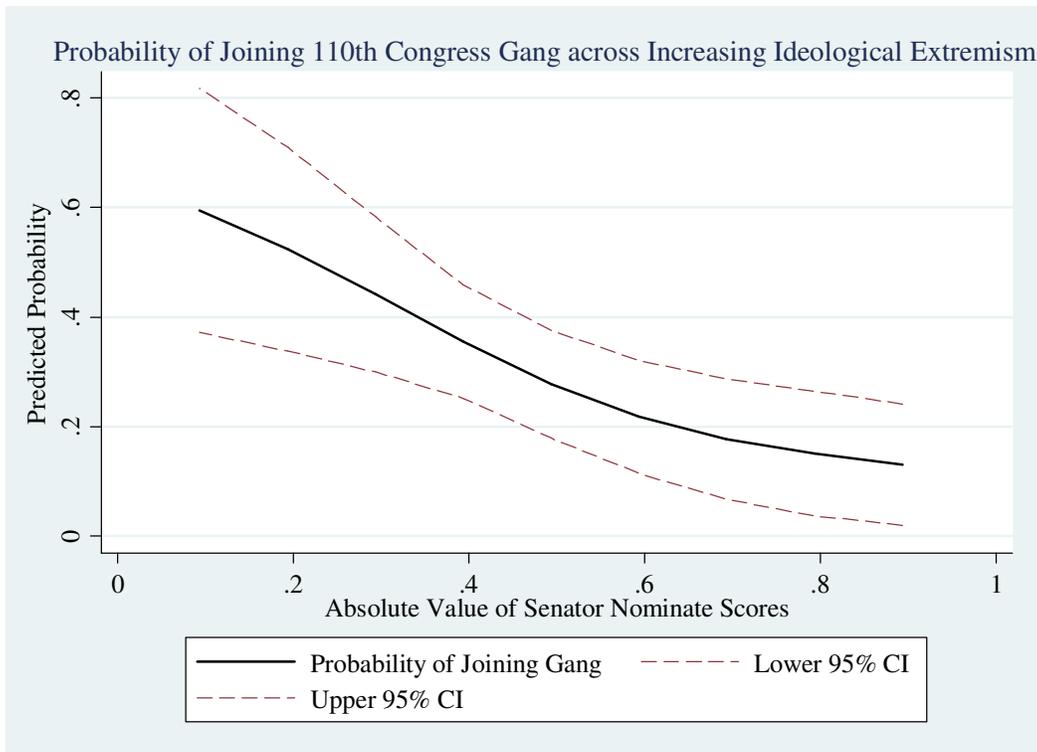
Like the 109th Congress, Figure 2 reveals the same downward trend for the 110th Congress, where greater ideological extremism leads to lower probabilities of joining a gang. However, the decrease in the probability of joining a gang in the 110th Congress follows a more gradual decline. Rather than having nearly the entire decline in the probability of joining a gang occur over the short distance of increasing ideological extremism (as seen in the 109th Congress), the probability decreases more steadily from nearly 0.60 to below 0.15 over the entire spectrum of ideological extremism in the 110th Congress. Once again, though, members of the Gang of 20 and the Gang of 12 are ideological moderates. This similar finding in the 110th Congress further implies that perhaps ideologically moderate gang members endeavor to present a policy alternative that is more appealing to the chamber median than the policy proposal of a staunchly partisan committee of jurisdiction.

Table 2: 110th Congress

Gang of 12 and 20	Coefficient	P-Value	Robust Standard Error
<i>Absolute Value of NOMINATE</i>	-3.832	0.005	1.376
<i>Number of Terms</i>	-0.081	0.726	0.231
<i>Party Leader</i>	0.419	0.597	0.791
<i>Committee Leader</i>	-0.132	0.842	0.664
<i>Eigenvector Centrality</i>	-29.956	0.847	155.211
<i>Previous Election Margin</i>	-0.023	0.114	0.015
<i>Constant</i>	1.798	0.343	1.895

Number of Observations: 100 (14 Gang Members)
 Variables significant at the 0.05 level are **bold**

Figure 2: Probability of Joining a Gang, 110th Congress



Gang Membership in the 111th Congress (Gang of 6)

In the 111th Congress, prediction of gang membership becomes a function electoral security rather than ideological moderation (Table 3). This rare events logit model omits both the variables for membership on the committee with relevant policy jurisdiction and the variables denoting whether a senator is party or committee leader because they perfectly predict that senator will not be on a gang when they take on a value of ‘1’. As in the other models, the small number of observations means that in this true population, there are no gang members who are party or committee leaders *or* members of the committee of policy jurisdiction (Finance committee). This should be unsurprising, however, given that there are only 6 gang members in this congressional session, and party leaders are not expected to be compromisers and members of the relevant committee of jurisdiction are perhaps the impetus for the gang’s existence in the first place.

Electoral security appears as marginally significant but differential in effect in the previous two Congresses, taking on a positive and then negative effect in in the 109th and 110th Congresses, respectively. In the rare event logit model predicting membership in the Gang of 6, however, greater electoral security corresponds with a significant increase in the likelihood of gang membership, while all other covariates prove statistically impotent. This relationship manifests more clearly in Figure 3, demonstrating that—substantively—this effect of electoral security ought to be viewed with some caution. As the margin of victory increases from around 1% to nearly 40%, there is only the slightest increase in probability that a senator joins the Gang of 6. When the probability begins to take on a steeper slope after about a 40% margin of victory, the confidence levels explode, making any kind of substantive inference about the effect of electoral security dubious at best.

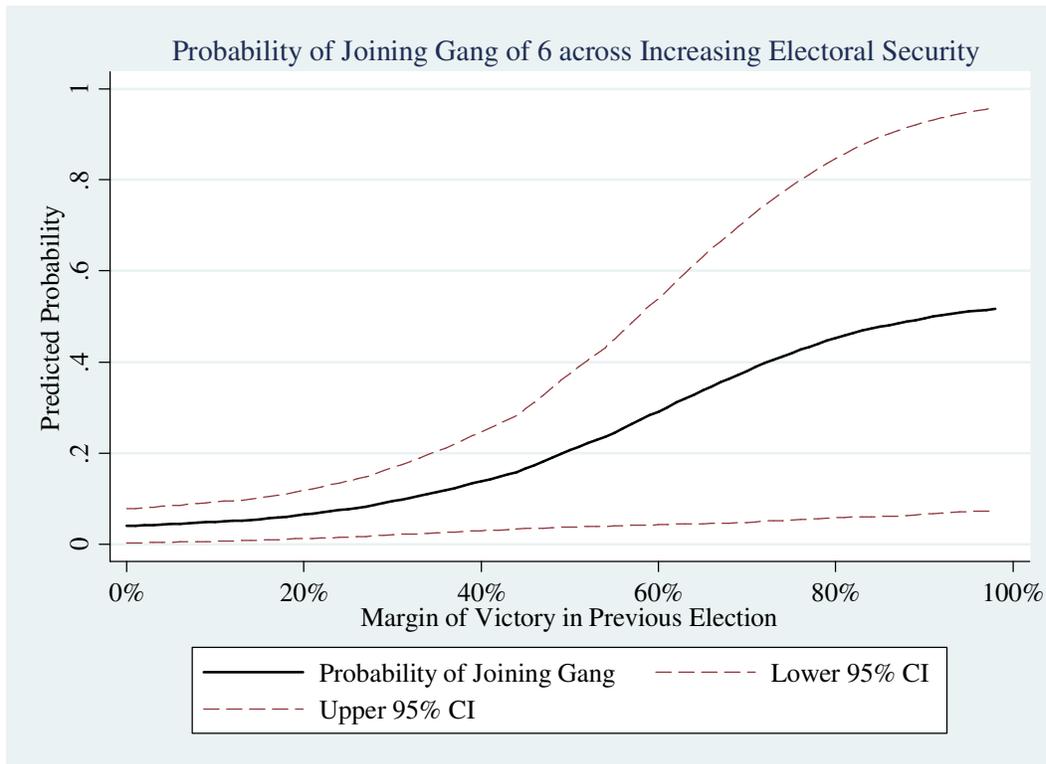
Table 3: 111th Congress

Gang of 6	Coefficient	P-Value	Robust Standard Error
<i>Absolute Value of NOMINATE</i>	-3.340	0.394	3.919
<i>Number of Terms</i>	0.261	0.140	0.177
<i>Eigenvector Centrality</i>	-187.677	0.270	170.162
<i>Previous Election Margin</i>	0.044	0.029	0.020
<i>Constant</i>	-1.596	0.400	1.896

Number of Observations: 96 (6 Gang members)

Variables significant at the 0.05 level are **bold**

Figure 3: Probability of Joining a Gang, 111th Congress



Discussion

At this stage of research, we are unable to confirm or reject most of our hypotheses. We find some support for H2, that ideological moderates are more likely to join gangs, and meager support for H3, that electorally secure senators are more likely to form gangs. Our ability to provide a complete explanatory picture of the purpose and nature of gangs is limited by the paucity of their existence. At this stage of research, we are left with more avenues for further research than we are with answers. These avenues include the following.

First, we intend to investigate whether participation in past gangs affect participation in future gangs. We suspect that there may be a within senator trend that may aid in our modeling specification. Of course, investigating this type of hypothesis requires us to pool our data, which may have other advantages.

Second, we seek to investigate gang membership as an explanatory variable. Does participation in gangs make a senator more agreeable? More likely to vote with their party? What leverage can we gain on understanding roll call votes by investigating gang participation?

Third, we suspect that if we treat gang membership as a multiplex, temporal network we may gain some leverage in analysis. Gang membership may be predictive of co-voting or co-sponsoring, or other dyadic level legislative behaviors. Using this unit of analysis would also allow us to engage in further network analysis, such as looking for evidence of triadic closure within a network. Triadic closure is associated with trust relationships, and this is exactly what we expect to observe among gang members.

Fourth, and most importantly, our empirical analysis and network based approach would be greatly improved with some additional data. Senators are known to have many more associations and connections with one another, beyond the “standard” ones we have discussed in

this paper (*i.e.*, cosponsorship, committee membership, co-voting, and gang membership). Senators often have prior relationships from previous jobs, pre-existing friendships, or other types of opportunities that help senators to develop personal relationships with one another. We expect that the more highly connected two senators are, the more likely they would be to be in a gang together. Determining senators' social circles may be an impossible task. However, we believe we would be able to use reasonable proxies (*e.g.*, employment history data, etc.) and qualitative evidence (*e.g.*, interviews with staffers who suggest the presence of personal relationships). For example, the authors of this paper held a personal interview with a senate staffer who indicated that Senator Kent Conrad (D-ND) and Senator Saxby Chambliss (R-GA) were personal friends due to their experience serving on the Senate Agriculture Committee for a number of years. Systematic information along these lines would go a long way to developing a measure of connectedness between senators. Most importantly, we seek to verify if there are other "gangs" that may have existed in previous congresses that would satisfy the operational definition we have developed here. Moreover, identifying the membership of those gangs would provide important additional data for this study.

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