Paved with Partisan Intentions: The Impressive and Disheartening Validity of Cox and McCubbins's *Legislative Leviathan*

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ABSTRACT

We expand the *party cartel model* (Cox and McCubbins, 1993; Cox and McCubbins, 2005) to incorporate the electoral environment. Our theory demonstrates how external electoral forces can affect the credibility of the majority party leadership's use of appointments within the legislative process to maintain party loyalty. We then discuss these findings with a particular focus on the House GOP Conference since 2011, including the recent successful motion to vacate against then-Speaker Kevin McCarthy and the subsequent process ultimately electing Mike Johnson as Speaker of the 118th Congress in October, 2023.

Keywords: Legislatures; legislative organization; Congress; formal modeling

Legislative Leviathan[1] is a cornerstone of our theoretical understanding of the modern US Congress. Emphasizing the **brand value** of partisan identities,[2]

Legislative Leviathan focuses our attention on both the collective ways in which this brand value can be bolstered (ideological alignment of national policies, passage of significant legislation) and the institutional and procedural mechanisms through which members can be incentivized to support such brand value sustenance. A centerpiece of both strands is the House's standing committee system and, more specifically, the "control committees": Appropriations, Rules, and Ways & Means. Since the revolt against Speaker Cannon in 1910, assignments to these committees are allocated by the two party caucuses through their "committees on committees," respectively. Cox & McCubbins argue that demonstrated party loyalty has a positive effect on any member's likelihood of being assigned to such a committee (Chapter 7).

Cox & McCubbins argue that these assignments are individually valuable for multiple reasons. Accepting the general maxim that most members of Congress desire to be reelected, the authors describe how voters' impressions about the two "parties" may affect individual members' reelection chances (Chapter 5), in line with the general empirical concept of "electoral tides," as well as validating the idea that members are aware of these linked partisan fates.[3] Cox & McCubbins then consider the need for a party to collectively mute the production of overly particularistic brands and benefits by the party's individual members. The authors then suggest that the party leadership — particularly in the form of the Speaker of the House — can help manage this collective dilemma. The basic idea, in line with late 20th century scholarship on the law and economics of organization, is that a valuable, representative party leadership can successfully "internalize" the potential costs faced by their partisan colleagues.

The "Republican Revolution of 1994," in which the GOP took control of the House for the first time in four decades, provides a useful referent for the power and validity of Cox & McCubbins's organizational arguments. Simply put, Speaker Gingrich wielded an overt and strong hand in binding his enlarged, new, and quite junior majority caucus to his policy objectives (Chapter 7). Given that this occurred immediately after the publication of *Legislative Leviathan*, we choose this as the starting point for our analysis. Our first claim in this article is that Cox & McCubbins were essentially correct. We then extend their argument to explore how electoral forces shape the party leadership's incentives with respect to legislative organization and discuss the implications of this analysis for Congressional politics over the past 30 years, culminating with the current 118th Congress.

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[3]The theory we present below is an extension of the model in Section 3 of Chapter 5 of *Legislative Leviathan.*

Extending Legislative Leviathan

The focus point of *Legislative Leviathan* is how the majority party leadership can best ensure that the legislation passed by the chamber is as closely aligned as possible with the leadership's policy goals. In line with the theory in *Legislative Leviathan* (and diverging from the theory presented in Krehbiel, 1998), our theory begins with the Speaker having an **appointment** (e.g., the chair of a control committee), that is valuable to any member, *ceteris paribus*. However, the degree to which it is valuable is a function of the degree to which that appointment is endowed with **policy discretion**, which can be interpreted simply as "the power to determine policy" in the associated issue area(s).

Our theory focuses more on this level of discretion than Cox & McCubbins do in *Legislative Leviathan* (who largely treat the legislative rules as fixed). This is key, in our minds, because — particularly since the publication of *Legislative Leviathan* — the House has altered its standing procedures in various ways. In addition, from a theoretical angle, granting a co-partisan discretion over policy implies that the appointed legislator possesses some degree of *independence* from the party. This implies a tension within the notion of using committee appointments (with discretion over policy) to secure *policy loyalty* to the party. Our theory helps clarify how this tension provides some understanding about why "mavericks" are often granted wide discretion *when they are appointed* (Section How Much Discretion To Delegate?).

Second, our theory follows that of Cox & McCubbins in acknowledging that members have heterogeneous local interests and electoral needs. We add to this the aligned conjecture that members have heterogeneous **abilities**. Variation in any of these produces variation in the prescriptive or normative benchmark of which member should receive any given appointment. However, as Cox & McCubbins persuasively argue, these benchmarks can differ from the Speaker's incentives when choosing which legislator to appoint.

Our theory implies that solving the collective dilemma identified by Cox & McCubbins may require attention to the first form of heterogeneity — the potential for some members in the same party to face different electoral challenges in any given cycle — but not so much to the second: the variation in members' abilities.[4] We consider a few procedural routes for managing this tension, including closed rules, reconciliation, and bypassing committee jurisdictions. We provide some examples of how each of these has become much more common since the publication of the first edition of *Legislative Leviathan* in 1993.

Third, we address the impact of very small partisan majorities, which have become even more empirically relevant since the publication of *Legislative Leviathan*. As Patty (2008) showed both theoretically and empirically, tradi-

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[4]Furthermore, we argue that variation in abilities tends to be correlated with variation in their local interests and/or electoral prospects. This raises important questions about our ability to disentangle ("identify") the true sources of legislative behavior.

tional roll-call based measures of "party loyalty" are negatively correlated with the size of the majority party's advantage in terms of seats.[5] In this article, we leverage some of the breadth of Cox & McCubbins's argument to consider in more detail how, and which, procedural tools might be used to sustain this empirical regularity, which is broadly consistent with Cox & McCubbins's collective dilemma framework. In general, all of these tools tend to increase the imposition of the majority party leadership's goals on their back-bencher colleagues.

Finally, we conclude by discussing how this imposition has arguably led to the emergence of more clearly ideological — as opposed to geographical or issue-based — factions within each of the two parties. In this, we circle back to the heterogeneity of abilities within each party's members. We also consider new procedural developments (e.g., the banning of earmarks, the death of the standard appropriations process, the emergence of "new fights" over even seemingly mundane executive confirmations, and the recent rise in what one might call "partisan" congressional oversight). We do not have a clear answer as to whether these are the effect of the validity of Cox & McCubbins's theoretical argument, but we do believe they show classic ironies of its validity. For example, banning earmarks reduces efficiency of exchange and excessive oversight is similar to the "tragedy of the commons" that Cox & McCubbins argue that the institutional structures they describe were at least arguably designed to mitigate.

The Value and Price of Discretion

We consider the Speaker's incentives when choosing which legislator to appoint to a position of authority and how much discretion to offer the appointee. Accordingly, there are $n + 1$ players in the model, where $n > 1$. A set of n potential **legislators** is denoted by $\mathcal{L}$, and the **Speaker** is denoted by S. We now turn to describing the baseline sequence of decisions.

Sequence of Play
The principal must choose an **appointee**, $a \in \mathcal{L}$, and a level of **discretion**, which we represent as a non-negative number, $d \geq 0$. Following that, the appointed legislator, a, chooses a policy that does not violate the assigned level of discretion, d.[6]

Discretion Beyond Legislation
We take an agnostic approach to how discretion actually "works."[7] This agnostic approach allows the model to be applied to multiple contexts (such as

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[5] Jenkins and Monroe (2012) also offer a similar and excellent theoretical and empirical exploration of the party cartel model with a similar focus.

[6] See Gailmard (2002) for more on the possibility of subversion.

[7] This is similar to Cox & McCubbin's definition of the "vector of actions," x that the Speaker chooses in Chapter 5 of *Legislative Leviathan*.

different committee appointments, different eras, *etc.*). Rather than dive into the weeds of a specific form of discretion, we simply assume that a legislator might have a larger or smaller degree of discretion to do things other than pass his or her most-preferred legislation, *per se*, including holding hearings, conducting investigations, or obstructing business on the floor (e.g., Patty, 2016).

Agent Incentives

All legislators have preferences of the same form (though they may be heterogeneous within our space of admissible preferences). Each legislator $i \in \mathcal{L}$ has a two dimensional **type**, $t_i = (\gamma_i, \chi_i)$, composed of the following:

- Agent i's **policy goal** is denoted by $\gamma_i \in \mathbf{R}$, and

- Agent i's **ability** is denoted by $\chi_i \in \mathbf{R}$.

Agent i's policy goal, γ_i, can be thought of as his or her *ideal point* in a unidimensional spatial model. His or her ability, χ_i, represents a *valence characteristic* he or she possesses. Each of these values are effectively normalized by the Speaker's type, $(\gamma_S, \chi_S) \equiv (0,0)$, so that a legislator with $\gamma_i \neq 0$ has different policy goals than the Speaker, and a legislator with negative ability ($\chi_i < 0$) simply has less ability than the Speaker.

Payoffs from Appointment

Any legislator i's value from being appointed (i.e., the net payoff i receives from $a = i$) is a function of d, γ_i, and χ_i. Specifically, we assume that legislator i's net payoff from being appointed with discretion $d \geq 0$ is given by the following:

$$u_i(a \mid d, \gamma_i, \chi_i) = \begin{cases} \pi(d \mid \gamma_i, \chi_i) + \chi_i & \text{if } a = i, \\ 0 & \text{otherwise.} \end{cases} \tag{1}$$

We assume that π is strictly increasing in d for all $\gamma_i, \chi_i \in \mathbf{R}^2$ and that

$$\pi(0 \mid \gamma_i, \chi_i) = -|\gamma_i|, \text{ for all } (\gamma_i, \chi_i) \in \mathbf{R}^2, \text{ and} \tag{2}$$

$$\lim_{d \to \infty} \pi(d \mid \gamma_i, \chi_i) = \infty, \text{ for all } (\gamma_i, \chi_i) \in \mathbf{R}^2. \tag{3}$$

Each of these are effectively normalizations of π. Condition (2) ensures that only legislators with positive ability ($\chi_i > 0$) would strictly benefit from accepting the appointment. Condition (3) ensures that any legislator, regardless of his or her policy goals, γ_i, would find the appointment appealing with a sufficiently high level of discretion, d.[8] We also impose one additional

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[8]It is not unreasonable to conceive of $d \to \infty$ as being equivalent to the legislator in question replacing the Speaker.

technical condition on π for simplicity:

$$\pi(d \mid \gamma_i, \chi_i) - \pi(d \mid \gamma_i', \chi_i) = |\gamma_i| - |\gamma_i'|, \quad \text{for all } d \geq 0 \text{ and } \chi_i \in \mathbf{R}. \quad (4)$$

Ability

In our theory, the ability of any legislator i (i.e., χ_i) are assumed to be exogenous and common knowledge. As we discuss below, this assumption is effectively without loss of generality in our framework, because our theory is so stylized. Specifically, while one's ability might depend on one's discretion,[9] our additive payoff structure below (Equation (1)) implies that such effects of discretion on a legislator's ability can be subsumed into the legislator's **value for discretion**, to which we now turn.

The Principal's Incentives

We extend CM's framework to account for two dimensions that can distinguish legislators from the perspective of the principal, S. As standard in much of this literature, we assume that S might care about the policy goals of the legislator whom S appoints. We augment this spatial framework by allowing for S to care about the ability of the legislator i appointed by S, χ_i. We now discuss each of these in turn.

Policy Preferences & Preferences Over Discretion

We assume that the principal has **policy preferences** over d for any legislator $i \in \mathcal{L}$ with type $t_i = (\gamma_i, \chi_i)$, which we denote by $\eta(d \mid \gamma_i) \in \mathbf{R}$. Note that we assume that S's policy preferences over legislators depend only on the appointed legislator i's policy goals.[10] We assume that η is continuously differentiable and that it is strictly quasi-concave with a finite maximizer over $\mathbf{R}_+$, denoted by:

$$d^*(\gamma_i) \equiv \underset{d \geq 0}{\text{argmax}} \left[\eta(d \mid \gamma_i) \right].$$

When the context is clear, we will write $d_i^* \equiv d^*(\gamma_i)$. Finally, we impose a plausible substantive condition on η for presentation purposes.[11]

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[9]See, for example, Gailmard and Patty (2007) and Gailmard and Patty (2012).

[10]We make this assumption for tractability and presentation purposes. As will become clear below, we are assuming that S's payoff from appointing a legislator i with type $t_i = (\gamma_i, \chi_i)$ is additively separable with respect to γ_i and χ_i. We conjecture that our analysis does not need such a stark assumption about S's incentives, but separability simplifies the statements of our results.

[11]In addition to simplifying the presentation, Assumption 1 is in line with the ally principle (Bendor and Meirowitz, 2004) and, additionally, mitigates *against* the results we derive below.

Assumption 1. *The policy payoff function, $\eta : \mathbf{R}^2 \to \mathbf{R}$, satisfies the following:*

$$|\gamma_i| < |\gamma_j| \Rightarrow \eta(d \mid \gamma_i) > \eta(d \mid \gamma_j) \text{ for all } d > 0,$$

and

$$\gamma_i \neq 0 \Rightarrow \lim_{d \to \infty} \eta(d \mid \gamma_i) < 0.$$

Assumption 1 implies that, *ceteris paribus*, S would (1) prefer to appoint a legislator whose policy goals are closer to S's own (i.e., legislators with smaller values of $|\gamma_i|$) and (2) there is a finite maximal level of discretion that the Speaker would willingly grant to any other member.[12]

Leadership Payoffs and Ability
We also allow the principal's preferences over legislators to depend on their individual abilities, $\chi \equiv \{\chi_j\}_{j \in \mathcal{L}}$. We denote S's **leadership payoff** from hiring legislator i by $\lambda(\chi_i) \in \mathbf{R}$. For simplicity, we assume that the leadership payoff from appointing any given legislator $i \in \mathcal{L}$ is independent of the discretion i is granted, $d \geq 0$. Similarly, we are assuming that, for any given χ, the leadership payoff is *anonymous*: the only dimension that differentiates the leadership payoff S receives from appointing legislator i rather than legislator j is their relative degrees of ability, χ_i and χ_j.[13]

The Principal's Payoff Function
Combining these two dimensions into an overall induced preference over legislators, the Speaker's overall expected payoff from hiring legislator i with discretion d, given i's ability, χ_i, is once again the sum of S's policy and leadership payoffs:

$$u_S(i, d \mid \gamma_i, \chi_i) = \eta(d \mid \gamma_i, \chi_i) + \lambda(\chi_i). \tag{5}$$

Given any discretion level $\bar{d} \geq 0$, a legislator $i \in \mathcal{L}$ is **optimal** for S if $a = i$ maximizes (5) conditional on discretion $d = \bar{d}$. Before proceeding to the analysis, we now briefly discuss the primitives of our framework in substantive terms.

Policy Payoffs, Ability, and Discretion

Our theory combines three concepts — ideology, "ability," and discretion — that are each generally quite complicated in practice. However, we treat each of these as a unidimensional construct.

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[12]Note that Assumption 1 is satisfied by both $\eta(d \mid \gamma_i) = -|\gamma_i| \cdot f(d)$ and $\eta(d \mid \gamma_i) = -\gamma_i^2 \cdot f(d)$, for any function $f : \mathbf{R}_+ \to \mathbf{R}$ with $\lim_{d \to \infty} f(d) < 0$.
[13]This is also assumed in the theory of appointments presented by Patty *et al.* (2019).

Policy Payoffs
As standard in much of this literature (Downs, 1957; Krehbiel, 1998; Cox
and McCubbins, 1993; Cox and McCubbins, 2005), we treat ideology as a
unidimensional "left-right" construct. Just as many empirical analyses of
legislators' preferences (e.g., Poole and Rosenthal, 2007) demonstrate, the
accuracy of this approximation is often a function of the level of analysis: on
any given piece of legislation, one can often find members who vote "unusually",
but, on average, Members' votes in Congress tend to be correlated with each
other in such a way that is very well explained by a single latent dimension.

Ability
Similar to ideology, our notion of ability is at best an approximation of a
wide array of qualities that a legislator could possess. We are not the first to
incorporate a "nonideological" notion such as this into a model of legislative
organization. On the theoretical side of things, our notion is similar to models
in which legislators might have different levels of "valence" (e.g., Dewan and
Myatt, 2010; Hitt *et al.*, 2017; Patty *et al.*, 2019),[14] and these generally capture
the impact of this valence is additive, as in our framework. On an empirical
front, this structure is widely employed to capture the impact of "other un-
modeled factors." Volden and Wiseman have produced an impressive body of
work over the past decade attempting to provide a more detailed measure of
such factors (e.g., Volden and Wiseman, 2014; Volden and Wiseman, 2018).

In substantive terms, higher levels of ability might reflect the legislator in
question being more effective in ways that aid the Speaker, ranging from the
ability to secure campaign donations, attract (good) media attention, form and
sustain coalitions, and/or simply helping the Speaker's party defend and/or
win more seats in subsequent elections. Such skills will possibly affect any
bargain struck between the Speaker and any legislator he or she appoints with
respect to how much discretion the Speaker ultimately grants to the appointee,
which we address in more detail in the section entitled, How Much Discretion
To Delegate?.

Discretion
Our model "black boxes" many details of the policy process, particularly with
respect to discretion d, which we treat in a very abstract fashion. While Cox &
McCubbins and Krehbiel each focus on roll call voting over legislation, legisla-
tors have other ways to influence policy, even in a separation of powers system.
For example, committees conduct budgetary reviews, general administrative
oversight, and negotiate finer (i.e., administrative) details of legislation in other

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[14]There are parallel threads in the theoretical literature that consider the impact of
candidate-specific valence on elections (Groseclose, 2001; Schofield, 2005; Carter and Patty,
2015) and the effect of policy-specific valence on legislation and bargaining (Hirsch and
Shotts, 2012; Hirsch and Shotts, 2015; Patty and Turner, 2021).

committees. Indeed, while it is very important, direct Congressional statutory intervention in any given policy realm is relatively rare in the United States. Accordingly, the median voter theorem is less useful as a predictive tool about the policy effects any given legislator — especially committee chairs — can influence during a Congress. Without this, in fact, the policy effects of any given committee chair must be exerted either through gatekeeping (negative agenda control) or through the successful passage of special rules. Each of these routes can succeed only if there is some probability that the median voter theorem will fail to hold "on the floor." A few examples include:

- Jim Jordan's investigations (FBI "whistleblowers"),

- Speaker McCarthy's unilateral exclusive release of January 6th video footage to Tucker Carlson,

- Targeted appropriations (formerly including "earmarks"), and

- Slow-walking specific legislation or nominations (such as occurred with Senator Tuberville's holds on military confirmations in 2023).

Which Agent to Appoint?

In order to focus on the Speaker's incentives, we suppose for now that the Speaker can appoint any legislator he or she chooses (i.e., we do not allow for the chosen legislator to decline the appointment). Furthermore, this implies that the Speaker can appoint any legislator i he or she desires and grant legislator i discretion equal to the Speaker's ideal level of discretion for that legislator (d_i^*).

The Simplest Case: The Ally Principle Revisited

If there is a legislator i^* with ability χ_{i^*} who independently maximizes both η_i and λ, then i^* is clearly the Speaker's optimal legislator to appoint. This mirrors the *ally principle* (Bendor and Meirowitz, 2004). The ally principle does not give as much purchase in our setting as it does in classic spatial models of delegation whenever there exist two or more legislators with distinct individual abilities.[15]

All Other Cases: Weighing Policy Goals and Ability

If legislators have heterogeneous policy goals and/or individual abilities (e.g., $\gamma_i \neq \gamma_j$ and/or $\chi_i \neq \chi_j$ for two or more legislators i, j), then S's optimal legislator will typically maximize neither η nor λ. In such situations, the

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[15]This is in line with the richer models considered in the supplement to Bendor and Meirowitz (2004).
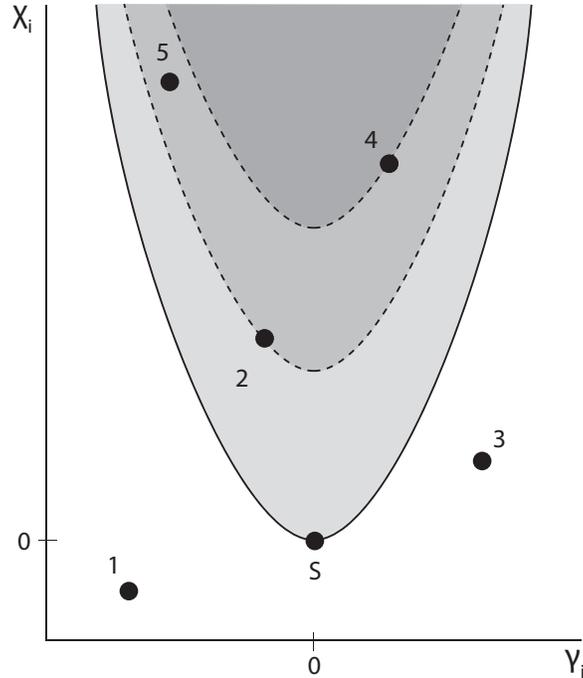
Figure 1: The speaker's ideology-ability trade-off.

Speaker faces a classical trade-off in choosing his or her appointee: appointing any given legislator i may lead to some degree of policy loss from S's standpoint, which must be weighed when considering the benefits that legislator i's ability would yield the Speaker. In the most basic form from an elected legislature's standpoint, these two dimensions compose a classic conundrum: policy is clearly important, but other (e.g., "electoral") forces must be weighed in as well when shaping a party caucus's leadership team and priorities. Figure 1 illustrates an example of this trade-off.

The horizontal axis of Figure 1 represents the policy goals (γ_i) for each of the five legislators (numbered) and the Speaker (denoted by S), and the vertical axis of the figure represents the ability (χ_i) of each of the legislators and the Speaker. In the scenario pictured in Figure 1, legislator 1 has lower ability than the Speaker ($\chi_1 < \chi_S$) and, accordingly, will not be appointed by S. The other four legislators have greater ability than S, but S would appoint only three of them (individuals 2, 4, and 5 in the figure). Legislator 3's policy goals are too distant from the Speaker's to warrant appointing either of them (even though they have higher ability than the Speaker.) The solid parabolic curve intersecting the point marked S colored inside with light gray

and dark gray, represents all pairs of potential legislators that the Speaker would prefer to appoint as opposed to himself or herself. The dark gray region represents all potential legislators that the Speaker would prefer to appoint as opposed to legislator 2 in the figure. In this case, the Speaker should appoint legislator 4, who is an outsider relative to legislator 2, because legislator 4's ability is sufficiently greater than legislator 2's to justify the Speaker's loss from appointing legislator 4 rather than legislator 2. Similarly, note that legislator 5 has higher ability than legislator 4, but his or her policy goals are too distant from the Speaker's to justify choosing him or her over legislator 4.

Electoral Adversity and The Rise of Outsiders

In general terms, many scholars have asked why any leader would delegate authority to a legislator who does not share the leader's preferences. We refer to any legislator who does not share the Speaker's policy preferences as a **policy outsider**. The following definition makes this notion both more nuanced and formal.

Definition 1. *For any pair of legislators* $(i, j) \in \mathcal{L}$*, legislator* j *is a* **policy outsider** *relative to* i *if*

$$|\gamma_j| > |\gamma_i|.$$

As discussed above with the assistance of Figure 1, the main causal mechanism we focus on in this article for why a policy outsider might be appointed by the Speaker is the impact of the outsider's ability, χ_i, on the Speaker's leadership function, λ. To extend this analysis to incorporate the potential effects of electoral competition on the Speaker's choice of legislator to appoint, we now suppose that the electoral environment affects the Speaker's leadership function, λ.

Incorporating Elections into the Speaker's Appointment Decision

In order to incorporate electoral incentives within S's decision calculus, we introduce a measure of **electoral adversity**, denoted by $\mu \in [0, 1]$. The value μ can be thought of as representing the probability that S's party will retain majority control if S appoints himself or herself as the legislator (i.e., S does not delegate authority to anyone else).[16] We assume that μ affects S through his or her leadership payoff function, $\lambda(\chi_i \mid \mu)$. We define a more

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[16]Our parameter μ is similar to what Cox & McCubbins denote by $M(x)$ in Chapter 5 of of *Legislative Leviathan*. Unlike Cox & McCubbins (who make no assumptions about M (or the Speaker's "vector of actions," x), we assume that this probability is exogenous for simplicity, but one could allow μ to depend on both the legislator appointed, and the discretion granted to him or her, by S (i.e., replace μ with $\mu(i, d)$). This would complicate notation and the analysis, but we conjecture that many models like this would produce qualitatively similar predictions.
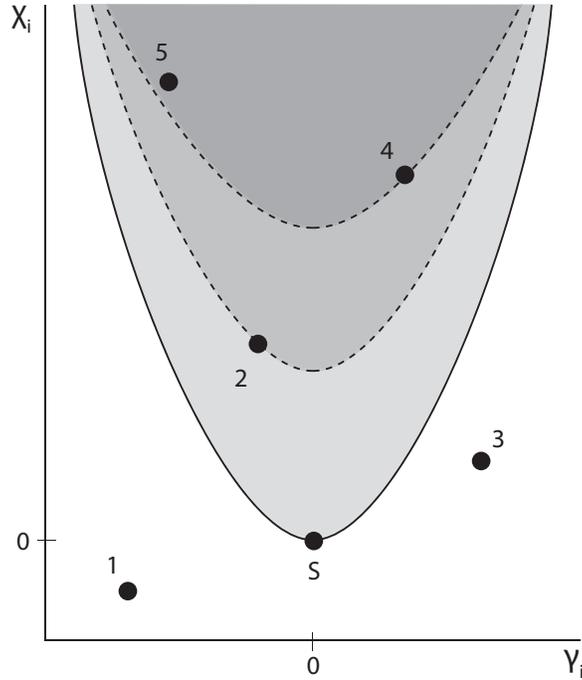
Figure 2: The speaker's ideology-ability trade-off with electoral adversity.

general version of this extension of the model in Online Appendix A.1, but for presentation of our main results in the body of the article, we adopt the following simple linear function:

$$\lambda(\chi_i \mid \mu) \equiv \mu \cdot \chi_i. \tag{6}$$

Electoral Adversity Produces Outsiders

Our first result in this setting is that *increasing electoral adversity will lead S to be more likely to appoint a policy outsider*. This is illustrated in Figure 2, which represents the same scenario pictured in Figure 1, above, but with a higher level of electoral adversity, μ.

   As opposed to Figure 1, Figure 2 indicates that the Speaker's optimal choice in Figure 1 is no longer the Speaker's optimal choice when electoral adversity has increased. The increase in μ has increased the weight that the Speaker should place on the legislators' abilities when choosing an appointee. As mentioned above, legislator 5 has greater ability than legislator 4, albeit at the cost of great policy disagreement with the Speaker. The shadow of future electoral needs in this case tempers the importance that the Speaker places

on policy goals and exacerbates the degree to which the appointee's ability is relevant. We summarize the comparison between Figures 1 and 2 in the following result.[17]

Result 1. *The Speaker is more like to appoint an outsider as electoral adversity, μ, increases.*

Result 1 has broad implications, extending beyond legislatures.[18] Again, the intuition is very simple: when two or more potential factors determine the optimal choice, and one of those two factors decreases in magnitude, then the other factor(s) will play a weakly larger role in determining the optimal choice. *This is a property of optimal choice in general, with nothing particular about our setting being used to reach this conclusion.*

The proposition establishes a fundamental connection between electoral factors and legislative organization. Intuitively, as electoral factors become more important, the leader, S, will hire more policy outsiders. Result 1 offers an implicit argument for *selection effects* in observational studies of the various impacts on S's appointment choices.

In words, it states that the majority party leader should appoint more "ideological mavericks" as his or her majority — or his or her prospects for remaining the majority leader — become less certain. When there are positive incumbency effects (e.g., Carson *et al.*, 2007), which is the nature of many legislative elections (in the House of Representatives, in particular), this electoral adversity is *decreasing in the size of the majority party.* Put another way, safe leaders who are relatively confident that their party will retain the majority *and* they themselves will be the leader of the party after the following election have more flexibility to appoint their ideological allies to important positions.[19]

How Much Discretion To Delegate?

We now consider S's incentives when choosing how much discretion, d, to grant to any legislator $i \in \mathcal{L}$ conditional upon $a = i$. Because we are taking an agnostic, abstract approach to modeling discretion, d, we focus in this article only on the need for S to offer different levels of discretion to legislators

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[17]Result 1 follows from Proposition 1, in Online Appendix A.1.

[18]On the bureaucratic front see, among others, Edwards III (2001), Boehmke *et al.* (2006), Lewis (2008), Lewis (2011), Moynihan and Roberts (2010), and Krause and O'Connell (2019).

[19]The implications of Result 1 extend beyond legislatures. For example, on the bureaucratic front see, among others, Edwards III (2001), Boehmke *et al.* (2006), Lewis (2008), Lewis (2011), Moynihan and Roberts (2010), and Krause and O'Connell (2019).

Table 1: A typology of ability & reservation values.

	High Reservation Value, ρ_i	**Low Reservation Value, ρ_i**
High Ability	Choosy about appointments	Eager to be appointed
(High χ_i)	Wanted by Speaker	Wanted by Speaker
Low Ability	Choosy about appointments	Eager to be appointed
(Low χ_i)	Unwanted by Speaker	Unwanted by Speaker

in order for the legislator in question to accept S's offer of appointment.[20]
Because we are treating discretion as a an abstract numeraire good, we are
essentially considering a simple model of the majority party's *internal labor
market.*

Discretion as a Recruiting Tool
We now allow legislators to refuse the offer of an appointment unless it meets
or exceeds some (exogenous, legislator-specific) minimal level of discretion, d.
We denote legislator $i \in \mathcal{L}$'s **reservation value** by $\rho_i \geq 0$. We denote the
profile of all legislators' reservation values by $\rho \equiv \{\rho_i\}_{i \in \mathcal{L}}$.

Interpreting the Reservation Value, ρ_i
A legislator i will accept the position if and only if he or she is offered discretion
$d \geq \rho_i$. The value ρ_i can represent various motivations for legislator i: he or
she might have other activities beyond those required of the appointment that
provide more value than simply being a "faithful agent" of the party leadership:
discretion, d, is valued by the legislator so that he or she can pursue his or her
own interests (or perceptions of the party's interest, *etc.*). Table 1 displays
the 2x2 typology that qualitatively describes the legislator's and Speaker's
induced preferences in this setting.

   Casual inspection of Table 1 illustrates the challenges faced by S: ideally,
he or she will have one or more legislators who fall into the upper right cell of
Table 1 — these are legislators who are eager to accept the appointment and
deliver high leadership value to S. On the other hand, legislators in the lower
left cell are the worst options from S's standpoint: they require significant
discretion to accept the appointment and do not bring much leadership value
if they are appointed.

   In practice, it is hard to estimate any individual's ability (χ_i) and/or
reservation value (ρ_i). That said, within this framework, the model offers a
prediction about which legislators get higher discretion. In equilibrium, indi-
viduals with higher reservation values will receive greater discretion *conditional
on being appointed, and accepting the appointment.* Thus, in equilibrium, for

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[20]For an excellent recent contribution in this vein focusing more squarely on finding and
recruiting good legislative leaders, see Fong, 2023. Our model assumes away the main issue
in Fong's model, because we assume that each legislator's ability is known by the Speaker.

any legislator $i \in \mathcal{L}$, higher values of ρ_i imply (weakly) higher values of d_i^*. Because greater electoral adversity increases the Speaker's incentive to appoint legislators with higher levels of ability, we obtain our second complementary result.[21]

Result 2. *Holding each legislator i's reservation value, ρ_i, constant, the level of discretion S grants in equilibrium, d_{i*}^*, increases as electoral adversity, μ, increases.*

Result 2 demonstrates how electoral adversity might affect the details of legislative organization: when the Speaker is more worried about losing the following election, he or she not only has a greater incentive to appoint a policy outsider: *the Speaker will also be willing to give such legislators greater discretion as well.*[22]

Before continuing, we can make one further statement about the effect of these reservation values that demonstrates why such a model would be interesting in its own right. Specifically, increasing any legislator's reservation value reduces his or her appeal to S as an appointee, but *conditional upon that legislator being appointed by S*, increases the discretion that S grants to that legislator.[23]

Result 3. *In equilibrium, as any legislator i's reservation value, ρ_i, increases,*

1. *the probability that the Speaker appoints i in equilibrium (weakly) decreases, but*

2. *when i is appointed, the level of discretion S grants to i, d_i^*, (weakly) increases.*

The logic behind Result 3 is the same as that facing a monopolist choosing the price of his or her good. As the price is increased, the probability of a randomly chosen consumer buying the good goes down, but the profit *conditional on a sale occurring* goes up. Result 3 also identifies one source of conflict between legislators: if legislator i believes that he or she will be appointed by S, he or she has an incentive to convince S that i's reservation value, ρ_i, is at least slightly higher than it truly is. On the other hand, if i believes he or she will *not* be appointed, he or she might have an incentive to

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[21]The proof of Result 2 is presented in Online Appendix A.2.

[22]Note that Result 2 has an important qualification: as a *ceteris paribus* comparative static, it supposes that the level of electoral adversity, μ, has no effect on legislators' reservation values, ρ_i. For example, if one assumes that decreasing μ also decreases ρ_i for one or more legislator $i \in \mathcal{L}$, then it is possible that decreasing μ will lead to lower levels of discretion being granted in equilibrium. Unfortunately, space precludes us from a fuller model of equilibrium reservation values with respect to electoral adversity.

[23]The proof of Result 3 is presented in Online Appendix A.3.

"lower" ρ_i. Unfortunately, space precludes a fuller treatment of such a model.[24] Result 3 offers us some insight into what happens if legislators' reservation values are sensitive to electoral adversity, μ.

Electoral Adversity and Legislators' Reservation Values

We have assumed for simplicity that ρ_i is an exogenous value for each legislator i and, furthermore, that these values are independent of electoral adversity. This is for both clarity and space reasons.

The effect of electoral adversity on a re-election seeking legislator i's reservation value is at least partly a function of i's beliefs about how i's appointment and subsequent use of any discretion that i is granted will affect the party's chances of retaining the majority. Similarly, it might depend on i's beliefs about the Speaker's beliefs about the same impact. It would also potentially depend on i's beliefs about how the appointment and discretion that he or she might receive will affect i's *own* chances of being reelected, regardless of whether his or her party retains majority control.

While this is an important point in principal-agent situations (e.g., Gailmard and Patty, 2007), one can easily construct a simple model in which higher levels of electoral adversity induces a legislator to demand *higher* levels of discretion. The same can be said about a model that induces an otherwise similar legislator to accept the appointment with *lower* levels of discretion. For example, if i believes that accepting the appointment will reduce either or both of these probabilities, then i's reservation value, ρ_i, would increase as μ increases. Conversely, if i believes that both of these probabilities will be increased by his or her appointment, then ρ_i would decrease as μ increases. Space precludes us from exploring this issue in any substantive ways in this article, and allowing for heterogeneous effects of μ on ρ_i and ρ_j for different legislators i and j would clearly muddy the analysis without offering any substantively interesting conclusions (at least that we can see). If we hold μ fixed, the analysis to this point offers some insight into the question of whether a third party, such as the median member of the legislature, would benefit from restricting the discretion that the Speaker can unilaterally grant to his or her appointee.

Limits on Discretion

Suppose that there is an upper bound on the discretion that S can give the legislator, $\bar{d} \geq 0$. In our setting, the Speaker would have no incentive to impose such a bound on himself or herself. Instead it might be imposed exogenously (e.g., constitutional constraints) or endogenously (e.g., by majority rule within

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[24]That said, the experiences of former Speakers Boehner, Ryan, and McCarthy suggest that such an extension could be particularly relevant.

the House).[25] However $\bar{d}$ is chosen is beyond the scope of this article. That said, it is worth noting that restricting S's "discretion over discretion" in this fashion can affect S's equilibrium choice of whom to appoint in two non-exclusive ways.

Which Legislators can be Affected by $\bar{d}$?

A legislator i's equilibrium level of discretion (d_i^*) is sensitive to changing $\bar{d}$ only if [26]

$$\rho_i < \bar{d} \leq d_i^*, \qquad \text{or} \qquad (7)$$
$$d_i^* < \bar{d} \leq \rho_i. \qquad (8)$$

In the first case (Inequality (7)), changing $\bar{d}$ will have a *direct* effect on the discretion i would receive conditional upon being appointed. However, if Inequality 8 holds, then tying S's hands more tightly by reducing $\bar{d}$ to $\bar{d} - \varepsilon$ will have an *indirect effect* on the discretion S ultimately grants by changing S's *choice of legislator to appoint* (i.e., by changing i^*). Furthermore, in this second case, this will be due to S no longer having enough discretion to induce his or her previously optimal legislator to accept the appointment. The indirect effect illustrates why any given third party (such as a court, the median member of the legislature, or the median of the majority party, *etc.*) might not want to reduce $\bar{d}$. This is summarized in the next result.

Result 4. *Reducing the maximal level of discretion that the Speaker can grant, $\bar{d}$, might cause either or both of the following to occur:*

- ***Reduce the Ability of the Appointee.*** *If the third party has an interest in maximizing the ability of the appointed legislator, χ_{i^*}, then reducing $\bar{d}$ may be counter to the third party's interests because doing so induces the Speaker to appoint a different legislator with lower ability.*

- ***Change the Appointee's Policy Goals.*** *If the third party has strict preferences over the appointee's policy goals, then reducing $\bar{d}$ may be counter to the third party's interests because doing so induces the Speaker to appoint a legislator with different policy goals.*

Furthermore, both effects of reducing $\bar{d}$ are more likely to occur in equilibrium when electoral adversity, μ, is high.

The first of the two pathways identified in Result 4 is arguably more serious because we have assumed that ability is a valence good. Because a legislator's

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[25] Of course, our model is purposely quite sparse. It is not difficult to construct slightly more complicated models in which, say, a candidate for the Speakership might have a strict incentive to reduce his or her own "discretion over discretion" in order to secure the Speakership.

[26] Put more succinctly, but less transparently, these two conditions can be summarized as one: $\min[\rho_i, d_i^*] < \bar{d} \leq \max[\rho_i, d_i^*]$.

policy goals, γ_i, are not a valence trait, the second pathway can in some situations provide a reason that lowering $\bar{d}$ might benefit a third party. We now turn to considering the implications of our theory when electoral adversity is high, as it has been for both parties during much of the past 30 years.

Conditions on Party Cartel Theory Imposed by Electoral Adversity

The logic of Leviathan Leviathan would seem to imply that party cartel-style controls become more necessary to solve the collective action problems faced by majority party members as partisan majorities become thinner due to the lowered voting threshold for "defection" from the party cartel.[27] However, we posit that there is a point wherein a combination of thin partisan majorities and the presence of "maverick" legislators with independent brands and differing goals from party leadership makes party cohesion untenable and will result in high levels of legislative dysfunction through making difficult the implementation of party cartel-style controls on rank-and-file members of the chamber. While this could happen at any point in time provided the conditions are met, the recent rise in partisan polarization has made maverick members on the extremes of both parties a more prominent force in each party's caucus, and the rise in partisan gerrymandering as well as polarization simultaneously making more congressional districts than ever politically noncompetitive at the general election level has reduced the amount of seats that can reasonably swing from one party to the other. Concurrently, control of Congress, including the House, is more uncertain than ever before (captured by electoral adversity μ in the model), exacerbating the need for party leaders to structure their activities in a way that prioritizes retaining a partisan majority first and foremost, which includes appointing these valuable 'maverick' legislators, whom are most likely to resist the imposition of party cartel controls in the first place, to positions of power in the chamber. Therefore, the conditions for legislative dysfunction appear much more likely to be met today and in the future than at the time *Legislative Leviathan* was written. Tools employed by party leadership to control the legislative process to the party's benefit, such as closed rules and a loyal Rules Committee, are increasingly untenable as maverick members seek to empower their own at the expense of party leadership.

The theory discussed above highlights a fragility within the institutional solution Cox & McCubbins explore for the collective action problem faced by the majority party. Maintaining majority control needs to be near, if not directly at, the top of the majority party's agenda. To the degree that some members are more electorally valuable (for example, by holding the attention of voters and special interests), relying on carrots and/or sticks that are more

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[27]This is the heart of the argument in Patty, 2008.

closely tied to policy outcomes becomes more difficult. Result 1 makes this point most clearly: as majority control becomes more uncertain in electoral terms, then the Speaker should begin to prioritize elevating members who are electorally valuable to positions of prominence within the caucus and/or chamber as a whole.

Fraying at The Edges?

We now discuss two examples in the current Congress of the impact of thin partisan majorities. We believe that each of these indicate the fragility of the solutions to the majority party's collective action problem as discussed in *Legislative Leviathan*.

Increased Partisanship in Defense Spending

In the 118th Congress, the National Defense Authorization Act of 2024 serves as a key example of how thin majorities promote legislative dysfunction through fraying the party cartel. While traditionally passed by large bipartisan majorities, the progression of the bill in the current session of the House of Representatives points to the increased power of the empowered conservative flank of the Republican conference; several amendments targeting key conservative policy goals, including restrictions on transgender healthcare for service members and affirmative action, were added to the legislation, ostensibly to placate hardcore conservative members of the conference who wanted 'wins' to show to their supporters (Coudriet, 2023). This is on the heels of Speaker McCarthy's many concessions to conservatives to keep his conference together in the face of potential defections and electoral losses, including appointments of Freedom Caucus members to the Rules Committee and the agreement that the Congressional Leadership Fund not spend money in safe Republican districts (Watso, 2023). The bill narrowly passed the House with widespread Democratic defections from an otherwise bipartisan vote and the conservative amendments face an uncertain future as the House and Senate (whose bill passed by a wide bipartisan margin) reconcile their differences. This example illustrates the risks associated with placating increasingly extreme and independent members, even when necessary to do so in order to stay as Speaker-they have leverage to force policy in their direction and punish party leadership for pursuing bipartisan solutions for even longstanding bipartisan issues.

The Fall of Speaker McCarthy & Unexpected Rise of Speaker Johnson

Next, what we have seen as of October 2023, with an unprecedented vote to vacate the Speakership initiated by those very outsiders that McCarthy needed the support of to win a majority, is that conditions imposed by electoral adversity can not only put the needs of party leaders, retaining a partisan

majority and keeping one's position as leader of their caucus, at odds with each other, but also leave leaders with little to no room to satisfy both needs. McCarthy, after already having to offer concessions to far-right members of the Republican conference that left him in a weakened position, including lowering the threshold for the motion to vacate the Speakership to just one member, faced the ultimate tradeoff when the government was set to shut down on October 1st, 2023 (Mascaro *et al.*, 2023). In essence, McCarthy was left between keeping the support of his conference by allowing the government to shut down, placating the demands of those members who refused to support any funding bill with Democratic votes, or passing a bipartisan funding bill that would, at least in the meantime, absolve the Republicans from the electoral baggage of a government shutdown. Having chosen the latter, McCarthy was subsequently removed from his post by said far-right members, led by Representative Matt Gaetz.

This route to intra-party rebellion was available because McCarthy conceded the modifications to the vacate procedure to curry support from recalcitrant members of his conference, which in of itself was only necessary because the Republican majority in the chamber was so narrow that he had to buy off even the most recalcitrant members. The House GOP conference is no stranger to these intra-party feuds. Indeed, such feuds have been a regular occurrence since at least the founding of the House Freedom Caucus in 2015, which arguably precipitated (or at least presaged) the end of John Boehner's Speakership that same year. Our theory offers one explanation for the rise of the House Freedom Caucus and the efforts of strongly conservative members of the GOP conference. These efforts have arguably only grown in both impact and visibility during the 118th Congress, in which the GOP holds a very slim 4 seat majority in the House.

Somewhat ironically, these efforts arguably induced McCarthy to hand these same members of the GOP conference what one might call a "Remove me for free at any time" card to play at any point during the 118th Congress. Under more normal conditions, the Speaker would have a decent sized majority to work with, especially right after a midterm election during a new president's first term, yet the lack of wiggle room meant McCarthy had to swallow this poison pill to become Speaker in the first place. The newly empowered far-right flank of the conference, emboldened with an easy path to the floor for a roll-call vote on McCarthy's Speakership, were thus able to make a take it or leave it offer to McCarthy, leaving him with no room to thread the needle between their demands and the demand of maintaining the party's majority in future elections.

Eventually, the conference was able to settle on a Speaker along a strict party-line vote on October 24th, 2023, that being Representative Mike Johnson of Louisiana (Edmondson, 2023). Upon election as Speaker, Johnson told his colleagues "The job of the Speaker of the House is to serve the whole body, and I will, but I made a commitment to my colleagues here that this

Speaker's office is known for decentralizing the power here. My office is going to be known for members being more involved and having more influence in our processes and in all the major decisions made here for regular order. We owe that to the people."[28] This was a surprising turn of events after Majority Leader Steve Scalise, Jim Jordan, and Majority Whip Tom Emmer all tried and failed to receive the confidence of their conference (Broadwater *et al.*, 2023). Johnson represents a rightward shift in the Speakership from McCarthy, which can be viewed as a victory for those members who pushed for McCarthy's ouster, but Johnson was also a palatable candidate for those moderate members of the conference who were uncomfortable with Jordan as Speaker and he has since hinted that he may be willing to change the motion to vacate rule that sparked this situation in the first place (Nazzaro, 2023). Although his policy views are closer to the far-right of the conference than McCarthy and although he has promised to decentralize power as Speaker, it remains to be seen how his tenure as Speaker will affect the distribution of power in the House and whether this represents a shift away from the party cartel theorized in *Legislative Leviathan*. Although party cartel theory predicts the eventual unification around a party consensus candidate that occurred with Speaker Johnson, it is important to note that it came after a number of procedural concessions that gave more power to the rank-and-file, including the aforementioned appointment of 'policy outsiders' to the Rules Committee, which is traditionally a domain of the Speaker (Deering and Smith, 1997; Frisch and Kelly, 2006), as well as a successful rank-and-file revolt the likes of which hadn't been seen since the days of Speaker Cannon and several failed replacement candidates for McCarthy.

Like the example with the National Defense Authorization Act of 2024, the fragility of the party cartel spilled over into very public view during the fight over the Speakership. The Republican Party leadership had given up much of its control over the legislative process in the effort to keep these far-right members from voting McCarthy out of the Speaker's chair, which evidently was not enough for them. That being said, the fact that the Democratic Party leadership was able to keep their caucus together and retain their centralized power in the previous Congress with the same margin of seats in the House, leaving aside questions of divided versus unified government for the moment, leaves us with questions about what differentiates the parties in this instance. Perhaps the Freedom Caucus and their like-minded members are focused less on policy and pork than winning fame and dollars that can translate to a post-legislative career or some sort of affective boon for themselves by sticking it to 'the swamp' and find themselves more incentivized to 'burn the house down' than play by the rules and take home traditional legislative wins. Perhaps this, combined with their ultra-conservative views that benefit more from

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[28]Remarks to the House, October 25th, 2023.

dysfunction at the national level than their more policy-centric counterparts at the progressive flank of the Democratic Party, renders them fundamentally less responsive to the traditional carrots and sticks that party leaders employ to keep their caucus in line with the party cartel. These conditions lie outside the *Legislative Leviathan* framework and, in combination with the need for party leaders to appease these members under times of significant electoral adversity as shown in 1, accordingly require relaxing an implicit scope condition in Cox and McCubbins' original theory: namely that expectations about future elections do not affect legislators' current behavior.

What remains to be seen is if the events of the 118th Congress will be an exception to the norm of strong party control over the legislative process outlined in Legislative Leviathan or will catalyze a fundamental shift in power away from party leaders in the House. Even if this is just a blip on the radar, so to speak, and institutional norms return to 'normal' in the 119th Congress, these events illustrate some conditions under which party cartel theory breaks, specifically that of thin partisan majorities and a recalcitrant subset of members whom are less susceptible to the typical carrots and sticks of party leadership, both amplified by the uncertain electoral environment discussed in the model, that lead to legislative dysfunction and more broadly highlight the trade-off between rank-and-file involvement in the legislative process and efficiency in Congress.

Some Speculation: The Reemergence of the Giant Jigsaw Puzzle.

If one believes that the (positive) electoral impact of appointing any given legislator to a committee (i.e., the legislator's ability relative to that committee assignment) is increasing in the degree to which that committee's jurisdiction overlaps with the economic and political interests of the member in question's district, then the results above can easily produce a slate of appointments in which members are appointed to committees that "represent their district's interests." Put more simply: a leadership function that reflects this kind of structure will provide the Speaker with an incentive to appoint a member from a rural district to the Agriculture Committee, members from districts with significant military bases to the Defense Committee, *etc.*. Such a pattern would mimic the "giant jigsaw puzzle" analyzed by Shepsle, 1978 and also consistent with the "gains from exchange" theory of committee assignments (e.g., Shepsle and Weingast, 1987; Shepsle and Weingast, 1994; Weingast and Marshall, 1988).

Particularly given Speaker Johnson's claim that his Speakership will involve more devolution of power to the rank and file members of the House, it is clearly speculative to assess where his Speakership will actually lead in terms of the organization of, and processing of business by, the House. That said, moving toward reinstating members' "soft property rights" over both committee

assignments and access to the levers of legislating would possibly mirror the macro-dynamics of institutional development in the House during the "textbook Congress" years from World War II through the 1980s. Partly this might occur *because* of narrow partisan majorities within the chamber. In essence, one view of "regular order" within the House is that committee chairs are actually chosen collectively by the majority party (as we have seen very recently with the fall of Speaker McCarthy). Space precludes a full analysis in this article, but our assumption that the appointee's ability is a valence trait among members of the majority party implies that collective choice of committee chairs will at least partially favor members with high ability.

What is the Leadership Function, λ?

The Speaker's leadership function, λ, plays a central role in our theory's predictions and, at the same time, we have provided little to no "micro-foundations" or substantive discussion of what this function looks like. While this might appear like a gap in our analysis, it is important to note at this point that we have made very few assumptions about λ. This means that it *could* be a function of the expertise of the member in question, the legislator's ability more broadly construed, or other bases of what one might call electoral "valence" (e.g., Stokes, 1963; Groseclose, 2001; Carter and Patty, 2015). The only thing our theory leans on with respect to λ is that it is increasing in the appointed member's ability. As discussed above, our notion of ability is deliberately abstract with the intent to treat each member's ability as a "valence characteristic" from the Speaker's standpoint. We are also assuming that λ is independent of the appointed member i's policy goals, γ_i. However, this assumption is for clarity's sake. The leadership function λ could depend on γ_i: as long as λ_i is strictly increasing in ability, χ_i, then the results above would remain true but more complicated to state in precise terms without imposing more structure on λ.

Conclusion

Legislative Leviathan is a cornerstone of our modern understanding of legislative politics. In this article, we have extended Cox & McCubbins's framework to incorporate the electoral environment. This extension of the *Legislative Leviathan* framework is partially motivated by the subsequent rise of Congressional elections where majority control of the House is often at stake on a regular basis. Our theory suggests that, when selecting rank and file members to appoint to positions of prominence in the Congressional policy process, majority party leaders will be less driven by ideological differences between their fellow partisans and more driven by legislator-specific factors that can help the majority party retain control of the chamber (Result 1).

The increased importance of electoral incentives also induce the leadership to grant more leeway to the members they choose to elevate (Result 2). Two ancillary insights drawn from our theory are that ideologically similar members will tend to receive different levels of discretion when elevated (Result 3) and, furthermore, this can turn limits on the leadership's discretion over granting such discretion into a double-edged sword: limiting the Speaker's power to empower other members can harm the majority party, particularly in terms of high electoral adversity (Result 4).

We then examine how these findings provide insight into recent Congresses, with a particular focus on the House GOP Conference. The recent successful motion to vacate then-Speaker Kevin McCarthy and the subsequent process through which Mike Johnson succeeded McCarthy as Speaker of the House provide an empirical illustration of some of the dynamics and incentives implied by our theory. On the upside, we believe this further bolsters our claim that *Legislative Leviathan* is very useful for understanding Congressional behavior and structure *even in situations in which the theory's key predictions seem to break down*. On the downside, both the theory and evidence at hand suggest that the recent collapse of party unity within the GOP conference may be unlikely to be reversed in the near future and may have dire consequences on the ability of Congress to function and pass much-needed legislation.

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