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Senatus Exesa: Explaining the Abuse of Procedure in the U.S. Congress

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Abstract

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Abstract

On October 3rd, 2023, Rep. Kevin McCarthy became the first Speaker of the House of Representatives to be forcibly removed from his position as Speaker of the lower chamber of Congress. Though dramatic, this episode is indicative of the current state of American politics. At a time when political polarization between the two parties has never been higher, norms that were once considered the nuclear option are now understood as the norm. Cynicism and distrust of Congress is at an all-time high, with many Americans disabused that the legislative process is effective at all.

This paper analyzes the use of parliamentary procedures in the federal Congress. More specifically, this paper reviews the use of rules by legislators to determine a causal connection between their misuse and the increase in political polarization.

An examination of these dynamics is important for multiple reasons:

First, the U.S. is experiencing a wave of populism that has altered cultural and political norms and has led to an increase in political polarization. Understanding how this populism has impacted American institutions is crucial to understanding its place in U.S. history.

Second, in an era where the post-Second World War global order is shifting, confidence in U.S. stability is remarkably important. The conflicts in Ukraine and the Middle East highlight the importance of America's role on the world stage. Under these constraints, an examination of the integrity of U.S. institutions is especially pertinent.

Third, this paper is a novel examination of the causal link between political polarization and the increased use of procedures like the filibuster and the motion to vacate the chair.

The study uses a mixed method approach as it relies on qualitative data drawn from Congressional records, vote tallies, and research into the extent of polarization within the U.S. Congress and within the parties themselves, and on quantitative data derived from the rhetoric and experience of current and former elected members.

The evidence supports the argument that affective and ideological polarization has had a causal impact on the increasing misuse of procedural rules. The implementation of the motion to vacate the chair by the House of Representatives, the proliferation of the filibuster in the Senate, and the normalization of the Senate hold demonstrates that polarization has had an impact on the federal Congress as an institution. This paper produces findings which showcase how political leaders are abusing the levers of power to achieve short-term political gains in a politically charged environment.

Senatus Exesa: Explaining the Abuse of Procedure in the U.S. Congress

“Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.” -Daniel Webster, 1825 ([Architect of the Capitol](#))

Introduction

In a democratic republic such as the United States, one normative expectation is that the power of political actors is constrained by institutions. Whether it be the Constitution’s expressed protections of liberties or the local ordinances of a small village, our elected officials are bound to exercise their power through the constraints that the rules establish. Thus, with confidence in our democratic institutions currently at a low point ([Jones 2023](#)), an examination of how elected officials utilize these rules is especially pertinent. Though polarization has ebbed and flowed throughout American history, we are currently living in a dramatic peak of such sentiment; the actions of our elected representatives at the national level reflect this dynamic ([Kirkland 2014](#)). An important question arises from these developments: has political polarization influenced the use of parliamentary rules in the federal Congress? This paper proves that political polarization has had a causal effect on the increased use of parliamentary procedures for partisan gain.

The implications of this paper’s thesis carry significant domestic policy considerations. The rise of populism across the globe has brought to the United States a heightened criticism of rule-based institutions and the bureaucrats that run them. The susceptibility of the greatest deliberative body in the world to these forces is germane to understanding the success of such populist movements. Similarly, there are profound connections between American institutions and the

security of the free world. In the face of brazen authoritarianism in Russia and China or an escalating military situation in the Middle East, the ability of U.S. institutions to endure as a stable, prosperous democracy is critical to its reputation as a global superpower and the maintenance of the world order.

This paper first reviews the existing literature on polarization in the United States and the increased abuse of parliamentary procedures. When examining this phenomenon, it is crucial to identify the distinction that the scholarly research makes regarding the two categories of political polarization in the United States. The first of these types is affective polarization, which is defined as “the tendency of partisans to dislike, distrust, and avoid interacting with those from the other party ([Druckman et. al. 2021](#)).” This paper also reviews ideological polarization, which is the extent to which political views are widely dispersed ([Axelrod and Forrest 2021](#)).” The analysis of this paper will review how the Senate hold, the Senate filibuster, and the motion to vacate the chair in the House of Representatives have been co-opted by partisan actors, and that these circumstances have a direct link to the rise in inter-party and intra-party polarization in the United States.

Literature Review

Research into the scholarship surrounding the current state of political polarization and the use of parliamentary procedures yields a plethora of reliable sources. Examination of scholarly sources

illustrates the depths of political polarization within the United States and confirms that this trend has been increasing since the turn of the 21st Century. A review of parliamentary action in the House of Representatives points to the increasingly partisan use of procedures, particularly in the motion to vacate the chair. Similarly, the current literature shows that Senate procedures such as the filibuster and the hold are being weaponized for political gain in an unprecedented fashion.

The National Political Ecosystem Has Become Polarized

The existing literature highlights two types of political polarization: ideological and affective. ([Druckman et. al. 2021](#)) defines affective polarization and reports on how its pervasiveness in American society shaped the way individuals reacted to the COVID-19 pandemic. Tangentially, ([Michael 2023](#)) examines the theoretical and evidentiary consequences of affective political polarization. ([Michael 2023](#)) points to the short-term political benefits to individual politicians that are derived from polarizing behavior. While some are motivated by the need for chaos to satiate a political base indignant to the party establishment, this increase does reflect a burgeoning disdain for the other side of the political aisle.

Scholarly research also identifies how ideological polarization has infected American politics. ([Axelrod et. al. 2021](#)) explores the widespread consequences of ideological polarization in the U.S. and defines the phenomenon. The authors push further to ascertain whether polarization begets polarization and how this can be controlled by institutions. Similarly, ([Kirkland 2014](#)) describes how ideologically heterogeneous communities create dynamics that polarize elected officials. These sources

confirm the existence and pervasiveness of contemporary ideological political polarization.

The scholarly literature confirms that political polarization is present throughout the federal Congress. ([CQ 2014b](#)) provides a legislative overview of the actions of Congress and party unity. This research uses specific data to display the increase of members who vote as a party bloc as compared to previous generations. Along with ([Kirkland 2014](#)), ([CQ 2014b](#)) demonstrates the conditions in which members of Congress engage in partisan behavior which widens the polarization gap between the two parties or even within the parties themselves. This paper's thesis utilizes the data found in these sources to explain the actions and motivations of federal elected officials.

The Procedural Rules Of The House Of Representatives Have Recently Been Weaponized

Contemporary research highlights the recent use of the motion to vacate as symptomatic of a novel trend. ([Aull 2015](#)) gives a summary of the history of the sparing instances in which the motion to vacate has been used. Similarly, ([DeBonis 2015](#)) cites the polarized political context under which Rep. Meadows proposed the resolution. Parallel to the arguments employed in ([Aull 2015](#)), ([DeBonis 2015](#)) emphasizes the novelty of this motion. These articles emphasize the novelty of the motion to vacate the chair which will be important to discuss its role in the current polarized political climate.

([Postell 2019](#)) and ([House of Representatives 2023](#)) provide useful historical accounts to explain the underlying historical contexts of previous motions. ([Postell 2019](#)) serves to provide an understanding of the nuances of the 1910

episode as well as the implications of the political strategies employed by Speaker Cannon. ([House of Representatives 2023](#)) gives an insightful analysis of the history of votes for Speaker of the House, and serves to highlight why recent events constitute a novel departure from the norms of the House of Representatives. This research supports the thesis by providing clear examples of the affective polarization that is present within the U.S. House of Representatives.

The Procedural Rules Of The Senate Have Recently Been Weaponized

([CQ 2018](#)) reports on the vote in the United States Senate on Senate Republicans altered procedure so that only a majority vote will be needed to end debate on the confirmation of Supreme Court nominees in April of 2017. This motion is also known as the “nuclear option” because of its nature as a radical change to the rules of the Senate. It also captures the objections of Senate Minority Leader Chuck Schumer, who points to the degradation of Senate traditions as a result of the parliamentary change. This mirrors the content in ([CQ 2014a](#)) that discussed the procedure by Senate Democrats in 2014 to lower the threshold by Senate Democrats of votes needed to end debate on nominations (save those to the Supreme Court) in response to blanket Republican obstruction. These bolster this paper’s evaluation of the history of the Senate’s use of procedures.

([Ornstein 2010](#)) and ([Binder 2003](#)) provide a unique argumentative perspective on how the unique position of the Senate as the upper chamber in Congress imbues it with a particular duty to respect the voice of the minority and provide guardrails against the will of the majority. This testimony will be useful in examining the intricacies of Senate procedure and explaining the

filibuster itself. ([Binder 2003](#)) goes further to argue that the reform is not forceful enough in ending the partisan nature of individual holds while still allowing for minority objection. Regardless, the testimony will be useful in discussing the history and transformation of holds in the United States Senate.

([Marziani et. al. 2012](#)) and (Smith 2010) give quantitative data and detailed evidence regarding the misuse of Senate procedures. ([Marziani et. al. 2012](#)), similar to ([Binder 2003](#)), discusses the negative impacts of the filibuster and advocates for major reforms to Senate rules. The data that ([Marziani et. al. 2012](#)) employs is critical to fully illustrate the proliferated use of the filibuster and connects seamlessly with the qualitative data presented in the aforementioned research. (Smith 2010) uses examinations of interactions between Senators and Senate records to boost his argument that the higher frequency of minority obstruction, constraints on amendments by the majority, and the enhanced role of last-resort tactics have led to a domination pattern of obstruction and restriction by the Senate. Similar to ([Marziani et. al. 2012](#)), ([Binder 2003](#)), and ([Ornstein 2010](#)), (Smith 2010) concludes that partisan Senators have tied up the Senate in parliamentary procedure and warfare. The research for this subsection adds to the thesis by exhibiting the shift in the use of parliamentary procedure in the U.S. Senate.

This paper adds to the scholarly literature by providing a comprehensive examination of how polarization has impacted the ability of legislators to govern. The existing research explains neither the reason for the abuse of procedures nor the lasting institutional impacts of political polarization; this paper seeks to fill that gap. The arguments presented in the analysis provide a historical review that supports the

thesis that polarization has played a causal role in the abuse of parliamentary procedures in the federal Congress. This paper uses existing data to make new connections about the impact of polarization on the federal legislature of the United States. This contextualization is critical for understanding why political actors are engaging in such novel legislative strategies.

Research Design

The most plausible answer to this paper's question is that the influence of ideological and affective polarization has caused an increased use of various procedures in either chamber for partisan purposes. Political parties are inherently less likely to cooperate in an environment fraught with partisanship and vitriol, and as such are more willing to weaponize the tools available to them to advance against their opponents. This conclusion follows logically because of the recent history of procedures in the Senate, specifically the filibuster, which has seen outsized media attention for its dramatic use on controversial policy issues. The thesis pulls together data to explain how polarization has directly led to an increase in the abuse of procedures. When the two parties are ideologically polarized, they are less likely to find common ground and are more prone to being dogged by gridlock. This is compounded by the affective polarization that sets in when both sides blame each other and employ personal attacks to display their frustration. These factors feed into each other, causing a snowball effect that leads legislators to use any tools at their disposal to gain ground against the other side of the aisle, even if it defies the norm.

Alternative plausible answers may be that the increase in political polarization has nothing to do with how legislators invoke

the rules of their chambers, or that there are more significant causes for the breaking of norms such as the rise of social media or the emergence of widespread populism in the United States. Increased polarization and the abuse of procedures are merely a correlated phenomenon is a largely rejected notion, and both the notion of populism and the propagation of social media as an influence on procedures can be reducible to this paper's thesis regarding the dramatic polarization within the United States Congress. Polarization has shifted the incentives in the media landscape towards partisanship, and the populism theory does not account for the partisan actions of non-populist elected leaders.

This paper utilizes quantitative and qualitative data as measurements to examine empirical support for my thesis. Employing numerical data, this paper demonstrates an exponential pattern regarding the increased use of certain procedures in Congress. This is further qualified by the qualitative rhetoric and scholarly historical analysis to contextualize and explain the emerging patterns. This paper reviews the history of procedures as far back as the 1960s via Congressional records and scholarly historical analyses; this is the timeframe that scholars use to track the increase in partisanship and allows for a relatively depolarized period in American history from which to refer. To connect these developments to American political polarization, this paper examines the use of partisan coded rhetoric, evaluations from policy centers, and contemporary media analyses to define the specific sources of partisanship.

Analysis

The year 2023 was no stranger to politically charged abuses of procedural rules. In the House of Representatives, Rep.

Kevin McCarthy became the first person in United States history to be forcibly removed from his position as Speaker of the House. On the Senate side, Senator Tommy Tuberville's unprecedented objections to military nominations on account of abortion policy in the Department of Defense served to undermine yet another norm of the esteemed upper chamber. It is under these contexts that an analysis of parliamentary procedure is germane and proves that political polarization has had a causal effect on the abuse of these rules.

Political Polarization

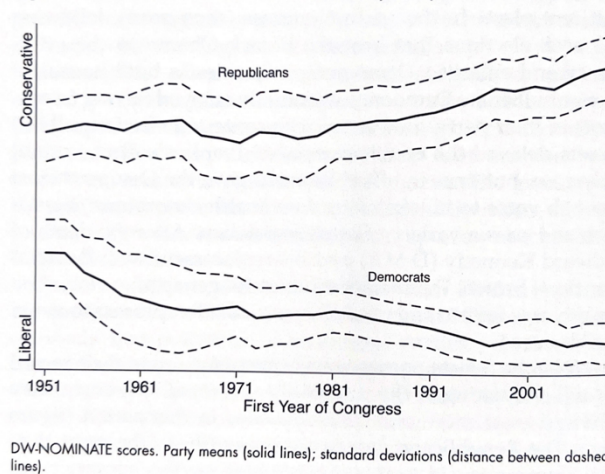
The existing scholarly research points to an increase in overall political polarization in American politics. The prevalence of both affective and ideological polarization creates an impetus for members of Congress to engage in actions that defy the norms of both chambers. When the parties are more polarized, the political incentives for members change; bipartisanship and collegiality are seen by the general public as symptoms of an elitist

bureaucracy, not a functioning government ([Harbridge et. al. 2014](#)). Furthermore, this fuels motivations for partisans to engage in aggressive actions against members of their party, indicating how intra-party polarization is similarly influencing the use of procedures in Congress. This dynamic supports the parameters of the thesis that political polarization is at a high point in the current American political ethos.

Ideological polarization pushes members of either party away from the moderate center. To begin, heightened polarization improves the extent to which elected officials on the ideological fringe of either party can successfully engage in hostile behavior towards the opposite party. Research on the ideological scores of members of Congress shows that the cohort of elected officials even within each party are becoming more ideologically polarized from their fellow party members (Lewis et. al. 2024). This dynamic can also be observed between the two parties: Figure 1 (Smith 2010) shows the extent to which both parties in Congress have shifted to their ideological extreme.

Figure 1:

Figure 6.1. Liberal-Conservative Scores, by Party, 1951–2010



The U.S. Congress is more ideologically polarized now than it has ever been in modern political history. As the lack of tolerance for the other side has become more widespread in both political parties, a snowball effect has developed regarding polarization (Axelrod et. al. 2021). That is to say that as the parties grow farther apart, their disdain for one another increases which fuels the motivation to move farther away from each other. A clear example of this is the contemporary frequency of party-line voting, which is when a member votes for or against a bill solely based on their party's support or opposition to said bill; this has jumped from around two-thirds of all legislation sent to the floor to nearly 90% (Dancey & Sheagley 2018). This has induced voters to give more thought to the performance and priorities of the party and not just the candidates themselves.

Affective polarization has also taken hold of the U.S. Congress. The instinct to remain in rigid lockstep with one's party has produced higher tensions between members of those parties.

This form of tribalism has exposed itself dramatically in the past few years, notably during the COVID-19 pandemic. The

political fallout from mask mandates, funding debates, and the separation of state/federal powers was a pointed example of this phenomenon; compounding this was the increased use of personal rhetoric like "crackpot" or "brainwasher" regarding those who support or refuse vaccines (Savolainen 2023). It is important to note that this uptick is in keeping with the phenomenon of growing affective polarization and not aberrant to it. Affective polarization has substantially changed how members of Congress deal with each other and communicate their differences.

Because of this heightened polarization, the political incentives for elected representatives have also evolved. In a politically charged environment, political actors are more inclined to score a 'victory' over the other side of the aisle and are thus more likely to engage in hyper-partisan actions against the other party (Kirkland 2014). Take the example of hostile rumors of political opponents which has seen a dramatic increase, and which is done for increasingly personal reasons (Michael 2023). This dynamic can also be evidenced by the dramatic objection to otherwise ordinary approval of nominations from the

executive branch ([CQ 2014b](#)). These developments show that the more polarized the political environment, the more willing elected members become to use whatever means necessary to achieve political victory. Polarization begets polarization, and disrespect of norms in any form engenders a culture of reprisal and retaliation ([Rogowski & Sutherland 2016](#)). Thus, either kind of polarization has the same capacity to promote unconventional partisanship. The research clearly validates the premise of the thesis as politicians are observably more likely to seek to abuse the levers of power, weaponize procedural rules, and defy traditional norms to achieve these short-term gains.

Filibuster

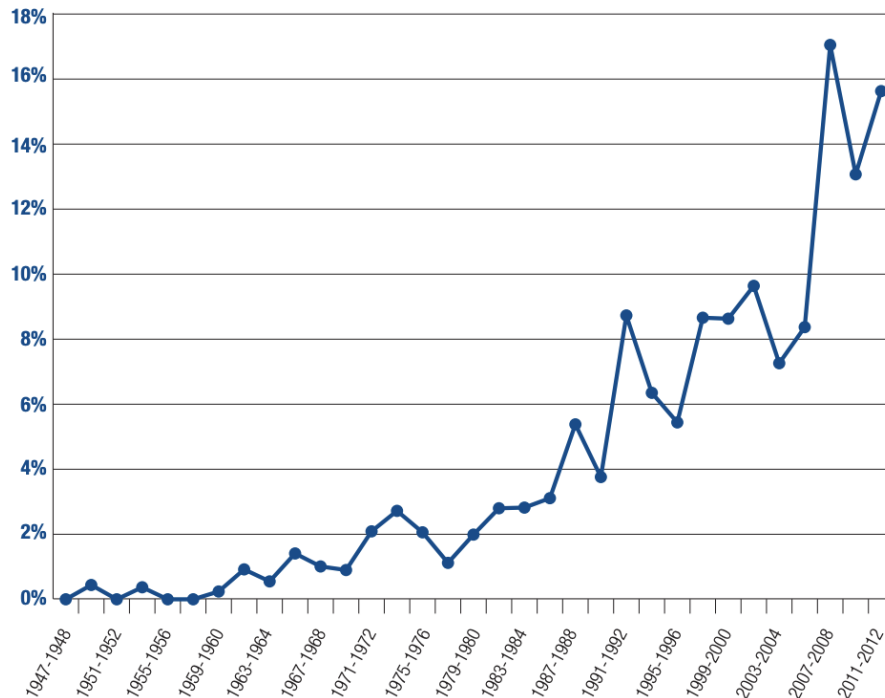
As members of the upper chamber of the federal legislature, U.S. senators enjoy greater autonomy and use consent and deal-making to pass legislation. Since 1806, senators have had the unique privilege to engage in unlimited debate on items before the chamber. This tradition began after Vice President Burr viewed the existing rule of ending debate by majority vote as unnecessary and ended the procedure ([Lau 2020](#)). Consequently, senators are now able to delay any bill from reaching a vote for an indefinite amount of time ([Marziani et. al. 2012](#)). This procedural ploy, unofficially known as a filibuster, can be used by any senator wishing to impede the progress of a particular item from reaching the floor. Senators can employ a talking filibuster, where a senator engages in debate and literally stalls action on the floor. The

second is the silent filibuster, which provides any group of 41 senators with the ability to intimidate the majority from introducing the bill in question—this leads the Majority Leader to refrain from taking up a vote simply due to the threat of a filibuster ([Marziani et. al. 2012](#)). The Senate did take some steps in the 20th Century to limit the power of the filibuster. 1917 saw the institution of Rule XXII, now synonymous with the term filibuster but which established the requirement of two-thirds of sworn senators to end debate. The current dynamic was established via another rule change in 1975, which requires a three-fifths vote (60 senators) to invoke cloture against a filibuster. The scant use of the filibuster before the last half-century cannot be overstated: despite the momentous legislation that passed through the Senate in the first half of the 1900s—the Treaty of Versailles (1919), the New Deal programs, funding for the First World War and the Second World War, post-Second World War funding to rebuild Europe—there were only nineteen cloture motions between 1917 and 1949 (Smith 2010).

Sustained use of the filibuster began in the 1950s and has become a primary tool by Senators in advancing or blocking legislation. Civil rights legislation was subjected to intense scrutiny as southern Democrats used any tool available to block these efforts (Smith 2010). Though most of these maneuvers failed, this marked the beginning of an exponential growth in the use of the filibuster in succeeding decades. As seen in Figure 1 ([Marziani et. al. 2012](#)), filibusters were used sparingly before the 1970s but have since become part of the standard operating procedure for the Senate.

Figure 2:

Votes to Break Filibusters as Percentage of All Senate Votes



majority-vote threshold ([CQ 2018](#)). This ‘nuclear option’ is a clear indication that the filibuster is being abused in the U.S. Senate.

An important corollary to Figure 2 above since we do not have measurable data on the use of the threat of a filibuster, this figure must be understood as the absolute minimum number of filibusters that have been employed in recent history. The conflict over the use of this procedure has come to a head in recent years, as evidenced by then-Senate Majority Leader Harry Reid’s elimination of the 60-vote threshold for judicial nominees except for the Supreme Court ([CQ 2014a](#)). After experiencing significant pushback on nominees from the Republican conference, Senate Democrats were eager to change the rules to confirm President Obama’s federal nominees. When Republicans took back the majority, they changed the rules to include Supreme Court nominees in the now

The polarization of American politics has had a causal effect on the increased use of the filibuster. Identifying the ideological component of the polarization, Senators have routinely used the filibuster for purely short-term political purposes ([Ornstein 2010](#)). While Senate Republicans are responsible for crafting novel obstructionist tactics, much of these same maneuvers have been mimicked by Senate Democrats when they lose the majority (Smith 2010). It should be noted that though strategy has played a role in the proliferation of abuses of procedures, it is difficult to imagine a political environment absent heightened polarization that would induce lawmakers to take such partisan actions. Though one can draw a line from the Tea Party movement in the 2010s to the obstruction of President Obama’s appointees

and the need for circumvention around this protest, these factors can be explained by a potent political polarization that incentivizes such actions and behavior. The Senate filibuster has been co-opted in recent decades by a polarized Senate seeking to pick up political points. Thus, polarization has directly caused the abuse of the filibuster by political actors for partisan gain.

Senate Holds

As this paper has previously discussed, the unique need for unanimous consent on a wide variety of procedures has allowed for the filibuster to become a primary tool in the Senate. Unanimous consent is also the foundation for another procedural tool: the hold. A hold is a practice in which a senator appeals to the Senate Majority Leader that an item is not brought before the Senate until a certain condition is achieved (Smith 2010). Holds may be used to express dissatisfaction with the contents of a bill, receive notice on legislative activities regarding a particular bill, or other operational considerations ([Oleszek 2017](#)). Though they are technically informal, failure by the leadership to honor the stipulations of a hold could lead to the use of other procedural tools to block the legislation in question, like filibustering the bill.

The Senate hold has seen a dramatic increase in employment and has survived attempts to regulate and constrict its use. Until recently, holds were employed with the understanding that its contents and sponsor were secret and were not to be revealed to the public. Though it saw vanishingly little use before the 1970s, the practice has now essentially become institutionalized (Smith 2010). While any senator has always had the opportunity to speak to their leader about a particular bill,

written hold requests were introduced by then-Senator Lyndon Johnson to modernize the Senate schedule; though their nature as a confidential procedural tool precludes the record of an exact figure on the amount of holds before 1970, it is well understood that it could not have exceeded a few dozen during any two-year session (Smith 2010). Beginning in the 1970s, when parliamentarians began to preempt objections to bills (in an age when obstructionism was on the rise), the use of holds became more guided and acceptable. Though embracing the hold may have allowed for a clearer understanding by the leadership about who objected to what, it certainly led to the pervasive understanding that the hold could be leveraged to take bills hostage for political gain. Senator Bob Dole's office counted an average of 500 holds each Congressional session during his term as Senate Majority Leader between 1985 and 1995 (Smith 2010). This figure indicates how holds have become a normal aspect of leadership operations for the majority and minority leaders in the Senate, departing from the norm which saw a near-zero use of this tactic.

Thus, holds on legislation are a tool that those who manage the action on the Senate floor cannot readily ignore or dismiss and have become central to the legislative process, especially for rank-and-file senators looking to stand out. Just two years ago, Sen. Marco Rubio very publicly placed a hold on President Biden's nominations to diplomatic posts for China and Spain; while Sen. Rubio made superficial claims as to the policy justification for this action, this development reflected the senator's ideological differences with the executive branch over strategic decisions regarding U.S. foreign policy towards China ([Basu 2021](#)). That Sen. Rubio has repeated this parliamentary tactic for other diplomatic nominees to highlight the ideologically

polarizing nature of these holds and the misuse of these holds to stake partisan positions against a president of the other party.

As the Senate has moved into the 21st Century, the use of holds by senators has become more partisan and obstructionist. Instead of the earlier tradition of using holds to ask for notice on a bill's schedule or tweak its contents, holds are now employed to block action or hold an item hostage to gain a bargaining chip. Indeed, a practice has emerged called the "rolling" holds, whereby groups of senators take turns placing holds on an item to delay its arrival on the floor (Smith 2010). These developments prompted reforms to the hold process. In 2007, the Senate passed restrictions that provided that Senators who placed a hold on their leader must publish a "notice of intent to object" in the Congressional Record within six days of an objection to a hold request ([Oleszek 2017](#)). This reform was far from airtight, as many Senators took turns submitting holds to beat the six-day window. Further, Senate leaders wishing to contain the privacy of the Senate holds simply refused to attempt to proceed with actions, thus obfuscating the regulations on holds. Additional reforms were passed in 2011 to shorten the window to two days and change the trigger-event of the timetable to the transmission of the hold request.

While the early use of Senate holds has been for purely operational purposes like scheduling and advance notice, recent scholarship has confirmed that holds are being employed for more partisan reasons ([Binder 2003](#)). For example, a senator may have placed a hold on a bill to receive notice of it arriving on the floor to offer a germane amendment to it. However, contemporary use of the hold has become polarized and ubiquitous. As polarization has increased and partisanship has deepened, Senate

leaders have taken the implicit threats of holds much more seriously, leading to increased gridlock. Indeed, Senators have employed the hold to advance partisan goals, achieve superficial victories for constituencies, and score political points against the other side of the political aisle.

Motion to Vacate the Chair

Rarely has a procedural motion ever been able to capture the national attention as the motion to vacate the chair has in the 118th Congress. The motion to vacate is a remarkably powerful tool available to any member of the House against a Speaker. If approved by a majority of the House, the motion to vacate immediately removed the Speaker from their position; as leader of the chamber, the Speaker of the House is considered the chair for parliamentary purposes ([Goddard 2023](#)). The motion to vacate is privileged and is thus urgent enough to interrupt any other business before the House. Unlike impeachment which technically ascribes certain characteristics of crimes to be qualifications for removal, there is no constraint on the rationale for bringing a motion to vacate. A member may provide any reason or, theoretically, no reason at all for holding a vote on removing the leader of the chamber.

Since there is no description for removing a Speaker in the U.S. Constitution, the procedures are specified in the rules package approved at the beginning of every Congress. As the existing literature explains, the motion has been used sparingly throughout U.S. history but has received renewed attention in recent years. The first time it was ever employed was in 1910 against Speaker Joseph Cannon, after an intra-party spat on the Republican side over Cannon's control of the Rules Committee led the House into chaos ([Postell 2019](#)).

After Cannon's power over the House was significantly diminished, he feigned weakness to induce the members to remove him from office; Democratic Rep. Burleson of Texas took the bait and proposed a motion to vacate. Partly motivated by a respect for the institution and the reality that they didn't have the votes for another Republican Speaker, the House Republicans voted against the motion to remove Speaker Cannon ([Postell 2019](#)). Thus, Cannon used this procedure to save his speakership and retain whatever morsels of power over the House that he could recover.

The House would not seriously hear about the motion to vacate until nearly a century later. As the current research shows, there has been an increase in the use of the motion to vacate as a threat, and, during 2023, this threat was successfully acted upon by House members. In 1997, following public reports of an ethics violation by Speaker Newt Gingrich, members of the Republican caucus conspired to oust him using the motion to vacate ([Aull 2015](#)). Their plot was discovered by the Republican leadership, however, and quickly disintegrated. The motion would be revived again by Rep. Mark Meadows in 2015 when he filed a motion to vacate against Speaker John Boehner ([DeBonis 2015](#)). While this did constitute the second time that a motion to vacate was employed, this can hardly be described as an earnest attempt to oust Boehner. Though the motion to vacate is privileged and requires immediate consideration by the House, Meadows submitted the motion to a committee (thus losing its urgent status) and did so right before a long summer recess; while this was more of a symbolic message of discontent than a sincere attempt to remove Boehner, it reflected the acute polarization that was festering within the Republican caucus.

The motion to vacate saw renewed attention in the 118th Congress. Though the

motion to vacate has almost always been able to be placed on the floor by just one member, the aforementioned episodes in 1997 and 2015 prompted Congressional leaders to adjust the threshold needed for such a motion to about half of the majority party ([Goddard 2023](#)). It was this threshold that became a point of contention with conservative members of the Republican caucus at the start of the 118th Congress in January of 2023, and led to Rep. Kevin McCarthy only winning the speakership on the 15th ballot; this was the fourth-highest number of ballots in history, and the only time since 1923 that more than one ballot was needed to elect a Speaker ([House of Representatives 2023](#)). In the first days of October 2023, conservative members of the Republican caucus employed a motion to vacate the chair against Speaker McCarthy. With Democrats unwilling to save him, McCarthy lost the vote and became the first Speaker in history to be removed from the speakership by the members of the House of Representatives.

Indeed, those who employed these tactics have revealed their motivations, which reflect the polarized nature of American politics. Rep. Meadow's tiff with Speaker Boehner over committee assignments fueled the animosity that led to the motion ([DeBonis 2015](#)). Speaker Boehner used his resignation speech in September 2015 to condemn the conservative wing of the party that embraced populism and precipitated his political downfall ([Pilkington 2015](#)). While this example is a clear indication of the aforementioned intra-party ideological polarization, the removal of Speaker McCarthy is a clear example of the heightened affective polarization that is infecting the federal Congress. Despite the fact that he has publicly explained his motion to vacate as being motivated by his disdain for continuing resolutions on

budgetary bills, it has been widely reported that the move by Rep. Matt Gaetz to oust Speaker McCarthy was primarily driven by his personal apathy for the leader ([Brodey 2023](#)). The rhetoric employed by those Republicans who ousted Speaker McCarthy also reveals their partisan motives. After the vote, Rep. Tim Burchett explained that his decision to oust the speaker was driven in part by a personal slight against him by Speaker McCarthy for “making fun of [Rep. Burchett’s] religion, his call for prayer”; others noted that they voted against Speaker McCarthy for “working with Democrats to keep government open” ([Midura et. al. 2023](#)). This kind of rhetoric indicates affective and ideological polarization between the members of the U.S. House of Representatives. These episodes illustrate how the enhanced use of the motion to vacate is not only reflective of the polarized political environment but has been induced by it.

Conclusion

This study addresses how political polarization has influenced the abuse of parliamentary procedures in the federal Congress. The data points to a causal link between the two phenomena, as the breaking of one norm begets the breaking of another norm in a relentless, endless cycle where the rejection of a norm becomes normalized. Though the blame for this dynamic is bipartisan, this study is important for recognizing the further damage to our institutions by the populist sentiment that has swept across the United States. It will be intriguing to observe how the rules will inevitably be used in the future, and whether or not the path to depolarization will ever be truly realized. While this study is novel in its examination of the causal connection between polarization and procedures, more

scholarship can be done to observe how other procedures have been abused, most notably the impeachment power of the House of Representatives. Future research and examination of parliamentary rules besides the motion to vacate the chair, the filibuster, and the Senate hold will provide a well-rounded explanation of these developments.

The federal Congress isn’t going anywhere, so an understanding of how it operates via its own rules is important to every American citizen. The research in this paper has showcased both qualitative and quantitative evidence of a link between polarization and the abuse of rules that alternative explanations are unable to account for; the attacks on institutions like the federal Congress by populist politicians will serve to be a test of the resilience of these rules. This paper has described the snowball effect that allows polarizing actions to feed off each other. What stops this slippery slope? Many of the reforms needed are nebulous, but center around the need for an increased acceptance of compromise and a rejection of ugly partisanship for partisanship’s sake. A sizeable portion of our nation is still ideologically moderate, and their willingness to call out and vote against their party’s fringe actors will reduce the incentives for politicians to engage in polarizing behavior. Rejecting the social media proclivity to label entire categories of Americans as identical to a few members of their party will make cooperation easier and serve to humanize those to our ideological opposite. This must be coupled with the advocacy for a superordinate American identity, one that transcends other identities and can be appealed to to make compromise palatable. In short, the American electorate can stop rewarding bad behavior by electing those who explicitly work against such disruptor

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