

Framing Legislation Using Short Titles in the U.S. House of Representatives:
Convenient Handles, Appeal Strategy, Issue Ownership, and Opportunity Cost

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Abstract:

Variation in the way legislation is introduced in the U.S. House of Representatives suggests that the short title of a bill is a more important feature for some legislation than for others. Bills may have carefully crafted titles with value language, mnemonic devices and other touchstones, or plain and simple titles, if they are given short titles at all. This study explains the use of legislative short titles considering the complexity of a bill, the level of controversy surrounding it, the history of the proposal in previous sessions, the size and specialization of the sponsor's legislative portfolio, and the party polarization of the primary committee of jurisdiction as independent variables. This analysis is conducted using a simple random sample of bills introduced in the 106th Congress (n=288). The complexity of a bill, the size and specialization of the sponsor's portfolio and consideration in previous Congresses are found to be significant.

Introduction:

Thousands of bills were introduced in the U.S. House of Representatives in the 110th Congress. Many of these bills had short titles that were carefully crafted to frame them favorably yet others had very plain titles or no short titles at all. It is a fact that in some cases members do pay considerable attention to how their bills are titled as part of a strategy to their achieve goals (Krehbiel 1995). Some short titles even have an element of coercion, such as “No Child Left Behind,” a title which suggests that any member not voting in favor has reservations about committing to the welfare of all children. Other bills are given titles with less obvious strategy or no short title at all. Studies of Congress suggest that members are rational, calculating carefully the costs and benefits of their actions in pursuit of their goals (Fenno 1973; Kingdon 1973; Mayhew 1974). This theory of members as rational actors persists; withstanding scrutiny of behavior that may initially seem irrational, such as member support for large pork spending bills that cost far more than the modest localized benefits to their districts are worth (Bianco 2001). Accepting this notion of rationality, it would be hard to imagine that the variance in how bills are titled is haphazard. John Kingdon, in Agendas, Alternatives and Public Policy suggests that the policymaking process can be expressed in a simple abstraction as agenda, the specification of alternatives, authoritative choice and implementation. Keeping this abstraction in mind, it is not farfetched to imagine that member’s agenda, the range of policy alternatives and ultimately the authoritative choice will be impacted by whose definitions of the problems, causes and solutions prevail. The purpose of this study is to answer questions of how, when and why members choose to use short titles to define problems, causes and frame their legislative solutions.

Literature Review:

Members of Congress have a “license to persuade, connive, hatch ideas, propagandize, assail enemies, vote, build coalitions, shepherd legislation, and in general cut a figure in public affairs,” (Mayhew 2000:9). In other words, they have earned “a wonderful chance to do things which register [in the] public sphere” (Mayhew 2000:9). There are many incentives for members to craft their speech and actions strategically to achieve their goals. Floor speech in support of a bill that a Member has sponsored has been identified as a “key to legislative success” (Anderson, et al. 2003). The activities observed by Mayhew in Congress: the Electoral Connection, *advertising, credit claiming and position taking*, which serve a Member’s goal of re-election, can all be enhanced by strategic frames. Candidates for re-election benefit from crafting campaign talk with respect to “issue ownership,” and the effects of excessive partisanship on the electorate (Iyengar and Simon 2000, Ansolabehere and Iyengar 1995) and incumbents have a distinct advantage in framing their campaigns (Fridkin and Kenney 2006). Richard Fenno asserts in Homestyle: House Members in Their Districts that members have goals of attaining power in Congress and making good public policy and they have an interest in re-election, which is necessary for achieving these other goals. Members capitalize on senior committee positions and the freedom to vote with impunity to achieve power in Congress (Fenno 1978). Ambition for power can be advanced with the use of rhetorical strategies, members can frame their policy positions in ways that maximize their ability to deflect criticism or, in other words, vote with impunity. In one study of this behavior, members were able to defeat campaign finance reform by framing the proposal in terms of First Amendment “free-speech” protection rather than in terms of “corruption” and thus, successfully deflect criticism of their positions favoring the use of soft money (Dwyer and Farrar-Meyers 2001). Other scholars have observed

similar strategies that frame issues in a way that makes it difficult to determine what the liberal or conservative choice should be, allowing for a coalition to be forged outside the structure of the majority party (Niven 1996, Sigelman et al. 2001). For example, “unity symbols” were used in both the Johnson and Clinton impeachment trial to build a coalition to convict (Sigelman et al. 2001) and the pro-Israeli lobby moderated the framing of the 1st Gulf War, which led to surprising votes cast in favor of authorization (Niven 1996). Adding to this body of work, Mayhew’s observations in America’s Congress: Actions in the Public Sphere advance the idea that congressional speech and actions not only express opinions but actually contribute to the shaping of public opinion. Modeling congressional politics as a factor in the formation of public opinion as Mayhew suggests has yielded evidence that “sharper party distinctions in Congress heighten partisanship in the electorate and prime partisan evaluations of Congress” (Harris 2007). It is easy to see why congressional party leaders and communicators would make use of polling data and focus groups to refine their rhetorical strategy and create frames for legislative debate. In fact, party leaders in Congress insist upon framing actionable proposals (Harris 2007).

Framing is the “process by which all political players define and give meaning to issues and connect them to a larger political environment” (Callahan and Schnell 2001). Framing occurs when one dimension of an issue is stressed over another. Examples of this are seen in debates over gun laws where proponents of more stringent laws speak of safety issues while opponents frame the debate as a matter of liberty (Callahan and Schnell 2001) or when affirmative action is discussed as remedial action instead of reverse discrimination (Gamson 1992). “If policymaking is a struggle between alternative realities, then language is the medium that reflects, advances and interprets these alternatives,” suggest Rochefort and Cobb (1994: 9).

Traditionally, rhetorical strategies have been examined with respect to persuasion. One of the foremost scholars on the subject was Jurgen Habermas who advanced the idea of an “ideal speech situation” or what we might look at as rules of rhetorical fair play. Recent studies have suggested, however, that persuasion is not necessarily the immediate goal of rhetoric. William Riker suggests in The Strategy of Rhetoric: Campaigning for the American Constitution that one of the biggest strategic advantages the Federalists had in the debate over ratification was that the debate was successfully caged as one between ratifying the Constitution or keeping the dysfunctional Articles of Confederation as they were. This is a strategy that Riker calls “heresthetic,” a word he coins from a combination of Greek words to denote strategic values of language rather than simply persuasive values, and he uses this concept to describe how the Federalists set up this debate between strategically limited alternatives (1996). Other studies have shown that messages can change our expressed opinion while our underlying attitudes remain unchanged, through priming, framing and agenda setting (Iyengar and Kinder 1987). These studies show that rhetoric can be employed to change the dimensions by which or through which a candidate or proposal is judged to meet success without changing attitudes on any one dimension. This is what message consultant Frank Luntz means by, “It’s not what you say, it’s what people hear.” The person on the receiving end of the message “will always understand it through the prism of his or her own emotions, preconceptions, prejudices, and preexisting beliefs” (Luntz 2007: 3). Knowing the proper context and time to argue a position, as Luntz counsels, has been part of rhetorical strategy since the sophists applied the concept of *kairos*, or “proper moment,” to rhetoric thousands of years ago. For these reasons, I will be employing an expansive model of rhetoric proposed by Jackson and Krebs which they call “rhetorical coercion” (2007: 36). This model includes both written and oral speech acts and recognizes that

“[W]hile claimants may deploy arguments in hopes they will persuade, their more immediate task is, through skillful framing, to leave their opponents without access to the rhetorical materials needed to craft a socially sustainable rebuttal” (Jackson and Krebs 2007). This model is inclusive of legislative short titles and will be used to examine their strategic value or “heresthetic.”

Research on framing effects has made it clear that subtle differences in how an issue is framed can have drastic influence on the expression of opinion and accordingly, “public discourse tends to show a fascination with one aspect of an issue to the exclusion of the other” (Baumgartner and Jones 1991: 1045). Gamson explains that, among other things, frames serve to make more salient one aspect of an issue over another (1992). The debate for the ratification of the Constitution, for example, was observed by William Riker to follow what he called the Principles of Dominance and Dispersion. The rhetors would speak to one dimension of an issue that the opposition was reluctant to invoke (dominance) and both sides abandoned arguments that were challenged on similar rhetorical ground (dispersion) (1996). These principles of dominance and dispersion are still seen in public deliberation today as political parties develop “issue ownership” and actors who ignore this ownership are seen as “trespassing” (Luther and Miller 2004, Degregorio 2007).

Political actors are also seen to employ a “dual strategy,” using rhetorical symbols to control how a policy is thought of and seeking out the most favorable venue. Baumgartner and Jones find that there is positive feedback between the two prongs of this “dual strategy,” with changes in how policies are thought of influencing venue and vice versa (1991). Examples of this strategy are seen in members using rhetorical strategies in attempts to steer bills into their own committees (Anderson et al. 2003) or steering a bill away from a committee that will not

likely report favorably, such as attempts to steer abortion restricting legislation away from the Judiciary Committee (Ainsworth et al. 2001). Changing the rhetorical strategy can be an attempt to attract outsiders to join a coalition, an attempt by outsiders to be incorporated in a coalition, or an attempt to expand jurisdiction (Baumgartner and Jones 1991).

In Keith Krehbiel's study of co-sponsorship and waffling, Republican Rep. Bill Zeff began his quest to subvert the budget process with a strategic title he came up with for his bill. Zeff's quest to pass The A to Z spending bill would begin with the search for a sponsor from the other side of the aisle with a last name beginning with the letter A in order to symbolize the broad support he would eventually need to bring the bill to the floor without the support of the Appropriations Committee. Zeff's story perfectly illustrates how entrepreneurs seek to expand conflicts to new venues with new participants as part of a legislative strategy (Schattschneider 1960 Baumgartner and Jones 1991). As far back as 1960, political scientist E.E. Schattschneider noted that who defines policy alternatives, who participates and who is excluded is central to public policy formation (Callahan and Schnell 2006). Nearly fifty years later, the challenge remains; "disentangling the influence of any one set of players and their messages, let alone the impact of all key agents, which may be akin to solving the riddle of the Sphinx" (Callahan and Schnell 2005). There are many reasons why this is so.

Many scholars have chosen to focus on presidential politics where public opinion strategies are boldly pronounced and effective. One theory of frame emergence suggests the executive and the mass public shape frames in a "cascading activation model" of communication between the public and elites mediated by journalists but rhetoric of congressional elites is considered to be drowned out or "largely ignored" in this model (Entman 2003, Van Leuven 2006). Even Newt Gingrich, the most media savvy and prominent House Speaker in recent

history, with the help of pollster Frank Luntz who specialized in focus grouping phrases, was regularly drowned out by the Clinton White House (Harris 2007).

Competing messages and frames, such as those in contests between branches of government, create difficulties for communications scholars. Competing frames observed outside of controlled experiments can mistake mutually cancelling effects for little or no effects (Zaller 1996). Experiments created to study frames have illuminated how drastically frames affect perception and response in surveys crafted with the wide variance in messages required to measure such effects (Brewer and Gross 2005, Barker 2005, Berinsky and Kinder 2006, Hiscox 2006) but rarely do political contests outside these experiments provide for the reliable measurement of such effects.

In presidential races, where exposure is on a large scale and effects might be observed, candidates often embrace rhetoric that is very similar (Downs 1957). When candidates embrace similar rhetoric, it is difficult to determine the efficacy of their strategy in a comparison. Primary elections and congressional races can provide the variance necessary for a comparison of framing effects, but the prominence of the messages in these races and, therefore, citizen exposure to them is often lacking.

Further complications in the study of congressional framing strategies exist because politicians are not forthcoming with their strategies “because revelations of such efforts diminish the power of these rhetorical strategies and subject political elites to charges of manipulation” (Harris 2007). Identifying the differences between bills that have rhetorical symbols and those that do not may give insight into the way members view their incentives to use these strategies without relying on them to admit to manipulation.

I argue that while congressional debate may not be central to frame emergence and the effects of these frames may not be easily measured, members do employ frames to meet their ends and this practice is worthy of scholarly attention. While it is noticeable that the Speaker is easily drowned out by the White House, it is also well known that strategic use of rhetoric was central to Speaker Gingrich's successful "Contract with America" campaign to achieve majority status (Luntz 2007, Harris 2007). It is also worth noting that while it is difficult to study how frames function in the mind, frames can also be studied from an elite perspective where it is assumed that they are strategic and the focus is on questions of how, when and why they are used. Frames lead a "double life," existing both as structures in elite discourse but also as cognitive structures in the minds of citizens (Callahan and Schnell 2005: 3).

This research will avoid looking at frames in terms of "cognitive structures citizens use to make sense of politics," but study them as "rhetorical weapons created and sharpened by elites," and assume that they act as "convenient handles for succinctly conveying the essence of a story" (Kinder and Nelson 2005: 103). I will build on the existing body of literature by observing the circumstances under which members choose to employ carefully crafted titles to frame their legislative proposals.

Members who develop a legislative specialty are "often able to see their dominant themes on the nightly news" (Callahan and Schnell 2005: 9). Senator Kennedy for example is seen as a credible source of information on healthcare due to his status as a healthcare policy entrepreneur. Senator Hyde serves as a media source on abortion and Senator Schumer on gun control. Each has a strong incentive to spend more resources on "crafting talk" since their words will receive more coverage for being "de facto media sources" (Callahan and Schnell 2005: 9) and have a larger effect on public opinion for being seen as credible (Atkinson and Schaffner 2007). It is

hypothesized that an increase in the level of *specialization* will, therefore yield a corresponding increase in the effort to frame the bill using short titles.

The complexity of a legislative proposal may also be relevant to efforts to frame the legislation using short titles. This corresponds to the idea that frames are used to help people, even elites, make sense of political contexts (Gamson 1992, Chong and Druckman 2007, Iyengar and Simon 2000). It seems to be logical that as a bill becomes more complex, the author has more of an incentive to make more salient one aspect over another or provide some latent structure to frame debate of the bill above the minutiae. The hypothesis, therefore, is that as the *complexity* of a proposal increases so will the efforts to frame the measure using the short title.

Whether or not a proposal has been introduced in previous sessions of Congress is believed to be relevant to efforts to frame the legislation using titles. The positive feedback mechanism between rhetorical change, venue change and the attraction and exclusion of participants may affect framing efforts. The theory suggests rhetoric is used by proponents of failed legislation to attract more participants to a venue, to find a more favorable venue or to expand jurisdiction of a favorable venue (Baumgartner and Jones 1991). This strategy specifically applies to legislation that has been defeated and been reintroduced in several congresses. The incentive to employ this strategy becomes greater the more times a bill has failed to pass in any given venue. If newcomers can be brought into the process or the venue can be changed, large scale policy change can occur. The hypothesis is that if a proposal has been considered and failed to pass in a previous session of Congress, indicating legislative *maturity*, members will increase the effort to frame the legislation using short titles.

Issue frames in Congress are controlled by the committees and party leaders, “making it difficult for elected officials and interest groups to determine the form of the issue debate” (Cox and McCubbins 1993). Harris finds that party leaders insist on providing the definitions of problems, causes, and solutions and crafting strategic messages (2007). Rank and file members have little incentive to use resources to frame their bills if the leadership is going to insist on framing actionable proposals. The hypothesis is that as the party *polarization* of the committee of jurisdiction increases, attempts to frame legislation will decrease.

Members have to contemplate the costs of introducing legislation. There are resource costs, opportunity costs and political costs associated with introducing legislation (Schiller 1995). It would make logical sense that members would not waste resources on crafting a title for legislation estimated to be able to pass a floor vote with a 2/3 majority. It also follows that members would be likely to craft a clever title for legislation that had strong opposition in an attempt to minimize the political costs of introducing the measure. Since frames can be used to build coalitions (Sigelman et al 2001, Niver 1996), it would make sense that an effort would be made to use a short title to frame the measure in situations where a member is attempting to cobble together any majority. In the event that a measure enjoyed large scale support, spending time and energy on such details would be inefficient. For these reasons it is hypothesized that an increase in the *controversy* of a proposal will be seen with a corresponding increase in the effort to title the legislation.

For each bill introduced, a Member must expend precious staff resources to discuss the proposal with constituents and other stakeholders. Some members choose to take what scholars have called a “shotgun approach” to sponsorship and introduce a wide array of legislation (Anderson et. al. 2003). Members who choose this approach will not be able to develop the

degree of specialization and issue ownership as members who take a more focused approach to agenda setting. The decision not to craft a strategic title for a bill may be affected by weighing the costs and benefits of actions in terms a wide array of legislative goals. Crafting a few strategic titles for a handful of proposals that a Member may hope to have pass may be justifiable whereas giving each bill the same detailed attention may not even be possible for a Member who sponsors dozens of bills. The hypothesis in this study is that as the size of the sponsoring members' legislative portfolio increases, measured as *total bills*, the effort to craft strategic short titles decreases.

Hypotheses:

- 1) An increase in the level of *specialization* will yield a corresponding increase in the effort to frame the bill.
- 2) An increase in the *complexity* of a proposal will yield an increase in the efforts to frame the measure using the short title.
- 3) An increase in the party *polarization* of the committee of jurisdiction increases will yield a decrease in attempts to frame legislation using short titles.
- 4) An increase in the *controversy* surrounding a proposal will be seen with a corresponding increase in the effort to craft a strategic title for the legislation.
- 5) An increase in the size of the sponsoring members' legislative portfolio measured in *total bills* will yield a decrease in the effort to craft strategic short titles.
- 6) If a proposal has been considered and failed to pass in a previous session of Congress, indicating legislative *maturity*, members will increase efforts to frame the legislation using short titles.

Study Design:

This study will use a sample of legislation from the 106th Congress. The sample will be approximately 5% of all bills introduced in the 106th Congress (n=288). The 106th Congress was selected because it is the most recent Congress for which the *Congressional Bills Project* has categorized all of the legislation introduced (Adler and Wilkenson 2002). The categorization of the bills into distinct issue areas will allow me to calculate the sponsoring members' specialization in regards to the bill introduced. The reliability of the categorization of the bills is sufficient for this purpose. The *Congressional Bills Project* reports an inter-coder reliability kappa statistic = .9218 (Workman 2006).

The short titles of each bill observed in this sample will be coded twice. First, the bills will be coded as having been introduced with a short title (coded 1) or as having no short title at all (coded 0). Second, the bills receiving a short title will be coded as having a simple short title or strategic short title. The Prescription Drug User Fee Act, for example, would be an example of a plain title (coded 0) whereas the Heart Disease Education, Analysis Research, and Treatment for Women Act or HEART for Women Act would be an example of a bill that would be coded as strategic (coded 1) because of the effort that went into crafting the acronym HEART in the title. No Child Left Behind would also be coded as strategic as this is an example of a title that is coercive, requiring a Member opposed to this legislation to send a signal that they feel it is acceptable to leave some children behind. This proposed typology of simple and complex titles is sufficiently reliable. The calculation of a free-marginal kappa, as suggested by Brennan and Prediger (1981) for cases where coders are free to choose the number of successes in each category, for the typology = .8958 (Randolph 2008). The decision to use two dichotomous response variables instead of one ordinal variable was subsequent to analysis that determined

that the model failed to meet the assumptions for the use of Ordered Logit Regression. This study will analyze the results of Logistic Regression on two separate models, one for each of the two dichotomous independent variables.

A separate analysis of a subsample of bills (n=39) considered on the floor before the Committee on the Whole House will also be performed to consider the effect of controversy on the decision to use short titles. This study considers bills that are voted on under suspension of the rules (requires 2/3 of the chamber to pass) to be non-controversial and bill considered subject to a rule (requires simple majority to pass) to be controversial.¹ This study will also examine party polarization, consideration of the measure in previous Congresses, the size and specialization of the sponsoring members' legislative portfolio and the complexity of the proposal as independent variables.

The complexity of a legislative proposal will be determined by counting the number of index terms associated with the bill by the Library of Congress. The legislative history of each proposal will be observed to determine if the proposal has been introduced but failed to pass in previous Congresses. This measure will be used to consider framing legislation with a short title as an appeal strategy for proposals that have failed to pass previously. The number of other bills that the sponsor of the bill has introduced will also be recorded to consider the effect of the size of a members' legislative portfolio on the decision to use short titles. The specialization of a Member's legislative agenda will also be considered. This variable will be derived by dividing the number of bills that the sponsoring member has introduced in the same issue area as the case observed by the total number of bills a member has introduced.

The party polarization measure will be derived from the *Common Space DW-NOMINATE Scores for the House and Senate* dataset (Lewis et al. 2007) which is a measure of the location each member occupies in issue space. These scores can be interpreted as ranging from liberal to conservative for members in the modern era (Lewis et al. 2007). The party polarization of each committee is derived by calculating the distance between the median DW-NOMINATE scores in each party within each Committee. In each committee, the distance between the median score in each party will be measured. This measure will be used to represent the level of polarization in each Committee. For each bill observed which is referred to multiple Committees, the primary committee of jurisdiction will be determined by using the weighted percentage index terms in the Lexis-Nexis Congressional records of each bill. Only the polarization of the primary Committee of jurisdiction will be considered in the analysis.

The Models:

Model 1

Dependent Variable Whether or Not the Bill Received a Short Title (n=288)

TYPOLOGY (None 0, Short title 1) = SPECIALIZATION + TOTAL BILLS + COMPLEXITY
+ MATURITY + POLARIZATION + Error,

Model 2

Dependent Variable Whether or Not the Bill Received a Short Title- Bills Receiving Floor

Consideration Only (n=39)

TYPOLOGY (None 0, Short title 1) = SPECIALIZATION + TOTAL BILLS + COMPLEXITY
+ MATURITY + POLARIZATION + CONTROVERSY + Error,

Model 3

Dependent Variable Whether or Not the Bill Received a Simple or Strategic Title (n=204)

TYPOLOGY II (Simple title 0, Strategic Title 1) = SPECIALIZATION + TOTAL BILLS +
COMPLEXITY + MATURITY + POLARIZATION + Error, where:

Dependent Variables:

TYPOLOGY = dichotomous variable indicating whether or not a bill was introduced with a short title (84 introduced with no titles and 204 introduced with titles).

TYPOLOGY II = dichotomous variable indicating whether or not a bill received a simple short title or a coercive short title (179 introduced with simple titles and 25 with coercive titles, inter-coder reliability as measured by free-marginal kappa= 0.8958).

Independent Variables:

SPECIALIZATION = ratio level measure of the focus of a Member's legislative agenda ranging between 1.0 and 0.0108.

TOTAL BILLS = count variable indicating the total number of bills in the sponsoring members' legislative portfolio ranging between 1 and 93

COMPLEXITY = count variable indicating the number of Library of Congress index terms for each bill ranging from 0 to 324.

MATURITY = dichotomous variable indicating whether or not a measure has been considered in previous sessions of Congress.²

POLARIZATION = interval level variable measured by calculating the distance between the party medians in each committee ranging from 0.664 and 0.979.

CONTROVERSY = dichotomous variable indicating whether a bill was considered subject to a rule or under suspension of the rules.

Analysis:

Logistic Regression of the first model, where the response variable is title or no title and all of the independent variables except controversy are considered indicates that the hypothesis is supported for three of the five variables (see table 1). The specialization and the total size of the members' portfolio as well as the complexity of the legislation introduced are significant in the decision to use the short title. Members who specialize are more likely to use the short title to frame their legislation. These results indicate that members who specialize may in fact be thinking about their role as media sources on these issues and creating touchstones for their bills in the hopes of having their interpretation prevail in the media. Inversely, members' who chose the "shotgun approach," do not have the same incentive to create handles for their bills using

short titles. The size of a members' agenda and the scope of their goals have an influence on the decision to use short titles. Members' who introduce large numbers of bills are faced with tougher decisions in regard to the resources that they devote to each bill. This result supports the hypothesis that the opportunity cost of crafting strategic titles is a factor in the decision making process in Congressional offices.

The complexity of a bill is also significant. Complicated bills that propose to affect law in numerous issue areas are more likely to receive a short title. Frames have been shown to operate on peoples' ability to make sense of contexts by acting as convenient handles. These results support the hypothesis that when complicated legislation is introduced there is a greater incentive to use a short title to serve as such a handle.

The consideration of a proposal in a previous session and the Committee polarization were not found to be significant. Party leaders do insist on controlling messages and framing actionable proposals, however, the distance between the party medians in each Committee does not capture an effect of party message control on the use of short titles. The number of proposals that had been considered in previous Congresses was extremely low in this sample. Subsequent research on why so few proposals have legislative histories spanning multiple Congresses suggests that this may be a data problem for proposals that are not considered on the Floor (Bauldry et al. 2007). Bauldry, Burstein and Froese's paper outlines the pitfalls in using bills as the unit of analysis in research. The data across Congresses is only reliable for measures considered on the Floor. The estimates, error and significance for this model can be found in table 1, below.

Table 1**Model 1- Short Title or No Short Title**

Variable	β	S.E.	Sig.
SPECIALIZATION: focus of the sponsors' legislative portfolio	-1.072*	.646	.097*
TOTAL: size of the sponsors' legislative portfolio	-.012*	.007	.093*
COMPLEXITY: number of index terms associated with the bill	.034***	.011	.002***
MATURITY: activity in previous sessions of Congress	1.266	.779	.104
POLARIZATION: Distance between party median DW- NOMINATE scores in the primary Committee of jurisdiction	2.412	2.006	.229

Logistic Regression. Dependent Variable Whether or Not Bill Received a Short Title (n=288)

$X^2 = 9.761$, Nagelkerke R Square = .104 (* $p < .1$, ** $p < .05$, *** $p < .01$)

With complete data in regard to the legislative history across multiple Congresses, the model considering only bills that made it to the Floor (model 2) indicates that the failure of a proposal in a previous session corresponds to a greater frequency in the use of short titles (see table 2). In this model, the history of a proposal is the only significant factor in determining

short title usage. While the number of variables that are significant has decreased in this analysis, the overall ability of this model to improve predictions has increased. The Nagelkerke R Square for the first model where size, specialization and complexity were all significant = .104 and the R square for the analysis of bills receiving a vote on the floor = .308. This result indicates that the use of short titles is explained in large part as an appeal strategy for bills which have failed to pass previously. Short titles may be crafted to deflect previous criticism, appeal to previous barrier to support or to attract new participants consistent with Schattschneider's conflict expansion theory. This result may also indicate that titles are being used to use framing to steer the proposal to a new venue as Baumgartner and Jones suggest is a common use of framing strategies. The estimates, error and significance for this model can be found in table 2, below.

Table 2**Model 2- Short Title or No Short Title- Floor Consideration Subsample**

Variable	β	S.E.	Sig.
SPECIALIZATION: focus of the sponsors' legislative portfolio	3.404	2.205	.123
TOTAL: size of the sponsors' legislative portfolio	.016	.027	.551
COMPLEXITY: number of index terms associated with the bill	-.004	.012	.704
MATURITY: activity in previous sessions of Congress	2.315*	1.251	.064*
POLARIZATION: Distance between party median DW- NOMINATE scores in the primary Committee of jurisdiction	-3.581	6.820	.600
CONTROVERSY: whether the measure was placed on the rules or suspension calendar	1.323	.956	.166

Logistic Regression. Dependent Variable Whether or Not Bill Received a Short Title (n=39)

$X^2 = 21.760$, Nagelkerke R Square = .308 (* $p < .1$, ** $p < .05$, *** $p < .01$)

The analysis considering factors affecting a response in the proposed short title typology, simple and strategic (model 3), indicates that the size of a members' legislative portfolio is the only significant factor. It seems that the only significant factor in determining whether a bill will be titled the Education Performance Improvements Act or No Child Left Behind is the number of other legislative proposals that must receive the allocation resources. Crafting coercive titles for bills is an activity that is undertaken more often when the opportunity cost of doing so is low. The estimates, error and significance for this model can be found in table 3, below.

Table 3**Model 3- Simple Title or Strategic Title**

Variable	β	S.E.	Sig.
SPECIALIZATION: focus of the sponsors' legislative portfolio	-1.522	1.491	.307
TOTAL: size of the sponsors' legislative portfolio	-.047**	.021	.024**
COMPLEXITY: number of index terms associated with the bill	.005	.007	.491
MATURITY: activity in previous sessions of Congress	-1.055	1.161	.364
POLARIZATION: Distance between party median DW- NOMINATE scores in the primary Committee of jurisdiction	5.273	4.004	.188

Logistic Regression. Dependent Variable Whether or Not Bill Received a Simple Title or a

Strategic Title (n=204), $X^2= 10.523$, Nagelkerke R Square = .096 (* p<.1, **p<.05, ***p<.01)

Discussion:

This study represents a preliminary inquiry into the use of short titles to frame legislation. The findings are that the use of short titles is influenced by factors of comprehension, issue ownership, opportunity costs and past failures to pass a bill. Bills that are complex are more likely to have convenient handles for comprehension indicating that members may view the short title as a way to convey the essence of their proposal. Members who have established credibility in a particular area of public policy due to their sponsorship activity in that area are more likely to use short titles. This may be an indication that they are considering that they may be able to use short titles to define problems and solutions because of this credibility. Proposals that have failed to pass in previous sessions are more likely to have short titles. This may indicate that members are attempting to reframe the issue to attract new participants or exclude old ones. When examining only the bills with titles, the amount of resources that a member can devote to any given piece of legislation becomes significant. Crafting coercive titles with a “heresthetic” or strategic value is a luxury afforded only to members who have relatively small legislative portfolios. The opportunity cost of giving every bill this kind of attention to detail seems to be too high for members who introduce many bills. For future research, I plan to increase the sample size so that the topic of each bill can be coded to test for the effect of issue salience on the use of titles. I also plan to re-examine the effects of partisan control of messages by using the DW-NOMINATE distances between sponsors and party leader and Committee Chairpersons rather than the distances between party medians in each Committee. My hope is that these alterations will improve upon what I conclude to be a promising start in explaining the use of legislative short titles to frame proposals.

References:

Adler, E. Scott and John Wilkerson, *Congressional Bills Project: (2002)*, NSF 00880066 and 00880061. The views expressed are those of the authors and not the National Science Foundation.

Ainsworth, Scott H., Janna L. Dietz and Thad E. Hall. "Abortion Politics in the U.S. Congress: A View across Committees and over Time." Prepared for Delivery at the Annual Meeting of the American Political Science Association in San Francisco, California, August 30-September 2, 2001.

Anderson, William D., Janet M. Box-Steffensmeier, and Valeria Sinclair-Chapman. "The Keys to Legislative Success in the U.S. House of Representatives." *Legislative Studies Quarterly*. 2003: 28(3):357-86.

Ansolahehere, Stephen and Shanto Iyengar. *Going Negative: How Political Advertisements Shrink and Polarize the Electorate*. The Free Press, New York. 1995.

Atkinson, Mary Layton and Brian F. Schaffner. *The "Death Tax": When Credible Sources Misinform*. Presented at Research Conference on Issue Framing. Center for Congressional and Presidential Studies American University. June 21st, 2007

Barker, David, "Values, Frames and Persuasion in Presidential Nomination Campaigns," *Political Behavior* 27, 2005, no. 4 pg. 375-394

Bauldry, Shawn, Paul Burstein and Paul Froese. Bill Support for Policy Proposal, from Introduction to Enactment, or Disappearance. *Political Research Quarterly*, Vol. 58, No. 2 June 2007.

Baumgartner, Frank R. and Bryan D. Jones. "Agenda Dynamics and Policy Subsystems." *The Journal of Politics*. 1991 53: 4 pg 1044-1074

Berinsky, Adam and Donald Kinder. "Making Sense of Issues Through Media Frames: Understanding the Kosovo Crisis." *The Journal of Politics*. Aug 2006 68: 3 pg 640-656

Bianco, William. *American Politics: Strategy and Choice*, W. W. Norton, New York. 2001.

Brennan, R. L., & Prediger, D. J. (1981). Coefficient Kappa: Some uses, misuses, and alternatives. *Educational and Psychological Measurement* (41), 687-699.

Brewer, Paul and Kimberly Gross. "Values, Frames and Citizens Thoughts about Policy Issues: Effects on Content and Quality." *Political Psychology*. 2005, 26: 6 pg 929-948

Callahan, Karen and Frauke Schnell. "From *Framing Political Issues in American Politics*," "In *Framing American Politics*. University of Pittsburg Press. Pittsburg, 2005 pg. 1-17

Callahan, Karen and Frauke Schnell. "Assesing the Democratic Debate: How the News Media Frame Elite Policy Discourse," *Political Communication* 18, 2001 pg. 183-212

Chong, Dennis and James Druckman. "Framing Theory," *The Annual Review of Political Science* 2007 no. 10:103-126

Cobb, Roger W. and David A. Rochefort. *The Politics of Problem Definition: Shaping the Policy Agenda*. University Press of Kansas, Lawrence, Kansas, 1994

Cox, Gary W., and Mathew D. McCubbins. *Legislative Leviathan Party Government in the House*. Los Angeles: University of California Press, 1993.

DeGregorio, Christine. "Trespassing on Opponents' Ground: Senators Debate the War in Iraq." Presented at the Annual Meeting of the American Political Science Association, Boston, Massachusetts, August 28-31, 2008.

Downs, Anthony. *An Economic Theory of Democracy*. Harper Row, New York. 1957.

Dwyre, Diane and Victoria Farrar-Myers. *The Legislative Labyrinth*. Congressional Quarterly Books 2001.

Entman, Robert M. *Projections of Power: Framing News, Public Opinion, and U.S. Foreign Policy*. Chicago: University of Chicago Press 2003.

Fenno, Richard. *Congressmen in Committees*. Little, Brown. Boston, 1973.

Fenno, Richard. *Home Style: House Members in their Districts*. Little, Brown. Boston, 1978.

Fridkin, Kim and Patrick Kenney. "Campaign Frames: Can Candidates Influence Media Coverage?" From, *Framing American Politics*, ed Callahan, Karen and Frauke Schnell. University of Pittsburg Press, Pittsburg. 2005

Gamson, William A. *Talking Politics*. Cambridge University Press, New York 1992.

Harris, Douglas B. "Framing Legislative Debates: A View From the Party Leadership in the U. S. House of Representatives." Presented at Research Conference on Issue Framing. Center for Congressional and Presidential Studies American University. June 21st, 2007

Hiscox, Michael. "Through a Glass and Darkly: Attitude Towards International Trade and the Curious Effects of Issue Framing," *International Organization* 60, Summer 2006, pg.755-780

Iyengar, Shanto and Adam Simon. "New Perspectives and Evidence on Political Communication and Campaign Effects," *The Annual Review of Psychology* 51, 2000 pg. 149-169

Iyengar, Shanto and Donald R. Kinder. *News That Matters. Television and American Opinion*. University of Chicago Press, Chicago 1987

Jackson, Patrick T. and Ronald R. Krebs. "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric." *European Journal of International Relations* 2007, 13(1): 35-66.

Kinder, Donald R. and Thomas Nelson. "Democratic Debate and Real Opinions" from *Framing American Politics* ed. Karen Callahan and Frauke Schnell. University of Pittsburg Press, Pittsburg. 2005.

Kingdon, John. *Congressmen's Voting Decisions 3rd ed.* New York: Harper and Row 1973.

Krehbiel, Keith. "Cosponsors and Wafflers from A to Z." *American Journal of Political Science*, 1995, (39) pg. 906-23.

Lewis, Jeffrey B. Keith T. Poole, and Howard Rosenthal. *Common Space DW-NOMINATE scores for the House and Senate: (2007)*. NSF Grant 0611880 and EIA-0216467. The views expressed are those of the authors and not the National Science Foundation.

Luntz, Frank. *Words That Work*. Hyperion Publishers 2007.

Luther, Catherine and M. Mark Miller. "*Framing of the 2003 Iraq War Demonstrations: An Analysis of News and Partisan Texts*," *Journalism and Mass Communication Quarterly* 82, no.1 2005:78-96

Mayhew, David R. *Congress: The Electoral Connection*. New Haven: Yale University Press 1974.

Mayhew, David R. *America's Congress: Actions in the Public Sphere, James Madison through Newt Gingrich*. New Haven: Yale University Press 2000.

Niven, David "Shaping the Congressional debate on the Gulf war." *Congress & the Presidency*, 23: 1 pg. 33-56. 1996

Randolph, J. J. (2008). *Online Kappa Calculator*. Retrieved April 4, 2009, from <http://justus.randolph.name/kappa>

Riker, William. "*The Strategy of Rhetoric: Campaigning for the American Constitution*," Yale University Press, New Haven, 1996

Sigelman, Lee, Christopher Deering, and Burdett A. Loomis. "'Wading Knee Deep in Words, Words, Words': Senatorial Rhetoric in the Johnson and Clinton Impeachment Trials," *Congress & the Presidency* 2001, 28: 119-139.

Schiller, Wendy J. "Senators as Political Entrepreneurs: Using Bill Sponsorship to Shape Legislative Agendas." *American Journal of Political Science*, Vol. 39, Issue 1, p. 186, February 1995

Van Leuven, Nancy. "Cascades of News Framing: Wrangling Rhetoric in Schwarzenegger's "The Indians are Ripping Us Off!"" Paper presented at the annual meeting of the International Communication Association, Dresden International Congress Centre, Dresden, Germany. June 16, 2006

Workman, Samuel G. (2006). Bills *Reliability*, Retrieved April 4, 2009, from [http://congressionalbills.org/Bills Reliability.pdf](http://congressionalbills.org/Bills%20Reliability.pdf)

Zaller, John. "From *The Myth of Massive Media Impact Revived*," " In *Political Persuasion and Attitude Change*," ed. Brody, Richard, Diana Mutz and Paul Sniderman, (University of Michigan Press, Ann Arbor, 1996) pg. 17-78, quote pg. 37

Footnotes

¹ Open and Closed rules were not considered due to the small subsample size of bills subject to any rule.

²Data coded as binary because the standard deviation is greater than the mean when recorded as a count of previous sessions.