A Nazi "Killer" Amendment

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Abstract

We study killer amendments under various informational regimes and postulated voter behavior. In particular, the success chances of killer amendments are shown to differ across several well-known binary, sequential voting procedures. In light of this theory, we describe a remarkable instance of a motion-proposing and agenda-setting strategy by the Nazi party, NSDAP, during the Weimar Republic. Their purpose was to kill a motion of toleration of the new 1928 Government, and they were supported by their fiercest enemies on the far left, the communist party. The combined killer strategy was bound to be successful, but it ultimately failed because of another agenda-setting counter-move undertaken by the Reichstag president.

1 Introduction

A *successful killer amendment* causes a bill that would otherwise pass to fail (Enelow and Koehler, 1980; Riker, 1986). The concept itself, and the entire literature about it, are intimately connected to the *amendment procedure*, the sequential binary voting method utilized in the Anglo-Saxon world, in parts of Scandinavia and in Switzerland.[1] In that procedure, motions - that usually represent a new bill, various amendments to that bill and a status–quo - are voted upon two-by-two according to a given order, until one version is singled out and formally elected. In this procedure all motions are put to vote at least once.

Assuming a one-dimensional policy conflict, only amendments that propose to strengthen a bill can theoretically qualify as potential killers: they kill by turning a proposed new bill too extreme for its moderate supporters. But, in the standard model of strategic voting with complete information, killer amendments should never be successful if the amendment procedure is used: the proponents of the original bill, who presumably have a majority (otherwise the

[1]Pedersen (2014) contains a rare case from outside the U.S. The Danish parliament described there also uses an amendment procedure.

amendment cannot be said to "kill" the original) can foresee that the amended bill will lose against the status-quo, and hence they should vote against it in the first place, leading to its defeat and to the subsequent adoption of the original bill.

Indeed, clear empirical evidence documenting successful killer amendments is scant (see Wilkerson 1999, Jenkins and Munger, 2003, Finocchiaro and Jenkins, 2008), and is mostly associated with what Jenkins and Munger call a "failure of trust": these are special cases where the proponents of the original bill do not want to, or cannot, vote against the killer amendment (even if they do understand the strategic implications) because of the "wrong" signal this sends to their constituents. For more on this phenomenon, called "home style", see for example Denzau, Riker and Shepsle (1985).

In contrast to the above literature, we describe and analyze here how an analogous logic played out in a parliament that uses the successive procedure, a different binary sequential procedure that is employed in most of continental Europe. In that procedure, motions usually represent stand-alone alternative bills, and voting proceeds sequentially, one-by-one, until one motion gains a majority and is elected (in which case the remaining motions are not considered anymore).

We show below that, contrasting the insight obtained for the amendment procedure, killer amendments **can** be successful in the successive procedure even if legislators vote sincerely. In addition, successful killer amendments can occur in both procedures if legislators vote strategically and if there is incomplete information about others' preferences: if the original proposal is put to vote at a first stage and is rejected there, the second-stage vote between the killer motion and status-quo induces a lottery between the two alternatives that might be preferred by both proponents of the killer amendment and of the status–quo. This coalition of legislators from opposite ideological extremes can thus "kill" the original proposal. Although killer amendments can sometimes be successful in the successive procedure, we show that a killer motion will never be successful if this voting method is employed and if the killer motion is put to vote first, before the original proposal. Since procedural rules in many European countries lead to such an agenda in the relevant cases discussed here, this insight provides an additional rationale that explains the empirical rarity of killer amendments.

We complement the theoretical analysis with a study of a sophisticated motion-proposing and agenda-setting strategy employed in 1928 by the Nazi party, NSDAP, during the (still) democratically governed Weimar Republic. Its purpose was to "kill" a motion of toleration in favor of the new coalition Government, and the extreme right wing Nazis were supported in their endeavor by their fiercest enemies on the extreme left, the much stronger communist party KPD. The killer amendment significantly strengthened the toleration motion by expressing full confidence in the Government, and it was obvious that the NSDAP is going to vote against its own proposal. Since the Weimar parliament traditionally used the successive procedure with an agenda where the amendment is voted upon first, our theory suggests, at first sight, that the NSDAP move was futile. In order to explain why their killer motion posed nonethe-

less a significant threat, we identify the precise procedural aspects set by the Weimar constitution and by the standing orders of the Reichstag. We show below that the killer motion ultimately failed because of another sophisticated counter-move pertaining the agenda, undertaken by the social-democratic Reichstag president.

2   Theoretical Analysis

We consider a setting with three alternatives, a status–quo $\mathbf{S}$, a proposal $\mathbf{P}$, and, potentially, an amendment $\mathbf{A}$ to $\mathbf{P}$. We call $\mathbf{A}$ a *killer amendment* if it is proposed by a voter (or group of voters) that value it less than the other alternatives: its only purpose is to increase the chances that a more preferred alternative from their point of view is elected. We say that a killer amendment is *successful* if it changes the outcome of the vote to an alternative that is preferred by the proposer of the killer amendment.

We generally assume that agents know their own preferences, but do not know others' preferences. An *equilibrium* is a responsive, perfect Bayesian equilibrium.[2]

We order the alternatives from left to right as $\mathbf{S} - \mathbf{P} - \mathbf{A}$ and we assume that each voter has single-peaked preferences given this order, and that every feasible single-peaked preference profile according to this order has, a-priori, a strictly positive probability. Note that this order (or its reverse) is the only relevant one for the purpose of our study: here proposal $\mathbf{P}$ is relatively moderate, and the killer motion $\mathbf{A}$ strengthens it in a way that may make it too extreme for $\mathbf{P}$'s moderate supporters. These supporters may ultimately prefer the status-quo over the extreme bill. The opposite move, weakening a bill by bringing it closer to the status-quo (yielding, say, the order $\mathbf{S} - \mathbf{A} - \mathbf{P}$) makes it actually less likely that the status-quo prevails, and hence cannot serve as a killer amendment to proposal $\mathbf{P}$.

Sincere voting in a successive procedure is defined as the strategy where an agent votes in favor of a proposal if and only if it is the most preferred among all remaining ones. Sincere voting in the amendment procedure is defined as the strategy where each agent votes in favor of the more preferred alternative among the two that are currently put to vote.

Let us first assume that voting is sincere. In an amendment procedure the killer amendment loses against the original proposal, or wins even against status-quo. In either case, it is not beneficial for its proposers. In contrast, a killer motion in a successive procedure can serve to split the votes of supporters of a new bill.

Proposition 1. *Suppose that voting is sincere. A killer amendment is never successful in an amendment procedure. In contrast, it can be successful in a*

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[2]Responsiveness is a very mild equilibrium refinement whose main role is to wed equilibria where other strategies become optimal because they do not actually matter, for example, because all other voters always vote for the first motion. See Kleiner and Moldovanu (2017) for details.

successive procedure.

Proof. Under sincere voting in an amendment procedure, the outcome is always in the Condorcet set (Proposition 1', Miller 1977), which is a Condorcet winner if preferences are single-peaked. The Condorcet winner remains either unchanged by the proposal of the amendment or it is the amendment; therefore, proposing it can never be beneficial for a proponent of $\mathbf{S}$ in an amendment procedure. The following example shows that a killer amendment can be successful under sincere voting in a successive procedure. □

Example (Successful killer amendment in a successive procedure)**.**
Suppose that there are three voters with the following preference realization:

$$\text{Voter 1:} \quad \mathbf{S} \succ \mathbf{P} \succ \mathbf{A}$$
$$\text{Voter 2:} \quad \mathbf{P} \succ \mathbf{S} \succ \mathbf{A}$$
$$\text{Voter 3:} \quad \mathbf{A} \succ \mathbf{P} \succ \mathbf{S}.$$

Given the above realization of preferences, sincere voting in a simple binary vote between $\mathbf{S}$ and $\mathbf{P}$ leads to $\mathbf{P}$ being elected. Suppose now that voter 1 proposes amendment $\mathbf{A}$, which she likes least. If the successive procedure shown in Figure 1 is used, then $\mathbf{P}$ is rejected under sincere voting, and the status-quo $\mathbf{S}$ prevails at the second stage. Hence, if we assume sincere voting, $\mathbf{A}$ is a successful killer amendment: introducing it changes the outcome from $\mathbf{P}$ to $\mathbf{S}$.

While killer amendments can never be successful under strategic voting with complete information (Enelow and Koehler, 1980), they can be successful in a voting equilibrium under asymmetric information:

Example (continued)**.** *Consider again the above example and assume each voter values his most preferred alternative by 1, his least preferred alternative by 0, and his second-ranked alternative by $0 \leq v \leq 1$.[3] We now argue that sincere voting, under which a killer amendment can be successful in a successive procedure, is indeed a strategic equilibrium if v, the value voters assign to their second best alternative, is small enough. Suppose that the ex-ante distribution of preferences is I.I.D. and such that each voter has a peak at $\mathbf{S}$ ($\mathbf{A}$) with probability $p_{\mathbf{S}}$ ($p_{\mathbf{A}}$), has preference $\mathbf{P} \succ \mathbf{S} \succ \mathbf{A}$ with probability $p_{\mathbf{PS}}$ and preference $\mathbf{P} \succ \mathbf{A} \succ \mathbf{S}$ with probability $p_{\mathbf{PA}}$.*

Under sincere voting, each voter votes for $\mathbf{P}$ at the first stage if and only if this is her most preferred alternative. Conditional on being pivotal, the expected utility of a voter with peak on $\mathbf{S}$ voting for $\mathbf{P}$ is v, while his conditional expected utility from voting against $\mathbf{P}$ equals the probability of $\mathbf{S}$ winning against $\mathbf{A}$ conditional on exactly one voter having a peak on $\mathbf{P}$. This probability equals $c_1 = p_{\mathbf{S}} + (1 - p_{\mathbf{S}}) \frac{p_{\mathbf{PS}}}{p_{\mathbf{PS}} + p_{\mathbf{PA}}}$. If $v \leq c_1$ sincere voting is indeed a best response for a voter with peak on $\mathbf{S}$. Clearly, it is also a best response for a voter with peak on $\mathbf{P}$ to vote for $\mathbf{P}$. Finally, conditional on being pivotal, the expected utility for

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[3]Some cardinalization is needed here because, under incomplete information, lotteries among alternatives must also be considered in some cases.
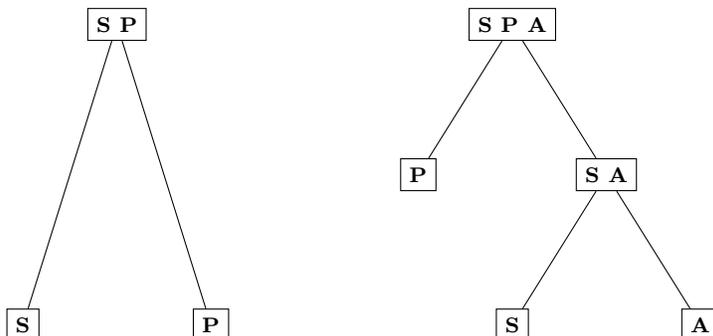
Figure 1: Comparing (a) a simple binary vote between a proposal **P** and status-quo **S** with (b) a successive voting procedure in the presence of a killer motion **A**.

*a voter with peak on **A** when voting for **P** equals v. Voting against **P** instead yields $c_2 = p_{\mathbf{A}} + (1 - p_{\mathbf{A}}) \frac{p_{\mathbf{PA}}}{p_{\mathbf{PA}} + p_{\mathbf{PS}}}$. To conclude, if $v \leq \min\{c_1, c_2\}$ sincere voting is indeed an equilibrium.*

We now identify an important class of agendas for the successive procedures under which a killer amendment can never be successful. We say that a successive voting procedure is *convex* if, at each vote, the motion that is currently considered is an extreme one (among all alternatives that are still available) in the order underlying single-peaked preferences.

Proposition 2. *In a convex successive voting procedure, sincere voting is an equilibrium and a killer motion is never successful in this equilibrium.*

Proof. Theorem 1 in Kleiner and Moldovanu (2017) implies that sincere voting is an equilibrium and that the Condorcet winner is always elected in this equilibrium. However, either the introduction of the killer motion does not change the Condorcet winner, or the killer motion is the Condorcet winner. In either case, the killer motion is not successful. ☐

In many parliaments it is common to vote on the amendment first. For this case, the previous result implies that the more extreme killer motion cannot be successful in a successive procedure.

Corollary 3. *Suppose the killer amendment is voted upon first. Under equilibrium (or sincere) voting in a successive procedure the killer amendment will never be successful. In contrast, it can be successful in equilibrium in an amendment procedure.*

Proof. Note that the killer amendment is an extreme alternative in the linear order underlying single-peaked preferences. Therefore, the resulting successive procedure is convex and Proposition 3 applies.
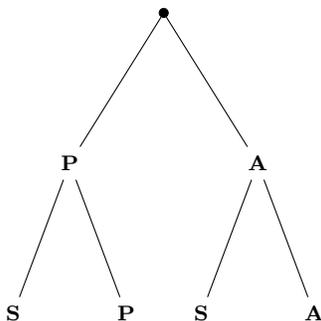
5

Figure 2: Amendment procedure

Consider now an amendment procedure in which the first vote is between **P** and **A**, as illustrated in Figure 2. Suppose the following strategies are played: voters with a peak on **P** vote for **P** in the first vote, while voters with a peak on **S** or **A** vote for **A**; in the second vote, every voter votes sincerely. Suppose **P** is the Condorcet winner but less than half the voters have a peak on **P**. Clearly, **P** would get elected in a binary vote against **S**. However, under the proposed strategies **A** will win in the first vote and the killer amendment will be successful whenever **S** wins against **A**.

We argue that the proposed strategies form an equilibrium whenever v is small enough. Voting for **P** is clearly a best response for voters with peak on **P**: conditional on being pivotal, a majority has a peak on **P** which will therefore be elected in the second vote. Also, note that the chances of **S** winning against **A** are strictly higher than the chances of **S** winning against **P**; therefore, a voter with peak on **S** prefers a second stage vote of **S** against **A** if his valuation of **P** is close enough to zero. The argument for a voter with peak on **A** is analogous and the strategies indeed form an equilibrium. □

If the first vote in an amendment procedure was between **S** and **A**, we would again get that the killer amendment cannot be successful. Note however that in amendment procedures usually the status quo is put to vote at the last stage, after all amendments for a bill have been evaluated, which makes the amendment procedure potentially susceptible for killer amendments even if the killer amendment is put to vote first.

2.1 Voting and Agenda Formation in the Reichstag

The Reichstag inherited successive voting as its standard decision making procedure from the revolutionary French National Assembly. It was well known from regional German parliaments (such as the important Prussian one) that agenda formation - the order in which alternatives are put to a vote - is of importance, and that some orders are "better" than others (see, for example,

the lucid, early treatments in Trendelenburg,[4] 1850 and Tecklenburg, 1914, and the modern legal review by Thiele, 2008). The main principle guiding agenda formation was

$$\text{"\textbf{The farthest} - \textbf{reaching alternative first}"}$$

where distance is measured from an agreed upon status-quo.[5]

Thus, agenda formation rules implicitly assumed one-dimensional issues that can be linearly ordered. This principle suggests, in particular, that if a killer motion strengthens a bill, the killer motion should be voted upon **before** the bill. Our previous result about convex agendas therefore suggests that killer amendments will never be successful. Why do we nonetheless observe strategic maneuvering by the Nazi party? For an explanation we have to carefully consider the institutional background and the specific details of the following case.

3 The Vote of Confidence on the Müller II Cabinet[6]

The Reichstag elections on May 20, 1928 led to a weakening of the center/conservative parties that formed the previous government, and to increases in the representation of the left-leaning social democrats (SPD) and communists (KPD). The Nazi party NSDAP was represented, but was not of significant size.

Party	KPD	**SPD**	**DDP**	**Z**	**BVP**	**DVP**	WP	DNVP	CNBL	NSDAP
Seats	54	**153**	**25**	**61**	**17**	**45**	23	73	9	12

Table 1: The division of the **491** seats, approximately following the left-right political spectrum[7]

Given the extremely fragmented result, coalition formation in order to govern proved to be very difficult. Finally, a rather reluctant "grand" coalition commanding a theoretical majority of 301 seats formed under Chancellor Müller (SPD) (parties in **bold** above). Several parties in this coalition (and factions within other parties) were not prepared to take full government responsibility, nor to award the new Government a full vote of confidence. This state of affairs led to a complex voting conundrum, which we describe below.

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[4]Adolf Trendelenburg, 1802-1872, was a well known philosopher, member of the parliament of Prussia and of the American Academy of Arts and Sciences. His lecture is the oldest essay specifically dealing with agenda formation in the successive procedure. It precedes the slightly better known work by Hecksher (1892).

[5]Agenda formation was nominally under the jurisdiction of the Parliament 'sPresident who consulted with Elders' Council. But, in cases of strong objections to their decision, the agenda itself was sometimes subjected to a majority vote in the plenum, as we shall see below.

[6]Müller was already Chancellor in the past, this explains the denomination II

[7]We omit here 19 seats divided among other 4 small parties.

3.1 The Constitutional Setting

Article 54 of the Weimar Constitution proclaims:

> The Chancellor and the Ministers need the confidence of the Parliament in order to perform their duties.[8] Each one of them must resign if the Parliament withdraws its confidence by an explicit decision.

The second phrase of the above article is relatively unambiguous, but the first is not: is confidence assumed to exist until explicitly withdrawn, or does it need to be positively affirmed at the inauguration of a new Government?

The initial interpretation of the above article during the Constitutional National Assembly of 1919 was that each new government must obtain an affirmative parliamentarian vote of confidence. But the political reality soon forced a new interpretation: if a government could not achieve a majority for a motion of confidence, it instead proposed weaker motions of tolerance. For example, already after the elections for the first regular parliament of the Weimar republic, the largest party, the SPD, was neither willing to participate in the government nor to award it confidence. The Fehrenbach Cabinet was therefore installed on July 2, 1920 on the basis of an affirmative majority vote on the following motion:

> The Parliament took notice of the Government's declarations made on June 28, 1920. It expects the Government to conduct its policy according to these declarations, in particular concerning the coming negotiations in Spa.

Unfortunately, this pattern became the norm: many other Weimar governments were either minority ones, or were supported by coalitions of many parties divided by deep conflicts.[9] Various factions in those governments were willing to tolerate, but not to declare their confidence in an explicit way: governments were thus installed on the basis of various semantic weakenings, similar to the one above. The initial interpretation was nevertheless re-affirmed when the ruling coalition was solid enough: for example, the first Stresemann Cabinet was approved by an unambiguous vote of confidence in 1923.

3.2 The Motions

Opposition parties from the far-left (KPD) and from the far-right (DNPV) brought two identical motions of non-confidence. The parties in the newly formed coalition put forward a fairly weak motion of toleration, modeled on examples from the past. Given the coalition's strength (301 out of 491 seats), it was widely expected that the toleration motion would pass.

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[8] It is a peculiarity of the Weimar constitution that non-confidence motions could also be brought against individual ministers.

[9] The Weimar Republic had 20 Cabinets (and 13 Chancellors) in less than 14 years. 10 of these governments had no majority support in parliament. See, for example, Winkler (1993).

Then, the Nazis (NSDAP) brought a motion calling for the Reichstag to express **full** confidence in the Government! It was obvious to all, and even explicitly acknowledged by Dr. Wilhelm Frick, the NSDAP parliamentary leader that the motion was not "in good faith", i.e., the NSDAP was not going to vote in favor of its own proposal.

This kind of manipulation was not unprecedented: in 1924 the *Elders' Council*, a group of experienced members, representing all major parties, and responsible for the procedural management of the Reichstag, voted by majority not to even consider a similar NSDAP motion. But, in 1928 the Reichstag president Paul Löbe (SPD) allowed the NSDAP motion to be submitted to the Council, which could not find constitutional or legal reasons to exclude it. Thus, on July 5, 1928 the Reichstag was confronted with the following 4 proposals:

1. Motion 148: "The Government does **not have the confidence** of the Reichstag" (**NC1**). This came from the (far) left communist party (KPD) in opposition.

2. Motion 155: "The Government does **not have the confidence** of the Reichstag" (**NC2**). This proposal, identical to the previous one, came from (far) right-conservative DNVP, the biggest party in opposition.

3. Motion 159: "The Reichstag approves the Government's declarations and tables all other motions" (**T**). This is the weak form of **toleration**, proposed by the parties forming the new governing coalition led by the SPD.

4. Motion 175: "By tabling all other motions, the Reichstag expresses its **confidence** in the Government" (**C**). This proposal was made by the NSDAP.

Motion **C** is a killer motion: it strengthens motion **T** in a direction that was considered, but ultimately considered unachievable by the coalition, and is the worst alternative for the NSDAP.

As we shall see below, the duplication of the non-confidence motions coming from the far-left and from the far-right did not play any role, and, for simplicity, we shall coalesce them in the sequel into one non-confidence motion, called **NC.**

3.3 The NSDAP Agenda Proposal

As mentioned above, if a motion strengthens a bill, agenda formation rules called for that motion to be voted upon **before** the bill. Since **C** is obviously a strengthening of **T**, out of the 6 possible orderings of 3 alternatives only 4 are consistent with the "farthest-alternative first" principle:

<div align="center">

A1: NC-T-C

A2: NC-C-T

A3: C-T-NC

A4: C-NC-T

</div>

Since everyone agreed that **NC** should be voted upon last,[10] the unique remaining agenda consistent with the farthest-alternative first principle was **A3**: **C-T-NC.**

With impeccable logic following the standard principle of agenda formation, Dr. Frick (NSDAP) indeed presented a motion to use agenda **A3**. In the ensuing procedural debate, his motion was strongly supported by the speakers of the other extreme parties on the far-left and on the far-right, the KPD and the DNVP, respectively. Recall that both these parties submitted motions of non-confidence!

In a normal voting situation according to the successive procedure with agenda **A3**, a defeat of **C** would simply lead to a vote between **T** and **NC**. Our Corollary 4 immediately implies that the killer motion **C** should not be successful if this agenda is employed. Here, however, a negative vote on the confidence motion could be interpreted as an expression of non-confidence and could have led, with substantial probability, to an imminent fall of the Government! Given the ambiguity in the Constitution itself, contemporary legal opinion did not *de jure* equate the defeat of a confidence motion to the acceptance of a motion of non-confidence. While the Government might have had no legal duty to resign after the defeat of a confidence motion, *de facto* a scenario where the Government fell was relatively likely.[11] Indeed, in a similar case from 1923, the second Stresemann Cabinet did not survive the defeat of a confidence motion: at least at that time, the defeat was seen as the "equivalent to a vote of non-confidence" (see Huber, 1981, page 334).

Thus, by combining a strategic motion not in good faith with a proposal for a very specific agenda (which was otherwise consistent with the standard procedure) the NSDAP found a way to transform the situation from an initial binary vote among **T** and **NC** (widely expected to be won by **T**) into a vote between **C** and a an uncertain lottery containing a highly probable component equivalent to **NC**. This is the classic logic of a killer amendment, and it seemed to have had a more than fair chance of success. Even if **C** would have been adopted, the outcome still had to be considered a major embarrassment for the large reluctant parts of the proposed Government who would be then hard pressed to explain to their supporters what happened. To conclude, the lottery induced by the NSDAP move was, in any case, worse than **T** from the point of view of the Government coalition.

3.4   The Counter-Move

Our theoretical analysis of killer motions in successive voting procedures - suggesting that a killer amendment cannot be successful here - does not immediately

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[10] The logic is not completely transparent here. President Löbe argued that both **C** and **T** contain the tabling of other motions, and thus they need be voted before **NC**.

[11] According to the post National-Assembly interpretation of Article 54, a Cabinet nominated by the republic's President (after consultations with the parties) has the parliament's confidence until "factually" proven otherwise (see Huber, 1981, page 333); the question was whether defeat of a motion of confidence constituted factual proof or not.

apply because the above described situation violated an important principle underlying this voting procedure: normally alternatives are seen as mutually exclusive, and the defeat of one proposal does not affect the feasibility of all other alternatives.

Hence, in the present case, the killer motion was seen as potentially very dangerous, and our analysis suggests that the coalition led by the SPD had to do something in order to save **T**. This logic did not escape the Reichstag President Löbe (SPD) who, probably after consulting the Elders' Council during the intervening night, proposed a different voting agenda:

<div align="center">

Agenda **B**: **T-C-NC**

</div>

It is important to note that this agenda, where the more moderate motion **T** is voted **before** the two extremes, is not convex, and is also not consistent with the traditional principle of agenda formation "farthest-reaching motion first". Protests by the NSDAP, KPD and DNVP against this - in their opinion - blatant breach of tradition were countered by Löbe who dryly noted that the Reichstag's Standing Orders (or formal rules of procedure) did not explicitly mention a specific agenda formation rule: hence the house was free to decide on its agenda on an ad-hoc basis.

The anticipated outcome of a vote according to Agenda **B** was, of course, the acceptance of **T** at its first step, the tabling of the other motions, and the installment of the new Government. Thus, Löbe countered the potentially fatal killer amendment by another move that necessitated the strategic abandonment of a relatively long-standing tradition of agenda formation.

3.5 The Vote's Outcome

The first vote was procedural, on the agenda itself: the Reichstag was called to vote on the NSDAP proposal **A3**. In case of rejection, the agenda **B** suggested by the Reichstag's President was to be used.[12] Thus, the procedural binary vote was between:

<div align="center">

Agenda **A3**:   **C-T-NC**

Agenda **B**:   **T-C-NC**

</div>

The predictions based on the above analysis should be clear: The coalition parties should oppose the NSDAP agenda **A3**, while the extreme parties on the left and on the right, who were much interested to bring the Government down or to at least embarrass and further split the coalition, should vote in its favor.

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[12]Austen-Smith (1987) looks at a sequential agenda formation where the agenda is built sequentially while motions are being proposed. Here motions were also sequentially presented, but a vote to choose among different agendas was undertaken only after all motions had been presented. See also for Dutta et. al (2004) and Barbera and Gerber (2017) for other games of endogenous agenda formation.

Agenda **A3** was defeated by 266 No votes to 131 Yes votes (and 24 abstentions), and the Reichstag moved to the substantial vote of confidence itself, according to Agenda **B**.

Again, the predictions are clear: The coalition parties should approve motion **T**, while the extreme parties on the left and on the right should vote against it.

The toleration motion **T** was approved by 261 Yes votes versus 134 No votes (and 28 abstentions), which also implied that voting on further motions was suspended. Both above votes were by roll-call, so that the individual voting patterns are available to us in disaggregated form. The following table presents the voting summary of the main parties (**coalition in bold**). It is plain to see that the data fully agree with our theoretical predictions.

Party	KPD	**SPD**	**DDP**	**Z**	**BVP**	**DVP**	WP	DNVP	CNBL	NSDAP
Profile	Y,N	**N,Y**	**N,Y**	**N,Y**	**N,Y**	**N,Y**	Abs., Abs.	Y,N	Y,N	Y,N
Number	48	**136**	**21**	**52**	**16**	**39**	20	65	8	8

Table 2: Vote Profiles: first vote on using **A3: C-T-NC**, second vote on motion **T**[13]

4   Epilogue

An attempt to correct the core ambiguity in Article 54 of the Weimar constitution - one of the main causes behind the strategic wrangling described here - was made already in 1931 (see Bilfinger, 1931). The Standing Orders governing the functioning of the Reichstag were modified to include:

> A motion to determine whether the Chancellor, the Government or single Ministers have the confidence demanded by Article 54 or not, may only be brought as "The Reichstag withdraws its confidence in the Chancellor (Government, Minister)"

Under the new rule (that interpreted Article 54 in a specific way) it became clear that the defeat of a positive motion of confidence is **not-equivalent** to the passing of a motion of non-confidence - the latter, and **only** the latter could bring the government down.

The new constitution of the German Federal Republic (BRD) went one step further. A major change vs. Weimar, concerned the article regulating motions of non-confidence. While the old Weimar Article 54 enabled "destructive" motions where the Government can be toppled by "unholy" alliances of both extremes of the political spectrum (such as the one seen at work in our case), who were neither willing nor able to form together a new Government, the new relevant Article 67 tightly connects a motion of non-confidence with the necessary election of a new Chancellor/Government, and thus to the implied existence of a working majority supporting a new Cabinet. It says:

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[13]There were additional 6 (N, Abs.) profiles, 4 (Abs., N) profiles and 2 (Y,Abs.) profiles.

> The Parliament can express non-confidence in the Chancellor only by a majority vote on a successor, and by asking the President to fire the old Chancellor. The President must accept this request, and nominate the newly elected person.

The two modern German houses of parliament, the Bundestag and the Bundesrat, are still free to choose their agenda, but the farthest-reaching alternative first principle is now explicitly mentioned in the Standing Orders of the Bundesrat, and is indeed employed in both houses in most relevant cases (see Kleiner and Moldovanu, 2017 for several illustrations). In addition, overruling an agenda proposed by the Elders' Council now requires a two-thirds super-majority.

Most NSDAP members of the Weimar Reichstag became important figures in the later Nazi regime. Wilhelm Frick, their parliamentary leader, and mastermind behind the above described strategic manipulation became Hitler's minister of interior. He was hanged in 1946 following the Nürnberg trials. Josef Goebbels, Hitler's propaganda minister committed suicide with his wife (after they took the life of their 6 children) in Hitler's Berlin bunker. Hermann Göring, Hitler's head of the Air Force committed suicide after the Nürnberg Trials, avoiding the already imposed death sentence by hanging.

The communists members of the Reichstag surely came to regret their opportunistic alliances with the Nazis with the purpose of destabilizing the government and the young republic. Both Walter Stoecker and Ernst Thälmann, their parliamentary leaders before and after 1929, respectively, died in the Buchenwald concentration camp. A similar fate awaited a majority of their colleagues, while some others managed to escape to the Soviet Union - only to be later murdered there during the Stalinist purges[14].

The social-democrat Reichstag president Paul Löbe opposed the Nazi regime and was imprisoned several times (including in the Groß-Rosen concentration camp until 1945). Nevertheless, following the personal intervention of Hitler, he continued to obtain a government pension until the end of the war.

The chronic instability of Governments during the Weimar Republic led to its fall, and to the subsequent horrors of the Nazi dictatorship and WWII. Some of the lessons of the past have been learned. It remains to be seen how well the modern institutions work after the elections of 2017 when, for the first time in its post-war history, Germany has again a fragmented political spectrum with 6 parties represented in the Bundestag, including both the far-left and the far-right. This paper was completed almost 6 months after those elections, while Germany was still lacking a newly elected Government because of the difficulties of forming a ruling coalition.

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[14]A few surviving communist members of the Reichstag, such as Walter Ulbricht, became top political figures in the post WWII German Democratic Republic.

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