

## CHAPTER 2

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# *Evolution and Change in Committees*

Between 1774 and 1788, the Continental Congress of the United States created more than 3,200 committees to aid in the transaction of its legislative business and run the affairs of government.<sup>1</sup> Since that time additional thousands of committees, subcommittees, joint committees, and other panels have come and gone. Even before the first American political parties had emerged, Congress was organizing its activity and augmenting its sometimes rudimentary structure by the addition of numerous subunits. From the Revolutionary War Claims Committee to Veterans' Affairs, from Levees and Improvements on the Mississippi River through Pacific Railroads to Aeronautics and Astronautics, the development of committees reflects our own national development.

In this chapter we address evolution and change in Congress's committee systems, examining how members, the parties and their leaders, and the chambers as collective decision-making bodies have benefited from and shaped the use of committees. Since they preceded party development, how did parties and party leaders cope with this rival source of power? As member service developed from brief tenures to long careers, what changes in the committee systems occurred to match this rise in ambition? As committees gained resources and informational advantages relative to party leaders and chamber colleagues, how much independence did they acquire and under what conditions? And, finally, to what extent have external political events shaped the use and evolution of committees?

An appreciation of committee history is vital to placing the current committee systems in proper context. Not only does an historical review illuminate the power and complexity of the modern committee systems, it also demonstrates how malleable legislative processes are in Congress. While past organizational decisions always influence future directions, Congress has shown a remarkable capacity to alter its decision-making processes in response to changing demands from its members and its political environment.<sup>2</sup> This chapter provides a basis for understanding how and when committees were established as independent agents with-

in the House and the Senate and then traces the struggle within each chamber for, and *against*, committee autonomy.

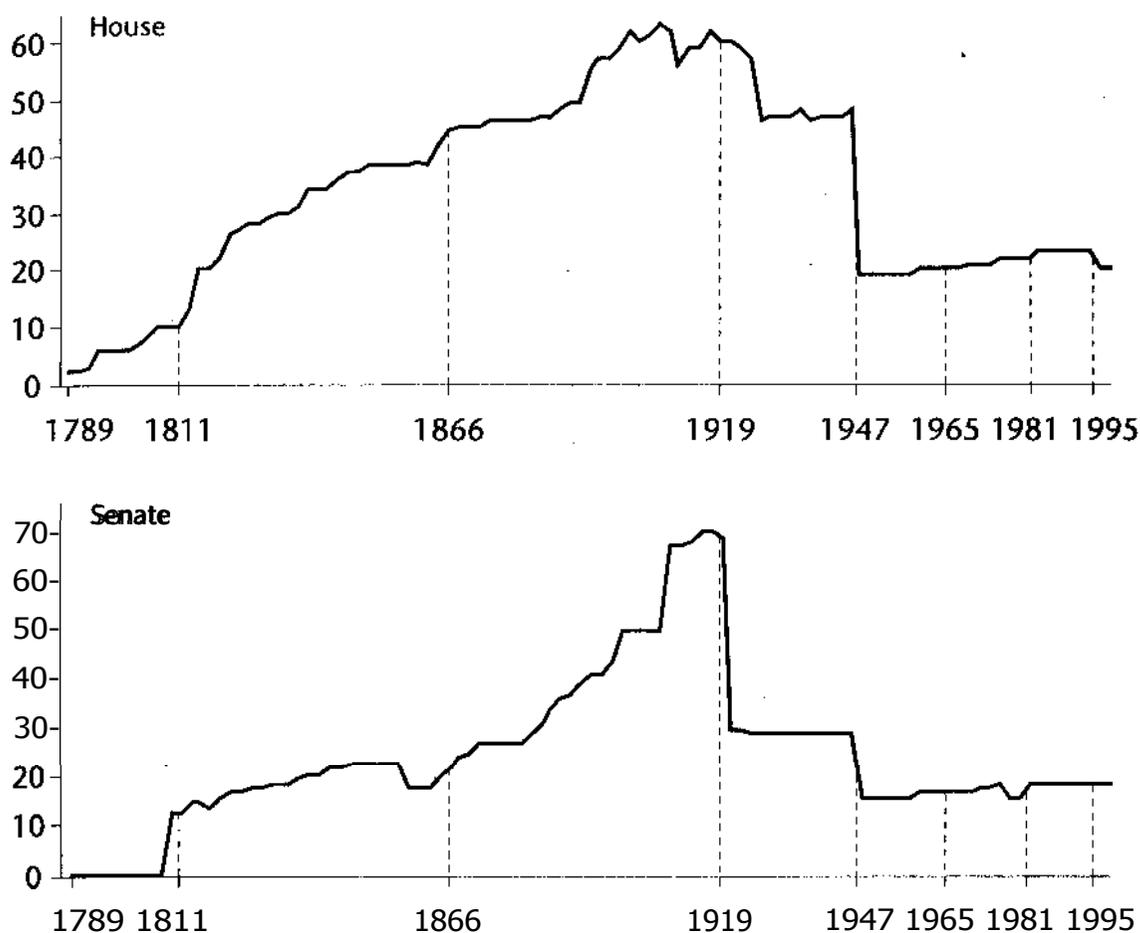
While it is beyond the scope of the present text to document that history in detail, the student of committees should be aware of certain key developments and milestones in the establishment of the contemporary committee systems.<sup>3</sup> For this purpose, the history of Congress's committee systems can be divided, somewhat arbitrarily, into seven periods. The first four of these periods—Origins (1789-1810), Institutionalization (1811-1865), Expansion (1866-1918), and Consolidation (1919-1946)—saw the establishment of the modern committee systems; they are characterized briefly here. Each of the post-World War II periods—Committee Government (1947-1964), Reform (1965-1980), and Postreform (1981-1994)—and the most recent Republican reforms are considered at greater length. During each of these periods, important changes in the number and character of standing committees in the two chambers can be identified. The years that make up these seven periods are demarcated in Figure 2-1, which traces the number of standing, full committees throughout Congress's history. The essential features of the first five periods are summarized in Box 2-1, those of the reform period in Box 2-2, and those of the postreform period in Box 2-3.

## DEVELOPMENT OF THE MODERN COMMITTEE SYSTEMS

Although Congress has made use of committees in a variety of shapes and sizes since its first session in 1789,<sup>4</sup> committees were not fully modernized until just before World War II. The modern committee systems took more than 130 years to become fully established. During that time committees grew in size and number and varied in the degree of power they held. Standing committees were used infrequently during the first period, that of the earliest congresses. Instead, fearing the prospect of independently powerful subgroups, carefully instructed select committees became the norm. These small groups, usually comprised of a bill's supporters,<sup>5</sup> ceased to exist once they reported back to their parent chambers. During the second period, the five decades preceding the Civil War, both chambers established a set of standing committees. Although seniority had yet to emerge and committees still lacked the privileged power to report bills to the parent chamber, relatively stable and identifiable jurisdictions had been established and continued from congress to congress. It is during this period that the roots of committee independence were put into place within each chamber.

From the end of the Civil War until 1918 standing committees proliferated in both chambers. During this time, partisan structures matured

FIGURE 2-1 Number of Congressional Standing Committees: 1789-1997



Sources: *The Congressional Directory*; Lauros G. McConachie, *Congressional Committees* (New York: Thomas Y. Crowell, 1898); *Annals of Congress*; *Register of Debates in Congress*; *Congressional Globe*; *Journal of the House*; *Journal of the Senate*; the *Congressional Record*.

Note: Graph smoothed between major points of change.

and the majority party became the dominant organizational element in each chamber—a circumstance that challenged committee autonomy. At the same time, members in both chambers became more likely to hold seats on committees from one congress to the next—the beginning of the so-called *property right* norm.<sup>6</sup> Another important change saw legislation from major House committees—starting with Appropriations and Ways and Means as early as 1865 but extended to other committees after 1880—given privileged access to the floor. Taken together these developments served to create tension between members and committee leaders on the one hand, who wished to see their independence enhanced, and party leaders on the other, who saw independent committees as a threat to party control. Also during this period the Rules Committee established

## *Congressional Committee Systems . . .*

### Origins: 1789-1810

- The House generally acts first in presenting legislation. Most important policy matters are initially examined in the Committee of the Whole, a parliamentary device that facilitates discussion through a committee of all members.
- Both House and Senate use select (or temporary) committees to fashion legislation once it has been debated on the floor.
- Early committees are chosen by chamber majorities, although the House moves quickly to committee appointment by the Speaker.
- The House and Senate create their first standing committees to handle recurrent policy or housekeeping matters.

### Institutionalization: 1811-1865

- Both chambers abandon the use of select committees and establish permanent or standing committees. By 1860 there are 39 in the House and 22 in the Senate.
- Referral of legislation to Committee of the Whole is abandoned and committees are permitted to report legislation to the floor without prior approval.
- Most House committees are appointed by the Speaker, who uses the power to bolster the influence of that position.
- Committee chairs begin to emerge as institutional leaders with considerable influence on the content of legislation within their control.
- Clerks and offices are approved annually, and without controversy, for most committees.

### Expansion: 1866-1918

- Number of committees expands to reflect changing political, economic, and social environment. By 1918 there are nearly 60 House and 74 Senate committees.
- Legislatively active committees, particularly those with appropriations responsibilities, begin to form subcommittees.
- The House Rules Committee becomes a tool of the leadership, chaired by the Speaker, with the power to pass "special orders" that determine floor agenda and conditions for consideration of specific bills.
- The seniority principle, which awards leadership posts to committee members with the longest continuous service, becomes widely followed in both the House and the Senate. Both parties establish a Committee on Committees to handle new committee assignments.

## ... *Evolution and Change*

- In 1910 a revolt in the House against Speaker Joseph G. Cannon solidifies the seniority "rule," limits the Speaker's power, and cements the power of full committee chairs within their own panels.

### Consolidation: 1919-1946

- The House and Senate reduce the number of standing committees by eliminating many idle panels and incorporating other, more active groups into subcommittees within larger, full committees.
- The House and Senate Appropriations committees regain authority for all spending bills; one subcommittee for each of the annual appropriations bills is created.
- Committee leaders gain increased independence and influence even as formal party leadership structures are created; party leaders are denied committee leadership positions.
- In the House, the Appropriations, Rules, and Ways and Means committees become exclusive assignments for their members.
- Passage of the New Deal programs and World War II greatly enlarge the size and scope of government. Expansion of the authorization, appropriation, and oversight roles of Congress's committees is marked.

### Committee Government: 1947-1964

- The Legislative Reorganization Act of 1946 reduces the number of committees to 19 in the House and 15 in the Senate.
- Committee staff and office space are provided on a permanent basis and committees are charged to exercise "continuous watchfulness" over the implementation of laws by the executive branch.
- Along with adherence to seniority, House and Senate committees develop the norms of apprenticeship and specialization to guide the participation of new and continuing members.
- Committee chairs gain effective control over their panels' agendas, structure, procedures, and policy outputs.
- With the number of full committees effectively capped, the number of subcommittees expands in both chambers to more than 100 in the House and more than 80 in the Senate.
- Virtually all legislation is now a committee product and committees have fully developed negative powers to bottle up any unwanted bills.

its critical agenda-making role. Prior to this point, committee bills, if they were not privileged, could only be considered in turn as they appeared at the top of the various House calendars. But the Rules Committee, then chaired by the Speaker, established the practice of passing special rules that, on a bill-by-bill basis, permitted the Speaker to move legislation directly to the floor. Thus, the Rules Committee took up a critical institutional role and came to be seen as an arm of the leadership.

Early in this century a revolt against Speaker Joseph Cannon of Illinois sharply reduced the Speaker's control over House committees and limited the concentration of power among top party leaders. This was done by denying the Speaker his position on the Rules Committee and, later, by denying the majority leader the chair of the Ways and Means Committee. The aftermath of that revolt, an era of consolidation, constitutes the fourth period, which lasted through the second world war. Most scholars and observers agree that the modern Congress was established by the second decade of this century. By that time, 1922 to be precise, both chambers had stable standing committee systems, identifiable leadership structures, reasonably well established party organizations, an articulated fiscal policy-making system, recognized and accepted rules of floor procedure, and a budding infrastructure of professional and administrative staff. Likewise, the characteristics of the committee structure that emerged during that crucial period reflect, in most important respects, the committee system we have today. These characteristics include

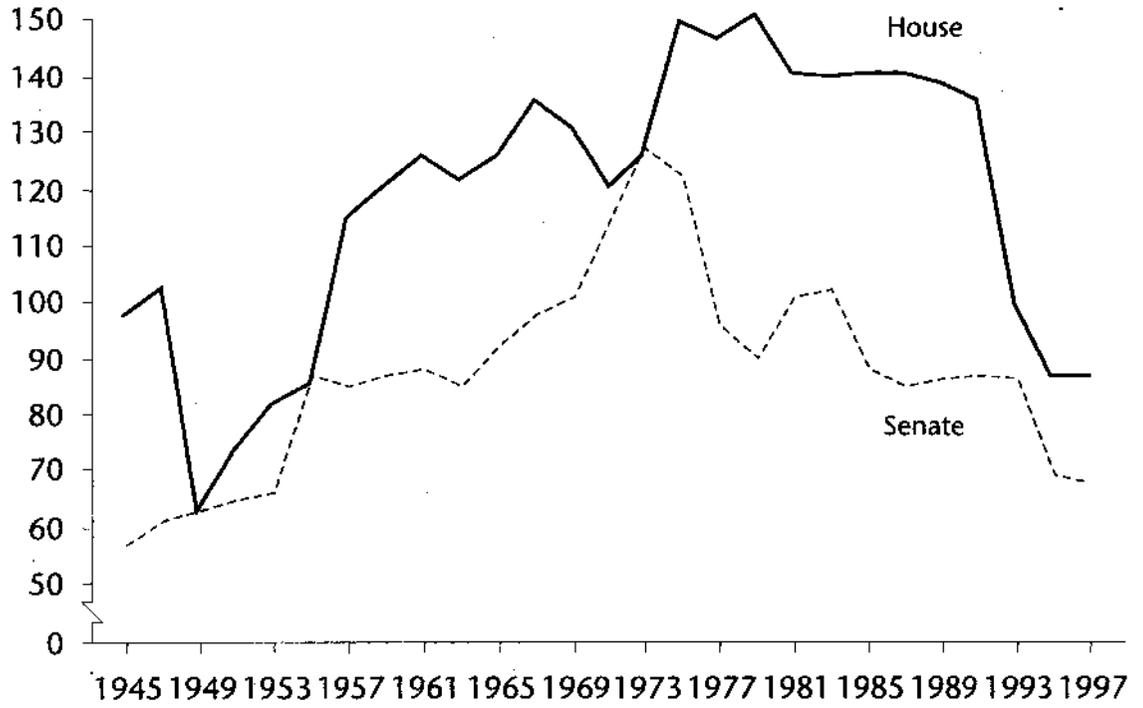
- an internal structure with identifiable subcommittees;
- rule-determined jurisdictions that remain stable from congress to congress;
- legislative authority;
- fixed modes of member appointment;
- established leadership positions and methods of recruitment; and
- logistical support and resources necessary to do their jobs.

The Congress that emerged between 1910 and 1922 looked very much like the Congress we see today.

#### COMMITTEE GOVERNMENT: 1947-1964

Although Woodrow Wilson described Congress as "government by standing committee" back at the turn of the century, most observers agree that that description more accurately portrays the two decades that immediately followed World War II.<sup>8</sup> The period commenced with a landmark effort, the first Joint Committee on the Organization of Congress, to modernize and ready the Congress (and many other aspects of government)

FIGURE 2-2 Number of Congressional Standing Subcommittees: 1945-1997



Source: U.S. Congress, Joint Committee on the Organization of Congress, *Background Materials*, 103d Cong. 1st sess. S. Prt. 103-55, 474-477; updated by the authors.

for the postwar era and passage of the Legislative Reorganization Act of 1946—also known as the LaFollette-Monroney Act.<sup>9</sup> Among other things, the act greatly reduced the number of standing committees, codified committee jurisdictions, provided each committee permanent (or statutory) staff, and consolidated Congress's oversight powers within the respective committees. The two chambers interpreted the law in a fashion to suit them, of course, by adding additional temporary staff, creating numerous subcommittees (see Figure 2-2), and allowing aggressive committees to expand their jurisdictions on an incremental basis. In concert, these changes helped committees gain a decisive informational edge over the parties and the rank-and-file members in the two chambers, and thus prompted a marked increase in the independence of committees. By themselves, however, these changes cannot explain why committees achieved the status and power they did during this era.<sup>10</sup>

In addition, one must look to the institutionalization of certain norms—seniority, apprenticeship, and reciprocity—and to the voting coalitions, particularly the conservative coalition, that solidified in Congress during this period as sources for committee power.<sup>11</sup> Conservative southern Democrats held a disproportionate number of committee chairs

during this era—a benefit bestowed by the seniority system. Less senior members, who were disproportionately northern and more liberal, were admonished to enter into a period of apprenticeship when it was best to be seen but not heard. Internal divisions within the Democratic party placed roadblocks on the liberal wing's desire to pass legislation and allowed the conservative wing to exploit its negative powers to halt legislation in committee. Thus, a relatively stable membership and nearly uninterrupted Democratic control reinforced committee power during this period. But as the liberal wing of the Democratic party slowly expanded, pressures for change began to build within the institution.

Committee chairs became a primary—though not the only—target for change. Why? Consider their power, as neatly summarized by George Galloway in 1953:

Just as the standing committees control legislative action, so the chairmen are masters of their committees. . . . They arrange the agenda of the committees, appoint the subcommittees, and refer bills to them. They decide what pending measures shall be considered and when, call committee meetings, and decide whether or not to hold hearings and when. They approve the lists of scheduled witnesses and authorize staff studies, and preside at committee meetings. They handle reported bills on the floor and participate as principal managers in conference committees. They are in a position to expedite measures they favor and to retard or pigeon-hole those they dislike.<sup>13</sup>

This panoply of procedural authority ensured that committee chairs could maintain the upper hand in most disputes, but it did not make them absolute tyrants. Committee chairs of the era frequently were aggressive, colorful, and vain. Occasionally, they were unprincipled. But they always were highly goal-oriented.

Rep. Howard W. "Judge" Smith, Democratic chair of the House Rules Committee from 1955 until 1967, was among the most notorious of the independent committee "barons" of this era. Smith, who represented the same Virginia district that James Madison represented in the First Congress, was an undisputed leader of conservative southern Democrats who opposed, among other things liberal, virtually all civil rights legislation. The bespectacled Smith was not physically imposing. Rep. Richard Bolling, a Democrat from Missouri who would later chair the Rules Committee, described Smith as "[a] lean and stooped figure with a long and mournful face."<sup>13</sup> Smith never established a fixed meeting day for his Rules Committee, even though House rules prescribed the practice. He was known to go on "fishing trips" or disappear to tend to "barn fires" at his Fauquier County farm when important matters he opposed were up for consideration on the committee. Smith ruthlessly used the power of his committee to negotiate changes in legislation. He scheduled, or failed

to schedule, committee meetings to shape legislation and the legislative agenda and served as a principal roadblock to civil rights legislation by becoming an independent center of power in the House of the late 1950s. Although Democratic House Speaker Sam Rayburn of Texas and President John F. Kennedy succeeded in gaining passage of a rule to expand the size of the committee in 1961, Smith continued to shape the legislative agenda until he was defeated in a primary in the fall of 1966.<sup>14</sup>

Smith was not the only committee baron to appear during this period. But he was emblematic of a particular species of chair that thrived during this era. And yet, for all their color, the "old bulls" as they are sometimes called should not be deified too hastily.<sup>15</sup> Their power was certainly real; their high-handedness was no myth. But they were not invincible. Most committee chairs ruled by active participation, skillful compromise, and judicious use of their procedural powers. Most had bipartisan majority support within their committees. And many had close working relationships with their minority counterpart on the committee. In the end, no chair could long resist overwhelming opposition. The fact is, during most of this period few chairs faced such opposition—a circumstance that changed as the middle 1960s approached.

#### REFORM: 1965-1980

By the late 1960s, members of Congress had begun to make concerted demands for major congressional reform. These demands were especially strong among junior members and some longstanding liberal Democrats who found their efforts to shape public policy stymied by their more conservative senior colleagues. The "reapportionment revolution," induced by the Supreme Court's one-person-one-vote ruling, began a wholesale shift to urban- and suburban-dominated congressional districts. These members, and the outsiders whose causes they supported, were concerned about issues that were not receiving active committee consideration and did not fall easily into existing committee jurisdictions. A nascent environmental movement, opposition to the Vietnam conflict, and a continuing interest in civil rights legislation placed new challenges before congressional committees. These Democrats, with the occasional support of their party leaders and minority Republicans, sought to improve their participation in congressional decision making by wholesale restructuring of legislative structures and procedures.

From the mid-1960s to the early 1970s, more than a half dozen reform missions were mounted in the House and Senate (see Table 2-1). The efforts of five of these—two bicameral committees, two bipartisan intrachamber committees, and one party caucus committee—are worthy

TABLE 2-1 Major Reform and Study Efforts, House and Senate (1965-1996)

<i>House</i>	<i>Joint</i>	<i>Senate</i>
Democratic Caucus Committee on Organization, Study, and Review (Hansen Committee) March 1970–October 8, 1974	Joint Committee on the Organization of Congress March 11, 1965–July 21, 1966a	Commission on the Operation of the Senate (Culver Commission) July 29, 1975–December 31, 1976
Select Committee on Committees (Boiling Committee) January 31, 1973–October 8, 1974	Joint Study Committee on Budget Control October 27, 1972–April 18, 1973	Temporary Select Committee to Study the Senate Committee System (Stevenson Committee) March 31, 1976–February 4, 1977
Commission on Administrative Review (Obey Commission) July 1, 1976–October 12, 1977	Joint Committee on the Organization of Congress (Boren–Hamilton Committee) August 6, 1992–December 17, 1993	The Study Group on Senate Practices and Procedures (Pearson-Ribicoff Group) May 11, 1982–April 5, 1983
Select Committee on Committees (Patterson Committee) March 20, 1979–April 30, 1980		Temporary Select Committee to Study the Senate Committee System (Quayle Committee) June 6, 1984–December 14, 1984

<sup>a</sup> Senate members of the Joint Committee continued their work as an intrachamber committee and filed an additional report on September 21, 1966.

of more detailed examination because they produced the most important committee reforms of the period.

#### THE LEGISLATIVE REORGANIZATION ACT OF 1970

The first major reform endeavor of the 1960s was designed to emulate the efforts that had resulted in the Legislative Reorganization Act of 1946.<sup>16</sup> The reformers' first strategy was to make a broad direct assault on congressional organization and procedure. On March 11, 1965, the second Joint Committee on the Organization of Congress was created to take a wide-ranging look at organizational reform. Among the major topics for study were committee procedures and organization, committee staff, legislative research support, floor procedures, lobbying regulations, fiscal controls and procedures, and the role of political parties.<sup>17</sup>

In its final report, based on lengthy hearings during the 1965 session, the Joint Committee made reform recommendations in every area except the role of political parties. Despite quick Senate action, the Joint Committee's final recommendations took five years to be signed into law. The objections of powerful House interests to several proposed reforms were responsible for this delay. When finally enacted into law, the Legislative Reorganization Act of 1970 contained none of the provisions recommended by the Joint Committee regarding seniority, electronic voting, or lobby reform, but did include a series of procedural reforms. Among other things, the act required committees to make public all recorded votes, limited the use of proxy votes, allowed a majority of members to call meetings, and encouraged committees to hold open hearings and meetings. Floor procedure was affected, too—primarily by permitting *recorded teller votes* (a voting procedure where members file past "tellers" who record their votes for or against a pending question) during the amending process and by authorizing (rather than requiring) the use of electronic voting.<sup>18</sup>

The Legislative Reorganization Act of 1970, despite its somewhat limited effects, remains an important milestone in legislative reformers' efforts. It marks the end of an era when powerful committee chairs and other senior members could forestall structural and procedural changes that appeared to undermine their authority. And it marked the beginning of nearly a decade of continuous reform in Congress, providing the opening wedge for further committee change.

#### HOUSE REFORMS: THE HANSEN AND BOLLING COMMITTEES (1970-1974)

The Legislative Reorganization Act of 1970 contained important lessons for members interested in reform. It demonstrated clearly that most of the

## *Major House Committee . . .*

Committee reforms of the 1970s occurred incrementally, with some later reforms extending or amending changes adopted earlier in the period. The first two sets of changes noted here (Hansen I and II) were the product of the Hansen Committee and were changes to the Democratic Caucus rules. Hansen III was also the work of that panel, but became a substitute for House rule changes proposed by the Bolling Committee. Caucus IV was another set of Democratic Caucus rule changes. Though not listed here, changes adopted by the Republican Conference mirrored (and frequently preceded) those of the Democrats.

### Hansen I (1971)

- Democrats limit their members to holding one legislative subcommittee chair.
- Subcommittee chairs are allowed to select one professional staff member for their respective subcommittees.
- The system for electing full committee chairs and committee members is altered so that nominations are presented one committee at a time.
- A request by ten or more members initiates debate, a separate vote, and, in the event of a defeat, a new nomination by the Committee on Committees for each chair nominated.

### Hansen II (1973)

- Automatic votes on committee chairs are permitted, with a secret ballot to be provided on the demand of 20 percent of the caucus.
- The Democratic Committee on Committees (formerly comprised solely of Democratic members of the Ways and Means Committee) is expanded to include the Speaker (who now chairs the group), the majority leader, and the caucus chair.

## BOX 2-2

reforms desired in each chamber were fundamentally different. In fact, the Senate simply was not experiencing the same level of pressure for reform as the House. Therefore, the earlier bicameral efforts gave way to ultra-chamber reform movements in the House. Another half-decade would elapse before serious Senate reforms would be attempted.

House reformers' strategies targeted committees and the power of committee chairs. As noted in Chapter 1, committee structures and procedures are the result of two sets of rules: the standing rules of the parent

### *. . . Reforms of the 1970s*

- A twenty-three-member Steering and Policy Committee is created within the caucus.
- Procedures are adopted allowing the caucus to demand more open rules for floor deliberations.
- The "Subcommittee Bill of Rights" is adopted. Reforms include guaranteed referral of legislation, "bidding" for subcommittee seats, and fixed jurisdictions for subcommittees.

#### Hansen III (Bolling substitute) (1974)

- No committees are eliminated; Small Business is given standing status.
- Multiple referral and early organization are retained from the Bolling plan.
- Committees over fifteen members are to establish at least four subcommittees.
- Committee staff sizes are increased.
- One-third of House committee staffs are guaranteed to the minority.
- Proxy voting is banned in committee.

#### Caucus IV (1974)

- Ways and Means Democrats are stripped of role as Committee on Committees.
- The Ways and Means Committee is expanded from twenty-five to thirty-seven.
- Appropriations Committee subcommittee chairs are elected by caucus.
- Speaker nominates Democratic members of the Rules Committee.

chamber and those of the two party caucuses. House standing rules focus on the jurisdictions and formal legislative authority of each panel. But they are generally silent regarding the selection and powers of committee leaders and members. Instead, these requirements are written into the caucus (or conference) rules of the two parties. As a result, House reforms of this period were developed by two separate but closely linked efforts.

Within the Democratic party caucus, reform efforts were spearheaded by the Committee on Organization, Study, and Review, an eleven-mem-

ber group chaired by Julia Butler Hansen of Washington (hence, the Hansen Committee). This committee was first authorized by the Democratic Caucus in March 1970 and produced substantial reform packages that were passed by the Caucus in January 1971 and again in early 1973.<sup>19</sup> Not least among these changes, which were designed to enhance the influence of party leaders and link committee leaders more tightly to the Caucus, were rules that forced each committee chair to face the party Caucus for election by a secret ballot. (See Box 2-2 for a summary of the major committee reforms.)

The initial successes of the Hansen Committee coincided with a bipartisan leadership effort to create a House select committee to study the basic structure of the chamber's committee system. This bipartisan committee, the House Select Committee on Committees, was chaired by Democrat Richard Bolling of Missouri.<sup>20</sup> The committee's proposals ignited a firestorm of opposition because they threatened to alter fundamentally a pattern of committee jurisdictions that had developed over decades.<sup>21</sup> Much to the committee's dismay, these proposals were referred by the Democratic Caucus to a hastily resuscitated Hansen Committee for review. It was the Hansen Committee's substitute reform package, stripped of all but minor jurisdictional tinkering, that ultimately passed the House in October 1974.<sup>22</sup> The Caucus also adopted further substantial changes to its own rules during the party organizing caucus of December 1974. And in a *coup de grace*, the Caucus, bolstered by seventy-five "Watergate babies" elected in 1974, exploited its new rules to depose the senior committee chairs of the Agriculture, Armed Services, and Banking committees—W. R. Poage (D-Texas), F Edward Hebert (D-La.), and Wright Patman (D-Texas), respectively.<sup>23</sup>

By 1975 the House committee system and the means by which the ruling Democrats organized and operated that system had been altered dramatically. Committee jurisdictions were redrawn in minor ways. Party leaders had new authority to refer legislation to more than one committee—a change that more aggressive leaders would use as leverage on committees in the 1980s. Democrats on the House Ways and Means Committee no longer comprised their party's Committee on Committees. Members faced strict limits on the number of committee and subcommittee chairs they could hold. Subcommittees were bolstered by the "subcommittee bill of rights."<sup>24</sup> And rules and procedures for selecting committee and subcommittee chairs—dramatically exploited in the dismissal of Poage, Patman, and Hebert—forced these individuals to be more responsive to their colleagues.

Reform efforts did not cease, but a watershed period for reform had drawn to a close. In 1977 the House Commission on Administrative Review (the Obey Commission, named after Democrat David R. Obey of

Wisconsin) produced a report recommending a wide range of procedural innovations and further investigation of the committee system. The report was rejected by the House on a procedural vote. And in 1979 a new Select Committee on Committees (the Patterson Committee, named after California Democrat Jerry Patterson) was formed and given a year to renew the study of the committee system.

The House was clearly in no mood for more reform. It rejected the Patterson Committee's proposal to consolidate energy jurisdiction into a single House committee and opted instead simply to rename the powerful Interstate and Foreign Commerce Committee the Energy and Commerce Committee. No jurisdiction was taken from other House committees that considered energy issues, but the House rules were changed to give the "new" Energy Committee a general oversight jurisdictional grant over energy problems.

Finally, it must be noted that the successive waves of reform that flowed over the House substantially increased the power of Democratic leaders. The resuscitated Steering and Policy Committee placed the Speaker, acting also as Democratic party leader, at the vortex of party politics and organization. Such influence in committee assignments had not been seen since that power was handed to the Democratic floor leader (then chair of the Ways and Means Committee) in 1911. Add to this the power to appoint Democratic members of the Rules Committee, to refer bills to multiple committees, to create ad hoc committees, and to appoint additional staff to the Steering and Policy Committee, and, at least on paper, the leader rivaled anything seen in the House since 1910. But these were not unalloyed advantages. Substantial power had also been handed to the middle managers of the House—the subcommittee chairs. And this would act as a brake on leadership power and influence. Nonetheless, these powers would prove important during the next two decades as committees, parties, and chambers continued to compete with one another.

#### THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974

In 1972, after nearly a decade of inter- and intrabranched wrangling over budget formulation, fiscal policy making, and executive impoundment of funds, Congress created a joint committee to study new budget mechanisms and procedures. Members of the Joint Study Committee on Budget Control were drawn almost entirely (28 of 32 members) from the House and Senate Appropriations committees, the House Ways and Means Committee, and the Senate Finance Committee.<sup>25</sup> Budget reform legislation was referred to the House Rules Committee and (sequentially) to the Senate Government Operations and Rules and Administration committees.

These committees approved budget reform measures in late 1973 and early 1974 that subsequently were passed by both chambers. After further changes were made in the House/Senate conference, the bill was signed into law on July 12, 1974, less than two years after the first serious calls for reform.

The budget process created by the 1974 act was added to the existing committee structure, providing new mechanisms for integrating the work of appropriations, revenue, and authorization committees and producing a congressional budget for each fiscal year. House and Senate Budget committees were created, an analytical staff (the Congressional Budget Office) was established, and a timetable was fixed for constructing a budget for each fiscal year. Each year two budget resolutions, required by the act, would set spending targets in broad programmatic categories, set total revenues, and stipulate the deficit (or surplus) and total federal debt. The first resolution, to be adopted in May, was intended to provide guidelines for money committees during the summer months. The second resolution, to be adopted in September, would be binding. A *reconciliation* process was created to settle any differences between the fiscal decisions of the summer months and the second budget resolution before the start of the fiscal year on October 1. In addition, the reform included a procedure for congressional review and a veto of presidential *deferrals* (delays) or rescissions (cancellations) of appropriated funds—making presidential impoundment of funds more difficult.

By virtually all accounts, the Budget Act was one of the most important congressional initiatives of the post–World War II period. Its effect on the relations among the budget, authorizations, revenue, and appropriations committees has been substantial. The appropriations committees' decade-long shift from "guardians" of the federal purse to "claimants" of the purse was cemented. Budget constraints and the new time limits partially reoriented authorizing committees toward greater oversight. And economic conditions and changes in the budget process forced the revenue committees into a much more active role in tax policy. These changes often strained relations among committees. Properly managed, though, the new budget process held out the possibility of much more coherent and centralized fiscal policy making. But this would be achieved only through significant alterations in committee relationships.

#### SENATE REFORMS: THE STEVENSON COMMITTEE (1977)

For most of this period, the Senate committee structure remained remarkably unchanged, although pressures for reform continued to build. By 1976 the Senate was ready to create its own reform committee. The Senate's major committee reform effort originated within a bipartisan group

of relatively junior members. Their concerns, which were similar to those of House reformers, stimulated several changes during the first half of the 1970s: open markup sessions, some committee staff assistance for junior members, and secret-ballot elections for committee chair nominees. Nonetheless, most members saw the need for further improvement. As in the House, these early reforms failed to deal with overlapping jurisdictions, poor committee scheduling, multiple committee and subcommittee assignments, and unequal committee workloads.

These problems were especially acute in the Senate because of the larger number of committee assignments held by each member (about 17 committees and subcommittees per senator) and the added burden of their status as national figures. Indeed, the Commission on the Operation of the Senate (the Culver Commission) recommended in 1976 that the Senate adopt designated days for floor and committee business and computerized committee scheduling to ameliorate these very problems.

Following several unsuccessful attempts to stir members' interest, a resolution was adopted on March 31, 1976, creating a twelve-member, bipartisan Temporary Select Committee to Study the Senate Committee System.<sup>26</sup> The committee, chaired by Adlai Stevenson (D-Ill.), and cochaired by William Brock (R-Tenn.), was given just eleven months to make its recommendations. The Stevenson panel sketched three alternative committee plans: a minimal-change plan, a twelve-committee plan organized along functional lines, and a five-committee scheme containing sixty standing subcommittees. These proposals drew the attention of chamber colleagues and outsiders. Realizing the Senate was not yet ready for a radical restructuring of its committees, the Stevenson Committee quickly settled on the twelve-committee plan and reported its recommendations to the Senate.<sup>27</sup>

Stevenson introduced a resolution (S. Res. 586) embodying those recommendations on October 15, 1976. In the November 1976 elections, the chairs of three standing committees designated to be abolished were defeated.<sup>28</sup> And in December, Stevenson and Oregon's Bob Packwood, who replaced Brock as cochair after the latter had been defeated in his bid for reelection, won an agreement from key members of the Rules and Administration Committee facilitating prompt consideration of the reform resolution. The parties delayed making new committee assignments until deliberation on the resolution was completed. Stevenson reintroduced the reform resolution (now S. Res. 4) at the beginning of the next congress, and it was referred to the Rules and Administration Committee. S. Res. 4 was approved unanimously by the committee and passed the Senate on a vote of 89-1. Only Quentin Burdick (D-N.D.), who was in line to chair the abolished Post Office Committee, voted against the resolution.

By the time the Senate had finished its work, the committee reorganization plan had evolved from an innovative restructuring to a moderate, yet significant, realignment of the old committee system. Nearly all of the Senate's select and special committees had been abolished, along with the Aeronautical and Space Sciences Committee, Post Office Committee, and District of Columbia Committee. Wholesale jurisdictional changes involving energy, the environment, science and technology, human resources, and government affairs had been achieved. Limits were placed on the number of assignments (3 committees and 8 subcommittees) and the number of chairs (4 committees and subcommittees in the 95th Congress and 3 in the 96th Congress) that senators could hold.<sup>29</sup> The reforms also expanded minority staffing and computerized committee scheduling in a further effort to help relieve overburdened senators.

At each successive phase, plans of the Stevenson Committee had been weakened by members fearful of losing jurisdiction. Despite this, a substantial alteration remained, which in structural terms far exceeded the House's achievements. By contrast, the Senate made essentially no changes in either party or chamber procedures. Selection of committee and subcommittee leaders remained strictly dictated by seniority. And with the exception of reducing the number of votes required to limit debate (the *cloture* process), the Senate left its longstanding rules for considering legislation intact. On these matters, the House Democratic Caucus had made more substantial progress. For a time, at least, the reform process was dead. For members, pundits, and scholars alike the question now became: What effects would these reforms have on Congress and its two committee systems?

#### POSTREFORM COMMITTEES (1981-1995): DECENTRALIZATION AND INDIVIDUALISM

With reforms in the House and Senate complete, both chambers settled in for a period of consolidation and the inevitable discovery of unintended consequences of change. In the House, most scholars agree that subcommittee government replaced committee government as the operative form of governance.<sup>30</sup> Accommodationist party leaders expanded committees to meet members' demands for desirable committee positions. Wary committee leaders expanded the size and number of subcommittees to accommodate members' political and policy goals. And subcommittees supplanted the full committee as the primary locus of decision making. For some, however, these reforms had gone too far towards decentralizing the House. And the reforms had done much to increase the formal powers of party leaders. Scholars began to characterize this period, as the *postreform*

### *Salient Features of the Postreform Congress*

- Increased centralization of formal leadership powers is established.
- Floor challenges to committees via amendment increase but success remains limited.
- Seniority norm is weakened but not eliminated.
- Legislation is packaged into larger "omnibus" measures or "mega-bills."
- Leaders use authority to accommodate members' demands for positions on specific committees.
- Increased interparty conflict accompanies rising party support scores.
- Apprenticeship becomes active rather than passive as new members seek to descend learning curve more quickly.

#### BOX 2-3

*era.* According to Roger H. Davidson, the postreform Congress featured fewer but larger bills, a more hierarchical structure, stronger party leaders, and increased partisanship.<sup>31</sup> (For a summary of features of the postreform Congress, see Box 2-3.)

In the Senate, individualism—an extreme form of decentralization that empowered each participating senator—took hold as the apprenticeship and reciprocity norms declined.<sup>32</sup> Floor leaders found themselves "janitors in an untidy chamber."<sup>33</sup> Filibusters were on the rise, interparty conflict increased, and showhorses seemed to outnumber workhorses in a sea of major-league egos. Although Senate leaders enjoyed none of the increased power of House leaders, they, too, used megabills or omnibus legislation as tool to achieve legislative victories. Complicated time-limitation agreements and elaborate legislative bargains became their stock in trade.

The urge to reform did not disappear entirely, particularly among purists. During ensuing congresses the Patterson (1979-1980), Pearson-Ribicoff (1982-1983), and Quayle (1984) groups (see Table 2-1 on page 34) were established to consider items left unattended by the earlier reform efforts. Issues included jurisdictional realignment, scheduling, and floor procedure. But no notable reforms resulted from these efforts.

As the nation became more determinedly Republican and conservative in broad national terms (reflected in the Republicans' strong hold on the presidency), the persistence of Democratic congressional majorities and the dominance of senior leaders created friction within the institu-

tion. This friction was bothersome for Republicans during the Speakership of Thomas P. "Tip" O'Neill (D-Mass.), especially once O'Neill decided to thwart the legislative initiatives of the Reagan administration. O'Neill began to put his new powers and resources to work. He exploited the Rules Committee to structure floor debates to Democratic advantage. He utilized the leadership's role in the budget process to recapture ground lost to Republicans early in the Reagan administration. And he exploited the revitalized Steering and Policy Committee to monitor committee activities. As a result, both parties became more cohesive internally. But party cohesion became even more pronounced and the interparty warfare more visible, visceral, and confrontational during the brief Speakership of Texas Democrat Jim Wright, who succeeded O'Neill in 1987.<sup>34</sup>

Wright had few friends in either party in Congress. He was aggressive, partisan, and bent on winning floor victories. To this end he exploited House rules, meddled in committee politics, and hampered the efforts of the minority party at every opportunity. But it was the wrath of conservative Republicans that proved his undoing. Backbench members of the so-called Conservative Opportunity Society took up the Wright challenge and returned his fire. One of them, Republican Newt Gingrich of Georgia, succeeded in getting the House Ethics Committee to examine a lucrative book deal that Wright had arranged. In the end, Wright was forced to resign his seat in the middle of 1989.

He was replaced by the conciliatory Majority Leader Thomas S. Foley of Washington, whom most people believed could calm the partisan warfare. He could not, and the partisan friction continued against a backdrop of ethics problems. Republican president George Bush added to this mix a string of successful vetoes, and gridlock emerged inside the Beltway. The friction was similar in some respects to that of the 1960s, when liberal legislators felt stymied by their conservative opponents on the Hill. In the earlier period, however, the shifting political coalitions could work out their differences within the party caucus (via the Hansen Committee) or through the inevitable working of the Senate's will. As the decade of the nineties began, however, no such solution presented itself. The pressures building in Congress were primarily partisan and ideological, but they were exposed by structural and procedural characteristics within both chambers. It is not surprising, therefore, that reformers seized upon mechanisms for change that had worked in the past. But neither is it surprising that they failed in their efforts until partisan change came about.

#### THE PHONY WAR AND PRELUDE TO CHANGE

On July 31, 1991, Rep. Lee H. Hamilton, a Democrat from Indiana, and Rep. Bill Gradison, a Republican from Ohio, introduced House Concur-

rent Resolution 192 (H. Con. Res. 192), which proposed the creation of a third Joint Committee on the Organization of Congress. Companion legislation (S. Con. Res. 57) was introduced by Oklahoma Democratic senator David L. Boren and Republican New Mexico senator Pete V. Domenici on that same day and received a Rules Committee hearing the following November. But the proposals were received coldly by the leadership and committee chairs in both chambers and languished for almost a year.

Near the end of 1991 a General Accounting Office report revealed that thousands of checks had been drawn against insufficient funds by House members using a 150-year-old "bank" created for their convenience. At nearly the same time an inquiry by a U.S. attorney uncovered abuses in the House post office. Together, these two scandals effectively scuttled Congress's dwindling public reputation and reinforced critics' images of the institution as petty, corrupt, and outdated. By March 1992, with ethics storms raging throughout the institution, Speaker Foley endorsed the Boren-Hamilton-Gradison-Domenici plan, which then slowly began to make its way through committee.

By early spring of 1992 change on Capitol Hill seemed certain. Members were retiring in record numbers. Some had become frustrated with legislative life while others were afraid of electoral repercussions from bounced checks. Many were induced by a lucrative retirement buyout. In an article titled "Hill Upheaval," *National Journal* reporter Richard Cohen wrote:

Get ready for something entirely new on Capitol Hill. Some details remain uncertain pending November's elections, but the bottom line seems unmistakable: The House is facing its greatest upheaval since the 1950s and possibly the New Deal.<sup>35</sup>

Under such circumstances serious reform efforts might be expected to get off the ground. The leadership decided to support creation of the Joint Committee. The Democratic Caucus's Committee on Organization, Study, and Review—under the direction of Louise M. Slaughter of New York—began investigating possible rules changes. And House Republicans began working on an aggressive set of reforms designed to modernize the chamber.

Despite these conditions, there was still reason to doubt that reform had a chance. Janet Hook of the *Congressional Quarterly Weekly Report* put it this way:

. . . the obstacles to major change are monumental. Many Democratic leaders are lukewarm. Powerful committee chairmen are downright hostile. Even among junior lawmakers, the interests vested in the status quo are legion. Many members wonder if it is worth the trouble to even try.

Hook went on to quote Rep. Butler Derrick, a South Carolina Democrat and Rules Committee member, who said: "We'll never get any of it done."<sup>37</sup> Still, both chambers forged ahead, and on August 6, 1992, H. Con. Res. 192 was cleared by the House and Senate.

As predicted, the elections of 1992 produced an enormous class of new members, many of whom had campaigned against Washington and in favor of government reform. Unlike their relatively inexperienced predecessors of the early 1970s, however, this was a group of veteran state-level politicians for whom positions of power within the new Congress were as important as any changes that might be pushed through. They were not, to be sure, opposed to reform. But they coveted positions on quality committees (Appropriations and Ways and Means, for example) and membership on party committees (such as the Democratic Steering and Policy Committee).

Although content with the status quo, wary Democratic leaders used the Slaughter group to draft a set of possible reforms rather than enter into the organizing sessions emptyhanded. On December 8, 1992, the Caucus adopted most of these changes by eliminating sixteen subcommittees, limiting "special order" speeches and "one-minute" speeches, dropping old-fashioned teller votes, restricting access to certain privileged parliamentary motions, making challenges to sitting committee chairs easier, and establishing a twenty-member Speaker's Working Group on Policy Development. This last was a compromise between members of the Democratic Study Group, who sought to further curb the power of standing committee chairs, and the chairs themselves, who wished to maintain their considerable independence in agenda formation. The limitations on "special order" and "one-minute" speeches were later shelved for further study when Republican outrage over these proposals reached a fevered pitch. Several additional changes were ignored, defeated, or delayed. Democrats sidestepped a proposal to establish term limits for committee and subcommittee chairs, stalled the elimination of the House's five non-legislative select committees, and delayed the adoption of a rule that would have granted four House delegates and the resident commissioner of Puerto Rico voting rights on the House floor.

#### THE BOREN-HAMILTON COMMITTEE

House Concurrent Resolution 192 created a twenty-eight-member, bipartisan Joint Committee on the Organization of Congress, with Hamilton, Boren, Domenici, and Gradison as its bipartisan leadership group. (Gradison later resigned his House seat and was replaced by California Republican David Dreier.) From the outset, the Joint Committee was replete with contradictions and conflicts. An early House-Senate disagreement led to a

prohibition against initiating work officially until after the November 1992 elections. But the committee was required to report no later than December 1993. It was directed to "make a full and complete study of the organization and operation of Congress," including the committee systems, House-Senate relationships, executive-legislative relationships, and the powers and duties of congressional leaders. But it was given only very modest resources to achieve this. The House Democratic contingent was neither pronouncedly pro-reform nor anti-reform. It would take its cues from senior Democrats who had no particular stake in reforms. House Republicans, by contrast, represented the activist "new guard" and pressed hard for dramatic changes. The divergent partisan interests became even more pronounced when Republican leaders appointed the hard-charging Dreier to replace the retiring Gradison. Finally, while some interchamber problems existed on Capitol Hill, the primary reform targets were unique to each chamber, making the Joint Committee structure ill-suited to achieve reform.

Given these circumstances, it is hardly surprising that the Joint Committee was a failure. The committee's lengthy hearings, symposia, surveys, public appeals, academic consultations, roundtables, and so forth netted the usual set of reform proposals. As always, different reforms attracted different constituencies within and without Congress. Most importantly, partisan differences divided the House's committee members from the outset. And interchamber differences hampered the whole committee's ability to proceed beyond the incremental tinkering that everyone supported to the "blue sky" proposals that almost no one supported. These stumbling blocks became increasingly insurmountable as the committee's report deadline drew near. Each chamber held its own markup and produced its own draft legislation.

In the end, there was simply no consensus for a specific set of changes. And, in what became an oft-repeated mantra, reformers, journalists, and pundits alike noted that "House and Senate leaders just weren't interested." Absent leadership commitment, shared interbranch concerns, and some bridge across a widening partisan chasm, reform efforts simply failed. Even the Joint Committee's final report was a "yours-mine-ours" production with each chamber producing its own volume in the three-volume set that also included a joint report on the contemporary structural and procedural characteristics of the institution.<sup>38</sup>

## REPUBLICAN RULE AND THE 104TH CONGRESS

Partisan change, the missing ingredient to reform, was provided in dramatic form by the 1994 midterm elections. As with the 1992 elections, a

large class of new senators and representatives was assured due to numerous retirements. More importantly, however, a seemingly distant yet plausible chance for a Republican takeover of both the Senate and House hung in the air. Journalists, political pundits, and even scholars talked about a Republican victory in serious terms.

#### THE CONTRACT CONGRESS

The congress elected in 1974 will always be known as the Watergate Congress and the Class of 1974 as the Watergate Babies. In much the same way the congress elected in 1994 is likely to be remembered as the Contract Congress in recognition of its introduction of the "Contract with America." The Contract was a ten-point platform masterminded by House Republican Whip (and soon-to-be Speaker) Newt Gingrich in an attempt to nationalize the notoriously local character of congressional elections. If elected, Gingrich and his fellow partisans promised, the Republican House would vote on each item in the Contract in the first 100 days of the new congress. Furthermore, Gingrich boasted that a sweeping set of changes within the institution—point one of the Contract—would be passed on the first day of the new session. The Republicans followed through on both counts.

The House of Representatives of the 104th Congress came to order at 10:58 A.M. on January 4, 1995, and did not adjourn until 2:42 A.M. January 5.<sup>39</sup> After a good many ceremonial activities, the Republican House adopted a set of landmark rules changes, just as promised. These changes, listed in greater detail in Table 2-2, included reform of the House committee system, term limitations for a number of House leaders, alterations in floor procedure, and a series of administrative changes designed to cut costs and depoliticize House operations.

It should be noted that the package of rules changes had taken shape over a rather extended period of time and amounted to a "bill of particulars" authored by House Republicans. As previously noted, Republicans believed that the House Democrats had grown complacent with their role as the majority party. Indeed, Gingrich and his colleagues frequently used very strong language to describe the Democratic hegemony. Details of the reform plan were worked out during the House Republican Conference's organizing sessions in December 1994. During these meetings—the Democratic Caucus held its own organizing sessions—the Republicans selected their new leaders, appointed committee leaders and established committee rosters, and molded the set of rules changes that would be presented on the House floor on opening day.

To the casual observer, the elimination of 3 committees (District of Columbia, Merchant Marine and Fisheries, and Post Office and Civil Ser-

TABLE 2-2 Major House and Senate Reforms of the 104th Congress  
(1995-1996)

<i>House</i>	<i>Senate</i>
Six-year term limits for committee and subcommittee chairs	Six-year term limits for committee chairs
Eight-year term limit for Speaker	Six-year term limits for Republican party leaders other than floor leader and president pro tempore
Elimination of three standing committees and some jurisdictional shifts	Senators prohibited from "reclaiming" seniority upon return to a committee on which they previously served
Most committees (Appropriations, Government Reform and Oversight, and Transportation excepted) limited to five subcommittees	Secret-ballot elections for committee chairs in committee and party conference; majority leader can nominate chair in case of conference rejection
Joint referrals eliminated; Speaker gains enhanced authority over split and sequential referrals, including authority to designate a "lead" committee with deadline for reporting	GOP to adopt a formal legislative agenda prior to beginning of each Congress and prior to selection of committee chairs
Rolling quorums prohibited	
Proxy voting in committees prohibited	
Majority party leaders given enhanced authority over committee chair selection	
Members' assignments cut back to two full committees and four subcommittees	
Verbatim transcripts of hearings and meetings required	
Members' committee votes to be published	
Subcommittee staff hired by the full committee chair	
Committee staff reduced by one-third; House Oversight gains authority to establish committee staff sizes	
Motion to recommit with instructions guaranteed	
Motion to rise from Committee of the Whole reserved to the majority leader	
Three-fifths floor vote required for measures that raise income tax rates	

*Sources:* For the House, David S. Cloud, "GOP, to Its Own Great Delight, Enacts House Rules Changes," *Congressional Quarterly. Weekly Report*, January 7, 1995, 13-15; for the Senate, David S. Cloud, "GOP Senators Limit Chairmen To Six Years Heading Panel," *Congressional Quarterly*

vice),<sup>40</sup> 31 subcommittees, and the attendant loss of 484 committee and subcommittee seats would be the most visible changes. These reductions were reinforced, and in some ways made easier, by new limits on the number of committee assignments (2) and subcommittee assignments (4) that members could hold. Somewhat less visible to the public was a series of relatively minor changes in committee jurisdictions that affected financial institutions, transportation, and nonmilitary nuclear issues. Republicans also made good on their promise to cut back substantially on staff; they established caps one-third below those permitted in the 103d Congress and forced a long list of so-called legislative service organizations—nonlegislative issue groups supported by members' office allowances—out of House office space. In this way Republicans were able to reduce the congressional bureaucracy and realize budget savings at the same time.

Another series of changes that went largely unmarked by the public increased the power of the new Republican Speaker while reducing the power of committee and subcommittee chairs. Full committee and subcommittee chairs now have term limitations (three two-year terms) that will permit them less independence and further weaken the seniority system in the House. The Speaker, who also has a term limit (of eight years), gained additional influence in the committee assignment and chair selection process. (As we will see in Chapter 4, Speaker Gingrich used this power at once to elevate less senior colleagues to chairs on three important committees—Appropriations, Commerce, and Judiciary.) Committee chairs suffered some additional loss of power with a ban on proxy voting, the elimination of so-called rolling quorums (which allowed committees to operate with less than a majority present), and reinforcement of certain open committee rules that prevent work from being done in executive session. Committee chairs were not total losers, however. They gained the authority to appoint subcommittee staff and, if they were willing to work with party leaders, the authority to work out the details of "Contract" legislation.

In the short term, at least, there is no mystery about the actual and intended consequences of these reforms. The corporate party leadership, and the Speaker in particular, gained substantial power at the expense of committees and committee chairs. Leadership control of the agenda, fewer staff, diminished procedural powers, more open committee procedures, reduced protection on the floor, and the ultimate threat of simply being dismissed by party leaders have already transformed the balance of power in the House. Even the new Republican chairs, after a wait in the wilderness of minority status, acknowledged their backseat to the leadership's control. Quipped Henry Hyde (R-IL.), chair of the Judiciary Committee, "I'm just the subchairman." In so saying, Hyde was acknowledging

that the leadership-dominated schedule of the first hundred days had given the new committee leaders very little leeway.<sup>41</sup>

Unlike the Democratic practice of altering their caucus rules, many of these important changes (terms limits and committee limits, for example) were written into the standing rules of the House and not simply into the Republican Conference rules. Thus, if the Democrats do not like the rules, and they regain control of the chamber, they will be put in the somewhat awkward position of having to repeal these "reforms."

#### CONTINUITY AND CHANGE IN THE SENATE

Although Republicans also regained control of the Senate in the 104th Congress, the new majority party (which in that chamber had only been out of power for eight years) simply went about the business of switching offices and hiring new (but somewhat fewer) staff. There were no dramatic rules changes, no elimination of committees, and no challenges to the authority of the party leaders.

Nonetheless, the seeds for change, which had been planted several congresses earlier, were beginning to take root in the Senate as a core group of conservative Republican senators, many with previous House experience, began to chafe at the slow pace of the highly decentralized upper chamber. On March 2, 1995, these members became agitated when Mark Hatfield of Oregon, chairman of the Appropriations Committee, voted against a constitutional amendment requiring a balanced budget. The amendment failed by a single vote. Backbench conservatives advocated stripping Hatfield of his chair for his failure to support an otherwise unified Republican party. Though no action was taken against Hatfield, the disgruntled senators did convince Majority Leader Robert Dole (R-Kan.) to appoint a Republican task force, headed by Connie Mack of Florida, to study possible changes in the Conference's rules. Two months later, Mack's task force returned to the Conference with eight proposed rule changes designed to substantially reduce the power of the committee chairs, enhance the power of the floor leader, and improve the leverage of rank-and-file members within the party.<sup>42</sup>

On July 19, 1995, the Republican Conference voted on these proposals. It adopted term limits for most leaders and chairs, a secret-ballot procedure for electing committee chairs, a procedure for establishing a formal GOP legislative agenda, and a rule to limit committee members from reclaiming seniority upon their return to committees they had abandoned. Republican committee leaders, like their House counterparts, are now limited to three two-year terms as chair of a full committee. This limitation also was extended to each of the Republican party leadership positions, except the floor leader and the largely ceremonial

president pro tempore. The task force also recommended that the floor leader be given the power to nominate committee chairs—a process currently handled within committees and strictly according to seniority.

This proposal was defeated. The reformers did succeed in pushing through a secret-ballot procedure for the election of the committee chairs that would allow the leader to present a nominee in the event that a committee's choice failed to gain a majority from the Conference. The new Republican agenda is not binding upon members of the Conference, but it is supposed to be adopted prior to the selection of the committee chairs.

The changes didn't appeal to all the senators. Orrin G. Hatch (R-Utah) was nonplused, responding: "Whatever they want to do." But others wanted more. "It didn't go as far as I wanted, but we got the secret ballot," said Sen. John McCain (R-Ariz.).<sup>43</sup> Though modest, the rules changes move the Senate closer to the House in terms of the relations between committee leaders, party leaders, and the party groups. Secret ballots allow dissatisfied senators to "send a message" to their colleagues. Term limits force rotation—although the levels will depend greatly on the party's electoral fortunes. Seniority wasn't overthrown. The leader didn't gain dramatic new powers. Prior to the 105th Congress rumors circulated that one sitting chair, John H. Chafee (R-R.I.), and one heir apparent, James M. Jeffords (R-Vt.), might be challenged by more conservative colleagues. Neither challenge materialized, partly because Majority Leader Trent Lott (R-Miss.) discouraged the moves, but the threat was clear and Lott's move to protect his colleagues leaves them beholden in some way. As the leader of the task force, Connie Mack, put it: "Basically, it's to enhance the leadership's authority and to encourage team play"<sup>44</sup>

## COMMITTEES AND PARTIES IN CONGRESS

The United States Congress is formed by a marriage of two structures—the committee structure and the party structure. Because the committee structure was developed prior to the party structure, it has some precedence in the system. Yet as our treatment of evolution and change in the committee systems has shown, tension between these two structures remains. It is this tension that distinguishes the U.S. Congress from its parliamentary cousins. In parliaments, the party structures—and their attendant caucuses—dominate the process of policy making. Only episodically has party strength in the United States been sufficient to permit some comparisons between our system and those of other nations. During the Jeffersonian period, for example, and after the revolt against Speaker Joseph Cannon, the party caucus became a focal point for power

But American parties also are comparatively weak. During this century they have been able to sustain an electoral drive and a policy focus that allows them to govern in the manner of European parties for only brief periods (the 1910s, 1930s, and, perhaps, mid-1990s, for example). More often, that energy is lost to a decline in electoral fervor and changes in the policy agenda that don't fit well into the existing party superstructure. At those times—and they are more the rule than the exception—Congress has fallen back upon a system of relatively independent and autonomous committees to transact its business. Thus, the history of the modern Congress reflects an ebb and flow of power between parties and committees.

At present, of course, it is party that is in ascendance. The disgruntled but energized former minority party is attempting to work its will within institutions grown accustomed to the longstanding rule of the Democrats.<sup>45</sup> For the new majority Republicans, eager to achieve their own policy goals, the old rules are simply impediments best swept aside. Senate traditions make this more difficult there than in the House, but generational and partisan shifts—along with the replacement of "old guard" leader Robert Dole by aggressive House transfer Trent Lott—may pave the way for further changes there as well. Regardless, the partisan tide is now running against committee power, with the result that committees have lost the autonomy they enjoyed for three decades before the 1980s.

## NOTES

1. For background on committees in the First Congress see Calvin Jillson and Rick K. Wilson, *Congressional Dynamics: Structure, Coordination, and Choice in the First American Congress: 1774-1789* (Stanford: Stanford University Press, 1994), esp. chap. 4.
2. See Frank R. Baumgartner and Bryan D. Jones, *Agendas and Instability in American Politics* (Chicago: University of Chicago Press, 1993), 1-24.
3. The interested reader should refer to the first edition of this book, which carried a detailed discussion of committee development. In recent years, congressional scholars have produced excellent theoretically driven work on congressional development. See, for example, Gerald Gamm and Kenneth Shepsle, "Emergence of Legislative Institutions: Standing Committees in the House and Senate," *Legislative Studies Quarterly* 14 (1989): 39-66; Joseph Cooper and Cheryl D. Young, "Bill Introduction in the Nineteenth Century: A Study of Institutional Change," *Legislative Studies Quarterly* 14 (1989): 67-105; Sarah Binder, "Partisanship and Procedural Choice: Institutional Change in the Early Congress, 1789-1823," *Journal of Politics* 57(1995): 1093-1117; Sarah Binder, "The Partisan Basis of Procedural Choice: Allocating Parliamentary Rights in the House, 1789-1991," *American Political Science Review* 90 (March 1996): 8-20; Jonathan N. Katz and Brian R. Sala, "Careerism, Committee Assign-

- ments, and the Electoral Connection," *American Political Science Review* 90 (March 1996): 21-33; Thomas W Skladony, "The House Goes to Work: Select and Standing Committees in the U.S. House of Representatives, 1789-1828," *Congress & the Presidency* 12 (Autumn 1985): 165-187; and Joseph Cooper, *The Origins of the Standing Committees and the Development of the Modern House* (Houston: Rice University Studies, 1970), 8-17. For additional detail on this first period, see Skladony, "The House Goes to Work." On the subject of bill introduction, consideration, and reporting, see Cooper and Young, "Bill Introduction in the Nineteenth Century" On the Senate, see Walter Kravitz, "Evolution of the Senate's Committee System," *Annals of the American Academy of Political and Social Science* 411 (January 1974): 28; and George L. Robinson, "The Development of the Senate Committee System," Ph.D. dissertation, New York University, 1954, 20-21.
4. Committees existed during the Continental Congress, the Constitutional Convention, and in the emerging state legislatures, so their use in the First Congress was by no means a novel institutional structure. As with much else in the new nation, committees were borrowed and adapted to suit the purposes of the new government.
  5. As Thomas Jefferson's *Manual of Parliamentary Practice* so aptly put it, "The child is not to be put to a nurse that cares not for it." House Doc. 95-403, 95th Cong., 2d Sess., 1979, Sect. XXVI.
  6. Jonathan N. Katz and Brian R. Sala have linked this change to ballot reforms that took place near the end of the nineteenth century. See "Careerism, Committee Assignments, and the Electoral Connection," *American Political Science Review* 90 (March 1996): 21-33.
  7. As we have noted, the balance of power between party leaders and committee leaders was quite well established in the aftermath of the revolt against Cannon. Based on this, Morris P. Fiorina's claim that the modern House dates from the events of 1908-1911 is quite correct. But the House and Senate had yet to establish—through the Budget and Accounting Act of 1921—a modernized fiscal policy-making process or the trimmed-down committee system that we know today. Without doubt, the balance of power established in the post-Cannon House and the remaining structural and procedural touches of the early twenties gave us a truly modern Congress. Fiorina's argument, and an encapsulated summary of the Cannon revolt, can be found in note 5 of Chapter 1 in *Congress—Keystone of the Washington Establishment* (New Haven: Yale University Press, 1977), 95-96.
  8. Woodrow Wilson, *Congressional Government* (Boston: Houghton Mifflin, 1885), 102.
  9. Sen. Robert W LaFollette of Wisconsin and Rep. Mike Monroney of Oklahoma were co-chairs of the Joint Committee on the Organization of Congress that produced the Reorganization Act.
  10. For a critical assessment of the 1946 act and the post-1946 congressional power structure see Roger H. Davidson, "The Legislative Reorganization Act of 1946," *Legislative Studies Quarterly* 15 (1990): 357-373.
  11. On norms in the Senate see Donald R. Matthews, *U.S. Senators and Their World* (New York: Vintage, 1960); for norms in the House see Herbert B. Asher, "The Learning of Legislative Norms," *American Political Science Review* 67 (1973): 499-513. Also see Barbara Hinckley, *The Seniority System in Congress* (Bloomington: Indiana University Press, 1977), and Nelson W. Polsby, Miriam Gallaher, and Barry Spencer Rundquist, "The Growth of the Seniority-

- ty System in the U.S. House of Representatives," *American Political Science Review* 63 (1969): 787-807.
12. George B. Galloway, *The Legislative Process in Congress* (New York: Thomas Y. Crowell, 1953), 289.
  13. Richard Bolling, *House Out of Order* (New York: E. P. Dutton, 1966), 81.
  14. One of the first things Rules Committee members did after Smith's departure was to establish a regular Tuesday/Thursday meeting schedule. For a treatment of the Rules Committee during this era see James A. Robinson, *The House Rules Committee* (Indianapolis: Bobbs-Merrill, 1963).
  15. See Lawrence C. Dodd and Bruce L Oppenheimer, "The House in Transition: Change and Consolidation," in *Congress Reconsidered*, 2d ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, DC: CQ Press, 1981), 40.
  16. While the Legislative Reorganization Act of 1970 heralded major reform, the earlier expansion of the Rules Committee in the 1960s was perhaps the first notable reform of this period. It should also be noted that in early 1965, after Republican Gerald R. Ford of Michigan had been elected minority leader, a series of reforms was implemented within the Republican Conference.
  17. The Joint Committee approach would be used once again in 1992 with the creation of the Boren-Hamilton Committee. As with its predecessors, the 1992 Joint Committee achieved little in the way of true reform. The Boren-Hamilton Committee is treated later in this chapter.
  18. "Legislative Reorganization Act: First Year's Record," *Congressional Quarterly Weekly Report*, March 4, 1972, 485-491.
  19. "House Reform: Easy to Advocate, Hard to Define," *Congressional Quarterly Weekly Report*, January 20, 1973, 69-72.
  20. An in-depth history of the Bolling Committee is provided by Roger H. Davidson and Walter J. Oleszek in *Congress Against Itself* (Bloomington: Indiana University Press, 1977).
  21. See "Jurisdiction Overhaul Recommended for House," *Congressional Quarterly Weekly Report*, December 22, 1973, 3358-3366; and U.S. Congress, House, Select Committee on Committees, "Committee Reform Amends of 1974," 93d Cong., 2d sess., March 1973, House Rept. 916.
  22. Davidson and Oleszek, *Congress Against Itself*, 250.
  23. On the role of the "Class of '74," see Burdett Loomis, *The New American Politician* (New York: Basic Books, 1988), 31-36.
  24. For a summary of subcommittee reforms during this period, see Christopher J. Deering and Steven S. Smith, "Majority Party Leadership and the New House Subcommittee System," in *Understanding Congressional Leadership*, ed. Frank H. Mackaman (Washington, D.C.: CQ Press, 1981), 264.
  25. Allen Schick, *Congress and Money: Budgeting, Spending, and Taxing* (Washington D.C.: Urban Institute, 1980), 53-71.
  26. This account of the Stevenson Committee is drawn from Judith H. Parris, "The Senate Reorganizes its Committees, 1977," *Political Science Quarterly* 95 (Summer 1979): 319-337; and Roger H. Davidson, "Two Avenues of Change: House and Senate Committee Reorganization," in *Congress Reconsidered*, 2d ed., ed. Dodd and Oppenheimer, 120-128.
  27. The Select Committee had no legislative authority, so it could not report legislation to the floor. Therefore, upon completion of a report, a resolution embracing suggestions of the committee had to be formally introduced, referred to the Rules Committee, and reported back to the chamber before floor consideration.

28. The members were Frank Moss of Utah, who chaired the Aeronautical and Space Sciences Committee, Gale W. McGee of Wyoming, who chaired the Post Office and Civil Service Committee, and R. Vance Hartke of Indiana, who chaired the Veterans' Affairs Committee. As it turned out, Veterans' Affairs survived while the District of Columbia Committee, chaired by Thomas F. Eagleton of Missouri, was eliminated.
29. It is important to note that these changes were seriously compromised by special exceptions written into the Senate's standing rules for virtually every senator. In the 98th Congress, for example, these exceptions ran on for seven pages at the end of Rule XXV, which defines the jurisdictions of the standing committees and the membership limitations.
30. See for example, Roger H. Davidson, "Subcommittee Government: New Channels for Policy Making," in *The New Congress*, ed. Thomas E. Mann and Norman J. Ornstein (Washington, D.C.: American Enterprise Institute, 1981): 99-133; Steven Haeberle, "The Institutionalization of Subcommittees in the U.S. House of Representatives," *Journal of Politics* 40 (1978): 1054-1065; Christopher J. Deering and Steven S. Smith, "Subcommittees in Congress," in *Congress Reconsidered*, 3d ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, D.C.: CQ Press, 1985): 189-210; and Lawrence C. Dodd and Richard L. Schott, *Congress and the Administrative State* (New York: Wiley, 1979).
31. Roger H. Davidson, "The Emergence of the Postreform Congress," in *The Postreform Congress*, ed. Roger H. Davidson (New York: St. Martin's Press, 1992), 14-15.
32. The "individualism" characterization is Randall B. Ripley's. See Ripley, *Power in the Senate* (New York: St. Martin's Press, 1969). On developments in the Senate during this period, see Barbara Sinclair, *Transformation of the U.S. Senate* (Baltimore: Johns Hopkins University Press, 1989).
33. The phrase comes from the title of Roger H. Davidson's chapter, "Senate Leaders: Janitors for an Untidy Chamber?" in *Congress Reconsidered*, 3d ed., ed. Dodd and Oppenheimer, 225-251. He in turn attributes the reference to former Republican floor leader Howard H. Baker, Jr., of Tennessee.
34. Wright's rise and fall are treated at length in John M. Berry's *The Ambition and the Power: A True Story of Washington* (New York: Viking, 1989).
35. Richard E. Cohen, "Hill Upheaval," *National Journal*, May 23, 1992, 1222.
36. Janet Hook, "Extensive Reform Proposals Cook on the Front Burner," *Congressional Quarterly Weekly Report*, June 6, 1992, 1579.
37. *Ibid.*
38. U.S. Congress, Joint Committee on the Organization of Congress, *Organization of Congress: Final Report*, H.Rept. 103-413/S.Rept. 103-215, 3 vols. (Washington, D.C.: Government Printing Office, 1993). For a discussion of these latest reform efforts, see the essays in James A. Thurber and Roger H. Davidson, *Remaking Congress: Change and Stability in the 1990s* (Washington, D.C.: Congressional Quarterly, 1995).
39. These times and other tidbits can be found in Elizabeth A. Palmer, "Minute-by-Minute Through the GOP's Momentous Day," *Congressional Quarterly Weekly Report*, January 7, 1995, 10-11.
40. The committees did not disappear altogether, of course. The District Committee became a subcommittee on Government Reform and Oversight, Merchant Marine and Fisheries was split between the Resources and the Trans-

portation committees, and Post Office and Civil Service became two subcommittees, also on Government Reform and Oversight.

41. Richard E. Cohen, "The Transformers," *National Journal*, March 4, 1995, 531.
42. Helen Dewar, "Senate GOP Urged to Shift Power, Solidify Policy Positions in Advance," *Washington Post*, May 17, 1995, A21; and David Hosansky, "GOP Conference Will Consider Limits on Seniority System," *Congressional Quarterly Weekly Report*, May 20, 1995, 1392. For an in-depth treatment of reform and the new Republican majority, see C. Lawrence Evans and Walter J. Oleszek, *Congress Under Fire: Reform Politics and the Republican Majority* (Boston: Houghton Mifflin, 1997)..
43. Hatch and McCain's quotes are from David S. Cloud, "GOP Senators Limit Chairmen To Six Years Heading Panel," *Congressional Quarterly Weekly Report*, July 22, 1995, 2147.
44. Lott's defense of Chafee and Jeffords was reported by (among others) Richard L. Berke in "Trent Lott and His Fierce Freshmen," *New York Times Magazine*, February 2, 1997. Mack's quote is from Hosansky, "GOP Will Consider Limits on Seniority. System," 1392.
45. For additional discussion of the interplay between partisan goals and procedural change, see Sarah A. Binder and Steven S. Smith, "Acquired Procedural Tendencies and Congressional Reform," in *Remaking Congress*, ed. Thurber and Davidson, 53-72.