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INSTITUTIONAL DEVELOPMENT OF CONGRESS



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From:

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WHEN DISSATISFACTION WITH CONGRESSIONAL PERFORMANCE rises, demands are commonly made for major changes in how Congress is organized. These recurrent calls for reform raise questions about the origins and development of congressional institutions. The Constitution offers little guidance: beyond providing that the House select a Speaker to preside over its deliberations and that the vice president preside over the Senate, the Constitution allows each chamber to make its own rules. But what determines the choices made by members of Congress as they design key features of institutional organization, such as the committee system and party leadership instruments? What explains the politics of institutional change in Congress?

While the basic constitutional framework governing Congress has changed little over the past two hundred years, a member serving in the 1790s would have considerable difficulty recognizing today's Congress. At the outset, the formal structure of both chambers was quite limited. Deliberation occurred primarily on the floor, where members would debate proposed topics for legislation before a specific bill was introduced. The chamber would then authorize a temporary select committee to frame a bill for the membership as a whole to consider, amend, and possibly approve. Party leadership structures were also weak and fluid. The House and Senate shared these original features, though the Senate took a less active role in initiating legislation and also maintained a much lower public profile than the House.

Over the past two centuries, both the House and the Senate have fundamentally changed their mode of organization. Each chamber has developed a special-

ized committee system, which processes most legislation before it reaches the floor. Both chambers now feature elaborate and formalized party structures in which majority-party leaders play a significant role in determining the floor agenda. Individual members in both chambers are now empowered to introduce legislation at will, and each member employs a large personal staff to assist in both legislative activity and constituent service.

Yet the two chambers have also diverged organizationally in important respects. Most notably, majority-party leaders in the House enjoy more prerogatives than their Senate counterparts: their control of the agenda is firmer and their ability to shape committee composition and committee deliberations is greater. The committee system has also traditionally been more powerful in the House than in the Senate. House committees have more extensive property rights over legislation and their proposals are better protected from floor amendments.¹ By contrast, individual members enjoy greater prerogatives in the Senate. In particular, the Senate's tradition of unlimited debate differentiates it from the House. While a determined floor majority can work its will in the House, the filibuster empowers senators to block action indefinitely. A sixty-vote supermajority is required to ensure action in the Senate, and the threat of filibusters leads to the reliance on elaborate unanimous-consent agreements to manage floor deliberations, which give substantial leverage to individual senators.

What were the sources of these major changes in the House and Senate? How did the United States end up with two chambers that differ so much from the original congressional blueprint and from one another? Furthermore, what factors have affected the relative influence of committees, party leaders, and individual members across time? To answer these questions, this chapter will focus on a series of junctures at which fundamental institutional changes were adopted in each chamber.

No single member interest has been the dominant force in explaining these institutional developments. Indeed, major institutional changes in both chambers typically were attributable to a confluence of multiple interests, rather than due to a single, simple logic. However, several factors have repeatedly proven critical and have, in conjunction, given rise to the contemporary Congress. Members have repeatedly sought to bolster congressional capacity and power in order to maintain their chamber's institutional position. These moves have generally come in response to a burgeoning workload and to threats of executive encroachment. But general concerns with institutional maintenance have rarely proven sufficient on their own to motivate major changes. Instead, partisan interests and members' more personal interest in reelection and exercising power as individuals have also proven critical. Personal power interests have played a more important role in the Senate, due to the chamber's smaller size, which allows greater latitude for individual members. By contrast, partisan calculations have

more often proven significant in the House, giving rise to a chamber with tighter agenda control and more limited individual member prerogatives.

These House-Senate differences began to take shape early in the nineteenth century, and have been reinforced by the incentives created by inherited institutions.² The options available to decision makers today depend on prior choices. The House early on developed mechanisms for a floor majority, often acting through party leaders, to force a final vote on both policy changes and rules changes. From early in its history, by contrast, the Senate allowed greater latitude for individual members to block action. These inherited institutions have made it more difficult for a floor majority to force institutional changes, thus limiting the majority party's ability to consolidate its power in the upper chamber. As a result, understanding the role of parties, committees, and individual members in today's House and Senate requires attention to historical development.

Rise of the Standing Committee System, 1789–1830

One of the most enduring and consequential transformations in congressional history was the creation, in the early nineteenth century, of a system of specialized standing committees. For a legislature to have the capacity to initiate and shape legislation independent of the executive branch, it requires a division of labor that allows it to bring expertise to bear on policy problems. Indeed, one of the key distinctive features of legislatures that have retained such influence is an effective committee system.

Members of Congress were initially hostile to the creation of a specialized committee system. They distrusted concentrations of power over policy making, which they believed threatened the equality of the legislators.³ As a result, members sought to ensure that the full chamber would make all important decisions about legislation. In the first several Congresses, legislative proposals were initially considered by the full membership, which would decide whether action was warranted and, if so, refer the proposal to an ad hoc select committee for detailed drafting. The proposed legislation would then return to the floor for further debate and approval. Select committees initially existed to handle only a single piece of legislation and thus did not develop substantial expertise or influence. The House created 220 select committees in the First Congress alone. In the first fourteen Congresses (1789–1817), the House and Senate each appointed over two thousand select committees.⁴

The early prominence of temporary committees gave way by the mid-1820s. As Figure 1 indicates, the transition occurred gradually in the House, with a total of five standing committees created by 1795 and nine by the end of the Tenth Congress (1807–1809), which coincided with the last years of Thomas Jefferson's administration. Another burst of standing committee creation occurred in 1816, with the formation of seven new standing committees, includ-

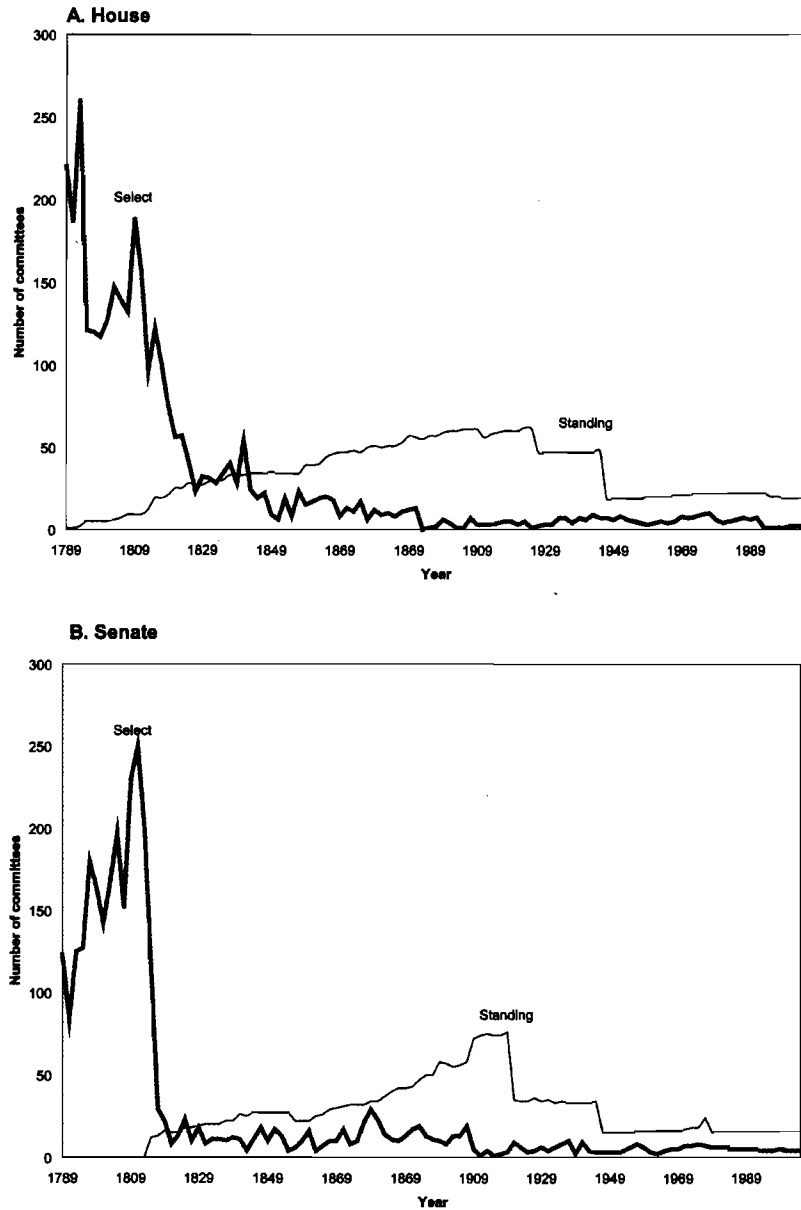


Figure 1 The Number of Committees in the House and Senate, 1789–2005

ing six committees charged with overseeing expenditures in the various executive departments. Finally, the transition culminated in 1822, with a series of rules changes that created three new standing committees and, more important, gave standing committees firmer property rights over legislation in their jurisdiction. Prior to 1822, even if a standing committee existed with jurisdiction over a specific problem area, bills covering that topic could still be referred to a select committee instead. After 1822, standing committees could generally expect that bills in their jurisdiction would be referred to them. The 1822 reforms also allowed committees to propose bills on their own initiative. Furthermore, the House adopted a strict germaneness rule that barred floor amendments that were unrelated to the text of the bill under consideration. These changes protected the jurisdictional claims of the standing committees. By the Eighteenth Congress (1823–1825), nearly 90 percent of all bills were referred to standing committees, as compared with fewer than half of the bills a decade earlier.⁵

Developments in the Senate followed a similar, though more abrupt, trajectory. The upper chamber did not establish its first standing committee until 1807, and that committee dealt with mere internal housekeeping tasks. But it caught up with the House in a single moment of innovation in 1816, when it created twelve new standing committees, including the Finance, Judiciary, and Foreign Relations Committees. After this change, the number of select committees fell dramatically and referral to the appropriate standing committee became the norm. But the Senate did not provide its committees the secure property rights accorded House standing committees. The Senate has never adopted a strict germaneness rule and even allows bills to be referred to the floor without going to committee, thus providing individual members with greater leverage in relation to the committees. For example, if a senator's pet proposal is bottled up in committee, he or she can seek to force floor action by proposing it as an unrelated amendment to another bill that has reached the floor. Such maneuvers have long characterized the Senate, making it a more open and unpredictable legislative body than the House.

Understanding the rise of the standing committee system is complicated by the dearth of discussion of most of the key changes—either on the floor, in newspapers of the time, or in members' personal papers.⁶ However, the changes appear to have been rooted in two major forces: conflict with the executive branch, which generated incentives for members to enhance their institution's access to independent expertise, and a rising workload, which highlighted the costs of reliance on temporary committees.

The role of legislative-executive conflict in driving the creation of standing committees is evident from the timing of committee creation. The most important House committee, Ways and Means, was made a standing committee in the Fourth Congress (1795–1797) in order to provide the chamber with a source of financial advice independent of the powerful Treasury secretary Alexander

Hamilton. Members understood that the alternative to a standing committee would be continued reliance on Hamilton and his department for information about such issues as tariffs and economic development. The creation of six new committees to oversee expenditures by the executive departments in 1816 appears to have been a response to concerns about fiscal instability in the wake of the War of 1812 and failures to pay government suppliers in a timely fashion.⁷ This is the first instance of what became a common pattern in congressional history: innovations to improve congressional capacity have repeatedly come in the wake of wars, the waging of which threatened congressional power and put new burdens on governmental machinery.⁸

Some have argued that the personal ambition of Henry Clay, the powerful early nineteenth-century House Speaker, also played a role in the expansion of the committee system.⁹ While there is reason to suspect that Clay encouraged the creation of at least one committee—a committee on manufacturers that he expected (correctly) would be more favorably inclined toward his high-tariff policies—on the whole it appears that larger contextual forces predominated.¹⁰ Indeed, it is worth emphasizing that the start of the rise of the standing committee system began before Clay's first term as Speaker (1811-13) and continued while he temporarily left the speakership in the Seventeenth Congress (1821-23). Furthermore, the Senate's sudden 1816 move to expand its committee system is at least circumstantial evidence that the response to a rising workload and to conflict with the executive branch in the postwar period played the more important role. Even in the absence of a domineering force similar to Clay, the Senate moved aggressively to create a standing committee system.

It is also worth emphasizing that several of the earliest standing committees created in the House dealt with the onslaught of constituent requests for government assistance in the new republic. These included the Claims Committee (created in the Third Congress), Public Lands (Ninth Congress), and Pensions (Thirteenth Congress). Congress was confronted with thousands of petitions requesting government benefits of various sorts, and these committees facilitated the processing of such requests. This suggests that workload concerns, perhaps combined with members' incentive to claim credit for providing efficient constituent services, motivated the development of the committee system.¹¹

The House rules reforms of 1822, which constitute the final key moment in the transition to the standing committee system, appear to have been a response to the chaos engulfing the chamber as party lines gave way to nonpartisan factionalism. With parties essentially absent from the House, speakership elections turned into protracted battles among disparate factions. Jeffery Jenkins and Charles Stewart show that these battles at times were resolved through compromises involving the Speaker's use of committee assignments to cobble together a broad coalition.¹² Jenkins and Stewart hypothesize that the changes tightening committee jurisdictions were necessary to make these compromises "stick." That

is, as long as standing committees could easily be bypassed, rewarding potential opponents with valuable committee assignments would not necessarily be a credible concession. But once the committee system became institutionalized, committee assignments became an effective coalition-building currency. The Jenkins-Stewart hypothesis is consistent with the Senate's failure to provide similar property rights protections for its committees. Since the Constitution specified that the vice president would be the Senate's presiding officer, the chamber did not have organizing battles analogous to speakership elections. Instead, the Senate continued to operate more on the basis of informal rules that left considerable latitude for individual members. The relatively small size of the Senate also likely contributed to its ability to rely upon informal constraints rather than formal rules to provide a modicum of order and organizational stability. Indeed, the contrast between the two chambers would continue to grow as the House relied heavily upon formal institutional rules and party leaders, while individual senators enjoyed far greater prerogatives that kept both committees and party leaders in check.

Party Leadership: Formalization and Expansion, 1860-1910

The most prominent institutional changes in the late nineteenth and early twentieth centuries concerned the expanded role of party leaders. Although party leaders gained strength in both chambers, the House once again delegated greater formal authority, while Senate leaders enjoyed more limited prerogatives vis-à-vis individual members. The majority party's policy goals were the primary impetus for the moves to strengthen party leaders, though broader concerns about congressional capacity and power also played a significant role in the House. Individual members' personal power interests were the primary constraint limiting the strength of party leaders; this interest proved particularly important in the Senate, thus furthering the distinctiveness of the two chambers.

The Speaker enjoyed the power of appointing committees from early in the House's history, and speakership elections became a focus of partisan organizing as early as the 1790s. However, the weakness of electoral parties through the 1820s and the deep regional split within both parties in the 1840s and 1850s limited the Speaker's ability to take on a consistent leadership role. Starting in the Civil War era, party lines became more firmly drawn and the House adopted a series of rules and precedents that enhanced the Speaker's influence over the agenda. For example, in the 1870s and 1880s, the Speaker gained firm control over recognizing members who wished to speak on the floor. This was followed by adoption of "Reed's Rules" in 1890. Adoption of the rules, named for their sponsor, the powerful Republican House speaker Thomas B. Reed (1889-1891; 1895-1899), is without question one of the most significant events in the institutional development of the Congress. No single change did more to secure

majority rule in the House. The two most important features of Reed's Rules were the provisions instructing the Speaker not to entertain dilatory motions, and to put an end to the "disappearing quorum." The dilatory-motions ban empowered the Speaker to deny motions made solely to delay business. The disappearing quorum involved members' refusing to vote on a roll call even if they were actually present in the chamber, thereby depriving the House of the quorum needed to do business. Reed's Rules authorized the Speaker to establish a quorum by counting those members who were present but refused to vote. In the fifteen years after the end of Reconstruction, dilatory motions and the disappearing quorum had reached epidemic proportions, often bringing House business to a halt. The *Washington Post* observed in 1888 that "no other body in the world takes up so much time and spends so much money doing nothing. . . . The system of rules . . . is the prime cause of the wonderful inertia of this unwieldy and self-shackled body."¹³ Reed's Rules eliminated the disappearing quorum and severely limited dilatory motions; no equally effective substitutes have since been devised.

Republicans' shared interest in passing their ambitious agenda was undoubtedly a major motivation for empowering the Speaker to eliminate obstruction.¹⁴ Party members enjoyed unified party control of the government for the first time since the 1874 election, and did not want a recalcitrant Democratic minority to block their program of tariff and pension increases and voting rights protections for southern African Americans. Republicans thus backed Reed's Rules nearly unanimously, while Democrats fought the reforms vigorously.

Yet it is also the case that broader, institutional concerns contributed to the institutionalization of Reed's Rules. This is apparent from the battles over their repeal and reinstatement in 1892–1894. Democrats used Reed's allegedly tyrannical rules (the Speaker was popularly criticized as "Czar Reed") as one of their main campaign themes in the 1890 congressional elections. They argued that Reed's Rules exemplified Republicans' belief in excessive centralization, which was also manifested in such initiatives as high tariffs and national enforcement of voting rights. After the Democrats won an overwhelming majority in the election, the new Democratic House kept its promise to repeal most of Reed's Rules. But Reed soon launched a campaign of obstruction explicitly designed to force Democrats to admit that his procedural innovations had been necessary to allow the House to function. With considerable reluctance, Democrats eventually surrendered to Reed's filibustering in 1894 and adopted the quorum rule. Reed's own steadfast advocacy of reform—while in the minority as well as the majority—contributed to the slowly emerging consensus that majority rule would benefit all members. Illinois Democrat William Springer, echoing earlier statements by Republicans, expressed the newfound bipartisan sentiment: "We have tried the old system. We have been here a month without doing two days' actual business, and our constituents are tired of this delay. . . . If we shall adopt

this rule, we will from this time forward have it in our power to discharge the duties which our constituents have confided to us."¹⁵ By the early 1890s, the House had over 350 members and a much more extensive workload than in the antebellum period. As a result, the costs to the institution of unbridled minority obstruction became too great to tolerate. Although many Democrats were unhappy with the quorum rule, 1894 marked the end of their party's long-standing commitment to the "right" of the House minority to block legislation.

A similar confluence of partisan and broad institutional interests illuminates another major institutional development in this period: the House Rules Committee's acquisition of a series of prerogatives that allowed it to manage the legislative agenda. At this time, the Rules Committee was a small body, composed of five members and chaired by the Speaker. Its duties initially focused on proposing changes in the permanent rules governing the House, but its role expanded greatly toward the end of the nineteenth century. Starting in 1883, the committee began to use "special" (that is, temporary) rules to allow the House to bring matters to the floor out of their regular order by just a majority vote. This move was initiated by Reed, prior to becoming Speaker, in order to help Republicans pass a controversial tariff bill as adjournment loomed. In 1892, Democrats on the Rules Committee proposed a change granting the committee the privilege of immediate consideration of its reports, with no dilatory motions allowed. This protected bills carrying the Rules Committee's endorsement from many filibuster tactics, but not from the disappearing quorum. Most Democrats supported the new rule, believing that it would limit obstruction without requiring complete acceptance of Reed's Rules. It is noteworthy, however, that minority-party Republicans did not resist this change. Instead, Republicans argued that a degree of centralized agenda control was required for the House to function effectively amid a burgeoning workload. Indeed, Reed called the 1892 increase in the Rules Committee's powers a "very great advance . . . henceforth we shall have some governing and responsible power in the House."¹⁶ This again suggests that broad concern about the House's capacity to legislate contributed to the development of centralized agenda control in the late nineteenth century, even as the majority party's more immediate legislative goals were likely the impetus for reform. By the close of the 1890s, the House was a remarkably centralized institution featuring a powerful Speaker who controlled committee assignments, regulated obstruction on the floor, and, through the Rules Committee, exerted considerable influence over the chamber's agenda.

While the House was empowering the speakership, the Senate also developed a more formalized, though limited, role for party leaders. The Constitution's provision of an outsider as presiding officer slowed the development of party leadership institutions in the upper chamber. The Senate experimented with selecting committees by ballot (that is, vote of the full membership) and by the vice president or president pro tem of the Senate,¹⁷ up until the mid-

1840s, when party caucuses gained the dominant role in committee assignments and soon delegated this authority to a party committee on committees. Selection by ballot had proven cumbersome, and delegation to the vice president was highly problematic, since that officer did not owe his position to the Senate and could differ from most senators' partisan and policy allegiances.¹⁸ After the shift to party control of assignments, the majority party enjoyed a majority on nearly all of the major committees, in contrast to the more uneven record when committees were selected by ballot or by the presiding officer.¹⁹ Nonetheless, the party committees relied heavily upon seniority in doling out assignments, thereby limiting the extent to which this shift gave the majority party the ability to dictate outcomes to the committees. Reliance on seniority gave individual senators more independence in advancing their own personal agendas, since they did not owe their assignments to party leaders.

Indeed, even with committee assignments organized by party, the Senate still lacked a single leader analogous to the Speaker who could take primary responsibility for agenda setting. This meant that the Senate floor tended to be a chaotic place in the nineteenth century, as committee chairmen competed among themselves and with individual senators for priority for their bills.²⁰ Starting in 1892, the Senate parties began to rely upon steering committees to set the floor agenda. Gerald Gamm and Steven Smith argue that this experiment was rooted in each party's electoral goals: with the party balance in the Senate extremely tight, Democrats and Republicans alike realized that they needed to act as a team in order to promote legislation that would bolster their respective party's electoral prospects.²¹ As the parties polarized on policy issues later in the decade, the majority party tightened its agenda control further. By the late 1890s, an interlocking directorate of senior Republicans—led by Steering Committee chairman and party caucus chairman William Allison of Iowa and Finance Committee chairman Nelson Aldrich of Rhode Island—had largely taken charge of the Senate's agenda. Aldrich, Allison, and their allies controlled the most important committee chairmanships, along with the Steering Committee and Committee on Committees. They used this influence to promote their shared conservative policy goals.

Nonetheless, although Aldrich and Allison provided a modicum of centralized leadership, their influence never approached that of House Speakers Reed and Joseph Cannon (1903–1911). The reliance upon seniority in doling out committee assignments meant that even the most important committees at times behaved contrary to the leadership's preferences. For example, during the heyday of Aldrich and Allison's tenure, the Finance Committee forced important changes in the party's top legislative priority, the Dingley Tariff Act of 1897.²²

Perhaps more importantly, individual members continued to enjoy tremendous prerogatives to disrupt the leaders' plans. In particular, the tradition of unlimited debate meant that even a small group of senators could use the fili-

buster to delay or even block legislation completely. The House had begun the process of limiting debate in 1811 when it adopted the previous question rule, which allowed a floor majority to bring a matter to an immediate vote.²³ As noted above, over the course of the nineteenth century the House built upon this initial reform by adopting a series of innovations—culminating with Reed's Rules—that allowed the majority-party leadership to clamp down on obstruction. By contrast, the much smaller Senate, with its tradition of weaker party leaders, relied heavily upon individual self-restraint as the main limitation on debate. This worked reasonably well for much of the nineteenth century. The floor agenda was not terribly crowded, which meant that senators could employ their prerogatives to delay measures and test the majority's commitment to passage, but that in the end a committed majority could generally expect to triumph.²⁴ However, as the Senate's agenda became more crowded and as the chamber grew in size with the admission of new states, this informal system became more problematic. By the end of the nineteenth century, filibusters were increasing in frequency and undermined party leaders' ability to control the agenda. Yet individual senators continued to value their individual prerogatives, meaning that such leaders as Aldrich failed in their efforts to eliminate obstruction.²⁵ As a result, individual senators' personal power interests sharply limited the rise of party government in the upper chamber.

Revolt against Centralization, 1910–1930

The late nineteenth and early twentieth centuries represent the historical high-water mark for centralized party leadership in both the House and the Senate, even as the upper chamber was well behind the House in terms of the extent of party government. The first decades of the twentieth century, however, featured a move away from centralization as individual members sought to enhance their own prerogatives. Once again, the intersection of multiple interests proved necessary to gain adoption of major changes. Members' individual power interests aligned with the policy goals of an ideological faction to motivate reform. Just as the initial centralization occurred through more formal and dramatic changes in the House than the Senate, the moves to fragment power were based more in formal rules changes in the lower chamber, while changes in the Senate were more subtle and gradual.

The critical changes in the House occurred in the final years of Illinois Republican Cannon's speakership. A series of changes in 1909–1911 took away the Speaker's control over committee assignments, removed the Speaker from the Rules Committee, and created mechanisms for a floor majority to force matters to the floor over the Speaker's opposition. With the Speaker's authority diminished, seniority soon became the dominant consideration in determining committee leadership positions. This helped to launch the so-called textbook

Congress, in which specialized standing committees played an especially prominent role and party leaders receded in importance.²⁶

Three forces fused to produce the revolt against Cannon. First, starting in 1905, progressives became more numerous within the Republican Party as President Theodore Roosevelt began to push for major policy change. These ideological divisions within the majority party fostered greater resistance to centralized party control, particularly since Cannon had used that control to push only for conservative policies. When a party is internally divided on policy, centralized leadership becomes more costly for its members.²⁷ Insurgent leader John Nelson, a Republican congressman from Wisconsin, illustrated progressives' mounting frustration in 1908 when he argued that "President Roosevelt has been trying to cultivate oranges for many years in the frigid climate of the Committee on Rules, but what has he gotten but the proverbial lemons?"²⁸ A second source of dissatisfaction with Cannon was the belief that his tight personal control deprived individual representatives of opportunities to exert influence. As members began to view Congress as a career in this era, they sought greater leeway to make a name for themselves without the Speaker's interference. The insurgents against Cannon included a handful of relatively senior and fairly conservative Republicans who had each seen Cannon commandeer legislation from their committees. Weakening the Speaker promised to safeguard committees from such incursions and thus to allow individual members more opportunities to pursue their own agendas. A third source of Cannon's downfall was the minority party's reaction to his aggressive leadership. After years of frustration in the minority, Democrats responded to being shut out of the policy process by attacking the House as an institution and turning Cannon into the symbol of an undemocratic and unresponsive legislative branch. The Democrats focused heavily on Cannon's leadership style in the 1908 campaign and planned to continue their attacks in the upcoming 1910 elections. They hoped to identify all Republicans with the increasingly unpopular Speaker and thereby improve the electoral chances of Democratic candidates. Cannon's mounting unpopularity eventually forced several vulnerable Midwestern Republicans with no history of progressivism to back the revolt.

In 1910, the House voted to remove Cannon from the Rules Committee and to make that committee subject to election by the floor. When Democrats took control of the House after the 1910 elections, they gave authority over the party's committee assignments to a Committee on Committees (made up of the party's members of the Ways and Means Committee). Although Democrats experimented with governing through their party caucus and a strong floor leader in 1911–1919, the long-term significance of the Cannon revolt was to weaken party leadership. By the 1920s, committee assignments came to be largely dominated by seniority, and the Rules Committee eventually became a much more independent agenda-setting body.

Even though the Senate had never delegated as much power to party leaders, it moved largely in tandem with the House toward greater decentralization. While Republicans had enjoyed a reasonable degree of unity on key policy issues in the 1890s and early 1900s, both parties featured major internal divisions by 1910, which persisted for the next several decades. This undermined member support for vigorous party leadership. The interlocking party and committee leadership of the late 1890s gave way to a clearer separation of party and committee leadership. By the 1920s, several key committees featured majorities of progressive Republicans and Democrats, notwithstanding the nominal Republican majority in the chamber as a whole. These committees pursued policies on issues such as agriculture prices that were out of step with conservative Republican party leaders.²⁹

The Senate also emulated the House in providing more formalized floor and agenda management in this period. Prior to the turn of the century, the Senate did not feature formal floor leaders charged with managing the chamber's agenda.³⁰ But starting in 1911–1913, both parties moved to elect a single floor leader. This was a period of extremely narrow floor majorities, in which garnering every single vote was essential.³¹ Not surprisingly, both parties also created the position of whip during these years in order to promote attendance on the floor. Under the Democratic majority in power from 1913 to 1919, the floor leader often worked closely with the White House to promote a common party agenda. But the majority leader lacked the ability to defeat minority obstruction and had only limited sway over the committee system. As such, the formal party leaders are better viewed as managers who facilitated the processing of legislation and the development of a common party position than as aggressive policymakers.

A further move toward formalization in the Senate occurred in 1917 with passage of the chamber's first cloture rule. Prior to 1917, the Senate lacked a mechanism for ending debate in the face of minority obstruction. But a series of high-profile filibusters in the early twentieth century brought increased pressure for reform. With World War I rising on the agenda, the Senate's inability to pass much-needed legislation at the end of the Sixty-fourth Congress (1915–1917) led to President Woodrow Wilson's famous attack on the "little group of willful men" who had stood in the way of the majority. The Senate responded in March 1917 with a rule that allowed two-thirds of senators present and voting to adopt a cloture resolution, which provided a timetable for ending debate. It is worth emphasizing that the cloture rule did not curtail the practice of filibustering. Instead, it provided a formal mechanism for ending obstruction, but only in the presence of supermajority support. The 1917 change thus reinforced the contrast with the majoritarian House. Indeed, as the Senate's workload continued to rise after 1917 and as individual senators became more assertive in attempting to make a name for themselves in the political system, filibusters would only become a more prominent feature of Senate lawmaking over time.

Still, although the Senate moved toward greater formalization in the early twentieth century, this shift did not stop the more potent trend toward decentralization. Party floor leaders and the cloture rule allowed for slightly greater predictability and more efficient management of the Senate's agenda, but the basic mode of operations in the upper chamber became ever more individualistic. The constitutional amendment providing for direct election of senators in 1913 likely reinforced the upper chamber's tendency toward individualism and its resistance to collective controls. The basic difference between the chambers can be seen in the contrasting methods used to set the terms of debate for controversial legislation on the floor. Even as parties weakened in the House, important bills generally reached the floor through special rules from the Rules Committee that set specific time limits for debate and on occasion limited the amendments that could be offered on the floor. It required a simple floor majority to adopt such a special rule. By contrast, Senate floor leaders came to rely upon complicated unanimous-consent agreements to maneuver items on the floor. A single senator could block such an agreement, and thus each senator had the leverage to greatly complicate the leader's task.

By the end of the 1920s, both the House and the Senate had developed elaborate committee systems and formalized party leadership structures. The power of party leaders had peaked at the turn of the century in both chambers amid sharp party polarization, but had subsequently given way as a result of deepening internal party divisions and the increased assertiveness of individual careerist members in the early twentieth century. Even after the revolt against Cannon, party leaders continued to play a greater role in the House than the Senate, where individual members enjoyed more extensive prerogatives. But even in the House, party leaders could no longer count on control of the key agenda-setting body, the Rules Committee. Indeed, in 1937, a coalition of conservative southern Democrats and Republicans took effective control of the committee. After 1937, the Democratic majority in the chamber faced a formidable obstacle to pursuit of a party program. Proposals favored by the party's northern majority would now have to be extracted from an often-hostile Rules Committee. With conservative southerners also in control of several key legislative committees, the separation of party and committee leadership was virtually complete.

Rise of the Modern Presidency and the Legislative Reorganization Act of 1946

The fragmented congressional system that existed in the first decades of the twentieth century came under tremendous challenge with the rise of a far more aggressive and powerful presidency in the 1930s and 1940s. The expansion of federal responsibility during the New Deal, President Franklin Roosevelt's domestic program for economic recovery and social reforms following the onset

of the Great Depression, and the unprecedented mobilization effort for World War II combined to lavish immense influence upon Roosevelt and his successors. In the absence of equally strong leaders in the legislature, members of Congress began to worry about the future of their institution. Academic studies, congressional hearings, and journalistic accounts in the 1940s echoed the theme that Congress must reorganize in order to retain its coequal place in the constitutional system. Mike Monroney (a Democrat congressman from Oklahoma), one of the leading advocates of reform, stated the widely held view that "we simply cannot struggle along under this type of workload unless we equip ourselves to answer the challenge that the Constitution's framers intended the Congress to carry."³² Many reformers called for a return to party government, but in the absence of an internally unified majority party, such calls found little resonance in Congress. The deep Democratic divisions between northern liberals and southern conservatives meant that members had to look elsewhere to create an institutional counterbalance to presidential power.

In response, members chose to streamline and strengthen the congressional committee system by adopting the Legislative Reorganization Act of 1946. The act bolstered the capacity and influence of standing committees in both chambers. It emerged in reaction to the rise of the modern presidency, and reflects how members of Congress sought to defend their institution in ways that were compatible with protecting their existing committee power bases. Members' interest in individual power and improved perquisites fused with their stake in congressional capacity to promote a major institutional renovation.

Prior to the Reorganization Act, there were forty-eight standing committees in the House and thirty-three in the Senate. These committees often had vague and overlapping jurisdictions, were poorly staffed, and had come to rely heavily upon the Roosevelt administration for legislative proposals. The Reorganization Act for the first time defined committee jurisdictions in specific terms and made these jurisdictions more systematic and comprehensive. It also combined committees with related responsibilities, creating a more streamlined set of nineteen standing committees in the House and fifteen in the Senate. The act provided committees with professional staff so that they would have the expertise to frame their own legislative initiatives independently of the executive branch. The committees nearly doubled their staffs in the first four years after the act took effect; in 1946, committees had employed 356 staffers—few of them professionals—while in 1950, they employed a total of 673 staffers, 286 of whom were professionals.³³ Finally, the Reorganization Act charged each committee with exercising "continuous watchfulness" over the agencies in its jurisdiction. This was in response to concern that lagging congressional oversight had allowed federal agencies to usurp the legislative branch's prerogatives during World War II. Congressional investigations expanded in frequency and aggressiveness during this period, challenging the executive branch on numerous fronts.

The primary motivation for the Reorganization Act was the perceived need to improve congressional operations and thereby resist presidential encroachments. The measure garnered substantial support from members of both parties and from across the ideological spectrum. A striking feature of the deliberations was that even liberal Democrats, who ostensibly stood to gain in policy terms by deferring to the liberal White House, sought to enhance congressional power vis-à-vis the executive. For example, the liberal House member Jerry Voorhis attacked Congress's recent failure to put "forward any alternative constructive program of its own." Voorhis's adversary in many policy fights, the conservative Democrat Eugene Cox, commended the California Democrat for his "magnificent statement" and added that "you have been classified as an ultra-progressive and I as a mossback reactionary, and still there is not the slightest difference between my views and the statement you make."³⁴ Republicans also emphasized the need to bolster congressional capacity in order to defend the institution's power. For example, Republican senator Owen Brewster of Maine observed that Congress must reorganize "if we are to retain any semblance of the ancient division of functions under our Constitution."³⁵ Republican representative Edward Rees of Kansas summed up the attitude of many members when he claimed that "the time has come when the Congress should no longer be satisfied with the role of a rubber stamp."³⁶ The consistent message from Democrats and Republicans, liberals and conservatives alike, was that Congress had become institutionally crippled and that reorganization was essential for its rehabilitation.

However, interest in congressional capacity and power was not sufficient to pass the Reorganization Act. The reform measure had to overcome the opposition of members who would lose their personal power bases because the act eliminated so many committees. Reformers worked before and after passage of the act to compensate these members with good assignments on the consolidated committees, thus tempering their opposition. Perhaps more importantly, the bill's authors also included a pay raise and a pension system in the act in order to elicit support from potential foes. Members understood that public reaction against the raise would be mitigated since it was part of a major bipartisan reorganization bill supported by the press and outside experts. Senator Robert La Follette of Wisconsin, the cochairman of the special committee that framed the act, noted that he had pushed to have the pay raise, pension system, and committee consolidation "wrapped up in one package" for just this reason: members would be more willing to sacrifice some committee power bases if doing so would lead to a better salary.³⁷ Thus reformers harnessed individual members' desire for increased pay and perquisites to enact a reorganization plan that primarily served broad institutional interests. Monroney claimed that the 1946 act had been approved partly because of its "ice cream" provisions, which made its "spinach" more palatable.³⁸

Political observers have repeatedly asserted that Congress is generally unable to act collectively as an institution to defend its power, and that as a result it has

steadily lost power to the White House.³⁹ However, an important lesson of the 1946 reorganization is that efforts to improve congressional capacity and defend congressional power can be enacted when these reforms are linked to individual members' electoral, personal power, or even financial, interests. Such efforts at institutional reform are particularly likely following major wars and crises that enhance executive power at the expense of Congress.⁴⁰

The Reorganization Act profoundly affected the congressional authority structure by reinforcing the already strong system of standing committees and committee chairmen. By reducing the number of committees and expanding their jurisdictions, the Reorganization Act made each committee a more potent institutional power base for its members and chairman. Since many of these chairmen were conservative southerners, this posed significant problems both for Democratic administrations and for mainstream northern Democrats. Although some reformers attempted to include provisions empowering party leaders to counterbalance the fortified committees, these features were either eliminated before passage or not implemented in practice. The one centralizing provision included in the act—a mandate that a joint House-Senate budget committee frame a legislative budget that sets binding spending and revenue totals—was never implemented, due to the resistance of the turf-conscious House Appropriations Committee. As a result, members of Congress had provided themselves with greater capacity to initiate individual legislative proposals and to scrutinize particular executive actions. But they had not provided integrative mechanisms that would allow Congress to pursue a coordinated, coherent program of its own. The Reorganization Act thus bolstered Congress's power over the individual "pieces" of governmental policy, but the legislative branch remained dependent on the executive when broad, coordinated programs were required.

Reform Era of the 1970s

The committee-dominated system institutionalized by the Legislative Reorganization Act of 1946 persisted for several decades, but it gave way in the 1970s amid a wave of major reforms. In both the House and Senate, junior members' interest in increased access to institutional power and liberal Democrats' goal of undercutting the influence of conservative committee chairmen combined to propel reform. But where the House enacted a complex combination of changes that spread power from chairmen both downward to subcommittees and individual members and upward to party leaders, the Senate continued its long-term trend toward individualism and fragmentation.

By the early 1970s, the old textbook Congress confronted increasingly sharp challenges from several sources. Liberal Democrats, who augmented their numbers following Democratic sweeps in the 1958 and 1964 elections, were deeply

dissatisfied with a committee system that empowered southern conservatives from safe districts, who rarely faced a serious electoral challenge. This dissatisfaction was exacerbated by the shift in the broader political context toward candidate-centered elections, which encouraged members to place a greater premium on gaining rapid access to their own power bases within Congress in order to make a name for themselves. Junior representatives and senators thus sought to undermine the seniority system, which placed disproportionate power in the hands of senior committee chairmen.

Both chambers responded to these pressures in the 1970s with a series of innovations that undercut the seniority system, spread greater resources to subcommittees and individual members, and, particularly in the House, granted new tools to party leaders. The first major reform was the Legislative Reorganization Act of 1970, which targeted chairmen's arbitrary exercise of power by requiring committees to adopt written rules and promoting open committee meetings. The most important legacy of the act was a provision for recorded votes on floor amendments in the House. Prior to 1970, it was relatively easy for a committee chairman to defeat floor amendments, because votes on amendments were generally not recorded, so that constituents would not know how individual representatives had voted. In the absence of constituent pressure, chairmen were well positioned to defend their bills against floor assaults. By allowing the public to know how individual members voted on amendments, the Reorganization Act fueled floor-amending activity and thereby weakened the position of the chairmen. A coalition of liberal Democrats and junior members of both parties pushed for the 1970 act.⁴¹

After 1970, the primary venue for institutional change in the House shifted to the Democratic Caucus, where all Democrats would meet to set party rules and procedures. The Caucus was revitalized as conservative southerners began to dwindle in number and liberals gained a clear majority within the party.⁴² Liberals used the caucus to take power away from the standing committees and to spread it downward to subcommittees and individual members and upward to party leaders.

A "subcommittee bill of rights," adopted in January 1973 by the Democratic Caucus, transferred the power to appoint subcommittee chairmen from the full committee chair to the committee's majority-party members. This committee caucus would also set subcommittee jurisdictions. In addition, the bill of rights guaranteed subcommittees an adequate budget and staff, along with automatic referral of legislation. An earlier 1971 caucus reform had limited each member to a single subcommittee chairmanship, thereby spreading access to these influential positions more broadly. A 1975 change adopted by the House further bolstered subcommittee resources by authorizing each subcommittee chairman and ranking member to hire one full-time staff person to handle subcommittee work. Since there were over one hundred subcommittee chairmen and just twenty full

committee chairmen, these reforms spread power to more members. Even the most junior Democrat could reasonably aspire to a subcommittee chairmanship within a few terms of entering the House. But the subcommittee reforms did not benefit all junior members equally. Liberals lobbied hardest for the reforms, in part because they believed that strengthening the subcommittees would not only empower them as individual entrepreneurs, but would also weaken conservative committee chairmen, who often blocked liberal legislation. Therefore, the subcommittee changes passed because liberal Democrats had policy reasons to undercut conservative committee chairmen and found that they could forge a broad coalition for doing so by simultaneously appealing to representatives' power-base interests.

A similar confluence of forces generated the revolt against the seniority system for selecting committee chairmen that occurred in 1971–1975. This movement started with liberal-sponsored initiatives to force secret-ballot votes on individual chairmen in the caucus. It culminated in 1975, when the huge freshman class of seventy-four "Watergate babies," elected in the wake of Richard Nixon's resignation, propelled a successful movement to overthrow three aging southern committee barons. Although only one of the southerners had generally used his position to support conservative policies—Edward Hebert of Louisiana, who chaired the Armed Services Committee—the overthrow symbolized that the Democratic Caucus expected all chairmen to be more responsive to party members. Interestingly, House Republicans also undermined seniority by changing party rules to provide for individual votes on the party's ranking committee members. This reinforces the hypothesis that the seniority changes were not simply a product of liberal policy interests. Instead, the common dynamics across parties indicates that the changes were in part spurred by junior members' restiveness with a system that advantaged long-serving members.⁴³

The subcommittee and seniority changes contributed to a seismic power shift in the House. Committee chairmen were forced to share power with rank-and-file committee members and to look to the caucus for guidance on important policy issues. Each subcommittee chairman now had a power base that could be used to launch initiatives, claim credit, and gain press attention. Policy entrepreneurship became increasingly widespread, and subcommittees proved a valuable source of programmatic innovation. While subcommittee influence varied across issue areas, subcommittee chairmen now generally had disproportionate access to important resources, such as staff expertise and communication networks. Meanwhile, the roughly twenty committee chairmen who had in the past served as focal points for coalition building suffered greatly reduced stature.

The fragmentation brought about by the rise of subcommittees and the weakening of the chairmen was partially offset by changes that provided new powers to party leaders.⁴⁴ In 1974, the House authorized the Speaker to refer bills to multiple committees. This reform was in part intended to bolster the

chamber's capacity to address issues that crosscut committee jurisdictions. As such, it enjoyed broad, bipartisan support. But the innovation also promised to enhance the Speaker's ability to structure the committee process. Although used sparingly at first, it eventually became an important leadership tool for encouraging committees to coordinate their efforts. The Democratic Caucus adopted additional changes that more directly strengthened party leaders. Most importantly, the caucus strengthened leadership influence over committee assignments. In 1974, Democrats took the power to make committee assignments from the party's members of the Ways and Means Committee and granted it to the recently created Steering and Policy Committee, on which the Speaker and majority leader controlled several votes. The caucus also granted the Speaker the power to select party members who serve on the Rules Committee. This change made the committee an effective arm of the leadership, essentially reversing one of the main elements of the revolt against Cannon.⁴⁵ Before long, the committee was developing complex special rules that allowed the leadership to restrict the amendments offered to bills in ways that often advantaged the majority party's preferred policies. By the mid-1980s, as Democrats became increasingly unified when confronted with Ronald Reagan's conservative agenda, party leaders began to use their new powers particularly aggressively. The Texas Democrat Jim Wright, who took over as Speaker in 1987, used multiple referrals, committee assignments, and the Rules Committee as instruments to pursue a far-reaching agenda that challenged the Republican White House and led observers to comment upon the "new centralization" on Capitol Hill.⁴⁶

The Senate experienced a movement toward fragmentation in the 1970s that paralleled that of the House, but formal changes empowering party leaders were far more limited. As a result, the reform era deepened the distinctiveness of the chambers, as expanding Senate individualism contrasted with the partial revival of party leadership in the House. Although no Senate chairmen or ranking committee members were deposed, both Democrats and Republicans adopted new rules easing the way for votes on individual chairmen. The Senate also adopted a generous new staffing policy in 1975 that provided each senator on a committee with additional staff assistance independent of the chairmen. This made it easier for junior members to engage in policy entrepreneurship.

The most striking change in Senate operations was an informal one: the filibuster, which had been used relatively sparingly for much of American history, became a routine tool used by individual senators to extract concessions or to block bills entirely. While it is impossible to quantify the amount of obstruction precisely, Sarah Binder and Steven Smith document increasing filibusters in the 1970s and 1980s.⁴⁷ They count just 23 "manifest filibusters" in the entire nineteenth century and they report that the typical Congress in the 1940s through the 1960s had about 5 filibusters. By contrast, there were 191 filibusters from 1970 to 1994. In just the 102nd Congress of 1991–1992, there were a record 35

filibusters, and the prevalence of filibusters remained high throughout the remainder of the decade. The boom in obstruction, like the move toward improved staffing for junior senators, was partly rooted in the new, candidate-centered political context, which rewarded individual activism.⁴⁸ Heightened time pressures, however, added to the temptation to filibuster: as the Senate's schedule became more crowded, the mere threat of a filibuster was often sufficient to extract concessions.⁴⁹ As partisan polarization has increased in the chamber, filibusters have also been fueled by the minority party's interest in blocking policies that it opposes. Although partisan filibusters have been a recurrent feature of Senate politics, they have increased in frequency since the 1970s. Since the cloture rule now requires sixty votes to end debate, the routinization of the filibuster means that legislating typically requires supermajority support. Indeed, a 2002 study suggests that roughly half of all major bills encounter filibuster difficulties, often resulting in either defeat or substantial concessions.⁵⁰

A final change adopted in the reform era of the 1970s featured somewhat different dynamics than the fragmenting and party-building changes described above. In 1974, Congress adopted the Congressional Budget and Impoundment Control Act (commonly referred to as the Budget Act). The legislation created budget committees in the House and Senate, charging them with proposing budget resolutions that set spending and revenue targets. These budget resolutions would not require the signature of the president. Annual reconciliation bills would then enact the specific tax and spending changes required to meet the budget resolution targets. The Budget Act also curtailed the power of the president to impound funds and created the Congressional Budget Office as a source of independent expertise for the House and Senate. The immediate impetus for the Budget Act was President Nixon's use of impoundments to attack domestic programs, along with more general concerns about declining congressional power in the wake of the Vietnam War. As such, the act reflected members' stake in defending their institution's power, and enjoyed broad, bipartisan support. Members understood that credibly responding to Nixon's encroachments required that Congress provide its own mechanisms for coordinating revenue and spending decisions. In addition, conservatives hoped to use the new process to force trade-offs that would result in lower spending.

The new budget process created a new set of committees and procedures that were superimposed on the existing structure of authorization, appropriations, and revenue committees. To avoid fierce opposition, the framers of the act respected existing committee power bases, adding a new framework to the existing decision-making structure. But the resulting need to gain the cooperation of these entrenched committees made the budget committees' task more difficult. The budget committees have fought recurrent battles with the appropriations and authorization committees over spending priorities, and with the revenue committees over tax policy and entitlements. Still, the long-term impact of the

new budget process has been to increase centralization in both the House and Senate. In the House, the majority party has long dominated the Budget Committee, and with a few critical exceptions—such as Reagan's 1981 budget triumph, when a coalition of conservative Democrats and Republicans enacted a massive tax cut and defense build-up—has used the process to pursue its fiscal agenda. Although budgeting in the Senate has featured more bipartisan cooperation at times, the 1974 act shielded budget resolutions and reconciliation bills from filibusters. This allows the majority party to use the budget process to achieve its policy goals—such as big changes in tax policy—without the need to gain the minority-party support necessary to invoke cloture. Perhaps the most enduring impact of the budget process is that it has provided a mechanism for even a slim majority in each chamber to enact sweeping changes in the nation's fiscal policy. If a major concern in the wake of the Legislative Reorganization Act of 1946 was that Congress had the capacity to shape the individual elements of federal policy, but not to coordinate policy at a more general level, the Budget Act provided an important new tool for Congress to rectify this shortcoming.

Republican "Revolution" of 1995

The institutional development of Congress is ongoing. The most recent important changes occurred following Republicans' takeover of the House and Senate in the 1994 elections. Under the assertive leadership of Republican Speaker Newt Gingrich of Georgia, Republicans adopted an array of reforms intended to centralize party control. Although the most important changes occurred in the House, Senate Republicans also adopted a handful of innovations meant to strengthen party discipline in the notoriously unruly chamber. Nonetheless, the persistence of the right of unlimited debate has precluded the consolidation of effective party government in the upper chamber. The combination of the filibuster and intense partisan polarization has magnified the challenges facing Senate leaders.

The basic thrust of the GOP reforms in the House was to create a more hierarchical organization: party leaders enhanced their influence over committee chairmen, and the chairmen, in turn, were empowered vis-à-vis subcommittee leaders. Thus, party leaders intervened aggressively in the selection of committee chairmen. Under the Republican system as it has become institutionalized since the late 1990s, prospective chairmen are interviewed by the leadership-dominated Steering Committee, which relies on party loyalty in voting and fund-raising as criteria along with seniority.⁵¹ The imposition of six-year term limits for the chairmen further weakened committee leaders' prospects for acquiring an independent power base.⁵² At the same time, Republicans have not emulated the Democrats' subcommittee bill of rights. Instead, full committee chairmen now control the selection of subcommittee leaders and staff. Republicans have also

expanded upon Democrats' practice of using partisan task forces to supplement, or at times displace, the standing committees' role in writing important legislation. Combined with reductions in committee staffing, these changes have led observers to worry about a "crack-up" of the committee system as a whole, which may be undermining Congress's capacity to bring to bear independent expertise on policy problems.⁵³ Although Gingrich's successor, Dennis Hastert, Republican of Illinois, took on a much lower public profile than his predecessor, the trend toward centralized party leadership and weakened committees appears to have been sustained.

If the 1910 revolt against centralization presaged the development of a more independent, specialized committee system, the institutional innovations that have occurred since the 1970s suggest a movement in the House back toward the model of leadership offered by Reed and Cannon. Nonetheless, it is an overstatement to claim that Congress has returned to "czar rule." Instead, Hastert and his leadership team showed a deep dependence on the ongoing support of rank-and-file Republicans, and they worked assiduously to involve these members in the party machinery. Indeed, the critical shift has been that members' participation now occurs more through party machinery and less through the committee system than in the past.⁵⁴

The impact of the Republican takeover in the Senate has been more subtle. Republicans have challenged the seniority system, though more gingerly than in the House. The GOP adopted rules specifying that the party conference would vote on an official legislative agenda prior to selecting committee chairmen, providing a potential benchmark for evaluating their loyalty. Furthermore, the party adopted a term-limit rule of their own for committee chairmen in September 1995, which has forced a handful of longtime chairmen to surrender their posts. The declining independence of committee chairmen was underscored following the 2004 election when Republican senator Arlen Specter headed off a conservative-backed challenge to his ascension to the Judiciary Committee chairmanship by proclaiming that he would work to promote the confirmation of President George W. Bush's judicial nominees. This episode suggests that the majority party in the Senate has become more willing to demand loyalty from committee chairmen.

Nonetheless, Senate majority-party leaders still confront the task of building supermajority support before they can adopt most major new policies. Furthermore, individualism remains a potent force in the upper chamber. Republican Party mavericks such as John McCain and Chuck Hagel, along with moderates such as Olympia Snowe and Susan Collins, have exercised far more influence than like-minded House Republicans in challenging their party's leadership. Therefore, even as the Senate, by 2005, had come to look a bit more like the House in terms of partisan activity, the two chambers continued to differ markedly in the relative prerogatives of individual members and party leaders.

Lessons for Congressional Reform

Over the past 225 years, the House and Senate have developed an elaborate committee system and party leadership structure to enable members to better pursue their goals. The power of committees and of party leaders has waxed and waned over time, in response to external pressures, such as challenges from the executive branch, and internal dynamics, such as the level of party polarization and individual member careerism. Today's House has returned to a level of party strength not seen in nearly a century, while the Senate remains highly individualistic, notwithstanding its high level of partisan acrimony. Although developments in the two chambers have typically moved in tandem, the general pattern is for formal party leaders to enjoy greater prerogatives in the House, while the smaller Senate has featured greater individual prerogatives, looser rules, and weaker party leaders.

One reason to study the institutional development of Congress is the belief that institutions affect member behavior, and thus that the House-Senate differences described above help explain political outcomes. Yet a cursory examination of roll call voting data suggests that the seemingly sharp institutional differences between the House and Senate do not impact how members vote on the floor, and therefore would appear to have limited importance for policy outcomes. That is, levels of party voting are generally as high in the Senate as in the House, notwithstanding the much greater individualism and weaker party leaders in the upper chamber. For example, the percentage of votes that divided a majority of Democrats against a majority of Republicans reached two-thirds in the Senate in 2003, as compared with 52 percent in the House. In both chambers, approximately 90 percent of the members stuck with their party on these votes.⁵⁵ Nonetheless, inherited institutions—such as the filibuster—have had a profound impact on the meaning of this polarization. In the House, as Democrats and Republicans came to represent distinctive constituencies, their policy preferences polarized along party lines, giving members greater incentive to delegate power to party leaders. The majority party has come to dominate the legislative process in the chamber; in the 108th Congress (2003–2004), minority-party Democrats were generally shut out when it came to decision making on most important issues. In the Senate, by contrast, the need for supermajority support for most legislation means that the preference polarization that produces high levels of party voting has not translated into majority-party government. Instead, the minority increasingly uses party-based filibusters to block action. The cloture votes to defeat these filibusters produce numerous sharply partisan roll calls, but in the absence of support from several Democrats, they are doomed to failure. As a result, even perfect party-line votes in the Senate do not necessarily generate majority-party victories, in contrast to the majoritarian House.

In sum, the polarization of party members' preferences has fostered majority-party governance in the House, but has only made the challenges confronting Senate party leaders more daunting. The combination of immense individual prerogatives and polarized party-based teams fighting it out has at times seemed to make the Senate ungovernable, in sharp contrast to the disciplined House. Thus, the filibuster and related institutional differences between the chambers have an enormous impact on policy making, even as voting patterns are broadly similar in the House and Senate.

Notes

1. *Property rights* refers to each committee's right to have legislation in its jurisdiction referred to it before the bill reaches the floor.
2. See Binder, *Minority Rights, Majority Rule*; and Schickler, *Disjointed Pluralism*.
3. See Cooper, *The Origins of the Standing Committees*, for the definitive study of members' attitudes toward committees in this era.
4. See David T. Canon and Charles Stewart III, "The Evolution of the Committee System in Congress," in *Congress Reconsidered*, edited by Lawrence C. Dodd and Bruce Oppenheimer, 7th ed. (Washington, D.C.: CQ Press, 2001).
5. Canon and Stewart, "The Evolution of the Committee System." See also Joseph Cooper and Cheryl D. Young, "Bill Introduction in the Nineteenth Century: A Study of Institutional Change," *Legislative Studies Quarterly* 14, no. 1 (1989), 67–105; and Jeffery Jenkins and Charles Stewart, "Order from Chaos: The Transformation of the Committee System in the House, 1816–1822," in *Party, Process, and Political Change in Congress: New Perspectives on the History of Congress*, edited by David W. Brady and Mathew D. McCubbins (Stanford, Calif.: Stanford University Press, 2002).
6. See Charles Stewart III, *Analyzing Congress* (New York: Norton, 2001).
7. See Jenkins and Stewart, "Order from Chaos." For a more general discussion of legislative-executive relations and the early committee system, see Liam Schwartz, "Friend and Foe: Congressional Development in a System of Separated Power," Working paper, Harvard University.
8. See Schickler, *Disjointed Pluralism*, chapter 6, and discussion below.
9. See Gerald Gamm and Kenneth Shepsle, "Emergence of Legislative Institutions: Standing Committees in the House and Senate, 1810–1825," *Legislative Studies Quarterly* 14, no. 1 (1989), 39–66.
10. Randall Strahan, "Leadership and Institutional Change in the Nineteenth-Century House," in *Party, Process, and Political Change in Congress*, edited by Brady and McCubbins.
11. See Cooper, *Origins of Standing Committees*, on the importance of workload.
12. See Jenkins and Stewart, "Order from Chaos."
13. *Washington Post*, January 19, 1888.
14. For accounts emphasizing partisan dynamics, see Binder, *Minority Rights, Majority Rule*; and Douglas Dion, *Turning the Legislative Thumbscrew: Minority Rights and*

- Procedural Changes in Legislative Politics* (Ann Arbor: University of Michigan Press, 1997).
15. *Congressional Record*, April 17, 1894, 3790.
 16. *Ibid.*, January 26, 1892, 556.
 17. The president pro tem is a senator selected to preside over the chamber when the vice president is absent.
 18. Delegation to the president pro tem was also problematic because, in the nineteenth century, it was understood that the president pro tem's term would end abruptly whenever the vice president returned. See Steven S. Smith and Gerald Gamm, "The Dynamics of Party Government in Congress," in *Congress Reconsidered*, edited by Dodd and Oppenheimer, 254.
 19. See David T. Canon and Charles Stewart III, "Parties and Hierarchies in Senate Committees," in *U.S. Senate Exceptionalism*, edited by Bruce Oppenheimer (Columbus: Ohio State University Press, 2002).
 20. See Smith and Gamm, "The Dynamics of Party Government."
 21. See Smith and Gamm, "The Dynamics of Party Government"; Gerald Gamm and Steven S. Smith, "Emergence of Senate Party Leadership," in *U.S. Senate Exceptionalism*, edited by Oppenheimer.
 22. See Gamm and Smith, "The Dynamics of Party Government."
 23. See Binder, *Minority Rights, Majority Rule*, on the previous question rule.
 24. See Gregory J. Wawro and Eric Schickler, "Where's the Pivot? Obstruction and Lawmaking in the Pre-Cloture Senate," *American Journal of Political Science* 48 (October 2004), 758–774.
 25. For example, Aldrich attempted to force cloture by majority vote during the filibuster of the federal elections bill of 1890–1891, but failed when a coalition of Democrats and dissident Republicans sidetracked the measure.
 26. See Kenneth Shepsle, "The Changing Textbook Congress," in *Can the Government Govern?* edited by John E. Chubb and Paul E. Peterson (Washington, D.C.: Brookings Institution, 1989).
 27. See David W. Rohde, *Parties and Leaders in the Postreform House* (Chicago and London: University of Chicago Press, 1991).
 28. *Congressional Record*, February 5, 1908, 1652.
 29. See Schickler, *Disjointed Pluralism*, chapter 3, and John Mark Hansen, *Gaining Access: Congress and the Farm Lobby, 1919–1981* (Chicago: University of Chicago Press, 1991).
 30. The parties each had a caucus chairman, but this post was not generally considered to carry with it floor leadership responsibilities.
 31. See Gamm and Smith, "Emergence of Senate Leadership."
 32. *Congressional Record*, July 25, 1946, 10039.
 33. George B. Galloway, *The Legislative Process in Congress* (New York: Crowell, 1953), 606.
 34. U.S. Congress, Joint Committee on the Organization of Congress, *Organization of Congress: Hearings*, Seventy-ninth Congress, First session (Washington, D.C.: Government Printing Office, 1945), 41.
 35. *Ibid.*, 230.

36. *Ibid.*, p. 237.
37. *Congressional Record*, June 8, 1946, p. 6533.
38. *Ibid.*, July 25, 1946, 10045. See Roger H. Davidson "Legislative Reorganization Act of 1946 and the Advent of the Modern Congress." *Legislative Studies Quarterly* 15 (1990), 357–373, for an excellent review of the maneuvering that led to the adoption of the Reorganization Act.
39. See, e.g., Terry Moe, "The Presidency and the Bureaucracy: The Presidential Advantage," in *The Presidency and the Political System*, edited by Michael Nelson, 5th ed. (Washington, D.C.: CQ Press, 1998).
40. See Schickler, *Disjointed Pluralism*, chapter 6. This is consistent with the accelerated move toward a standing committee system following the War of 1812. In addition, Congress centralized its appropriations process in 1920–1922 following World War I. The appropriations centralization was at least partly rooted in the perceived need to improve Congress's scrutiny of budget requests. As discussed below, the new budget process adopted in 1974 reflected broadly similar dynamics.
41. See Rohde, *Parties and Leaders*; and Schickler, *Disjointed Pluralism*, chapter 5.
42. See Rohde, *Parties and Leaders*; and Nelson W. Polsby, *How Congress Evolves: Social Bases of Institutional Change* (Oxford: Oxford University Press, 2003).
43. Still, the GOP did not experience an actual purge, suggesting that though junior members' power base interests encouraged the challenge to seniority, ousting a specific committee leader likely required additional factors, such as the Democrats' ideological feud.
44. The attack on seniority had mixed effects for party leaders. On the one hand, the leaders benefited to the extent that the chairmen now had to be responsive to the party caucus. However, key party leaders such as Democratic Speaker Thomas (Tip) O'Neill generally opposed purging the chairmen. This suggests that party leaders believed that weakening the chairmen would make their job of building coalitions more difficult (see Schickler, *Disjointed Pluralism*).
45. See Bruce I. Oppenheimer, "The Rules Committee: New Arm of the Leadership in a Decentralized House," in *Congress Reconsidered*, edited by Lawrence C. Dodd and Bruce I. Oppenheimer, 1st ed. (New York: Praeger, 1977).
46. See Roger Davidson, "The New Centralization on Capitol Hill," *Review of Politics* 50 (summer 1988), 345–364.
47. Sarah A. Binder and Steven S. Smith, *Politics or Principle?: Filibustering in the United States Senate* (Washington, D.C.: Brookings Institution, 1997).
48. Barbara Sinclair, *The Transformation of the U.S. Senate* (Baltimore: Johns Hopkins University Press, 1989).
49. Bruce I. Oppenheimer, "Changing Time Constraints on Congress: Historical Perspectives on the Use of Cloture," in *Congress Reconsidered*, edited by Lawrence C. Dodd and Bruce I. Oppenheimer, 3rd ed. (Washington, D.C.: Congressional Quarterly, 1985).
50. Barbara Sinclair, "The '60-vote Senate,'" in *U.S. Senate Exceptionalism*, edited by Oppenheimer (Columbus: Ohio State University Press, 2002).
51. Kathryn Pearson, "Party Discipline in the Contemporary Congress: Rewarding Loyalty in Theory and in Practice." Ph.D. diss., University of California, Berkeley, 2004.

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