

PARTIES, COMMITTEES, AND POLICYMAKING IN THE U.S. CONGRESS

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September, 1989

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Few institutions have received as much critical comment from the political science community as the party organizations in the U.S. Congress. Unlike their parliamentary counterparts, congressional parties cannot deliver unified, cohesive majorities to enact policies espoused in the preceding election. Majorities that coalesce to enact a piece of legislation are fleeting and *ad hoc*. Whatever stamp the majority party might put on legislation is further obscured by the tendency for such coalitions to take the form of vast logrolls encompassing more than 90 percent of the members of both parties (Collie, 1988). As Dodd and Oppenheimer (1977) put it, "In many ways, political parties in Congress during the postwar years, as one observer has written, have been 'phantoms of scholarly imagination' that were perhaps best exorcised from attempts to explain congressional organization, behavior, and process" (p. 41).

Why, according to the conventional wisdom, are party organizations in the U.S. Congress so ineffectual? The reason cited most often is that congressional party leaders, unlike their counterparts in most parliamentary regimes, are unable to provide more than token rewards for loyalty, or more than token punishments for defecting from the party's position. There are no posts in the government to offer individual members for years of loyal service in the backbenches, nor can they be threatened with the loss of their seat for failing to hold ranks. As a consequence, individual congressmen can repeatedly defect from the positions avowed by their party's leaders with no risk of injury to their political careers. Brady (1988) summarizes this view nicely:

...throughout most of the House's history, party leaders have been able only to persuade, not to force, members to vote "correctly." Party leadership without even the threat of sanctions is likely to be unsuccessful in building consistent partisan majorities (p.9).

As both voting theorists and congressional scholars see it, enacting legislation of any degree of scope and complexity requires the support of individual legislators who possess disparate interests and preferences/(emin other words, a logroll must be put together (Buchanan and Tullock, 1962). Logrolls are obviously involved in the passage of local public works projects and agricultural subsidies, but they are also responsible for legislation in policy domains ranging from urban renewal (Arnold, 1979) to environmental policy (Ackerman and Hassler, 1981). The problem is not so much putting the logroll

together, however, as it is sustaining it. As Ferejohn (1985) explains:

Logrolling relationships are inherently unstable: if a logroll is required to enact some set of bills, then there can be no package of bills that could win a majority against every other package. Thus, while a logrolling arrangement may, because of the procedural rules of the chamber, allow some package of bills to be enacted in a given session, there will always be other packages of bills that are preferred to it by a majority. Thus to say of some particular piece of legislation that "it passed because of a logroll" is no explanation at all (p. 2).

As transaction cost theorists have frequently noted, a major source of such costs is the need to police and enforce agreements (Davis and North, 1971; Williamson, 1975; North, 1988). By this line of reasoning, party leaders' lack of enforcement power is a crucial liability; they simply do not possess the repertoire of rewards and sanctions required to hold vote exchange agreements (logrolls) together. As institutions, congressional parties seem to be paper tigers—if not, as suggested earlier, phantoms of the scholarly imagination.

The real locus of policymaking in Congress, it is argued, are instead the entities to whom congressional parties have delegated vast policymaking authority—the standing committees and subcommittees. As Brady (1988) puts it, "Committees are more than just a part of the policymaking process...Since World War II they have effectively *made* policy" (p. 115). Although committee assignments are ostensibly made by the party caucuses, the process appears to be largely driven by self-selection; members come to serve on those committees with jurisdiction over the programs that benefit their constituents, resulting in committee rosters that are dominated by policy advocates. As many scholars have noted, committee proposals come to the floor with an array of parliamentary defenses. Some of the weapons in this arsenal have changed over time; the easily attainable quorum rules and preponderance of unrecorded "teller" votes (closely monitored by committee chairmen) that marked the pre-reform Congress have been replaced by formal restrictions on amendments (Smith, 1989). Other important advantages enjoyed by committees, especially closed rule consideration of conference reports, have been retained. The agenda control powers that committees possess, it is argued, induce non-committee members to "defer" to committee proposals when they come to the floor for a vote the frequency of "universalistic" support for even major pieces of legislation (Weingast and Marshall, 1987; Shepsle and Weingast, 1987).

Not surprisingly, most formal models of legislatures are committee-based, and have abstracted away any policymaking role for parties. The committee system in the U.S. Congress is thus seen to perform the vital role that the party organizations do not: it is the mechanism employed for the construction and defense of the vote trades by which policy is made (Ferejohn, 1985).

To be sure, the nature of the exchange that the committee system is said to engineer is not all that impressive; it is tantamount to members of each committee saying to those not on the committee, "let us do what we want on our policy turf, and you can do the same on yours." As Dodd and Oppenheimer (1977) put it, "Each committee was left to fashion public policy in its own jurisdiction; the fate of public policy came to depend largely on the composition of committees and thus, by indirection, on patterns of seniority within the House and within committees" (p. 22). Political scientists who bemoan the role that committees and subcommittees play in Congress often point to the deleterious consequences this has for the quality of legislation; lacking the integrative role that can only be provided by effective party organization and leadership, policy, they argue, becomes disjointed and inconsistent. But whatever the normative consequences, by most accounts it is the committees, not the parties, that in the U.S. Congress provide the "institutional arrangements that would allow for exchange across space and time (North, 1988, p. 14).

The congressional literature thus provides a simple, compelling description of the structure of the U.S. Congress, one that furthermore seems theoretically well-informed as to the necessity of institutional mechanisms for enforcing vote-trading agreements. There is, however, a problem with the conventional view: congressional parties exert a strong and systematic influence upon national policymaking! Congressional Democrats have successfully put their stamp on major spending decisions. When confronting a Republican in the White House, they have adopted budget resolutions that pare tens of billions of dollars from requests for military spending and add tens of billions to requests for domestic programs (Schick, 1986, p. 21). To be sure, budget resolutions are routinely violated by subsequent spending and revenue bills. Previous research by ourselves and others, however, reveals a strong relationship between the partisan composition of the U.S. Congress and the actual allocation of funds to the myriad programs and agencies of the federal government (Kiewiet and McCubbins, 1985, 1988; Lowery, Bookheimer, and Malachowski, 1985).

Perhaps most importantly, the balance of party forces in Congress clearly determines the pace of innovation in the largest and fastest growing component of the federal budget—entitlement programs. Table 1, taken from Browning's (1986) analysis, shows that there have been virtually no attempts to create new social welfare programs in the United States during periods in which the Republicans controlled Congress. New program initiatives were about twice as frequent when a Democratic Congress paired up with a Democratic president than when they faced a Republican president (these two configurations were each present for 16 years between 1947 and 1982). Recent research by Hibbs and Dennis (1988), finally, indicates that Democratic control of Congress is associated with a reduction in the inequality of after-tax, after-transfer income in the U.S.

Table 1 about here

If parties in the U.S. Congress really are phantoms of the scholarly imagination, how is it that they are able to exert such a powerful influence over national policy? The first observation we would like to make is that even if they owe little to national party organizations for their election, individual Democrats and Republicans in Congress have strong incentives to organize the institution along party lines. Voters decide between candidates according to their expectations about how they will perform in office. Although individual characteristics of candidates weigh heavily in the formation of these expectations, so too do the positions they adopt on important national issues. A party label functions in this regard as a "brand name." It conveys a simple, low cost signal to "rationally ignorant" voters as to the policies a candidate would pursue in office and the constituencies he would seek to benefit (Downs, 1958; Fiorina, 1981).

The conventional wisdom is certainly correct in observing that the party caucuses in the U.S. Congress tolerate more diversity in the policy preferences and roll call votes of their members than do parties in parliamentary regimes. There are many reasons for this; chief among them is that party leaders in the U.S., unlike their parliamentary counterparts, do not have a stranglehold on their members' electoral lifelines (Beloff and Peele, 1980). But candidates for Congress can stake out only so much distance between the policies they espouse and those associated with the brand name of the party. It is very

expensive for a Republican, for example, to convey to the voters in his district that despite being a Republican, he is actually against cutting the capital gains tax, in favor of more environmental regulation, and opposed to new weapons systems. The ability of congressional candidates to offer voters in their district a policy mix that varies much from that associated with the party label is further constrained by the presence of presidential candidates nominated by their party. That party labels are electorally indispensable is reflected in the virtual absence of independent candidates in congressional elections. In short, common electoral origins are the source of a substantial amount of homogeneity in the policy preferences of each congressional party's membership (Schneider, 1979; Shaffer, 1980; Erikson and Wright, 1985; Poole and Rosenthal, 1984).

Given that it is in the interests of individual congressmen to organize as legislative parties, it is also in their interests to overcome the problems of collective action that they, like all other organizations, experience. For that reason party members delegate authority to their leaders—Speaker, Majority Leader, whips, the committee on committees—to manage party affairs and to coordinate their activities. The congressional party thus resembles a law firm. Each member is a partner, sharing in the collective product of the firm. But there is also a hierarchy, as some partners have been delegated, by the rest of the partners, a management role.

As indicated earlier, however, according to the conventional wisdom on Congress, parties do not give their leaders any real resources with which to perform their job. The leadership can do little to prevent individual defections on roll call votes. And although the party formally ratifies committee assignments, most congressional scholars agree that the process is designed primarily to facilitate the self-selection of "interested" members to the appropriate committees. But is this really an accurate portrayal of the way in which parties make committee assignments? One feature of the process that this view ignores is that the majority party in Congress has always insisted on naming a majority of members to each committee. In the case of the "power" committees, i.e. Ways and Means, Appropriations, Rules, and Budget, they have often insisted on committee majorities that were somewhat larger than their majority on the floor. Why would this be the case if party leaders truly had abdicated control over the assignment process?

Secondly, consider the case of the power committees, e.g., Appropriations or Ways and Means, that have jurisdiction over a wide policy domain. Assume that such a committee enjoys so many informational and strategic advantages that floor consideration of its proposals amounts to nothing more than a rubber stamp. Because it is so powerful, any vacancy which occurs on the committee attracts a swarm of applicants. The congressional parties are only able to select new members by choosing randomly from their respective applicant pools, and possess no other mechanism through which they might influence the behavior of the committee. We would seem to have here the classic combination of strong committee and weak party. But this passive process of randomly selecting from the applicant pool would yield party contingents on the committee that constituted representative samples of the respective party caucuses. As an ideological microcosm of the floor, the committee would bring to the floor proposals that were precisely what the majority party would have achieved had its delegation of authority to the committee never taken place. To members assigned to the committee, furthermore, it would appear that ideological considerations had nothing to do with their selection.

Previous research indicates that in making assignments to the most important committees, majority party leaders have in fact sought to maintain an ideological balance on them. Our own research on the House Appropriations Committee indicates that majority party Democrats have sought to align the median of their contingent on the committee with the caucus median, and have also sought to replicate on the committee the entire distribution of policy preferences in the caucus (Kiewiet and McCubbins, 1990).¹ Achieving the latter condition helps keep "peace in the family," in that it allows party members across the entire ideological spectrum to infer that their views were fairly represented in committee (Masters, 1961; Plott, 1982). Democratic assignments to other major committees, including Ways and Means and Budget, have also been intended to make the party contingent on the committee ideologically more representative of the caucus (Manley, 1970; Shepsle, 1978; Palazzolo, 1989).

Assignments to Appropriations and other major committees are the subject of party scrutiny because their jurisdictions subsume the major issues that divide the major parties. Taxes, the tradeoff between domestic and military expenditures, social security, interest rates, and environmental regulation are of serious concern even to members from districts with a dominant economic base such as agriculture or

financial services. The jurisdictions of some committees, however, are dominated by issues of policy that do not directly impinge on what voters (or even party activists) perceive to be the major differences between the parties. Committees like Interior and Insular Affairs, Merchant Marines and Fisheries, or Post Office and Civil Service come to mind. In the case of these committees the collective policy goals of the party are not at stake, and it would therefore be in their interest to facilitate natural tendencies toward self-selection (Shepsle, 1978). Doing so presumably enables party members to more efficiently pursue the district-oriented benefits they need to secure their individual reputation and thus enhance their reelection prospects. After all, if it is to accomplish anything legislatively, a party must get its members elected and reelected. As Masters (1961) put it, "in distributing assignments the party acts as a mutual benefit and improvement society, and this for the obvious reason that control of the House depends on the reelection of party members" (p. 57). This also means, though, that party leaders can take a *laissez faire* approach to the staffing of many committees.

In addition to what they can achieve through the committee assignment process, party leaders also can avail themselves of the substantial control they have over the legislative agenda in pursuing the party's policy goals. Although the importance of doing so is often underestimated, they can exploit the prominence of their position to identify a highly visible focal point on key issues, thus solving problems of coordination by rallying support around one of possibly many acceptable alternatives (Calvert, 1987). More tangible, however, is the ability of the majority party leadership, especially in the House, to manage the flow of legislation into committees and back onto the floor. In recent years the majority Democrats have consolidated the authority of the Speaker by allowing him to select the members of the Democratic contingent on the Rules Committee, thereby transforming it into an "arm of the leadership" (Oppenheimer, 1977). The Rules Committee has effectively facilitated the Democratic policy agenda on the House floor by adroitly fashioning restrictions on the number, source, order, and degree of amendments that may be offered against committee proposals. Much to the chagrin of minority party Republicans in the House, Rules has frequently issued "closed" rules that forbid amendments altogether. It is the majority party leadership, in short, that is the source of the parliamentary advantages that shield committee proposals from hostile takeovers on the floor.

What doesn't happen in Congress, though, is often as important as what does't happen. As theorists and empirical scholars have both recognized, effective party leaders in Congress pursue policy victory in those areas in which the caucus is in broad agreement, but, by using their "gatekeeping" powers, seek to submerge legislative initiatives that would be divisive to the party (Sinclair, 1983, Calvert, 1987).

According to Sundquist (1968), one of the greatest accomplishments of Sam Rayburn as Speaker of the House and of Lyndon Johnson as Majority Leader in the Senate was keeping intra-party disagreements over civil rights and other divisive issues from spilling onto the chamber floor:

Speaker Rayburn faced the same problems that Lyndon Johnson faced in leading a divided party, and he adopted the same tactics. Like Johnson, he avoided party caucuses where program issues that divided the party might be discussed. Like Johnson, he avoided setting forth a program, preferring to wait for Eisenhower proposals and then to seek an opposition posture around which a degree of Democratic unity could be achieved. He concentrated, wrote Neil MacNeil, on "minimizing" the "divisiveness" of his party. "The avoidance of open conflict is his genius," said Representative Lee Metcalf of Montana (p. 403).

Although the House Speaker's ability to schedule debate and votes on the floor is the source of substantial gatekeeping power, the Rules Committee has long served as the majority party's instrument of choice for stifling conflictual issues. Although the Committee won considerable notoreity for its scuttling of liberal policy initiatives in the late 1950s, it has also spared liberals in the 1980s the grief of casting roll call votes on nettlesome issues they would prefer to finesse. The Judiciary Committee has also served the Democratic majority (as well as some Republicans) by failing to report bills on abortion, busing, school prayer, and budget balancing schemes (Cohodas, 1982).

To sum up, this discussion of parties and committees in the U.S. Congress reveals some important points concerning the role transaction costs play in the structure of political institutions. First of all, transactions costs are certainly present, in that enacting legislation requires that multilateral agreements between many individual members be achieved and sustained. Second, the lack of meaningful sanctions and rewards at the disposal of congressional party leaders is not necessarily that great a liability. There are many mechanisms other than rewards and sanctions that can be employed to influence individual behavior and thus the collective course of events. Indeed, the imposition of sanctions is often more expensive and less effective than more subtle, less obtrusive methods.

Finally, the institutional mechanisms through which these exchange agreements are made and enforced may not be what they seem to be. By all appearances the committees in the U.S. Congress are where the action is. It is the committees who make investigations, hold hearings, and formulate legislation. It is the majority party, however, that designs the institutional environment in which committees operate. If it is the committees who play the game, it is the parties that make the rules.

Table 1

New Program Initiatives in Social Welfare Policy, 1947-1982

Conditions of Party Control	Initiated by President	Initiated by Congress	Total
Democratic President and Democratic Congress	75	41	116
Democratic President and Republican Congress	0	1	1
Republican President and Democratic Congress	16	41	57
Republican President and Republican Congress	2	1	3
Total	93	84	177

Source: Calculations by Browning (1986), from *CFDA* data.

ENDNOTES

1. An analysis of this nature requires the assumption that a reliable indicator of members' preferences across a wide range of policies is their location along a single liberal-conservative dimension. In the context of appropriations, liberalism translates into a preference for more spending on domestic programs and less spending on the military. Assuming that preferences are single-peaked and that there are no complicating institutional features present, the ideal point of the median voter is unbeatable in a majority vote and is thus a stable outcome (Black, 1958). The congressional party, in order to achieve its desired policy goals, will thus strive to make the median voter in its contingent on a committee coincide with the median voter in the caucus as a whole.

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