

Competing Principals

Committees, Parties, and the
Organization of Congress

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CHAPTER 2

Contending Theories of Congressional Committees

When students of Congress attempt to explain the dynamics of the institution, they, like all scholars, cast their descriptions in terms of generalities or stylized models. Recent formal treatments of Congress have isolated three such models of the committee system. While some scholars maintain that committees are autonomous decision-making units that ignore the preferences of noncommittee members, other scholars suggest that committees are agents either of the political parties that organize Congress or of the chambers as a whole.

The first perspective portrays committees as independent units that are able to control policy outcomes within their jurisdictions. Since committee members are allocated their seats in a fashion that is unresponsive to the chamber's policy preferences and, after being assigned, are socialized to accept committee norms and receive biased information, committees are said to be unrepresentative of the institution. Yet, although members of independent committees are not constrained by other actors within Congress, they are usually not portrayed as free agents who implement their own policy preferences. Instead, they are considered to be constrained by one or more actors external to the institution. For example, committee members may be agents of their constituencies, campaign contributors, special-interest groups, or even the president. Frequently, this perspective portrays the committee system as the location of institutionalized parochialism and logrolling. Recently, this perspective has been formalized by Weingast and Marshall (1988), Shepsle (1986), and Baron and Ferejohn (1989).

Rather than seeing committees as agents of individuals or organizations that are external to the institution, Maass (1983) and Krehbiel (1991) have argued that committees should be considered agents of the parent chamber. In this model, the House and Senate create committees in an effort to develop experts who specialize in particular policy areas. Such specialization enables the chamber to develop policy in a manner that will reduce the uncertainty associated with the policy-making process. The

basis of this perspective is that the parent chamber retains the right to amend or reject committee recommendations and may, if necessary, abolish or restructure its committees.

Cox and McCubbins (1993) and Kiewiet and McCubbins (1991) have formalized a third model of committees. Noting parties' control over the committee assignment process and party leaders' control of the legislative agenda, they argue that committee party contingents are agents of their parent party. Since the majority party dominates committee decision making, this model predicts that committee positions will reflect majority-party positions.

Each of the models portrayed in this chapter is highly stylized and lacks the complexity necessary for portraying the complete set of relationships that exist in the House and Senate. Still, these ideal types are useful for highlighting different conceptions of committee power. It is these models that I use as a base for my own conditional theory of congressional committees. Since the conditional theory is built from these three contending models, I need first to explore the theoretical foundations of the chamber-dominated, party-dominated, and independent-committees models. Interestingly, each of the models either explicitly (in the case of both the chamber- and party-dominated models) or implicitly (in the case of the independent-committees model) relies upon a theory of principal-agent relations. Hence, I begin by discussing theoretical perspectives on principal-agent relationships. After discussing the applicability of principal-agent theory to the study of congressional committees, I articulate a conditional theory of congressional committees.

Principal-Agent Relations

Although organizational theorists have elaborated on the principal-agent model, the basic form of the model is relatively simple. According to the model, social life is governed by a series of contractual relationships between an individual buying a service (the principal) and an individual selling the service (the agent). The model presumes that the seller or agent is performing a task that the buyer or principal desires. If the agent is unable to meet the principal's expectations, the principal can either use an alternative agent or perform the task itself (assuming that it has the time and skills that are necessary). If the principal fails to adequately reward the agent for its effort, the agent can stop performing.

The model is based on an assumption that a cooperative relationship exists between the principal and the agent. If the agent either is genuinely irreplaceable or is dependent upon the principal, the principal-agent model breaks down. In such circumstances, one party can not opt out of

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the relationship. When the agent is irreplaceable, the principal will be forced to pay whatever price the agent demands. When the agent is dependent on the principal, the principal can unilaterally set the terms of the contract. Both of these are examples not of a principal-agent relationship, but of a relationship of exploitation.

The classic principal-agent relationship is the one between an attorney and a client: the attorney is supposed to serve as an agent of the client. The legal canon of ethics explicitly requires the attorney to either represent the client's wishes (regardless of the attorney's own preferences) or withdraw from the relationship. Students of formal theory have portrayed the relationships that exist between congressional standing committees and the full chamber, the party caucuses, or actors external to Congress as analogous to the relationship that exists between client and lawyer.

There are numerous reasons why a principal might seek an agent. For example, limits on the principal's capabilities might necessitate a principal's reliance on seeing an agent. Furthermore, specialization by an agent can bring certain efficiencies to the principal's tasks. Principal-agent arrangements can, however, be costly. The primary problem associated with the use of an agent is known as either *moral hazard* or *shirking*.¹ Both of these terms refer to the tendency of the agent to engage in activities that are contrary to the interests of the principal. Kiewiet and McCubbins explain:

There is almost always some conflict between the interests of the those who delegate authority (principals) and the agents to whom they delegate it. Agents behave opportunistically, pursuing their own interests subject only to constraints imposed by their relationship with the principal. The opportunism that generates agency losses is a ubiquitous feature of the human experience. . . . (1991, 5)

The ability of an agent to shirk stems from both the costs that a principal incurs in replacing the agent and any information asymmetry that exists. Because the selection and training of a new agent is costly, agents recognize that a rational principal will tolerate a certain amount of shirking. The

1. The term *shirking* stems from the literature in organizational theory. While those who shirk may merely be attempting to secure leisure time for themselves, it can also involve attempts to use one's position for one's own, rather than the principal's, benefit. The concept of shirking is related to what in the insurance industry is termed *moral hazard* (Moe 1984). Moral hazard refers to the risk that insurance companies take by assuming that their policyholders will make a reasonable effort to prevent events that will result in losses. In terms of auto theft insurance, the moral hazard is an assumption that a policyholder will not leave the car keys in the ignition. Moral hazard is the risk that a party in a contractual relationship will shirk, and shirking is the risk of moral hazard realized.

ignorance of the principal increases the capacity for an agent to shirk. Thus, the level of shirking is likely to be correlated with the principal's capacity to monitor the actions of its agent and to understand the consequences of those actions.

The primary question addressed by agency theorists is how principals minimize the costs stemming from the contractual agreement they make with their agents. Three different approaches to minimizing such costs have been identified. Undoubtedly, most principals engage in all three to some extent. The most efficient way to prevent shirking is for a principal to employ an agent with similar policy preferences. By choosing an agent with similar values and goals as the principal, the likelihood that the agent's actions will be compatible with the principal's preferences is increased. Yet, *adverse selection* is common. A principal often lacks the capacity to fully understand the skills and values of a prospective agent. Such incapacity is caused by prospective agents' tendency to present themselves, regardless of their true natures, in a manner that is consistent with the principal's preferences. Although the principal may look at job references, previous work, and other material to assess a candidate independent of that person's own presentation, agent selection is ultimately an imperfect mechanism for preventing moral hazard.

The selection process is not the only opportunity that principals have to ensure that their agents have similar policy preferences and goals. Principals frequently attempt to indoctrinate their agents and thus reduce moral hazard. Appointing an agent with, or indoctrinating an agent to have, similar preferences as a principal is a sufficient means of preventing shirking, but it is not necessary. Although a client (such as the board of directors of the Sierra Club) can diminish the likelihood that an agent will shirk by hiring someone with similar preferences (such as a staunch environmentalist), an agent will not necessarily shirk if their preferences differ. It is conceivable, for example, that a lawyer whose principal goal is to improve his family's standard of living could effectively serve as an agent of the Sierra Club if the club either monitored the actions of its attorney or created an incentive structure (such as future income or promotion) that encouraged the attorney to vigorously articulate the club's position.

Thus, a second technique principals use to prevent shirking is designing a contract that will provide the agent with incentives to fulfill the principal's goals. Contracts that meet the principal's needs, however, are difficult to design and implement. If the principal offers the agent a reward for accomplishing a certain task, the criteria for the award may displace the principal's goal as the motivation for the agent. For example, a capitalist (the principal) might hire a company manager (the agent) and pay him a percentage of the profits. Although the agent will work to maximize

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the company's profits, the agent might sacrifice the company's long-term viability in return for such profits. Such sacrifice can undermine the ultimate return that the capitalist receives from her investment. Even if an appropriate contract can be designed, the asymmetric distribution of information may enable the agent to shirk his responsibilities, since the principal usually depends on an agent for assessing an organization's performance. If the company manager is being rewarded on the basis of the profit that the company produces, the company owners will need to rely on someone to inform them of the profit. In other words, the agent could always fix the books to show a profit.

Since the value of an incentive system depends upon the capacity to selectively employ the system, the third technique that principals employ to discourage their agents from shirking is to monitor the actions of the agent. Such monitoring, though, may be expensive and difficult. After all, information asymmetry usually operates in the agent's favor. Principals may engage in a variety of activities to reduce this problem. For example, capitalists who reward their managers on the basis of performance usually hire outside auditors to assess the economic performance of their agents. Still, as bondholders of Lincoln Savings and Loan can testify, the existence of an external monitor does not necessarily prevent shirking. In the case of Lincoln, the auditors shirked their responsibility and failed to comprehend the true worthiness of the bonds that Lincoln President Charles Keating was peddling.

To summarize, the strength of a principal-agent relationship reflects an agent's propensity to act in the interests of the principal. Agent behavior depends upon the preferences of the agent, the incentive structure to which the agent responds, and the principal's capacity to monitor the agent. Although the chamber-dominated, party-dominated, and independent-committees models all portray committees as agents, each model is based upon a different understanding of committee preferences, the incentive structure that shapes committee behavior, and the likelihood that noncommittee members will review and understand committee recommendations.

Chamber-Dominated Model

The chamber-dominated model views committees as having a relationship with the chamber as a whole that is contractual and hierarchical. In particular, committees are seen as the agents of the chamber that created them. Instead of utilizing their position in the policy-making process to further their own goals (the independent-committees model) or the goals of their caucus (the party-dominated model), committee members perform in a manner that benefits the collective wishes of the chamber.

Maass (1983), Gilligan and Krehbiel (1987, 1989, 1990), and Krehbiel (1991) are the most prominent contemporary students of Congress who conceptualize twentieth-century committees as performing a service on behalf of the chamber as a whole.² Rather than accepting the view that committees are autonomous actors who use their position to further their own policy goals, these scholars employ a principal-agent model to suggest that committees are agents of the parent chamber. Specifically, they argue that committees are retained by the chamber as a whole to provide the chamber with the expertise it needs to develop good policy. This perspective of committees stems from the premise that Congress is a majoritarian institution.

In *Congress and the Common Good* (1983), Maass rejects the pluralist conception of government as a neutral arena in which interest groups compete. Instead, Maass argues that the function of the state and its institutions is to translate the broad standards that interest groups negotiate into specific policy. It is the state and its institutions, not interest groups, that determine specific policy. According to Maass, Congress operationalizes this process of translation by having every member participate in the legislative process. Although Maass recognizes that through the division of labor Congress develops expertise, he explicitly rejects the notion that using committees to provide expertise means empowering committees to make policy. Maass explains that

to be consistent with the roles defined, the committees of the legislature are responsible primarily to the whole chamber. The unique contributions of the legislature to democratic government are defined

2. While Gilligan, Krehbiel, and Maass are contemporary scholars who have implied that committees in the modern Congress consistently act as agents for the chamber as a whole, other scholars have suggested that committees prior to the twentieth-century were dominated by the chamber as a whole. For example, Galloway (1976) portrays committees, in the early years of Congress, in such a manner. Galloway explains:

During the Federalist and Jeffersonian periods, it was the general practice of the House of Representatives to refer legislative subjects to a committee of the whole in order to develop the main principles of legislation, and then to commit such matters to select committees to draft specific bills. . . . the committees were regarded as agents of the House which kept control over them by giving specific instructions as to their authority and duties. (84-85)

While most contemporary students of Congress do not attempt to argue that the chamber-dominated model applies to the modern Congress, students of Congress who were writing at the turn of the century suggested that at the time, congressional committees were ultimately controlled by the chamber as a whole (see Alexander 1916, Luce 1922, and McConachie 1898).

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largely from the virtues of the body as a whole, rather than those of standing committees, each with a specialized competence and jurisdiction. At the same time, of course, the standing committees of the Congress are as essential to the legislature's control of both the legislative and administrative processes as the bureaus are essential to the Executive's leadership and implementation. (1983, 32)

Although they argue that committees are subservient to the interests of the parent chamber, Maass and Krehbiel maintain that committees perform a vital legislative function. According to Krehbiel, each chamber's organizational structure reflects its informational needs. Even though Maass recognizes that informational needs are only one of many factors that influence the type of organizational structure that Congress employs, it is clear that he too views committees as a source of information and expertise. Krehbiel and Maass argue that committees provide the legislative branch with needed expertise and information.

While committees may perform a vital service on behalf of the chamber that created them, this is not necessarily so. Both Maass and Krehbiel recognize that in all principal-agent relationships, there is a risk that the agent will shirk its responsibilities to its principal. Thus, the chamber's use of committees may be costly. It is possible that committees will use their positions to enact policies that benefit their members, rather than the chamber as a whole. Maass explains that "committees tend inevitably to challenge the whole House for control of the legislature's business. . . . Committees may . . . become master rather than servant of the House" (1983, 42). Although Maass and Krehbiel realize that the use of committees involves risks for the full chamber, they both argue that the chamber is able to prevent committees from successfully challenging the full chamber.

According to Krehbiel (1991, chap. 4; 1990), the chamber uses the committee appointment process and a variety of procedural tools to discourage committees from shirking. By appointing committees whose median member has preferences that are the same as the chamber's median member, committee shirking becomes a moot issue. According to Krehbiel, if committees have the same preferences as the chamber as a whole, the chamber ensures that committee actions will be in the interest of the full chamber.

In all principal-agent relationships, the principal needs information about agent actions. Appointing several agents with different preferences to perform the same task is one way of improving the quality and quantity of such information. Thus, both Maass and Krehbiel hypothesize that committees will have members who represent both sides of the policy spec-

trum. Heterogeneous committees discourage committees from intentionally and prevent committees from unintentionally shirking their responsibilities. Maass explains,

Where a committee is not unanimous, indifferent noncommittee members get different cues. All of this makes the fact that committees are a very important influence on voting decisions in the House less a threat to whole House mastery of its parts than might first appear to be the case. (1983, 43)

Krehbiel too recognizes that diverse committees enhance the chamber's capacity to supervise the actions of its committee. He argues,

Other things being equal, heterogeneous committees enhance informational efficiency without distributional losses. The key concept is *confirmatory signaling*. If a committee is composed of policy specialists whose preferred outcomes bookend the preferred outcome of the legislature's median voter, opportunities for credible transmission of private information are enhanced. (1991, 96)

Both Maass and Krehbiel agree that the appointment of heterogeneous committees reduces the costs that the chamber incurs to monitor the actions of its committees.

Figure 2.1 shows how committee and floor preferences are distributed according to the chamber-dominated model. Committee members have preferences that resemble those of the parent chamber and lie on both sides of the policy spectrum. The chamber-dominated model assumes that the full chamber intentionally appoints committees that are representative of the full chamber. Note, however, that if committee members were randomly assigned to committees and if the preferences of the chamber were normally distributed, one would anticipate the same distribution.

The creation of committees with preferences that are similar to those of the chamber is one way to ensure that committee members act as agents on behalf of the chamber. Although the chamber may attempt to create committees that have preferences consistent with its interests, such attempts will be only marginally successful. After all, committee appointments are made without complete information about the issues that will appear on the legislative agenda. In addition, the chamber as a whole lacks perfect information about the preferences of potential appointees. Likewise, these appointees may misrepresent their preferences so as to receive a desirable appointment. In other words, adverse selection may plague the committee appointment process.

committees from intentionally shirking their responsibilities.

indifferent noncommittee members as the fact that committees make decisions in the House less often than might first appear to be the case.

These factors enhance the chamber's effectiveness. He argues,

Committees enhance information processing. The key concept is the idea of policy specialization: the preferred outcome of the committee is the credible transmission of information to the chamber.

Assignment of heterogeneous members to committees incurs to the chamber the cost of monitoring the committee.

Committee preferences are distributed across the chamber. Committee members have preferences that are representative of the chamber and lie on both dimensions. The chamber model assumes that committee members were randomly selected from the preferences of the chamber were the same distribution.

Committee members that are similar to those of the chamber act as agents for the chamber. They may attempt to create a committee with its interests, such as to receive the selection of the chamber as a whole lacks potential appointees. Like references so as to receive the selection may plague the

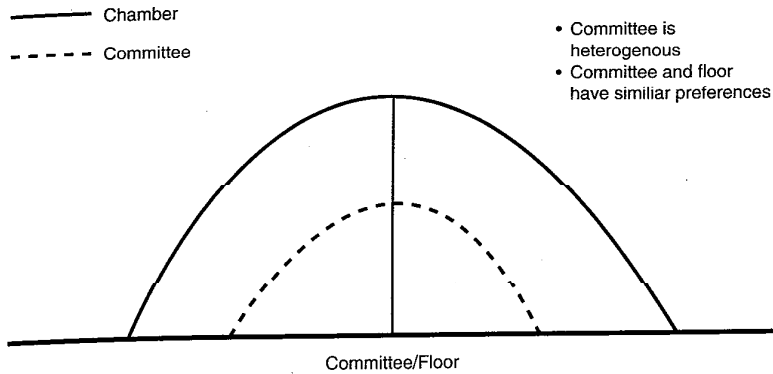


Fig. 2.1. Chamber-Dominated Model Preference Distribution

Furthermore, reassigning a committee member may incur costs that the chamber may wish to avoid. If committee assignments are temporary or transitory, committee members may lack the incentive and knowledge needed to ensure informed decision making. As a result, committee members are usually allowed to retain their assignments. This means that the chamber can make only incremental changes in the composition of its committees.

Even if the issues were known prior to making assignments and if the price of complete committee turnover were not so high, committee jurisdictions are frequently defined broadly and include issues that fall in more than one policy dimension. This too undermines the chamber's capacity to appoint a representative committee. If the chamber must select a contingent that addresses issues that fall in several dimensions, it is likely that the chamber will have no stable policy preferences (Arrow 1951). As a result, it will be unable to agree upon what constitutes a representative committee. Even if such an agreement could be reached, it is conceivable that the chamber would be unable to find a single committee that would represent its interests on every dimension and that the committee would manipulate the dimensionality so as to circumvent whatever checks the chamber imposed upon it.

Krehbiel and Maass both suggest that various procedural tools prevent committees from acting in a fashion hostile to the full chamber's policy preferences. Such procedural tools provide the chamber with the means to monitor its committees and give committees an incentive to act in accordance with the chamber's preferences. For example, the constitutional requirement that the full chamber vote on all bills and resolutions encour-

ages noncommittee members to review committee recommendations and prevents enactment of those recommendations that are unacceptable to the chamber. Still, while these requirements encourage committees to act within certain limits, they do not necessarily force committees to act in accordance with the chamber's preferences.

The bounds of committee action are determined by both a committee's willingness to lose and the costs incurred by noncommittee members in crafting a coalition to defeat a committee proposal. When committee members are more concerned with staking out a particular position than in enacting policy, a committee may be willing to ignore the preferences of the chamber and to act. The costs associated with reversing a committee proposal are determined by the nature of the committee proposal,³ the regularity of an issue,⁴ and the distribution of the chamber's preferences.⁵ Although floor votes can be effective safeguards against a committee that is trying to enact policies that are contrary to the chamber's preferences, these safeguards do not provide the chamber with leverage against committee inaction. Tools that the chamber can use to force committee action include the discharge process, suspension of the rules, and special rules for floor consideration. The implications of these procedures are discussed in chapter 4.

In addition to monitoring its committees, the chamber creates incentives that encourage a committee both to specialize and to act in accordance with the chamber's preferences. According to Krehbiel, restrictive rules are one of the primary incentives (1991, 90–92, 97, and chap. 5). Krehbiel argues that the "take-it-or-leave-it" nature of restrictive rules "effectively guarantees it [a committee] a distributional commission of sorts" (1991, 92). In other words, Krehbiel suggests that committees will attempt to act in accordance with the chamber's preferences so as to win approval for a rule that enables them to extract a side payment from the chamber. Other incentives that may encourage a committee to fulfill its

3. If the committee proposes a bill that has a significant and negative impact on every noncommittee member, the cost would be low. For example, the Agriculture Committee might propose a bill that dedicates the entire U.S. budget to the agriculture price supports. However, if a bill had a marginal impact on some members, the costs relative to the benefits of building a coalition to defeat a committee proposal would be high—for example, the Agriculture Committee proposing that the federal government invest \$50 million in helping farmers produce Belgian endive.

4. The more frequently an issue arises, the easier it is to educate and identify potential coalition members. For example, during the 1980s, the regularity of the defense authorization (along with the Armed Services Committee's tendency to report bills that were more supportive of the defense buildup than the chamber majority) made it easier for Pentagon critics to create coalitions that would defeat provisions of the committee bill.

5. If the chamber's preferences were nearly homogeneous, the costs of developing such a coalition would be minimal.

re recommendations and that are unacceptable to encourage committees to act in accordance with committee preferences.

limited by both a committee and noncommittee members. When a committee proposal is rejected, the committee may ignore the preferences of the chamber or reverse a committee proposal, the latter against the chamber's preferences, the former against the chamber's preferences, the latter against the chamber's preferences, the former against the chamber's preferences, the latter against the chamber's preferences.

the chamber creates incentives and to act in accordance with the chamber's preferences, the latter against the chamber's preferences, the former against the chamber's preferences, the latter against the chamber's preferences, the former against the chamber's preferences.

it and negative impact on every member of the Agriculture Committee, the costs relative to the benefits are high—for example, the Agriculture Committee invests \$50 million in helping farm-

to educate and identify potential members of the defense authorization bills that were more supportive of Pentagon critics of the bill. Thus, the costs of developing such

responsibilities to the chamber include a desire to prevent the chamber from restricting their jurisdiction, from reducing their staffing levels, from denying committee members reassignment, and from adopting rules that forcefully dictate committee procedures.

Although Maass (1983) and Krehbiel (1991) are the primary advocates of the chamber-dominated perspective and Krehbiel is the first to formalize it, such a perspective is consistent with the work of scholars who have used organizational theory to account for the creation of the committee system.⁶ Perspectives of Congress that are rooted in organizational theory conceptualize the institution as a unitary actor that is rational and goal oriented (J. Cooper 1977, 140). Those who adopt this perspective usually argue that when environmental change affects the legislative branch's capacity to fulfill its goals, institutional change follows.⁷

In general, the committee system has been justified as helping Congress develop "good policy" and in ensuring that its role in the policy-making process is commensurate with the executive branch's role. Polsby (1968) has suggested that as the responsibilities of the United States government grew, Congress embarked upon a process of institutionalization: development of a complex political system based on a formalized division of labor. Polsby's belief that the committee system reflects the needs of the institution has led him to testify that "any proposal that weakens the capabilities of congressional committees weakens Congress."⁸

Polsby is not the only scholar who traces the development of standing committees to the nature of the policy agenda. In his history of the House of Representatives, DeAlva S. Alexander (1916, 228) attributed the formation of the committee system to an increase in the size of the policy agenda. McConachie concurs with Alexander that the committee system was a necessary response to a changing environment. He explains, "An unwieldy mass-meeting of lawmakers, with growing demands for dispatch needed legislation, was compelled to resort to committees for a division and multiplication of its work" (1898, 31).

Joseph Cooper (1970), like Krehbiel and Maass, argues that the House committee system was formed to satisfy the needs of the chamber as a whole. Cooper argues that during the early Congresses, the Jeffersonians

6. For a discussion of the applicability of organizational theory to Congress, see Hedlund (1985), Cooper (1977), Weingast and Marshall (1988), and Gilligan and Krehbiel (1990).

7. Such an understanding contradicts one of the premises of the independent-committees model, which assumes that the committee system has emerged because of the needs of the individuals who serve within the institution, rather than the needs of the institution as a whole. For a discussion of such distinctions, see Gamm and Shepsle (1989).

8. House Select Committee on Committees, *Hearings on Committee Organization in the House*, 93d Cong., 1st sess., 1973, 3:9. Cited in Keefe and Ogul (1989, 147).

believed that all legislators should have equal roles in the policy-making process.⁹ This desire for equality discouraged them from empowering subsets of the House. Thus, the committee of the whole, not standing committees, retained policy-making authority. In addition to maintaining an equal distribution of power across all members, the Jeffersonians believed that the legislative branch should be independent of the executive. Cooper (1970, 49–50) suggests that the desire for independence, along with the expansion of the size and business of the House and a redefinition of the Speakership, led the House to embrace a system of standing committees. As the agenda expanded, Congress needed to improve its capacity to process the information necessary to address that agenda. A committee system provided that capacity.

Studies such as Cooper's that conceptualize institutional maintenance as the driving force behind the development of the committee system are consistent with the chamber-dominated model. While Gilligan and Krehbiel (1990) emphasize this consistency when elaborating their informational perspective, it is important to recognize that explanations of institutional development are not models of institutional performance. Since the chamber-dominated model is a model of behavior, not development, its consistency with models of development has marginal utility. It is conceivable that although committees were *designed* to fulfill a need of the chamber, they no longer *perform* in such a manner.¹⁰

Few empirical studies of the role committees perform, rather than of the role they were created to perform, suggest that committee members behave as agents of the full chamber. One notable exception is Fenno (1966). In *The Power of the Purse*, Fenno argues that the House Appropriations Committee fulfills a chamber need by serving as the "guardian of the treasury": "the House will not reduce the influence of its Appropriations Committee so long as it believes that a powerful Appropriations Committee is a necessary condition for a powerful House of Representatives" (691). In the prereform House of the 1950s and 1960s, then, at least one student of Congress found one House committee seeming to serve as an effective agent of its chamber principal.

Party-Dominated Model

The party-dominated model portrays committee contingents of parties as agents of their parent party caucus. Under the model, committee party

9. Cooper's portrayal of Jeffersonian legislators is consistent with Harlow's (1917) description.

10. For a more complete discussion as to how inertia may affect an organization, see Kaufman (1991). Davidson and Oleszek's (1977) account of the attempts at committee reform in the 1970s demonstrates how difficult it is to alter the committee system.

roles in the policy-making process from empowering sub-whole, not standing committees in addition to maintaining an agenda. The Jeffersonians believed in the role of the executive. Cooper's dependence, along with the redefinition of the nature of standing committees. To improve its capacity to handle that agenda. A committee

institutional maintenance of the committee system are. While Gilligan and Krehbiel are elaborating their informal explanations of institutional performance. Since the behavior, not development, is its original utility. It is conceivable to fulfill a need of the chamber

committees perform, rather than of those that committee members. A notable exception is Fenno's study that the House Appropriations Committee serving as the "guardian of the influence of its Appropriations Committee. The powerful Appropriations Committee of the House of Representatives in the 1950s and 1960s, then, at least a committee seeming to serve as

committee contingents of parties as the model, committee party

is consistent with Harlow's (1917)

idea may affect an organization, see the results of the attempts at committee reform of the committee system.

contingents are both representative of and deferential to their caucus. Although congressional scholars have long recognized the central role of parties in organizing the chamber, Cox and McCubbins (1993) and Kiewiet and McCubbins (1991) are the first contemporary scholars to suggest that the role of the caucuses is so central that committees should be seen as agents of the parties. (These scholars are hereafter referred to as KMC). At the theoretical foundation of the party-dominated model is an assumption that individual members of Congress are primarily concerned with electoral outcomes. In addition to seeking their own reelection, members attempt to secure majority status for their own party. Majority status is desirable, of course, because of the opportunities that are available to majority-party members. In particular, majority-party members have more opportunities to effectively shape policy and to raise reelection funds than do minority-party members.

Cox and McCubbins (1993) argue that members of Congress believe that electoral outcomes (including their own reelection) are meaningfully affected by party records. Thus, members of Congress have an interest in the collective welfare of their party and enactment of a party agenda. Cognizant that party members believe their electoral fortunes depend in large part upon their party's performance, party caucuses use committee assignments to create contingents that will support the party's agenda.

Figure 2.2 portrays the party-dominated model's distribution of committee and chamber preferences. One distinguishing feature of the model is that neither party appoints a committee contingent whose median member is more moderate than the party. A contingent that is situated between the two medians of the two parties may form a bipartisan coalition that fails to act in the interest of its own caucus. Instead, a caucus will appoint a contingent that either represents the caucus's median or is more extreme than the caucus median. The rationale behind a more extreme caucus is that a caucus might find it strategic to counterbalance the other party's committee-party delegation by appointing an extreme delegation. For example, House Democrats in 1977 loaded the Budget Committee with liberals to counterbalance the Republican delegation's conservative bias (Schick 1980). If a party is more concerned with clearly articulating policy positions than with implementing those positions, a party caucus may not want an extreme contingent. Instead, it would seek a representative contingent. The implication of the party-dominated model is that the committee's median will be on the majority-party's side of the chamber's median. This results from the unwillingness of either party to appoint a moderate contingent and the fact that the committee system "is stacked in favor of majority-party interests" (Cox and McCubbins 1993, 2).

Within both the House and the Senate, committee and leadership

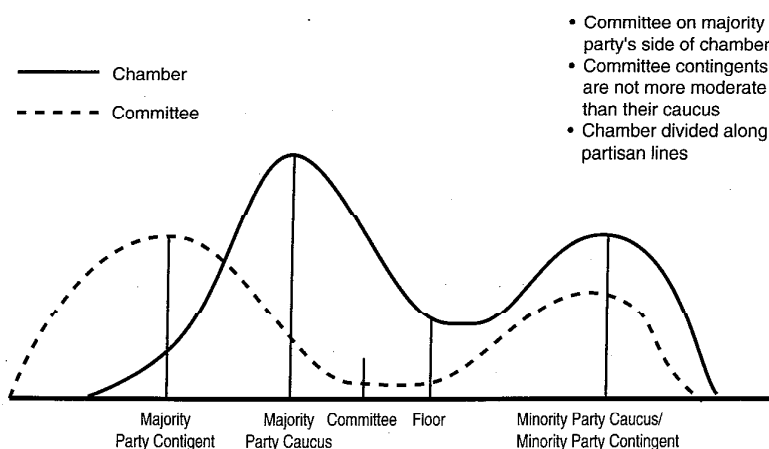


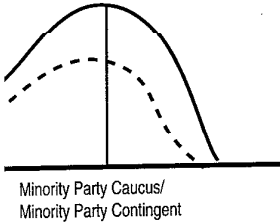
Fig. 2.2. Party-Dominated Model Preference Distribution

assignments are made on a partisan basis. Cox and McCubbins (1993) argue that as a result, members who seek to either retain their positions or attain new positions have an incentive to support party positions. The capacity to administer the rewards and punishments that serve as incentives to ensure that contingents act as party agents depends in part upon the ability of each caucus to monitor the actions of its committees. KMC argue that the party caucuses promote their general welfare by hiring party leaders to serve as central monitors and to enforce party discipline. As monitors, party leaders both screen committee actions and help process the information that committees have been forced to reveal. To entice individual members to support the party agenda, party leaders use both informal (such as fund-raising capabilities) and formal (such as control over the legislative calendar) resources.¹¹

Although KMC make a strong case for their conception of congressional committees, the party-dominated model challenges the conventional understanding about the place of political parties in Congress. Most scholars who make overall assessments of the role of congressional parties argue that the American political structure prevents parties from determining legislative outcomes. Although the post-World War II textbook view of parties in the electorate suggests that partisan identification has a significant electoral impact, the classic view of parties in government sug-

11. For a discussion of the tactics employed by House leaders to promote party discipline, see Sinclair (1983; 1989a; 1995b), Kiewiet and McCubbins (1991, 44-46), and Cox and McCubbins (1993, chaps. 9 and 10).

- Committee on majority party's side of chamber
- Committee contingents are not more moderate than their caucus
- Chamber divided along partisan lines



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gests that parties are incapable of controlling the congressional decision-making process.¹² For example, more than a hundred years ago, Wilson argued that there was

within Congress no visible, and therefore no controllable party organization. There is always a majority and a minority, indeed, but the legislation of a session does not represent the policy of either; it is simply an aggregate of the bills recommended by Committees composed of members from both sides of the House . . . ([1885] 1985, 99)

Most post-war studies of parties within Congress concur with Wilson's assessment (C. Jones 1964, Dodd and Oppenheimer 1977, Truman 1959).

The weakness of congressional parties is said to stem from two sources: the relative scarcity of sanctions party leaders have to discipline their members and internal divisions within the parties. Without the threat of sanctions, committee members rarely have an incentive to consider their party's needs. Furthermore, party divisions often prevent party leaders from using the relatively few sanctions that are available (Mayhew 1966). Hasbrouck (1927) explains:

Political parties to all appearances consent to stand aloof, for the very discreet reason that they can find no solid leverage for pressure upon the committees. The seniority principle, as we have seen, frees members of a committee from fear of demotion. Of course, a party might caucus upon a bill while it was yet in committee. But this is seldom done. Committeemen who are not amenable to the private advice of party leaders will not be much more apt to act at the command of a mere majority of the caucus. (63-64)

Such assessments contradict the claims of the theoretical model constructed by KMC.

Although the party-dominated model is inconsistent with overall portraits of the American political system made by most scholars, those who have studied specific eras in congressional history, particular committees, or congressional organization have reached conclusions that are consistent with the party-dominated model. Although Hasbrouck (1927) argued that for 59 of the House's standing committees in the early twentieth-century the party had little influence or control, he believed that members of both the Rules Committee and the Ways and Means Committee thought along

12. The distinction between parties in the electorate and parties in government is drawn by Sorauf (1968).

partisan lines.¹³ Hasbrouck's conceptualization of the Rules and Ways and Means committees is consistent with the sort of claims and predictions that KMC make. Silbey's (1967) study of Congress in the antebellum period, Brady's (1973) study of the McKinley Houses, Brady's (1988) study of the congressional operation during realignments, and Rohde's (1991) study of the postreform House have all demonstrated that at times the majority-party caucus does indeed dominate congressional decision making.

Independent-Committees Model

The independent-committees model permeates congressional scholarship more than any other model. Although there are numerous disagreements over the nuances of this third model, all versions of the model portray committees as independent units that act without regard to the preferences of noncommittee members in Congress. Instead, committee members act as agents on behalf of a principal(s) who is/are external to the chamber and its decision-making processes. Although the most common conceptualization of the model portrays committee members as acting on behalf of their constituents, the model is still applicable if committee members serve as agents of political contributors, interest groups, or even the president. As I have defined the model, committees that are not acting in accordance with either the chamber- or party-dominated models are acting independently.

The willingness of the chamber and its caucuses to tolerate a system that empowers independent committees stems from the multidimensional nature of the congressional agenda (Shepsle and Weingast 1995). Due to this multidimensionality, different members have different interests and concerns. As a result, all members are willing to trade their policy-making authority on one dimension for authority on another.

Because committee members are agents of forces outside of the institution, it is likely that the committee members will have preferences that differ from those of the chamber and its caucuses. Just how committee members' preferences are distributed depends on their principal's preferences. One version of the model suggests that committees are *homogenous outliers*. Figure 2.3A shows a committee with homogenous preferences that deviate from the floor's preferences. Such a distribution is likely, for example, if one views committee members as acting on behalf of constituents who are high demanders for federal benefits.

13. Robinson's (1963) study of the Rules Committee and Manley's (1970) of Ways and Means suggest that Hasbrouck's views of these committees were time-bound.

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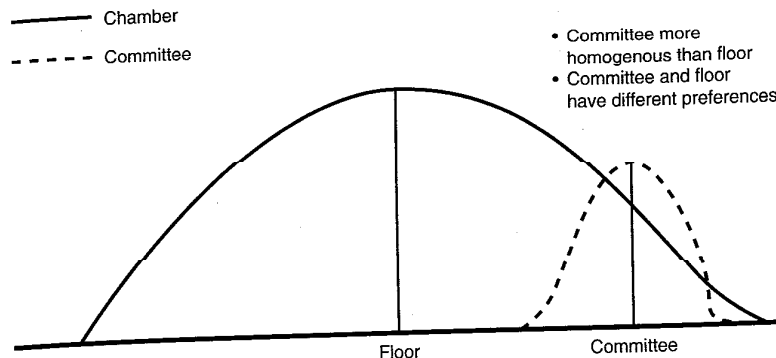


Fig. 2.3a. Independent-Committees Model Preference Distribution: Homogenous Outlier

Another version of the independent committee model does not require homogeneous committees. Instead, one might have independent committees where the members are divided. Krehbiel (1990, 151) terms this distribution *bipolar outliers*. Fenno (1973), for example, portrays the members of the Education and Labor Committee as bipolar outliers. According to Fenno, the Educational and Labor Committee is divided among ideological lines. Whereas some members join the committee to appease their organized labor supporters, others come from conservative regions and hope to use their committee positions to support right-to-work legislation. Except in the rare cases where both the chamber and the committee are evenly divided (or where the committee outliers on the minority side are significantly more extreme than their majority counterparts), a committee composed of bipolar outliers will be systematically biased.¹⁴

Figure 2.3B shows how a committee composed of bipolar outliers will usually have a median position that deviates from the chamber's as a whole. The figure is based upon the assumption that neither party has a

14. A committee with bipolar outliers would be representative of the chamber if one of two conditions are satisfied. One condition is if the committee and the floor each have an equal number of Democrats and Republicans and if neither set of committee outliers is systematically more extreme than the other. A second condition is if the minority faction within the committee is systematically more extreme than the majority. However, if the chamber and committee majority and minority are not evenly divided and the majority contingent is either as extreme as or more extreme than the minority, a bipolar committee will be biased in the direction of the majority party.

committee contingent that is disproportionate to its membership in the chamber and that the minority-party's contingent is not more extreme than the majority's. In the figure, the committee median position is to the left of the chamber median. Since the majority contingent has more members than the minority contingent, the impact of an extreme minority contingent fails to counterbalance the impact of an extreme majority contingent. As the contingents become more extreme, the committee median moves toward the majority caucus' median. If a committee is composed of either homogeneous high demanders (consistent with a narrow distributive perspective) or high demanders on both sides of the policy spectrum, a systematic difference is likely to emerge between the committee and the chamber.

Both traditional and formal students of Congress (Wilson [1885] 1985, Huitt 1954, Matthews 1960, Goodwin 1970, Mayhew 1974, Fenno 1973, Ferejohn 1974, Arnold 1979, Shepsle and Weingast 1984, Weingast and Marshall 1988, Baron and Ferejohn 1989) have accepted the idea that members of Congress have different interests and are thus willing to engage in logrolling whose commodity is policy-making authority. As Weingast and Marshall (1988) explain,

Instead of trading votes, legislators exchange special rights [committee membership] affording the holder of these rights additional influence over well-defined policy jurisdictions. . . . This extra influence over particular policies institutionalizes a specific pattern of trades . . . Because the exchange is institutionalized, it need not be renegotiated each new legislative session, and it is subject to fewer enforcement problems. (157)

Committees under this model are independent because noncommittee members are unwilling and incapable of shaping committee behavior. The foundation of the independent-committees model is a committee assignment process that does not enable either the chamber or the party caucuses to manipulate committee policy preferences. Although a more complete discussion of the committee assignment process appears in chapter 3, most of the literature on committee appointments suggests that the process used produces committees that are frequently biased.

The biases that exist as a result of the committee selection process are reinforced by the environment in which committee members find themselves. Committees, like all institutions, are not merely a reflection of the preferences that their members bring to the institution (March and Olsen 1989). Committee member preferences are shaped in part by their service on the committee. For example, Fenno's (1962) early work on the House

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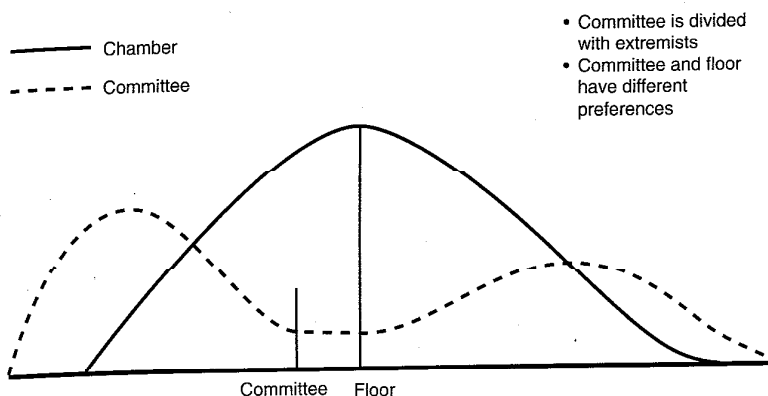


Fig. 2.3b. Independent-Committees Model Preference Distribution: Bipolar Outlier

Appropriations Committee confirms that the preferences of committee members are molded in part by their participation on the committee. Fenno's study demonstrates that Appropriations Committee members were socialized to see their role as "guardians of the treasury."

The biases that stem from the committee selection process are also reinforced by external pressures put upon committee members. The extensive literature on subsystems, or iron triangles, for example, has long recognized the symbiotic relationship that exists between interest groups and the committees with a jurisdiction that is relevant to their interests (Lowi 1969, Dodd and Schott 1979, Cater 1964, Freeman 1965, Ripley and Franklin 1980). In those instances in which the policy orientation of the subsystem is relatively consensual, one suspects that the biases of the committee selection process will be reinforced.

Because of a series of norms and rules that enable committees to determine policy outcomes, the existence of biased committees has significant policy implications. In addition to protecting committee influence over policy outcomes, these norms and rules make it difficult for noncommittee members to monitor committee behavior. As a result, committee members are not susceptible to pressure from noncommittee members. While chapter 4 will focus on the significance of the institutional structure for shaping committee responsiveness and independence, it is worthwhile discussing briefly how norms and rules protect committee independence.

Scholars who subscribe to the independent-committees model frequently maintain that the norms of committee deference and specializa-

tion are particularly important for ensuring committee domination of the policy-making process. As a result of these norms, members believe that they should specialize in their work and that on any specific issue they should defer to their colleagues who served on the committee with jurisdiction.¹⁵ In Cannon's *Procedure in the House of Representatives*, Clarence Cannon (1963) explained the deference norm as, "Generally speaking . . . members are justified in voting with the committee" (213). While students of the postreform Congress (Sinclair 1989b, Smith 1989, Uslaner 1993) have demonstrated the deterioration of these norms, the norms appear to have shaped the legislative process during most of the twentieth century.

Behavioral norms protect committee power; institutional procedures and practices benefit committees as well. For example, by providing members with only small personal staffs, members lack the resources to both monitor and amend committee policy proposals. Indeed, the earliest committee staff were provided specifically for committee chairs, several decades before members were provided with personal staff in 1893 (Fox and Hammond 1977). The difficulty that noncommittee members have in monitoring committees is exacerbated by the information asymmetry that exists in the committee's favor—further enhancing the independence of committees.

Parliamentary procedures have also been credited with providing committees the power to resist chamber efforts to intrude on committee domains. Undoubtedly, the most important tool possessed by committees is their gatekeeping power. Since bills are routinely referred to standing committees, committee members can defeat legislation by refusing to report (Wilson [1885] 1985, Niskanen 1971, Smith 1989). According to Wilson, a bill that is opposed by a committee inevitably crosses a "parliamentary bridge of sighs to dim dungeons of silence whence it will never return" ([1885] 1985, 69). Committee gatekeeping power, as well as other powers that enable committees to determine policy outcomes, prevents other members from using their leverage.

The gatekeeping power of committees is reinforced by their capacity to use conference committees to prevent noncommittee members from amending their legislation. Shepsle and Weingast (1987) argue that committee dominance of the conference committee and the use of closed rules to consider conference reports empower committee members to strip away hostile floor amendments.¹⁶ In effect, committees have an "ex post veto" over floor amendments. Even when attempts were made to amend, in a

15. See Huitt (1961b), Fenno (1966, 438), Matthews (1960, chap. 5), and Rohde, Ornstein, and Peabody (1985).

16. For a response, see Smith (1988; 1989, chap. 6) and Krehbiel, Shepsle, and Weingast (1987).

mittee domination of the 1950s, members believe that in any specific issue they should refer the committee with jurisdiction. *Representatives*, Clarence M. R. (1989), p. 213. While students of the 1980s (Uslaner 1993) suggest that the norms appear to be the product of the twentieth century.

institutional procedures developed, in part, by providing members with the resources to both lobby and legislate. Indeed, the earliest committee chairs, several of whom were social staff in 1893 (Fox 1989), committee members have information asymmetry that undermines the independence of

committee members. It is credited with providing a means to intrude on committee decisions possessed by committees. It is often referred to as standing legislation by refusing to legislate (Uslaner 1989). According to Uslaner (1989), it vitably crosses a "parliamentary line" whence it will never again be taken away, as well as other policy outcomes, prevents

being reinforced by their capacity to strip committee members from office. Uslaner (1987) argues that committee members and the use of closed rules prevent members to strip away their authority. They have an "ex post veto" which is made to amend, in a

Uslaner (1989, chap. 5), and Rohde, Ornstein, and Krehbiel, Shepsle, and Wein

hostile fashion, legislation that a committee preferred, committee leaders were ensured the first opportunity to amend the unfriendly amendment. Inevitably, these second-degree amendments helped committees protect their authority (Riker 1958; Weingast 1989, 1992).

According to the independent-committees model, norms and procedures protect the policies advanced by congressional committees from obtrusive floor majorities and party caucuses. Furthermore, the criteria used for making both committee and office assignments mean that committee members have few incentives for responding to either chamber or party preferences. In particular, a "property right norm" means that committee members are virtually guaranteed reappointment to the committees on which they served. Since committee and subcommittee chairs are determined, in large part, on the basis of committee seniority, members have few incentives to seek committee transfers. Furthermore, the leverage of either a chamber majority or a party caucus over a particular member is minimal. Likewise, the office assignments for members are solely determined on the basis of seniority.

The influence of independent committees on policy outcomes has been documented by numerous empirical studies. Woodrow Wilson's ([1885] 1985) *Congressional Government* is the best known study that is consistent with the independent-committees model. According to Wilson,

The House sits, not for serious discussion, but to sanction the conclusions of its committees as rapidly as possible. It legislates in its committee-rooms; not by the determination of its majorities, but by the resolution of specially commissioned minorities; so that Congress in session is Congress on public exhibition, whilst Congress in its committee-rooms is Congress at work. ([1885] 1985, 79)

Wilson's study of *Congressional Government* was merely the first of many observations regarding the independence of House and Senate committees. As a result of the observations of Ralph Huitt and others, a "textbook" picture of congressional committees emerged in the middle of the twentieth century (Shepsle 1989). The picture that emerged resembled the one drawn by Wilson at the end of the nineteenth century. According to the textbook portrait, committees were "little legislatures" that had the capacity to dictate public policy within their domains. With the exception of those few committees that were fractionalized and poorly integrated, chamber approval of committee decisions was little more than a formality.¹⁷

17. See Matthews (1960), Fenno (1966, 1973), Dyson and Soule (1970), Froman (1967), and Goodwin (1970).

Summary

Three dominant models of the congressional decision-making process have been sketched here to describe the potential roles of the House and Senate's standing committees. As summarized in table 2.1, the party-dominated, chamber-dominated, and independent-committees models are based upon a different set of assumptions and justified with different congressional procedures. Likewise, each of the models leads to a different expectation regarding the behavior of those members serving on individual committees. Whereas the chamber-dominated model suggests committee members should act in a manner acceptable to the full chamber, the party-dominated model suggests that members should act in accordance with the preferences of their caucus. In contrast, the independent-committees model suggests that committee members should act without regard to the preferences of their colleagues. How we should view the competing claims of the three models and how committees respond to the demands of their competing principals is the focus of the next section introducing the conditional model.

The Conditional Model

The collection of formal models we have just reviewed has forced students of Congress to explore theoretically the implications of different procedures and decision-making processes on the role played by congressional committees. However, none of the models fully captures the diversity and flexibility of how Congress actually works. In fact, no single decision-making pattern can adequately characterize either the House or the Senate. Instead, a variety of patterns—fluctuating over time and across committees—more accurately captures the dynamics of congressional decision making. In the remainder of this chapter, I explore briefly the factors often offered by students of Congress to explain variation in the roles performed by congressional committees. Using these factors as the springboard for a more dynamic perspective on Congress, I elaborate an empirical theory to explain the variation in decision-making patterns—and thus the role performed by committees—within the modern House.

Congressional scholars have been reluctant to embrace a single portrait of congressional committees derived from the chamber-dominated, party-dominated, or independent-committees models. Such reluctance stems in part from the recognition that the models are not necessarily incompatible. As argued by Shepsle and Weingast, "they [the models] are not mutually exclusive and may instead represent different and important parts of the same very complex puzzle" (1995, 23). Although all three

decision-making process. The roles of the House and Senate are outlined in Table 2.1, the party-dominated and independent-committee models are identified with different conditions. The independent-committee model leads to a different set of members serving on individual committees. The party-dominated model suggests committee members would act in accordance with the preferences of the independent-committee model and would act without regard to the preferences of the party. The party-dominated model would view the competing interests of the party and respond to the demands of the party. The independent-committee model would introduce the

independent-committee model has forced students to consider the implications of different procedures played by congressional committees. The independent-committee model captures the diversity and complexity of the House or the Senate. The independent-committee model and across committee models are different congressional decision-making models. Table 2.1 briefly the factors often cited in the roles performed by the independent-committee model as the springboard for a new empirical theory to test—and thus the role performed by the independent-committee model.

The independent-committee model to embrace a single procedure for the independent-committee model. Such reluctance to embrace a single procedure is not necessarily surprising, “they [the models] are different and important models” (Table 2.3). Although all three

TABLE 2.1. Summary of Models

Model	Independent-Committees	Party-Dominated	Chamber-Dominated
Committee's principal	Outside of the institution	Party caucus	Chamber
Policy-making process	Logroll/distributive	Political	Informative
Rationale for Model	Individual members secure reelection by appealing outside constituencies.	Electoral outcomes depend primarily upon party record. Members seek to belong to majority party.	Chamber's informational and work-load needs.
Committee role	Facilitate trade	?????b	Provide information/expertise
Committee assignments	Self selecting	Party selection	Chamber selection
Committee preferences	Committee median distinct (biased) from the chamber as a whole ^a	Committee party contingents are either aligned or more extreme than their caucus.	Committee's median reflects floor's median; committee and floor have similar distribution.
Types of expected procedures	Rules (such as ex post veto) that ensure committee autonomy	Rules that ensure and encourage committee compliance with preferences of majority caucus.	Rules that encourage members to specialize. Rules will not infringe on chamber median's capacity to shape outcomes.
Committee behavior	Committee members act without regard to the preferences of their colleagues.	Committee members act in a manner consistent with the preferences of their caucus.	Committee members act in a manner consistent with the preferences of the chamber's median.
Principal author(s)	Weingast, Marshall, Baron, Ferejohn, Shepsle, Mayhew	Cox, McCubbins, Kiewit	Maass, Krehbiel, Gilligan
Antecedents	Wilson (1885), Goodwin (1970), Lowi (1969)	Silbey (1967), Brady (1973), Hasbrouck (1927), Rohde (1991)	Fenno (1966), Robinson (1963), Cooper (1970), Alexander (1916)

^aThe bias can result from committees whose members have preferences that are homogenous or bipolar extremes.

^bThere is no apparent reason why bipartisan policy committees have been created.

models capture important aspects of the relationship among committees, the chamber as a whole, and the party caucuses, the role of committees has always been more complicated and complex than is portrayed by any single model. Indeed, the conditional model suggests that committee members perform numerous roles. Since the emergence of institutionalized committee and party systems at the turn of the century, committee members have to some degree attempted to simultaneously act as agents for multiple principals—including the full chamber, their party caucus, and interest groups and constituents outside of the institution. Committee members, in other words, act within numerous constraints imposed by individuals and groups inside and outside the chamber.

Committee members are dependent upon each of these actors or entities for their continued effectiveness. Although I explore in detail in chapter 4 numerous mechanisms that non-committee members use to ensure committee loyalty, the most important ones include the full chamber's capacity to abolish or create committees, the party caucuses' control of committee assignments, the role of interest groups in financing congressional elections, and the dependence of members of the House on the support of their constituents for reelection. Given these multiple influences on members of congressional committees, we should expect committees to be responsive to more than a single, solitary principal. This leads us to a general expectation that:

Hypothesis 1: Committee members act as agents on behalf of multiple principals, including their party caucus and the chamber as a whole.

Nevertheless, we should not expect all of these forces to constrain committee behavior all of the time or equally. Thus, the conditional model also predicts that the responsiveness of a committee to either the chamber or the party caucus will vary across committees and over time. In particular, I expect that issue salience, party strength, and institutional context can account for such variation in committee behavior. In other words, 20 years after Fenno's *Congressmen in Committees*, I argue that political, environmental, and institutional contexts remain central to constructing a theory of committee performance.

Issue Salience

It would be a mistake to assume that the chamber and the party care equally about all policy areas. Indeed, both empirical and formal students of Congress have argued that committee responsiveness to chamber and party principals varies across committees and/or policy areas.

relationship among committees, the role of committees has been portrayed by any interests that committee membership of institutionalized century, committee members act as agents for their party caucus, and the institution. Committee constraints imposed by chamber.

In each of these actors or through I explore in detail in committee members use to include the full chamber party caucuses' control groups in financing congresses of the House on the supposed multiple influences on expect committees to be equal. This leads us to a gen-

agents on behalf of multiple and the chamber as a whole.

these forces to constrain thus, the conditional model of committee to either the chamber and over time. In particular and institutional context behavior. In other words, 20 years, I argue that political, is central to constructing a

member and the party care empirical and formal structures responsiveness to chambers and/or policy areas.

For example, Smith and Deering have explicitly argued that "the larger the agenda, the more separable the issues, the more issues recur frequently, and the less salient the issues, the more Congress relies on committees and the less it relies on the parties or the parent chamber to make decisions" (1990, 172). Likewise, Hall and Grofman have speculated that among other things, committee responsiveness to the chamber may depend upon "the identification of specific issues within the panel's jurisdiction that evoke the concerns of a mobilized or otherwise visible constituency" (1990, 1163). Rohde (1995) makes a similar argument and provides empirical support for the proposition that a large proportion of the congressional agenda includes issues that are inconsequential and thus noncontroversial.

Proponents of the independent-committees model, as well as those of the party- and chamber-dominated models, recognize that the role a committee performs varies by committee. According to the independent-committees model, members of Congress have preferences on multiple dimensions. Because of the heterogeneity of member preferences, members are willing to exchange policy authority in one area for policy autonomy in another area. As a result, the logrolling that leads to independent committees should be strongest among those committees whose jurisdiction involves issues that affect a narrow segment of the general public. In other words, committees whose jurisdiction is of low salience to most members should have the greatest autonomy.

Cox and McCubbins (1993) also recognize the importance of committee issues, suggesting that the parties' willingness to permit a party's committee delegation (hereafter referred to as *party-delegation*) to be self-selected depends upon the nature of a committee's agenda. If the agenda includes issues that affect many districts, the committee's performance will be central to a party's record. As a result, the parties use their power to appoint party-delegations that represent the parties' positions. Kiewiet and McCubbins (1991) also argue that the committee's agenda is likely to affect the committee's willingness to act as an agent of its party. Specifically, if a committee's jurisdiction "is dominated by issues that do not divide Democrats from Republicans, then the party-dominated model may not apply (Kiewiet and McCubbins 1991, 133).

The information-based version of the chamber-dominated model also appears to recognize the relevance of a committee agenda (Gilligan and Krehbiel 1990). Although the informational model implies that committees represent the full chamber, the model predicts that the likelihood that a committee will act as an agent of the chamber depends upon the costs of committee specialization and the uncertainty of the policy environment (Krehbiel 1991). Implicit in each of the three major approaches to model-

ing committee performance is the relevance of committee agenda to committee behavior.

Thus, there is good reason to suspect that the responsiveness of committees to the chamber and parent parties will vary with differences in the policy environments of each committee. Indeed, this is consistent with empirical claims by Fenno (1973), Price (1979, 1981), and others. Although hypothesis 1 suggests that committees attempt to meet the expectations of multiple principals, committees with more salient agendas should face stronger constraints from their chamber and party principals.

Salience must be incorporated into any principal-agent account of committee behavior because of the costs principals incur to supervise and control their agents. These are expensive and will not be pursued unless a principal cares enough about outcomes. For example, although party caucuses have the power to induce individual members to support the caucus, the use of this power is potentially costly. Party caucuses can punish individual members by denying them desirable committee assignments or by stripping them of a committee or subcommittee chair position, but individual members can strike back at the caucus by defecting to the other party on future votes or even switching political parties (Cox and McCubbins 1993).

The capacity of individual members to strike back accounts for the reluctance of both Speaker Thomas Foley (D-WA) and Speaker Newt Gingrich (R-GA) to protect members who clearly challenged party positions. In 1993, Speaker Foley conducted an active (and eventually successful) campaign to defeat a Democratic caucus resolution to strip chair positions from those members who voted against President Clinton's 1993 budget. His campaign illustrates the reluctance of party leaders to absorb the costs associated with enforcing party discipline (Burger 1993). Likewise, in 1995 Speaker Gingrich intervened to protect freshman Representative Mark Neumann (R-WI) from punishment by the chair of the Appropriations Committee, Bob Livingston (R-LA), for opposing a leadership-backed military spending bill that was defeated. Neumann, a member of the Appropriations National Security Subcommittee, had voted against the bill, and in response Livingston questioned Neumann's loyalty to the committee and announced that he would be removed from the subcommittee. In response to Livingston, Neumann and a group of freshmen members approached Gingrich and threatened to hold up an Agriculture spending bill if Neumann were not protected. Although Gingrich himself had earlier asked Neumann to support the defense bill, Gingrich helped secure a commitment from Livingston that he would issue a remorseful press statement praising Neumann and arranged for Neumann to be elevated to the House Budget Committee (see Shalit 1995, Kahn 1995a).

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Both Foley and Gingrich clearly feared the repercussions associated with "punishing" members of their own parties.

Because of the capacity of individual members to strike back, party caucuses should only be willing to incur the costs associated with employing coercive tactics to force delegation loyalty on the most salient issues. This conclusion leads to a second hypothesis:

Hypothesis 2A: If a committee's jurisdiction includes issues of low salience, committee members are more likely to act without regard to the preferences of their caucus. Likewise, members of committees that address issues of high salience are more likely to act in a manner consistent with their caucus's preferences.

Because the majority party controls and is usually held accountable by the electorate for policy outcomes (especially those that are most salient), I would expect the majority party to be more aggressive in enforcing the loyalty of its own committee agents than the minority party. Indeed, sidepayments that the majority can offer minority delegation members to support the majority's position inevitably raise the costs that the minority must incur to enforce delegation loyalty.¹⁸

Issue salience also influences the extent of committee responsiveness to the chamber. Agenda salience is important to chamber members because of individual members' concern about their own reelection (Mayhew 1974). Because the public's information about positions taken by their members of Congress is limited to a few highly salient issues (Aldrich 1994), the presence of highly salient issues inevitably dampens a member's willingness to support a committee out of institutional loyalty. Cognizant of this, committee members actively solicit the opinion of noncommittee members when drafting salient bills. Indeed, both Fenno (1966) and Manley (1970) document this for two committees that clearly have highly salient jurisdictions: Appropriations and Ways and Means. The phenomenon that Fenno and Manley identified during the 1960s is likely to have intensified during the postreform period—a time in which candidate-centered and single-issue politics dominate the electoral process. Members are ultimately dependent on their constituencies for reelection, and they are most likely to feel constrained by external factors on issues of high salience. Thus,

18. For example, despite pressure in the 103d Congress from the House Republican Conference to support cuts in congressional staff, several ranking minority members joined their committee majorities in protesting cuts in committee staff. Ranking minority members clearly recognize that they are dependent upon the committee majority for their staff and that the majority would most likely force the minority to share the burden of staff cuts (Jacoby 1994a).

Hypothesis 2B: If a committee's jurisdiction includes issues of low salience, committee members are more likely to act without regard to the preferences of the chamber. Likewise, committees that address issues of high salience are more likely to act in a manner consistent with the preferences of the chamber.

It is important to note that I consider salient issues to be those issues that are of high interest to a broad array of individuals. I do not limit my definition of salient issues to those that are simply high in conflict. Price (1979) and others have correctly noted that there are important issues that are high in salience but relatively low in conflict. Although conflict is an important aspect of a committee's environment, committees responsive to either the chamber or the majority-party caucus will depend upon the likelihood that noncommittee members will be willing to incur the costs associated with supervising their agents. Arguably, the more individuals interested in a policy choice, the more willing members will be to incur such costs. Likewise, I do not consider issues that are highly salient to only a well-defined subset of members to be salient. While certain issues (such as Agriculture) are salient to some members (such as those from Iowa), the limited scope of such salience makes it likely that both the chamber and the party medians will be disinterested and thus unwilling to supervise their committee agents.

Throughout my tests of the conditional model, I measure committee salience by relying on the committee type classifications that Fenno (1973) pioneered and Smith and Deering (1990) refined. Constituency committees such as Agriculture, Interior, and Public Works address issues that affect narrow constituencies and thus are of low salience. In contrast, policy committees (such as Foreign Affairs and Energy Salience) and prestige committees (Appropriations, Budget, and Ways and Means) report pieces of legislation that have national implications and thus are highly salient. Appendix 1 shows the classification for each committee and discusses the appropriateness of this distinction as a measure of issue salience.

Party Strength

While issue salience can account for differences between committees, party strength accounts for the historical variation that Davidson (1986) and others document in committee roles. For the committee to be an agent of its parent party caucuses, it must be in each caucus's interest to control its committee contingents. Still, the need for a public good does not mean that it will be obtained (Olson 1965). To shape the role of its committees, the caucus must solve a collective action problem. The party caucuses need

includes issues of low salience that act without regard to party contingents that address issues in a manner consistent with the party's interests.

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When committees, party leaders Davidson (1986) and committee to be an agent of party interest to control its own good does not mean the role of its committees, the party caucuses need

the political will to control the behavior of their members and the committee contingents to which they belong. But controlling the behavior of legislators and committees is potentially a very costly process. The capacity for a colleague or committee to seek revenge by sabotaging a member's or party's proposals is great (especially in the Senate). Furthermore, party leaders themselves are agents of their caucus and thus reluctant to secure the wrath of any member who can hinder their reappointment. As a result, parties and their leaders are frequently reluctant to "curb" renegade committees and members.

The greater the costs associated with enacting such "curbs," the less likely the parties will invoke such curbs and the less applicable will be the party-dominated model. Such a hypothesis is consistent with Aldrich (1995), Rohde (1995), and Brady, Brody, and Epstein's (1989) explanation of the development of a strong committee system. Brady and his colleagues demonstrate that electoral outcomes shaped legislative arrangements at the end of the nineteenth-century. Although the Republican leadership dominated Senate decision making in the late nineteenth century, it is generally recognized that by 1910 Progressive members of the Republican party had secured for themselves important committee assignments and had wrestled policy control from the Republican leadership. Brady, Brody and Epstein demonstrate that this change emerged with the growing heterogeneity of the Republican caucus. Aldrich (1995) explicitly argues that the responsiveness of a committee member to her or his caucus will vary along with the strength of the party. He explains that "periods in which parties seem more consequential may be associated with, and quite possibly induced by, an electoral connection that results in relatively extensive share policy preferences . . ." (331).

The connection between party cohesion and organizational arrangements suggests the following hypothesis about committee performance.

Hypothesis 3: When the majority party is cohesive, committees are more likely to act in a manner consistent with the party-dominated model.

The more cohesive the majority party, the stronger the majority caucus. Under strong parties, the cost that party leaders must incur to curb renegade committee members is minimized. As a result, the likelihood increases that committee contingents will act as agents of their parent party. Likewise, when the majority party is comparatively weak, the opportunities for either committees or the membership as a whole (regardless of party affiliation) to play a pivotal role in determining legislative outcomes are enhanced. As parties become more heterogeneous, we should

expect to see party contingents act in a manner less responsive to the party caucus's preferences.

Institutional Context

Institutional structures shape political outcomes (Hamilton, Madison, and Jay [1788] 1981; Shepsle and Weingast 1987a, March and Olsen 1989; Shepsle 1979; and Shepsle and Weingast 1981). For this reason, individual members and the party caucuses attempt to implement rules that produce outcomes consistent with their preferences. Nevertheless, in the short run, the rules that shape the legislative process are a reflection of a variety of factors, including the preferences of those who control the institution, the rules that have been inherited from the past, and political miscalculation.¹⁹ According to Brady, Cooper, and Hurley (1979), party strength in the House is determined by both external variables such as electoral outcomes and by internal variables such as the procedural prerogatives available to party leaders. Indeed, as Cook and Hibbing (1985) have shown, when the House forced its committee chairs to stand for regular caucus election, chairs became more supportive of their party caucuses.

If procedural changes help shape the strength of the House's caucuses, institutional rules should also be considered in explaining the fit of the three models of committee performance. Indeed, numerous scholars, including Davidson (1986), Smith and Deering (1990), Lupia and McCubbins (1995) and others have argued that the role of committees varies along with changes in the procedures of decision making. Because both chambers have periodically engaged in major institutional reform and because different rules apply to different committees in different chambers, institutional factors can help account for the variation between committees, between chambers, and over time.

In exploring the relevance of institutional context to committee performance, I concentrate on three facets of institutional rules and practices suggested to be important by principal-agent theory. The first is the nature of the incentive system used to shape committee behavior. By offering sidepayments to agents, many principals are able to entice their agents to act, regardless of their true policy preferences, in the principal's interest. For example, within the House, closed rules are often granted by the Rules Committee to protect committee bills that are consistent with the majority-party's agenda. Of course, the effectiveness of sidepayments depends upon the extent of the information asymmetry that exists between

19. For a discussion of the factors that shape the institutional structure of Congress, see Smith and Deering (1990, 14–19), March and Olsen (1989), and Tsebelis (1990, chap. 4).

principal and agent. If a principal does not understand the actions engaged in by the agent, the distribution of sidepayments will not necessarily be related to agent performance. Thus, the second factor pertains to the principal's capacity to monitor the actions of its agents. If the principal lacks the capacity to monitor its agent's behavior, the agent has little incentive to respond to the incentive structure. In the congressional context, monitoring capacity is increased, for example, by requiring committees to receive information through committee reports.

Given the importance of institutional context to committee performance, I postulate that the role of committees is determined in part by changes in the distribution of procedural advantages between party leaders, committee chairs, and rank-and-file members. Specifically,

Hypothesis 4A: Procedures that increase the parties' control of the legislative process give committee members an incentive to act as agents of their parent caucus

Hypothesis 4B: Monitoring procedures that distribute policy information to non-committee members decrease the independence of committees.

Although party cohesion, as explored in hypothesis 3, may be correlated with the procedural advantages available to the chamber's parties, the procedural structures of hypothesis 4 are not simply a reflection of the preferences of individual members and the caucuses to which they belong. Institutional structures reflect more than the alignment of preferences in the chamber. Oftentimes, members make changes to the institution which have unintended consequences (Tsebelis 1990). Other times, past procedural choices prevent members from changing the institution according to majority preferences (March and Olsen 1989, Smith and Deering 1990).

Figure 2.4 captures the model that I argue explains the evolving and fluctuating nature of the congressional committee system. Although all committees attempt to act within a space acceptable to a variety of potential principals, there is a great deal of variation in committee behavior within that space. For example, committees whose jurisdictions include mostly low salience issues (top half of figure) are more likely to act in accordance with the interests outside of the chamber than those with highly salient agendas (bottom half of the figure). Variation in party strength over time affects committee behavior as well. When the majority party is strong, committees are more responsive to the party's median member than the chamber's median member (bottom left corner of the figure). Further, within each chamber, the structural and procedural fea-

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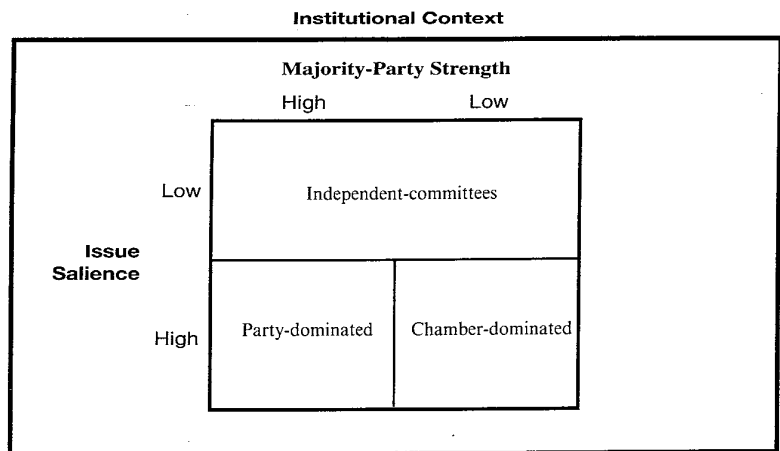


Fig. 2.4. Conditional Model of Committee Responsiveness

tures that comprise the institutional context shift as well. However, at all times, House and Senate committees operate within a different institutional framework. These structural and institutional differences are symbolized by the institutional context box that surrounds the figure. Only by considering the cumulative effects of these variables can we accurately explain the dynamics of the committee system over time.

Conclusion

The chamber-dominated, party-dominated, and independent-committees models are, of course, an ideal type. Few, if any, scholars are willing to argue that their model fully captures the complexity of the legislative process employed by the United States. Instead, I offer a conditional model that shows how the fit of these three models varies systematically over time and space. The intent of the conditional model is not to refute the claims of these stylized models, but to show how the robustness of these models depends upon issue salience, party strength, and institutional context. In the next chapter, I turn to a first test of the conditional model: assessing the relevance of issue salience to Democratic party committee assignments after 1974.