

Leadership in Committee

A Comparative Analysis of Leadership
Behavior in the U.S. Senate

With a New Preface for the Paperback

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Ann Arbor

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To Susan

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Preface to the Paperback Edition

Early in 2001, following the closest national election in decades, the U.S. Senate confronted some daunting institutional challenges. Along with dimpled chads and a landmark Supreme Court case, the 2000 campaign had produced a Senate split right down the middle, with 50 Republicans and 50 Democrats. The first task for the 50-50 Senate was to organize itself internally. Would Republicans or Democrats chair the Senate's eighteen standing committees? Which party would determine the legislative agenda in committee and on the floor? How would committee assignments be divided between the two parties? How would committee staff and other legislative resources be allocated? And what would happen when the inevitable party-line votes occurred in committee—deadlock or something else?

Not surprisingly, Republicans and Democrats strongly disagreed about the proper response to these questions. From staffing allotments to control over the agenda, Tom Daschle, the Senate Democratic leader, demanded that the traditional powers of the majority party be equally divided. Initially, he suggested that Republican and Democratic committee leaders serve together as cochairs. Republican leader Trent Lott and other GOP lawmakers rejected the Democratic demands as unworkable. Remarkably, one, "It's very hard to drive a car when two people have their hands on the wheel."¹

Lott believed that his party held the trump card in this dispute. After the January 20 inauguration of President George W. Bush, Vice President Cheney would be able to cast the tiebreaking vote in favor of the Republican position on party-line matters. As a result, Lott argued, his party should function as the Senate majority party (assuming, of course, that they did not lose a seat via party switching, resignation, or death). Republicans should chair the committees, and the party should operate with a numerical majority on each panel. The Democrats rejected Lott's argument and threatened to tie the chamber in knots unless a bipartisan compromise was achieved on organizing the Senate.

After weeks of public posturing and private bargaining, the two sides struck such an accord. Republicans would chair all of the committees, but panel memberships would be equally divided between the parties, as would control over committee staff resources. If a tie vote occurred in

committee during the 50-50 Senate, either party leader could move to bring the issue before the full body.²

The vexing organizational issues that the Senate confronted in January 2001 are reflected in most of the major topics in this book, including the vital importance of agenda control in Congress; the relationship between staff expertise and legislative effectiveness; the interconnections between committee and chamber decision making; the consequences of the partisan and ideological makeup of a committee for leadership and coalition building; and most important, *the central roles played by committees and committee leaders in the modern Senate*.

Although *Leadership in Committee* was first published in 1991, and much of the descriptive data is from the 99th Congress (1985–86), the analytical framework advanced here has enduring value for explaining what Senate committee leaders do and how their behavior varies. More concretely, I portray committee chairs and ranking minority members (the committee leader for the minority party) as rational actors who make choices in a manner that promotes the achievement of their policy and political objectives. Individual characteristics of the relevant leader, especially the nature of the leader's policy preferences, prior leadership experience, and proximate career plans (e.g., a possible presidential run), condition committee leadership behavior. However, in explaining how leaders behave, I primarily rely on contextual factors, especially the distribution of policy preferences within the relevant panel, and structural characteristics of the committee, such as staff allotments and the role of subcommittees.

The noteworthy changes that have occurred in the Senate over the past decade have not fundamentally altered the important causal relations that exist between these individual and contextual characteristics, on the one hand, and the behavior and impact of Senate committee leaders, on the other. Moreover, because of the diversity of their operating styles, committee leaders in the Senate continue to provide us with valuable perspective on the broader subjects of leadership and lawmaking on Capitol Hill.

Consider, for instance, the ongoing scholarly debate about the foundations of congressional organization. Over the past decade, three competing theoretical perspectives have shaped how scholars think about the nature of the lawmaking process. According to the distributive theory, committees and the other structural features of Congress are primarily designed to promote logrolling and bargaining between important clientele groups and constituencies.³ Committee and floor leaders use their prerogatives and resources to build and maintain these distributive coalitions. The informational theory, in contrast, asserts that the internal structures of Congress are designed to encourage members to specialize and develop expertise in important issue areas, thereby enhancing the informational

efficiency of the chamber as a whole.⁴ The third perspective, the partisan theory, holds that congressional operations are intended to promote the policy and electoral objectives of the majority party.⁵ Majority party members grant their leaders important procedural powers so that the leadership can advance the party's agenda and maintain party unity.

Congressional scholars disagree about which theoretical perspective is most useful for explaining the internal operations of the institution. One implication of this book, however, is that we should focus less on which theory is best and more on the specific conditions under which each one is most useful for understanding Congress and the lawmaking process. The nature of the impact exerted by legislative leaders varies by committee and by issue. Not surprisingly, then, the explanatory value of our leading theories of congressional organization differs significantly across the four Senate panels under focus in this study—Commerce, Environment and Public Works, Judiciary, and Labor. The relevance of the distributive, informational, and partisan theories also varies across the eight individuals who led these committees during the period under focus—Lloyd Bentsen, Joseph Biden, John Danforth, Orrin Hatch, Ernest Hollings, Edward Kennedy, Robert Stafford, and Strom Thurmond.

Take the Commerce Committee, for example, which has jurisdiction over issues that evoke the (relatively) parochial interests of particular industries and groups—broadcast spectrum, airport construction, and the like. Also consider the Environment and Public Works Committee (EPW), which deals with a number of important distributive policy areas, including surface transportation, public buildings, and water resources development. On these issues, I argue, the primary contribution of leaders in committee is to help balance the interests of competing constituencies à la distributive theory. The other half of the EPW jurisdiction relates to environmental policy, by all accounts one of the most technically complex issue areas in U.S. politics. On these matters, because of seniority and access to expert committee staff, committee leaders tend to develop important informational advantages relative to other lawmakers. Consistent with informational theory, a key contribution of formal leaders in the environmental area is to provide policy expertise to the full chamber.

The Judiciary and Labor Committees, in contrast, largely consider issues that are prominent on the programs of one or both political parties. According to partisan theory, the central leadership prerogative in Congress is control over the decision-making agenda. Indeed, my description of leadership behavior within the two panels emphasizes procedural tactics and agenda strategies, as the two parties compete to advance their respective policy initiatives through committee and to derail the policy priorities of the opposing party. Thus, by focusing our attention on how and why

leadership influence varies by committee and by issue, the analytical framework in this book sheds useful light on the central conceptual debate in congressional scholarship—the conditions under which competing theories of Congress can best explain legislative procedure, strategy, and leadership.

As mentioned, however, the Senate did change somewhat as an institution over the past decade. How do these changes relate to the Senate committee system and the main arguments presented in *Leadership in Committee*?

First, partisan control of the Senate has changed hands several times since the mid-1980s, and, over time, substantial turnover has occurred at the committee leadership level. An important strength of this book is the rich portrait it provides of eight committee leaders in action. Certain of the names and faces are different now. In early 2001, Ernest Hollings and Edward Kennedy still served as the Democratic leaders on the Commerce and Labor Committees, respectively, just as they had during the mid-1980s. Joseph Biden, Orrin Hatch, and Strom Thurmond also remained prominent members of the Senate, but they had moved on to other leadership posts within the chamber.⁶ The other committee leaders featured in this book—Lloyd Bentsen, John Danforth, and Robert Stafford—had all retired from the Senate.

Still, the analytical framework and descriptive details in this study transcend specific committees and specific committee leaders. Indeed, my conceptual approach is useful for exploring how turnover at the leadership level alters committee decision making. Recall that I single out three individual characteristics for understanding committee leadership behavior—a leader's personal policy preferences, leadership experience, and proximate career plans. During the 99th Congress, Commerce chair John Danforth was new to committee leadership, had no apparent national ambitions, and mostly shared the policy preferences of the Republican contingent on his panel. As described in this book, for reasons of inexperience and his instinctive moderation, Danforth was not a commanding figure within the Senate on Commerce Committee issues.

In early 2001, John McCain wielded the gavel on the Commerce panel. Unlike Danforth, the Arizona Republican had ample committee leadership experience; a national constituency from his remarkable 2000 presidential run; and strong, if not strident, views about many issues within the Commerce jurisdiction. On certain committee matters, such as tobacco policy and teenage smoking, McCain's views diverged sharply from the position of the Republican leadership. The Commerce Committee had not changed much in structure, jurisdiction, or ideological makeup, but McCain was far more aggressive and active as chairman than had been the case with Danforth.⁷ The striking differences in their operat-

ing styles can be analyzed and understood via the conceptual framework presented in this book.

Second, during the 1990s the Senate adopted some incremental procedural and structural changes that touch on committee leadership behavior. In 1995, for example, the majority Republicans adopted a rule requiring their members to vote on a GOP party agenda prior to the selection of committee chairs. Some moderates feared the vote would become a litmus test for chairmanship selection, but it appears to have had limited impact. That year, the Senate Republican Conference also adopted six-year term limits for GOP committee chairs and ranking minority members. These limits will not become binding until 2003 or later, and the consequences for leadership behavior remain unclear.

A number of modifications also occurred in the structure of individual committees, including the four panels under focus here. On the Labor Committee, for example, the number of subcommittees was reduced, and jurisdiction over health policy was transferred from full committee to the new Subcommittee on Public Health. Such alterations in committee structure matter because they affect the resources and prerogatives available to chairs and ranking minority members and thus their ability to shape committee bills.

Recently, Vincent Moscardelli has extended the arguments in this book to identify the conditions under which changes occur in Senate committee structure, and his findings have broader implications for our understanding of leadership in Congress.⁸ Moscardelli demonstrates that new committee leaders often push through adjustments in the structure of their panels to promote their policy and political goals. This strategic restructuring is particularly prevalent when the policy preferences of a new chair diverge substantially from the views of his or her predecessor. So committee leaders can influence as well as respond to the context within which they operate. In the short run, however, contextual factors, such as committee structure and a panel's ideological makeup, can be treated as fixed constraints that influence leadership behavior.

Third, and most important, decision making within the Senate became more partisan during the 1990s, with implications for leadership and lawmaking in committee. The incidence of party-line voting grew, both in committee and on the floor. Increasingly, party leaders have used the filibuster, cloture motions, and other procedural tactics to advance their party's agenda and stymie the opposition. Whereas party voting on cloture motions (the procedure for cutting off a filibuster) was relatively rare in the 1980s, it became the norm during the 1990s. In the contemporary Senate, filibuster threats often take the form of a "hold," in which a senator communicates to party leaders the intent to engage in obstruction-

ist tactics. Although the leadership repeatedly attempted to clamp down on anonymous holds during the 1990s, their efforts were mostly unsuccessful. The combination of increased partisanship and obstructionism has created what Barbara Sinclair calls “a sixty-vote Senate,” in which the passage of major legislation often requires that the majority party secure the supermajority necessary to shut down a filibuster.⁹

Much of the heightened partisan conflict concerns the message agendas that the congressional parties now devise at the beginning of a new Congress. These messages are comprised of “issues, themes, and policy symbols that legislators believe will generate a positive response toward their party among voters.”¹⁰ In early 2001, for example, the Bush administration and the Senate and House Republican leadership agreed to advance a message agenda structured around four key themes—tax reduction, defense readiness, protecting Social Security, and education reform. Congressional Democrats countered with their own message of tax fairness, debt reduction, protecting Social Security and Medicare, and education investment. The two parties attempted to focus the congressional agenda on their own priorities and proposals, and they used elaborate communications strategies (town hall meetings, public statements, television advertisements, interest group outreach) to publicize and mobilize public sentiment behind their respective messages. On message issues, the process of legislating is inseparable from the process of party campaigning.

The rise of message politics influences all aspects of the lawmaking process, including committee leadership behavior. For instance, the drafting and initial consideration of message proposals often occur in party task forces, rather than in the committees of jurisdiction, to promote party unity and avoid obstructionism by the opposition. On message issues, committee leaders serve as agents for their party caucuses, rather than for the narrower constituencies associated with their jurisdictions. And on message items, committee chairs and ranking minority members are integrally involved in the party communications and public relations efforts that have become so important on Capitol Hill.

Education policy, for example, is central to the message agendas of Senate Republicans and Democrats. These issues fall within the jurisdiction of the Labor Committee, which was renamed the Committee on Health, Education, Labor, and Pensions (HELP) in early 1999. In fall 1999, the panel attempted to mark up a measure to reauthorize the Elementary and Secondary Education Act. Both parties sought to use the legislation as a vehicle for advancing their respective education messages.¹¹ Consistent with the conceptual framework in this book, the partisan battle that ensued was shaped by the distribution of preferences within the HELP Committee, along with the policy views and other individual characteristics of the chairman.

The chairman was James Jeffords of Vermont. A moderate Republican with strong interests in education, Jeffords eventually would leave the GOP in June 2001, switching party control of the Senate to the Democrats. Along with Jeffords, in 1999 the HELP Committee also included nine Republican conservatives, as well as eight liberal Democrats under the leadership of Edward Kennedy.¹² Jeffords was running for reelection in a moderate state and believed that he could not publicly endorse legislation that reflected the conservative GOP message on education. If he voted with the Democrats in committee, however, Republicans would lack the votes necessary to report their measure to the floor. As a result, the committee process on education issues essentially imploded in fall 1999. Conservative Republicans on the panel met privately with GOP leaders to craft an education package for their party. Jeffords did not attend many of these sessions. When the markup finally occurred in March 2000, the chairman agreed to vote “present” on a number of issues to avoid undermining the Republican message. Trent Lott attempted to bring up the bill on the floor in May, but Kennedy threatened to offer amendments dealing with the volatile issue of gun control, and the majority leader pulled the measure from the agenda.

Readers of this book will recognize that the 1999–2000 fight over education legislation was an inversion of the agenda game played within this same committee during the mid-1980s by Kennedy and Orrin Hatch, who then served as chair. Indeed, as I document in the pages that follow, most of the key ingredients of contemporary message politics were apparent in the Labor and Judiciary Committees of the 1980s, as Hatch, Kennedy, Thurmond, Biden, and their fellow partisans competed for influence over the legislative agenda.

More generally, I believe that the arguments put forth in *Leadership in Committee* are as relevant to the current Congress as they were when the book was originally researched and published. The U.S. Senate may not be, as it often is described, “the greatest deliberative body in the world.” But it continues to be a fascinating and important chamber, nonetheless, and its members and committees have much to teach us about the nature of legislative leadership in U.S. government.

NOTES

1. Helen Dewar, “Senate GOP Reelects Leaders: Party Seems Cool to Democratic Demands for Power-Sharing,” *Washington Post*, December 6, 2000, A33.

2. A decision about the partisan composition of conference committees was left for later in the session.

3. Kenneth A. Shepsle and Barry R. Weingast, eds., *Positive Theories of Congressional Institutions* (Ann Arbor: University of Michigan Press, 1995).

4. Keith Krehbiel, *Information and Legislative Organization* (Ann Arbor: University of Michigan Press, 1991).

5. Gary Cox and Mathew McCubbins, *Legislative Leviathan: Party Government in the House* (Berkeley: University of California Press, 1993); David W. Rohde, *Parties and Leaders in the Postreform House* (Chicago: University of Chicago Press, 1991); and Barbara Sinclair, *Legislators, Leaders, and Lawmaking: The U.S. House of Representatives in the Postreform Era* (Baltimore: Johns Hopkins University Press, 1995).

6. Biden moved from ranking Democrat on Judiciary to an analogous position on the Foreign Relations Committee; Hatch shifted from Labor to Judiciary chair; and Thurmond continued to serve as Senate president pro tempore in 2001 but no longer chaired committees because of his advanced age.

7. Consult, for example, Carroll J. Doherty, "All in a Day's Battle: McCain, the Eager Warrior," *Congressional Quarterly Weekly Report*, May 23, 1998, 1356–59.

8. Vincent G. Moscardelli, "Transforming Leadership in Senate Committees: An Analysis of the Effects of Leadership Behavior on the Senate Committee Environment" (Ph.D. diss., Emory University, 2000).

9. Barbara Sinclair, "The New World of U.S. Senators," in *Congress Reconsidered*, 7th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, D.C.: Congressional Quarterly Press, 2001).

10. C. Lawrence Evans, "Committees, Leaders, and Message Politics," in *Congress Reconsidered*, 7th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, D.C.: Congressional Quarterly Press, 2001), 219.

11. My summary of Senate action on education issues derives from interviews that I conducted with a sample of Senate chiefs of staff.

12. One of the other nine Republicans on the HELP Committee was Susan Collins of Maine, a moderate like Jeffords. On education issues, however, Collins was more likely to support the party position.

