Introduction: Definitions and Background

Committees and Committee Systems

The foremost feature of the "legislative committee game" is that it is played within a committee system. Yet not very much can be said about a "committee system" without first discussing a single committee. A "committee" in popular usage may refer to a group of people selected by any means for any purpose to conduct business in any manner whatsoever. Committees are formed by election, appointment, or even self-selection. Many committees are purely advisory in nature, providing information or acting as sounding boards. Many so-called committees are no more than collections of individuals who meet at the request of an executive. Committees often never vote or even provide evidence of collective action.

In his well-known work, The Theory of Committees and Elections, Duncan Black refers to a committee as a "group of people who arrive at a decision by means of voting" (Black, 1958, p. 1). His definition allows him to treat elections and electorates in the context of committees. The subject of this book is more focused; it concerns only face-to-face groups of people who arrive at decisions through voting. An electorate may be seen as a committee, but a legislature or parliament is almost always a face-to-face committee, selected by an electorate.

For convenience of expression, a legislature need not be called a committee except to make a point. Its principal units of organization are "committees," and committees have subcommittees. Furthermore, legislatures have political party units, which are also committees, and
Introduction

many legislatures have an assortment of other units that could qualify as committees. As long as they vote to make decisions, they are committees. But for most narrative purposes, it will be appropriate to employ distinctive labels such as caucus, standing committee, chamber, or legislature.

A committee system is a set of committees whose decisions, at least in part, are interdependent. Among the more complex committee systems are those that govern nations or their subdivisions, namely, legislative committee systems. Interdependence in legislative committee systems manifests itself in a number of ways:

The parent committee, the legislature, dissolves into standing committees, which in turn may dissolve into subcommittees.

Decisions of subcommittees are subject to review by the standing committees and their decisions in turn are subject to review by the entire chamber.

Committees frequently have overlapping jurisdictions and memberships, and members of different committees may find it necessary to trade or bargain both within and across committee jurisdictions.

The party caucus intervenes before and/or after the decisions of standing committees in many legislatures, either setting the agenda for standing committees, or preparing positions and agenda for floor action.

In many legislatures an executive committee (or policy committee) will attempt to set guidelines for other committee units.

In essence and in most instances, a national or state legislature is a committee system.

In many legislative committee systems, a rich if not overwhelming array of committees has been created. In addition to the normal duty of processing legislation, their tasks range from minor housekeeping functions to such activities as raising campaign money, resolving chamber differences, and meeting with the chief executive. This book will focus upon those committees that actually process legislation: mainly the chambers, the standing committees and their subcommittees, and the party caucuses.

The Central Role of Standing Committees in American Legislatures

In American legislatures, the standing committees and their subcommittees serve as the principal organizational units for processing legisla-
tion. Nevertheless, until recently both systematic empirical investigation and the development of theory relating to standing committees have been rare (Uslaner and Weber, 1977, p. 433; Eulau and McCluggage, 1984, p. 200). As Eulau and McCluggage have further noted, only two early works stand out: the insightful tirade of Woodrow Wilson against standing committees in the House of Representatives in his *Con­gressional Government* (1885), and the lesser known but more systematic work of Lauros McConachie in *Congressional Committees* (1898).

Studies of standing committees in American legislatures have flourished since the 1950s, most notably in the study of Congress, beginning in 1954 with Ralph Huitt's "The Congressional Committee: A Case Study," referred to as "pathbreaking" by Eulau and McCluggage. The sheer complexity of Congress has no doubt stimulated many scholars to focus on a single committee. The better examples include analyses of the House Appropriations Committee (Fenno, 1962), the House Ways and Means Committee (Manley, 1965), and the House Public Works Committee (Murphy, 1974). A comparison of six committees (Appropriations, Ways and Means, Interior, Post Office, Education and Labor, and Foreign Affairs) was also completed by Fenno in 1973, and a multi-committee treatment of public works issues was completed by Ferejohn in 1974. Among the benefits derived from these studies is the in-depth look at committees with subcommittees (except Ways and Means). While subcommittees in Congress appear to have arisen as a postbellum phenomenon in the expansion of Congressional duties (McConachie, pp. 135–137), it is only recently that they threaten preeminence in lawmaking.

For state legislatures, studies of single standing committees do not have the luxury of prima facie importance in the scholarly community. No doubt many excellent studies are buried, perhaps never to be unearthed, in the dust of dissertation libraries. As a consequence, or perhaps in any case, the historical record on the internal structure and operation of state standing committees is at best scattered. About the only early work of any breadth was completed by C. I. Winslow in 1931. Winslow's study provides overall statistical data for every state standing committee structure (number of committees, size of committees, number of committee assignments) and makes a special study of Pennsylvania and Maryland, where he found that standing committee action on bills was the final action in over 80 percent of the cases. Repeated surveys since 1963 (Francis, 1967; Uslaner and Weber, 1977; Francis and Riddlesperger, 1982) have made it clear that standing committees in state legislatures are very important centers of decision

Relatively little is known about “standing committees” in the legislatures of other nations. First, it is evident that where they exist they are not nearly as vital to their governments as those of Congress are to the U.S. government. Second, their lack of importance has no doubt reduced the quantity of scholarship on the subject. Third, given the late start of political science as a discipline, even allowing for its rapid growth in the United States, it is not surprising that we have only very recently learned very much of comparative value (See Mezey, 1979; Lees and Shaw, 1979; Olson, 1980). We might conjecture that “standing committees” in parliamentary bodies have been less attractive to their members for two reasons: (1) The ability of members to obtain cabinet posts, which dilutes their interest in forming strong committees, and (2) the fears of the leadership that strong committees would only further fragment what is already a multiparty system.

Institutionalization

A related perspective may be drawn from Nelson Polsby’s examination of institutionalization of the U.S. House of Representatives (1968). To Polsby, an organization becomes institutionalized when it: (1) becomes differentiated from its environment by developing and channeling career opportunities; (2) develops a division of labor in which roles are specified; and (3) becomes universalistic rather than particularistic in its methods of conducting internal business (p. 145). The first two criteria are intimately tied to the standing committees and their subcommittees. Committee and subcommittee positions are made increasingly attractive to members as they acquire greater seniority. And the division of labor in Congress is mostly one of dividing up the work among the various standing committees and their subcommittees.

The institutionalization of Congress may be seen as an evolutionary process. Within the U.S. Constitutional framework, where legislators aspire to committee headships rather than cabinet posts, organizational development and elaboration will occur in the standing committee and subcommittee structure. It would appear that Congress has been driven also by the need to adapt to increasing demands for action in an increasingly complex and technical society. As society becomes more specialized, so must Congress, if it is to govern.
Specialization in society is reflected in the pressures brought to bear by organized interest groups and also by the growth and differentiation of the federal bureaucracy. Congress has responded to the increased demands for action and the need to control first by allowing itself to dissolve into standing committees, and then by allowing those committees to unfold into subcommittees. In sum, *careerism* and the need to *specialize* have stimulated institutionalization along the lines suggested. There is debate, of course, over whether or not these developments are desirable (Lowi, 1964; Ripley and Franklin, 1984; Dodd and Oppenheimer, 1981).

A cross national perspective might well lead to the conclusion that Congress is unique, but an examination of the fifty U.S. state legislatures would suggest just the opposite—not that Congress is indistinguishable, for it certainly does possess features unmatched in the states. Nevertheless, in almost every important way relating to structure and development, most of the states' legislatures are similar to Congress. To locate these similarities, it is important to examine the structure of the committee system which includes both chambers and the party caucuses, as well as the standing committees and their subcommittees.

In the twentieth century, the state legislatures have been slower to institutionalize. It is only in recent years that most state legislatures have met annually rather than once every two years. With annual sessions have come longer sessions as well. Many states have witnessed an evolution from part-time to full-time duty and, with it, increased "careerism"—legislators who list their occupation as "legislator" rather than salesman, realtor, teacher or retailer. On the surface it does appear that the state legislatures are following a path of development similar to that of Congress. This possibility has been noted, with some reservations, by Chaffey (1970) in his comparison of the Montana and Wisconsin legislatures.

Although it is difficult to show empirically, most observers of state legislative politics would probably agree that subcommittee use has become much more common since 1960. Not a single remark about subcommittees has been found in the literature of state politics dating to 1970, although by this time the "bill explosion" (Rosenthal and Forth, 1978) no doubt had spawned the use of subcommittees in the busier standing committees; and there is no question that a thorough search would turn up earlier evidence of subcommittee use also. In a 1981 survey, however, respondents from approximately two-thirds of the chambers indicated frequent subcommittee use (Francis and Riddlesperger, 1982). It is doubtful that they were ever so common before. In sum, the
state legislatures appear to be developing and institutionalizing along Congressional lines, a process that includes further differentiation of the committee system.

Individuals in Committees

A social science theory of a committee system cannot progress very far without making inferences about individual preferences. Of course there are different methods for making inferences. A favorite tool of the theoretician is to make an assumption about human preference. The assumption is based normally upon introspection or observation and may or may not be directly verifiable. For example, it is often assumed that members of Congress seek reelection. We know that not all prefer reelection (Cooper and West, 1981), but assuming that most do helps explain many other activities in Congress (Mayhew, 1974; Fenno, 1973; Kingdon, 1977; Fiorina, 1977).

Inferences about human preferences can be derived from a number of empirical methods as well. Experimental research can be helpful (e.g., Fiorina and Plott, 1978), but since committee behavior is uniquely human—one never encounters a committee of mammals—very few legislative scholars apparently have found such work cost-efficient. Most of the empirical research on legislatures has been nonexperimental, derived from direct observation, interviews, questionnaires, and official documents. Many legislators have been asked about their preferences through interviews and questionnaires. Included are state comparative studies of role orientations (Wahlke, et al., 1962), policy preferences (Uslaner and Weber, 1977), and committee organizational preferences (Francis and Riddlesperger, 1982; Francis, 1985a). Included also are many studies of Congress. Especially pertinent to committees is Shepsle’s study of “revealed preferences”—actual freshman requests for committee assignments in the House of Representatives for the Eighty-sixth through the Ninety-third Congresses (1978).

In political situations there are several ways individuals attempt to satisfy their preferences—through the use or threat of force, through delegating, through trading or bargaining, through voting, or through the use of information. Since committee systems in this book are democratic institutions, only the latter four will be of concern. Legislators delegate responsibilities, trade and bargain over legislation, vote on proposals, and seek or use information to accomplish their goals in a vari-
ety of ways. A principal goal of a legislator is to get his or her way on legislation, and it is in this game of legislating that these instruments of decision making come into sharp focus.

From an organizational perspective, the act of delegating is the most critical instrument of decision making. Delegating is an act that transfers decision-making authority or responsibility from one set of individuals to a differently composed set. Through delegating, members can determine in part how trading and bargaining will occur, who will vote and on what issues, and the nature of information that will be available. Delegating involves moving people around, which in turn affects how individuals will apply the other instruments of decision making.

Most delegations of authority in legislatures involve contingencies. For example, the scope of responsibilities of the group to whom they are delegated may be limited. Also certain internal decision-making rules, such as majority rule, may be imposed. In addition, policy controls over the decisions of the group may be retained (as when the entire chamber must approve a bill reported out of a standing committee). In practice, a number of puzzling questions arise in this process. How should the responsibilities be divided? How much autonomy should be given to the delegated groups? What standards of conduct should be enforced? It is necessary also to determine who shall serve in such groups or committees. The committee assignment process in Congress, for example, has become a major topic of research (for review, see Eulau, 1984).

In face-to-face committees, where voting is required to arrive at decisions, trading or bargaining seems inevitable. Winning majority support requires members to be flexible in their recommendations. A legislative proposal has its supporters and opponents, but in the middle are those members who are opposed unless certain amendments are accepted. Members may bargain also by trading support over two separate proposals. In either situation, it can be shown that members of committees, for strategic reasons, often find it rational to not vote their true preferences (Farquarson, 1969; Brams, 1975, chap. 2, 4).

The use of information is a crucial factor in understanding the behavior of members in committees. Members seek to consume information for personal advantage or benefit in a variety of ways. They want to know about the content of proposals and their implications. They want to know about the preferences of other members. And they want to know about the preferences of people outside the committee. Information search and consumption are important for individual decision making. Also important is the communication of information. One way
that individuals can change the behavior of others is to provide them with new information. In this sense, specialization and expertise carry influence. The expert or specialist in an area is in a better position to contribute to the information pool.

Information costs are substantial in legislative committee systems. Legislators have many decisions to make, and they are inundated with information regarding those decisions. Reports from bureaucrats, lobbyists, media outlets, and legislative staff are plentiful in most legislatures. It is usually the quality not the quantity of information that is lacking. As Anthony Downs has made clear, the search for and consumption of information is a costly enterprise and the rational actor must feel that the benefits will outweigh the costs (1957, pp. 207–276). The legislator is a “best case” example of Herbert A. Simon’s principle of “bounded rationality,” expressed in the assertion that

The capacity of the human mind for formulating and solving complex problems is very small compared with the size of the problems whose solution is required for objectively rational behavior in the real world—or even for a reasonable approximation to such objective rationality. (1957, p. 198)

As Simon would have it, legislators can be expected to engage in satisficing rather than maximizing behavior in the pursuit of information.

Individual Behavior and Committee Structure

A long-standing assumption in human affairs is that organizational structure affects individual behavior. From an international perspective U.S. legislatures may seem organizationally similar, but the members do work under a variety of structural conditions (Hedland, 1984). Perhaps most distinct are the great differences in obligation, from full-time service in Congress and such states as California, to minimal part-time service in the least populated states. The committee systems vary substantially also, with great differences in the number of standing committees, the size of standing committees, the use of subcommittees, the importance of the party caucus, the number of bills the committees process, and so forth. The extent to which such differences affect individual behavior can serve as a basis for theory development in legislative organization.

The legislative environment may be seen as a continuous interplay
between institutional structure or procedure and individual adjustment and adaptation. The most important stress between structure and behavior in American legislatures appears to be the great demand for legislative action. The volume of demand for action exceeds the ability of most legislatures to supply the time and energy to respond. Normal processes of representation (e.g., full deliberation, amending, voting) are often incompatible with swiftness of action. The fifty state legislatures offer an excellent opportunity to better understand the tensions that arise when legislators intend not to ratify, but to legislate.

Organization of Chapters

The next five chapters of this book are devoted to developing an understanding of rational decision making in U.S. legislative committee systems, beginning with the logic of individual behavior in a single committee, and ending with general questions of payoff and reward. Chapter one contains an introduction to the formal language and notation employed in more complex ways later in the book. Such material is presented within the context of a single committee, and it needs to be mastered before encountering a number of sections in other chapters. It is important to have a formal way of representing human preferences; otherwise, it becomes difficult if not impossible to assess the impact of institutional rules and structure upon human preferences, and to know how preferences relate to voting and agenda setting.

In chapter two, the first chapter in which data are analyzed, a number of arguments are put forth relating to the distribution of agenda setting, committee assignment accommodation, and sponsorship success. An empirical basis is established to illustrate the relationship of individual choice to legislative procedure and the existence of decentralized agenda setting. It is this relationship that serves as a central theme of the book. Chapter three balances the notion of decentralized committee/subcommittee decision making with party leadership and party caucus decision making. Do legislators prefer standing committee decision outcomes to caucus outcomes? Chapter four raises the natural follow-up question of whether decentralized agenda setting pays dividends in the passage of legislation. A series of regression experiments are performed to answer this question.

Chapters five and six are devoted to broader concerns relating to the influence of legislative lifestyle and career patterns. Chapter five ex-
plores the extent to which the passage of legislation (or the passage rate) and the number of legislative workdays in the state capitol lead to overall legislator satisfaction with outcomes. To what extent do opportunity costs in the private sector offset benefits obtained in the public performance of duties? In the final chapter of part two (chapter six), a review of the legislative turnover literature is provided together with a recent evaluation of legislative retirements in two states. Career patterns are changing in the state legislatures, and these changes may have an impact on legislator incentives for internal reorganization and efficiency.

One of the more important conclusions resulting from the analysis provided in parts one and two of this book is that procedural efficiency is probably highly valued by most legislators. This may seem odd to many consumers of media commentary and coverage. Legislative inefficiency is a frequent accusation of frustrated chief executives and others who want particular results. Part three of this book is designed to explore methods of increasing procedural efficiency within legislative organizations.

In chapter seven a number of conceptual distinctions are introduced. Legislators are motivated, it is assumed, to reduce risks and to reduce decision costs. But these are not necessarily compatible goals. Are there optimal ways of organizing to minimize risks and costs? In chapter eight the notion of an “optimal committee system” is developed. Legislator survey results on committee structure are assessed in relationship to subcommittee use and chamber size. To what extent are legislators able to adapt to structural inefficiencies?

A major source of risky and costly decision making may be found in the “complexity of decision making.” How do legislators cope with complexity? Chapter nine assumes that legislators cope with complexity by finding ways of reducing it. Complexity is created in part by the sheer volume of legislation, and in part by the interpersonal nature of collective choice decision making. Legislators can reduce complexity by making appropriate committee organizational decisions. This chapter links the structure of preferences to committee organization in order to better understand efficiency requirements.

The final chapter describes a “scenario” for sponsorship success. There is also a counter scenario for sponsorship success. These two scenarios correspond to “efficient” and “inefficient” procedure in the processing of legislation. They are keys to understanding the way in which the legislative committee game is played.