The Complex Committee Game

Within the context of constitutional sanctions in the United States, the standing committees of the various legislatures have evolved along similar patterns. As the volume of demand for action in the form of legislative proposals has increased, responsibility for processing legislation has devolved upon the committees and their subcommittees. The elected party leaders and the chief executive no doubt have a major influence over what items are placed at the top of the agenda, but, with rare exception, such items must undergo the scrutiny of the committees. To counterbalance the weight of the leadership, committee chairs and rank-and-file legislators have agendas of their own. In addition, the sources of demand for change are widespread, found among countless national, state, and local interest group leaders as well as among the legislators themselves.

Evidence amassed for both Congress (Westefield, 1974; Shepsle, 1978; Ray and Smith, 1984) and the states would suggest that, typically, in order to meet in part this extraordinary demand, the legislative leadership begins the legislative session by practicing accommodation in making committee assignments, including enlarging committees for which there is a surplus of requests for membership. Committee chairmanships are also a potential source of contention. Such positions are in scarce supply in Congress, but the problem is solved there by having a multitude of subcommittee chairmanships. In the states, where seniority is much less a factor, legislative leaders are more likely to use political
preferences and leverage in making chair appointments. State legislative party leaders frequently have more freedom, however, to create new committees to accommodate members' ambitions.

The historical pattern over thirty years (1950–1984) has shown a decline in the number of committees in almost all legislative chambers in the states. The trend lines vary considerably, usually illustrating several increases and decreases in the number of committees, and sometimes characterized by a single major reduction. Reorganizations into fewer but larger committees in state legislative chambers has no doubt helped spawn the use of subcommittees. And likewise, the prospect of subcommittee use may offer sufficient reason to reduce the number of standing committees.

Why are legislative leaders so accommodating in the committee assignment process? A common observation is that they are simply in a weak position, for example, relative to the party leaders in parliamentary bodies. The reelection of a legislator in the U.S. depends much less on support of the party leadership than in most countries with parliamentary systems. A second reason, of equal or greater significance, is that legislators are not playing a zero-sum game. The leaders, for example, can have their way on a number of important legislative matters, yet not find it necessary to prevent other members from deriving benefits also. Such cooperation can be encouraged by doling out as many favors as possible in the committee assignment process.

Leadership accommodation solutions to these committee preference "puzzles" do not necessarily bring about solutions to policy preference puzzles; however, distributive policies, as defined in Lowi (1964), allow members to "pork barrel" for their districts in omnibus legislation (Ferejohn, 1974). Leaders and followers alike incorporate their district projects into major budget or appropriation approvals. Such projects are believed to bring in support in future elections. In this regard, several scholars have noted the norm of "universalism" (Polsby, 1968; Mayhew, 1974; Weingast, 1979) with respect to Congress. Universalism refers in this context to the unopposed inclusion of legislators' projects in an omnibus bill produced by a committee. Weingast is able to show logically why such an approach (called the Universal Legislative Game) makes sense, for example, when compared to situations in which minimal winning coalitions are sought (called the Distributive Legislative Game).

Most governors in the U.S. have the item veto. This is an extraordi-
nary tool in the hands of a single actor and can severely restrict a legislator’s success in obtaining projects for the district. An uncooperative governor may be able to wreck the “universal legislative game” by selectively vetoing the projects of legislators. The President of the United States does not have the item veto and will have great difficulty undoing an omnibus package. President Carter learned this lesson the hard way at the beginning of his term when he opposed public works legislation to build dams. Many of the projects were at best marginal on a benefit-cost basis. Carter had to veto either everyone’s dam or no dam at all.

So how can most state legislators respond to their dilemma? Not only are governors blessed with the item veto, but also the states have severe budget-balancing restrictions. Deficit financing is not open-ended. Estimated revenues act as a cap on appropriations, and in many states the governor has the power to withhold funds from expenditure categories if the legislature was too optimistic. The legislators have no choice but to “take it one step at a time.”

To the individual legislator with an agenda, the first major hurdle is the standing committee or its subcommittee. The legislator increases the chances of bill sponsorship success if:

1. He or she is a member of the committees (or subcommittees) to which personal agenda items are assigned, and
2. personal agenda items in fact do come up for committee-subcommittee consideration.

Organizational efficiency is an important matter, especially to those members without the access or influence to have their items positioned early in the committee agendas.

The second major hurdle occurs on the floor of the chamber (or possibly in the party caucus). If there is “reciprocity” among committees, action on the floor (or in caucus) is less likely to be conflictual and may appear to be little more than a routine processing of committee decisions. Floor or caucus decision making is further simplified if issues involving inseparable preferences have been taken up and settled at the standing committee or subcommittee level. Legislation surviving the standing committees and floor action may be subjected to conference committee action and gubernatorial action as well. Table 4.1 illustrates that the second chamber usually approves bills, with or without amendment, sent over by the first chamber (Median > 70%).

In sum, to maximize benefits, it is in the individual interest of most
legislators to maximize chances for approval of their personal agendas. The greater the success in standing committees and the chamber of origin, the greater the success in the enactment of legislation (chapter 2). It is in the interest of legislators to act out a game scenario that produces high success at early stages in the process.

**Scenario for Success**

An important part of the game is spawned by leadership accommodation in committee assignments. As depicted in Figure 10.1, accommodation allows members to sort themselves out according to "saliency of preference." In other words, members will ask to serve on committees dealing with issues most important to them, the same committees
through which they are likely to sponsor legislation. Because they serve on the committee they will have greater success in gaining committee approval. Committee approval makes it more likely that legislators will want reciprocity among committees, especially if they are on the committees dealing with issues most important to them. Reciprocity and committee approval will increase sponsorship success at the chamber level.

This scenario for sponsorship success may be seen as a conditional behavioral solution to the legislative policy making game. The same fundamental process could apply to a committee and its subcommittees (in Figure 10.1 simply insert "subcommittee" for committee and "committee" for chamber). A number of other factors, however, can decrease the effectiveness with which the game can be played.

Counterbalancing Inefficiencies

Committee assignment accommodation also leads to differentiation in committee size. To the extent that this leads to enlarging the more popular committees without reducing the size of other committees, legislators will receive an increased number of committee assignments. At the same time, when the leadership wishes to accommodate requests for committee chairmanships, one way to do it is to increase the number of committees. Again, such a change will tend to lead to an increased number of committee assignments.

An increase in the number of committee assignments may have little impact if the committees do not meet or consider legislation, but in the national survey of state legislators, complaint levels (by chamber) regarding "too many committee assignments" do correlate with the mean number of committee assignments \( (r = .60, N = 99) \). In order to illustrate this relationship, a scatterplot was examined and it was determined that a 20 percent complaint level in a chamber seemed to be a threshold. Using this criterion, data in Table 10.1 reveal that there is little difference in the complaint rate when three or fewer committee assignments per person are made. The proportion of chambers reaching the 20 percent complaint threshold, however, accelerates as the number of committee assignments increases.

Further examination of legislator responses reveals in fact that there are three different kinds of complaints that covary across the ninety-nine state legislative chambers:
1. Too many committee assignments (ASSIGN)
2. Scheduling and attendance problems (SCHED)
3. Committees dominated by the chairs (CHAIRDOM)

where ($r$ values):

\[ ASSIGN \rightarrow 0.43 \rightarrow \text{SCHED} \]
\[ \text{SCHED} \rightarrow 0.39 \rightarrow \text{CHAIRDOM} \]
\[ \text{CHAIRDOM} \rightarrow 0.29 \rightarrow \text{ASSIGN} \]

While data conditions do not warrant a formal path analysis of the above relationships, the results suggest that the number of committee assignments may be a key underlying factor in producing lower passage rates—mainly because too many assignments lead to scheduling problems and chair domination of committees. Leadership accommodation of preferences produces also a counter-scenario, as illustrated in Figure 10.2. Too much accommodation can lead to too many committee assignments, which then in turn can lead to scheduling problems and chair domination of committees. These latter two factors appear to have an adverse effect upon the bill passage rate, as shown in chapter 4 (Table 4.5).

**Equilibrium**

The above analysis implies that accommodation of committee assignment and chairmanship preferences can be carried too far. Increased accommodation will increase sponsorship success unless it leads also to

| Table 10.1 Relationship between Mean Number of Committee Assignments and “Too Many Committee Assignments” Complaint | Mean Number of Committee Assignments |
|---|---|---|---|---|---|
| | 2 or less | 2+ to 3 | 3+ to 4 | 4+ to 5 | 5+ or more |
| Above 20% Complain | 2 (10%) | 4 (12%) | 8 (31%) | 7 (54%) | 6 (100%) |
| 20% or Less Complain | 19 (90%) | 29 (88%) | 18 (69%) | 6 (46%) | 0 |
| 21 | 33 | 26 | 13 | 6 |
The search for the optimal set of accommodation moves can be seen as an equilibrium process. The system reaches marginal equilibrium when any change in accommodation (more or less) leads to a decrease in sponsorship success. A number of factors affect the equilibrium, including the amount of legislation offered (which has increased dramatically in the last thirty years), the influx of new members every two years, and changes in preferences of returning members.

Changes in the environment and the distribution of legislation to
various subject areas also encourages the creation of additional committees or changes in the committee structure. For example, from the early 1960s to the 1970s a large number of states created committees on energy and environment. These new committees may or may not subsume the subjects of older committees. In the 1980 Texas house, for instance, there were committees on energy resources, environmental affairs, and natural resources as well as committees on agriculture and livestock, and transportation. In the California senate there were standing committees on agriculture and water resources, energy and public utilities, and natural resources and wildlife, while in the house there were committees on resource, land use and energy with a standing subcommittee on energy, a committee on transportation with a standing subcommittee on air quality, a standing ways and means subcommittee on resources and transportation, and a committee on water, parks and wildlife.

In spite of apparent difficulties in sorting out the issues, especially in new areas of concentration, legislators are able to find ways of delegating issue responsibility to reduce decision-making complexity. A more detailed examination of bill assignments, as was undertaken for Indiana (chapter 2), will show normally that highly related legislation will go to the same committee.

It is clear from the above analysis that the chamber leadership approach to committee and chair appointments is the key to the way in which the committee game of legislating is played out. The leadership, intentionally or unintentionally, can "over-accommodate." From the equation:

\[
\# \text{ of Committee} = (\# \text{ of Committees})(\text{Mean Size of Assignments Committees})
\]

the impact of accommodation is clear. Intentional and excessive increases in the number of committee assignments could be seen as playing into the hands of the committee chairs and chamber leadership. Thus the equilibrium state described above may not be appealing to particular leadership coalitions.

Externalities

The incentive for efficient processing of legislation is strengthened by the external or "whole life" circumstances that most legislators face. In earlier chapters (5 and 6) we saw how opportunity costs can influence
legislator preferences for shorter legislative sessions. Legislators with substantial opportunity costs, owing to private occupation or family needs, are likely to see diminishing marginal returns with each additional day of legislative work required. Legislators who are "professionals," however, prefer to be full-time legislators and may very well support longer sessions for additional pay at the same rate. While these concerns are important, they are intermediate to long-term in nature. In the short-term (i.e., one legislative session or term), the self-interests of legislators may not be so disparate. Salaries for the session normally are fixed or limited and very few legislators are likely to benefit by per diem allowances over and above the minimum amount of time it takes to process the agenda. Thus as a whole, legislators are likely to benefit more in the short run by a system that processes legislation quickly and without the call for special sessions and overtime.

To the legislator the value of the legislative game is a function of the costs of playing the game and the net benefits derived from it. As we saw in chapter 5, the number of workdays required in the capital, and the success rate on legislation, are significant indicators of these costs and benefits, respectively. It is in the achievement of benefits that legislators have developed a number of interesting ways to proceed. The previous chapters have given evidence of both formal and informal adaptation in the behavior patterns of legislators.

Taking a longer view of state legislative histories, it would appear that five basic trends have occurred over approximately the last thirty years:

1. An increase in the amount of legislation.
2. An increase in the length or frequency of legislative sessions.
3. An increase in the amount of staffing.
4. A decrease in the number of standing committees.
5. An increase in the use of subcommittees.

These trends characterize an overwhelming proportion of states. At least three plausible explanations for these changes (mainly trends 2--5) can be put forward:

1. The need to exercise control over the executive.
3. The need to process increasing amounts of legislation.
It seems reasonable to speculate that many of these changes have come about in response to growth in the executive and the need to coordinate legislative policy and control with executive activities. As the executive expands, it devotes increasing human resources to the formulation of policies requiring legislative approval. If the legislature is to legislate it must maintain control by devoting increasing amounts of time to the job, by hiring staff specialists, and by coordinating its organizational structure with the executive department's organization. No doubt many state legislatures received impetus from the reform movement of the 1960s, highlighted by the efforts of the Citizens Conference on State Legislatures in *The Sometimes Governments* (1971). It so happens that a great many of the suggestions of the Conference are taken directly from Congressional practices. And one cannot help noticing the similarity of these trends to the evolution of Congress.

Even though it is possible to attribute the legislative changes to inducements relating to legislative control of the executive, and to the cloning of Congressional procedure, it is nevertheless the case that the above trends are all consistent with the need to increase the ability of the legislative chamber to process greater amounts of legislation. Thus one may argue that individual legislator demands are a strong contributing factor to the internal dynamics that result in the above trends.