**Richard Fenno’s Theory of Congressional Committees**

**and the Partisan Polarization of the House**

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The committee system is one of the two major organizing structures in both houses of Congress. About 40 years ago, Richard Fenno presented, in *Congressmen in Committees*, a theoretical overview and empirical analysis of committees in the House and Senate. In this chapter we seek to show how Fenno’s theoretical concepts are still relevant to understanding the House and its committees, while also demonstrating that empirical patterns have vastly changed. Our specific focus will be the three House committees that have been widely regarded as the most powerful and prestigious throughout this period: Appropriations, Rules, and Ways and Means.

**From Committee Independence to Partisan Dominance**

Although scholarship on the committee system in Congress can be traced back as far as 1885, with Woodrow Wilson’s *Congressional Government,* the first systematic analyses of committees dates back to the 1960s, and most notably to the work of Richard Fenno. Conducting his research during a period of relatively low levels of partisan polarization, Fenno developed a theory characterizing the committee system as an institution designed to meet the individual goals of members of Congress. In *Congressmen in Committees*, Fenno argued that members seek to achieve one or more of three goals: reelection, power within the chamber and good public policy, and it was within the standing committees that they were able to pursue these goals.[[1]](#endnote-1)

Under Fenno’s theory, although members were seen as individualistic, goal-oriented actors, they also served as agents for clusters of interested outsiders in the committee’s “environment.” Depending on a committee’s jurisdiction, these outsiders may have included clientele groups, the executive branch or the political parties. Combined with individual member goals, the influence of these groups worked to shape a shared set of strategic premises among committee members. It was these strategic premises that then served to influence committee activity and the content of committee reported legislation.

By analyzing the strategic premises within different committees, Fenno was able to characterize a committee’s level of decision-making autonomy, or the degree to which outside groups had an impact on decision-making processes (i.e. the committee’s “permeability”). Overall, he found that committees with the strongest consensus on strategic premises were the least permeable and thus the most autonomous in their operations. At the time, some of the most autonomous were also the most prestigious committees, including both Appropriations and Ways and Means.

While many external constraints varied by committee, Fenno noted that there were factors that affected the strategic calculations of members on all committees. One such constraint of particular importance was the seniority norm. Prior to 1910, the Speaker of the House had the right to appoint committee members and chairs and he chaired the Rules Committee, which set the terms of debate for bills on the House floor. However, following the revolt against Speaker Cannon in 1910, these powers of the Speaker were removed. After this, each party developed its own procedures for designing the committees and committee chairs began to be selected based on the committee service, not party loyalty. Up through the 1960s, it was the principally chairmen, not the party leadership, who shaped committee agendas, appointed subcommittees and decided when hearings would be held and how bills would be handled. With partisan conflict remaining relatively low throughout this time, the seniority norm continued to be accepted and served to shape the structure of all committees in a way that insulated them from the influence of the party. This independence was reinforced by a “property right” norm, under which members expected to be able to retain assignment to a committee once it was granted to them. Overall, low levels of partisan polarization meant that consensus among members of all committees was more common. In line with Fenno’s theory, this internal consensus allowed all committees to be more independent in their decision-making.

Interestingly, at the time *Congressmen in Committees* was released, significant changes had started to occur in Congress that began to alter the institutional role of committees. Since the 1930s, the Democrats were usually in the majority in Congress and because they were more likely to accumulate seniority, Southern Democrats gradually began to dominate committee chairmanships. Over time, these more conservative southerners began to align with Republicans to block northern Democratic policy proposals. Consensus among members of the Democratic Party on committees began to break down, which undermined support for committees’ institutional independence. Beginning in 1961, northern members of the Democratic caucus worked to dilute the power of the conservative committee chairs. They began by expanding the size of the Rules Committee in order to reduce southern dominance of the committee (which we discuss in more detail below). Then they instituted a series of additional changes under the Legislative Reorganization Act of 1970 to shift power away from committees and into the hands of the majority on the House floor.

Subsequently, changes in the make-up of the House membership set the stage for further shifts in power from committees to party leaders. Constituency changes in the 1960s and later, altered the ideological make-up of the parties in Congress. As a result of the Voting Rights Act of 1965, the Democratic Party began to see a shift in its voting base. As Southern blacks joined the Democratic Party and as more conservative voters began to leave the party, Democrats in Congress became more homogenous in their policy preferences, taking on a more liberal set of policy goals. Newly elected Democrats from the South began to have more in common with Democrats from the North, leading to less division within the party.[[2]](#endnote-2) As members of the Democratic Caucus grew more alike ideologically, and less like conservative Southern committee chairmen, they developed an increased incentive to strengthen the power of the party leadership relative to committees. Overall, it was the fact that committees were no longer sufficiently helping liberal Democrats meet their individual goals that they began to seek alternative institutional means.

As intra-party homogeneity and inter-party heterogeneity increased during the 1960s and 70s, the goals of members of different parties on the committee began to diverge and, in turn, committee autonomy decreased. Members of each party on the committees were now turning to their respective parties to accomplish their goals. Because the preferences of members within each party were becoming more similar, they were more willing to trust that leaders chosen to represent the party would seek policies that were in line with the members’ own preferences.

This shift of power away from the committee to the majority party leaders can be explained by applying the theory of conditional party government (CPG).[[3]](#endnote-3) This theory states that as policy preferences become more homogenous within a party, members will be progressively more likely to grant power to party leaders and support the use of that power. Moreover, as the two parties become more different, this tendency will be reinforced, as the consequences of losing majority control over policy become increasingly negative. In terms of Fenno’s theory, because greater ideological divergence between the members of different parties on the committee, there was more of a tendency for members to turn to party leaders rather than committee leaders to fulfill their individual goals. In turn, because individuals began to serve as agents of their own parties, members of the different parties on the committee no longer shared the same set of strategic premises.

Through the 1970s and 80s, as the liberal contingent of the Democratic party in Congress grew, there was increased incentive for members of the party to enhance the power of the party relative to the committee chairs. In an effort to end the automatic nature of the seniority system and potentially replace conservative committee chairs, the Democratic caucus adopted a rule providing for a secret ballot vote on all committee chairs. In addition, the party adopted rules to restrict the power of chosen chairs by shifting more powers to the subcommittees. The Subcommittee Bill of Rights, adopted in 1973, ended the ability of full committee chairs to appoint subcommittee chairs and control subcommittee budgets and staff. In the following year, the power to appoint Democratic members of committees was also shifted from the Democratic contingent on Ways and Means to the new Steering and Policy Committee (made up primarily of party leaders and their appointees). In addition, the Speaker of the House received further powers, including the right to appoint the chair and Democratic members of the Rules Committee and enhanced discretion over referring bills to committee.

Many observers claimed that the primary consequence of the reforms enacted in the 1970s was further decentralization of power from the committee chairs to the subcommittees.[[4]](#endnote-4) However, as Democratic Party homogeneity continued to increase throughout the 1980s, party members became increasingly willing to empower party leaders and support the use of leadership power to advance the party agenda. In the language of Fenno’s theory, the party structures in the House became increasingly prominent in the environments of the chambers’ committees, and therefore increasingly influential over the committees’ operations and decisions. Parties were now being seen as a means through which party members on the committees could advance their increasingly cohesive agendas.

Members who did not share the party’s dominant ideology, however, were facing increasing pressure from the party. Southern conservative committee chairs, for example, were induced to refrain from blocking party bills and to support the Democratic Party’s legislative program. As a result of the 1972 reform, in which chairs were to be confirmed (or not) by a secret ballot, committee chairmen began to recognize that their continued hold on their positions might now be dependent on their party support. This was confirmed in 1975 when three southern committee chairs were removed from their chairmanships and replaced by liberal northern Democrats. As a result of this new constraint on the power of the committee chair, sitting chairs and members who were close in seniority to committee chairs had incentives to increase their levels of support for the party’s agenda. Many members did change their behavior,[[5]](#endnote-5) including Rep Jamie Whitten, D-Miss who, in an effort to retain the chairmanship of his Appropriations subcommittee (and later gain the full committee chairmanship) increased his party unity score from eighteen points below the average Southern Democrat in 1973-74, to two points higher than the average Democrat in 1988.[[6]](#endnote-6) It became apparent that committee chairmen were no longer independent and insulated actors, free to run their committees as they saw fit, but instead were becoming agents of the Democratic Caucus.

From the reform period through the early 1990s, the homogeneity of both parties continued to increase and their ideological centers of gravity continued to move apart. This strengthening of the two conditions that underlay Conditional Party Government reinforced the incentives for creating stronger party leadership and supporting the exercise of their powers. For the Democratic majority, this process reached its peak under Speaker Jim Wright in the 100th Congress (1981-89).[[7]](#endnote-7) But after the 1994 elections, when the Republicans took over majority control of the House for the first time in 40 years, the partisan transition created the opportunity for a different organizational pattern and a test for the theoretical claims of CPG.

It was logically possible that the Republicans would choose to adopt a structure more like the old patterns before the Democratic reform era, but CPG would not predict that. The new, large class of GOP members was overwhelmingly conservative, moving the Republican contingent in the House to the right. Meanwhile, Democratic losses were disproportionately concentrated among the more moderate members, leaving the Democratic Caucus more liberal than before the elections. Thus CPG predicts a reinforcement, not a waning, of the concentration of power in the new majority party leadership, and that is what occurred.

First, the new Speaker, Newt Gingrich of Georgia, asserted the right to choose the chairmen of the committees that he regarded as most important for his party’s agenda.[[8]](#endnote-8) This established an even stronger connection between committee chairs and the Speaker. Second, Gingrich devised a new committee assignment system for the Republicans under which the top party leadership had much greater voting power. This permitted the leadership to dominate appointments to the top committees and build supportive contingents on them. Third, six-year term limits were imposed on committee leadership positions, further undermining the independent power of chairs. Using Fenno’s terminology, these developments increased the prominence of the party in the committees’ environments. This prominence was most visibly manifested when the Republican leadership compelled the Appropriations Committee to use its bills as vehicles for large changes in legislative policy, rather than just deciding on spending levels, as was its previous pattern. (We will offer some details on that effort below.)

In addition to these consequential organizational changes we have just mentioned, the party shift after 1994 was important for another reason. When Fenno wrote his analysis of committees, the House was in the middle of the four decades of Democratic rule. He did not focus on the importance of majority control, and we think it was for an obvious reason. Before and after he wrote, there was little doubt among analysts of the House, or among the members they studied, which party would hold the majority after the upcoming elections. This relative certainty, however, was shattered by the surprising GOP win in 1994. From that point on, majority control has been up for grabs in most elections. Moreover, because of the organizational developments we have described, majority control became more important. No matter which of Fenno’s three goals a member pursued, the chances of satisfying them were affected by whether the member was in the majority or the minority. Party became increasingly relevant to members’ individual reelection chances, both because of the import of party reputation to the electorate and the increasing role of party’s in campaign finance.[[9]](#endnote-9) If a member wanted to exercise power in the House, she would have more ability to do so as a member of the majority than the minority. And for members who cared about policy, it became increasingly true that majority status was essential to having influence. Thus with the 1994 elections, we propose an amendment to Fenno’s specification of goals, adding the achievement or maintenance of majority status as a fourth major goal.

Due to scandals and conflicts, Gingrich’s time as Speaker came to an end after four years. Another leadership transition offered another opportunity for the House to move back toward earlier organizational patterns. This was especially relevant because Gingrich’s successor, Speaker Dennis Hastert of Illinois, promised exactly that. He pledged that there would be greater independence and autonomy for committees, relying on their expertise to develop policy solutions within their jurisdictions. Again, however, this is not what CPG would predict, and it is not what occurred. Instead, Hastert continued to use the powers he inherited from his predecessor to influence the behavior and decisions of committees. In fact, he even expanded the influence of the party leadership. The most consequential example was at the end of his first term as Speaker, when the six-year term limits the Republicans had adopted in 1994 came due. Not surprisingly, many of the chairs who were slated to lose their positions no longer saw the merits of term limits and sought either their abolition or individual exceptions. Hastert, however, resisted these efforts and kept the term limits in effect. Moreover, when it came to filling the large number of chair vacancies that this created, he set up a new selection procedure that basically obliterated the remaining vestiges of the seniority norm. Chairs were to be selected via competitive elections within the party’s steering committee, which was in turn dominated by party leaders and their supporters. Then two years later, at Hastert’s initiative, this new procedure was extended to the selection of subcommittee chairs on the powerful and consequential Appropriations Committee.

This Republican regime lasted until the Democrats retook control of the House in the 2006 elections. When they took over, they reverted to their previous selection system for committee chairs, presuming that the most senior member got the first shot, but requiring a secret-ballot vote to confirm each one. They also kept some of the rules that the Republicans had added, including term limits on chairs, at least temporarily.[[10]](#endnote-10) During the 110th Congress (2007-2009) Speaker Nancy Pelosi (D-Calif.) frequently pressured committees and their chairs to produce legislation that served her party’s interests. For example, she once forced John Dingell, chairman of the Energy Committee and the most senior Democrat in the House, to change the content of a bill his committee had approved. Then at the beginning of the 111th Congress, when the Energy Committee would critical in shaping many bills important to the newly elected President Barack Obama, one of Pelosi’s strongest allies in the chamber—Henry Waxman of California-- successfully sought to displace Dingell as committee chair.

When the Republicans regained control of the House in 2011, they adopted a rules package that contained several provisions that had initially been adopted by the GOP in 1995, including a reinstatement of six-year term limits on committee chairmen. When selecting chairs, the Republican Steering Committee generally chose members who were the most senior for the position, only bypassing seniority when this conflicted with new term limit rules. Facing a divided Conference of traditional conservatives and newly elected “Tea Party” insurgents, the Speaker of the House John Boehner (R-Ohio) pledged to change the “top-down” approach to House politics, giving committee chairmen more control over legislation and allowing party members more opportunities to modify legislation by way of amendments.[[11]](#endnote-11) Throughout the term, however, Boehner became increasingly involved in the legislative process in order to foster party unity and pass key legislation in the House, frequently bypassing or pressuring committees. This often resulted in the shifting of policy further to the right in an effort to garner the support of party conservatives.[[12]](#endnote-12) From the point of view of CPG, we would expect this more heterogeneous party contingent to be less likely to grant the leadership a free hand in employing the powers delegated to them, and that is what has transpired.

So we see that in the decades after the initial Democratic reforms of the 1970s, the pattern of strengthening party leadership in the House was extended and reinforced, just as Conditional Party Government theory expected. The era of independent and autonomous committees and weak parties had been replaced by a system in which party contingents on committees were agents of their respective party contingents in the chamber. And the party’s interests and wishes were pressed on the committees by the leadership. Yet with all these changes, the structure of Fenno’s theory remained almost completely applicable, although many substantive details changed. Members retained multiple goals (including the enhanced importance of majority control), all of which could be benefitted via committee service. Committees continued to be influenced by important actors in their environments, although parties in the chamber became much more prominent and the importance of many other actors receded. The more polarized context led to changes in the decision premises of committees, and parties came to have much more influence on outcomes.

With this general treatment as background, we now turn to focus on the two most important committees Fenno included in his account, Appropriations and Ways and Means, in order to show in some detail the impact of the changes we have described on individual committees. We add to our coverage the third “prestige” committee from the period about which Fenno wrote, Rules. Even though Fenno did not include Rules as one of the six House committees he considered, it was central to the developments we have focused on and it was closely linked to the happenings on the other two committees we examine.

**Rules: The Reforms’ First Target, The Biggest Impact**

Before the 1960s, the Rules Committee was described by many as a “legislative cemetery.”[[13]](#endnote-13) This was because of its propensity to prevent bills its members did not favor from being considered by the full House. The committee was the traffic cop of the legislative agenda. Almost all major bills required a “special rule” to make it to the House floor. That rule would specify the parameters for debate, including length of time and whether amendments would be considered. It could also specify whether any rules of the chamber would be set aside for the purposes of considering that particular bill. For a long time, the committee was made up of twelve members, eight from the majority and four from the minority. When the Democrats controlled a majority, two of the eight on their side were conservative southerners (one of whom, Howard “Judge” Smith of Virginia, was the chair from 1955-1966). Frequently the two southerners would vote with the four Republicans to block bills favored by northern Democrats, hence the “cemetery” characterization.

As troublesome as the committee’s behavior was for the majority of Democrats in the 1940s and 1950s, concern was heightened by the election of John Kennedy as president. There was great fear that Rules would sabotage much of the Kennedy agenda, so some liberal Democrats worked to prevent this from happening. One proposal was to alter the powers of the committee while another was to change the membership (perhaps by removing Smith), but Speaker Sam Rayburn of Texas opposed these ideas for both tactical and substantive reasons. Instead Rayburn agreed to support a plan to enlarge the committee by three members (two majority and one minority), and he secured House approval of that proposal when the Congress convened in 1961.

While this new regime largely did away with bills being blocked by an evenly divided committee, it did nothing to change the insulation of the members and the chair from the influence of the majority leadership. If the majority members of Rules supported the Speaker’s plans and proposals, it was because they *chose* to do so, not because they were induced to do it by institutional arrangements. This modest improvement in the situation for “national” Democrats (mostly liberal northerners and a few southerners in sympathy with them) was all that was practical in the 1960s, when the Democrats were deeply divided along regional lines.[[14]](#endnote-14) However, as the ideological balance shifted in the party in the 1970s, the reformers sought much more. After the 1974 elections, the Democratic Caucus approved a change in its rules that granted the Speaker the power to appoint and remove the chair and majority members of the Rules Committee, subject to the ratification of those choices by the Caucus. This change was proposed by Richard Bolling of Missouri, a senior member of Rules, and long-time advocate of reforms to strengthen the majority party’s leadership. By this single action, the party transformed the relationship between the Democrats on the committee and the party leadership. Both the property right norm and the seniority norm were obliterated for this committee’s majority members, and the basis for its autonomy was eliminated.

From this time forward, Rules was no longer an independent influence on the House agenda. It became instead, in Oppenheimer’s words, an “arm of leadership.”[[15]](#endnote-15) In terms of Fenno’s theoretical framework, the Speaker and the rest of the party Caucus became a much more prominent element in the committee’s environment, and the influence of all other environmental forces was reduced enormously. The committee had become, in effect, an agent of the Democratic leaders, although it took those leaders a while to take full advantage of the new circumstances. With the increase in partisan polarization that followed on the election of Ronald Reagan as president, however, the leadership began to make more robust use of the committee to control floor activity in order to produce outcomes more favorable to their party.

The special rules issued by the committee could control various aspects of floor procedures, but the most important of these under the new regime was what amendments would be permitted. Before 1975 this matter was fairly simple. Most special rules were “open;” any amendment that was otherwise legal under House rules was permitted, and so the amendment process was free of restriction for most bills. In a few cases, on the other hand (most of which involved tax bills from Ways and Means), all amendments were banned. These were called “closed” rules. For such bills, the floor was offered a “take-it-or-leave-it” choice; no changes were feasible. For a special rule to take effect, it had to be adopted on the floor. Closed rules were few, but they tended to involve conflict between the parties and they often provoked partisan roll calls for adoption. Open rules were seldom voted on by roll call. So, as Figure 1 shows, up through the 93rd Congress (1973-75) there were relatively few roll calls on special rules and the proportion of those votes that were partisan (by two alternative definitions[[16]](#endnote-16)) varied erratically from one congress to another.[[17]](#endnote-17) From 1975 on, other types of rules emerged. They were known by various names, but the generic term was “complex” rules.[[18]](#endnote-18) The thing all the variations had in common was that some amendments were permitted and some were not, and it was Rules that decided (under the command of the Speaker) which was which.

-INSERT FIGURE 1 ABOUT HERE-

Why did this matter? Why was control of amendments important? There were two major reasons. First, amendments, if adopted, would change the policies proposed by committee bills. Because of the increasing homogeneity of the preferences of House Democrats and of the reforms that undermined committee autonomy, bills reported by committees increasingly reflected the views of a majority of Democrats. Amendments from the minority party would usually propose changes *away* from what Democrats wanted. Thus if a minority amendment were likely to pass, Democrats had an incentive to block its consideration. But, one might ask, why not just vote down such an amendment? The answer is that while some Democratic members might oppose those amendments (based on their own personal policy preferences), their constituents might not. This was often true for Democrats from the South or from competitive constituencies that tilted toward the Republicans. For such members, it was much to their advantage not to have to go on record on those amendments, and the Rules Committee could prevent that by blocking amendments from being offered.

But it wasn’t just amendments that might pass that were a problem. The minority also had an incentive to propose amendments that they were sure would fail but that would prove politically embarrassing to some Democrats, such as those types just noted. So blocking amendments could prevent both legislative and political damage to members of the majority. In addition, the minority might use amendments to consume floor time and delay the overall flow of the legislative process. In this case control of amendments protected the majority’s legislative program in the aggregate. Thus the Rules Committee was important for protecting all four goals of their members we discussed above. And over time, the leadership devised other means beyond just blocking amendments to serve majority interests, such as specifying in the special rule that certain desirable amendments would be automatically adopted with the rule, thus protecting their members from having to cast a specific vote in favor.[[19]](#endnote-19) The increasing use of special rules to serve the majority’s interests was reflected in the changing pattern of roll calls on them. As the majority party sought to use special rules more frequently to their advantage, the votes on those rules exhibited more partisan conflict. Using the standard of simple majorities of the parties being opposed, the proportion of votes on special rules that were partisan grew from 27 percent in the 94th Congress (1975-77), when the Speaker gained control of Rules, to 88 percent in the 103rd Congress (1993-95; see Figure 1), at the beginning of President Clinton’s first term.

These developments all occurred during the forty-year period that the Democrats controlled the House. Not surprisingly, the Republicans vigorously protested the Democrats’ manipulation of the floor agenda, charging that the minority was being unfairly treated.[[20]](#endnote-20) Then came the election of 1994, and the first transfer of partisan control in four decades. The new Republican leadership, under Speaker Newt Gingrich of Georgia, had the chance to reveal its approach to these issues. The first indication that the role of the Rules Committee might not be different under the GOP came when the Republicans retained the right of the Speaker to appoint its chair and majority members.

Thus the majority contingent on Rules remained an agent of the Speaker. Moreover, after so long in the minority, there were many policy changes the Republicans wanted to enact. This resulted in continued efforts of the majority to control the agenda in the new regime. Despite their previous objections, some of the GOP strategies paralleled what the Democrats had done: limiting or blocking amendments by Democrats while permitting amendments by members of the majority. David Dreier (R-Calif.), a member of Rules under Gingrich and later its chair under Speaker Dennis Hastert of Illinois, noted that he used to complain about the Democrats’ use of special rules, but he quickly learned that the majority needed that capability. “’I had known what it took to govern,’ he acknowledged. Now ‘our number one priority is to move our agenda.”[[21]](#endnote-21) Impartial observers judged that the Republicans’ use of strategic agenda control was at least equal to their Democratic predecessors. For example, Don Wolfensberger, former head of the Republican staff on the Rules Committee, contended: “By the 107th Congress (2001-2003) … the Republicans had far exceeded the Democrats’ worst excesses in restricting floor amendments.”[[22]](#endnote-22)

In other ways, moreover, the Republicans’ agenda controls were more extensive and innovative than what the Democrats had employed. As we noted, the new GOP majority wanted to make many substantial changes in existing policy. Their leaders were concerned that the party’s senior members on committees might be resistant to those changes because they would have vested interests in current arrangements within their jurisdictions. So the leadership planned to bypass the standing committees in many instances by embedding legislative changes in various appropriations bills.

One difficulty with this strategy was that it is a violation of House rules to have legislative language in appropriations measures; they are only supposed to set spending levels. However, control of the Rules Committee provided a solution because a special rule can set aside standing House rules for the individual bill it applies to. Thus the majority party could legislate via appropriations bills, but they could deny the minority the same capability. The Republicans used this device extensively during the four years of Gingrich’s speakership, and more sparingly in subsequent years.[[23]](#endnote-23) We will discuss some details about these efforts in the section on the Appropriations Committee below.

The Republicans’ intensification of agenda control efforts is reflected in the roll-call data on special rules in Figure 1. The proportion of the votes that were partisan by the 51 versus 51 percent standard, which we saw had already been very high, inched up a bit more by the last two Republican congresses, the 108th and the 109th (2003-2007), surpassing 90 percent. But even more striking is the pattern in the other line of data, which sets a much higher standard for partisanship: at least 90 percent of each party in opposition to the other. In earlier congresses in the series, the proportion of such highly conflictual votes was quite low (below 20 percent), but from the 100th Congress on, it began to rise substantially, and by the end of the Republican period of control in the 109th Congress, it surpassed 80 percent. In addition to the majority’s intensified efforts to control the agenda, another reason for this sharp increase in partisan votes on rules was the response by the minority party, which actively began organized efforts to defeat the adoption of the majority’s special rules.

The majority party’s efforts to secure agenda advantage, and the divisive partisan conflict over those efforts, persisted during the two Democratic congresses from 2007-2011. From the time she took the top post, Speaker Pelosi demonstrated her willingness to use special rules to advantage her party’s priorities.[[24]](#endnote-24) And, as we see in Figure 1, her tactics produced virtually complete partisan polarization on rules votes. In the 110th Congress, 98 percent of those votes found 90 percent party majorities on opposite sides. Another development at the beginning of that Congress vividly demonstrates the changed status of the Rules Committee due to its altered relationship to the majority leadership. At the time Fenno wrote, an assignment to Rules was in high demand, usually going to members with significant prior service, and it was an exclusive committee (i.e., the only one on which a member could serve). In the 110th Congress, when the Democrats took over, they had to appoint five new members to fill their allotment. Four of the five were freshmen, and the Democrats also removed the “exclusive” designation, permitting members to serve on other committees as well. The committee that was so desirable when it was an independent seat of power in the chamber was much less so as a service committee in support of the majority leadership.

When the Republicans retook control of the House after the 2010 elections, they restored their previous arrangements regarding the relationship between the committee and the leadership. Data from the first nine months of the 112th Congress indicate that the leadership continued active efforts at agenda control via the committee, with forty-percent of the rules being closed and another thirty-seven percent being structured.[[25]](#endnote-25)

**Ways and Means: “Restrained Partisanship” Becomes Less Restrained**

With jurisdiction over policy areas such as tax, social security and trade, the Ways and Means Committee has historically been one of the most influential committees in Congress. In foundational studies of the committee, both Richard Fenno and John Manley highlighted how members on and off of the panel functioned to protect the committee’s prestige and influence in the House.[[26]](#endnote-26) As Fenno emphasized, committee members, like those on Appropriations, were motivated primarily by the goal to attain power within the House. Ultimately, they were able to achieve this goal by having relatively autonomous control over the direction of Ways and Means policy, and for the majority party on the committee there was also the added power to control committee assignments.

According to Fenno, the most significant environmental constraint on individual committee members at the time was the other members of the House, who both desired an influential tax committee and a committee that was responsive to the collective interests of the chamber.[[27]](#endnote-27) The desire for maintaining a responsive committee resulted in the selection of “reasonable” and “responsible” members, while the desire to maintain an influential committee resulted in the acceptance of “a special degree of procedural autonomy” for the panel.[[28]](#endnote-28) In this instance, both rules and customs were designed to enhance the ability of the Ways and Means Committee to dominate decision-making on issues within its jurisdiction. Of particular importance were rules allowing for closed mark-ups, routine closed rules prohibiting floor amendments, and exclusive access to expert staff of the Joint Committee on Taxation.

In order to retain their influence and independence as a committee, Ways and Means members developed a shared strategy of designing bills that could pass the House. Thus, despite the fact that clear partisan divisions existed on policy within the committee’s jurisdiction, panel members practiced the norm of “restrained partisanship.”[[29]](#endnote-29) While party pressures played a secondary role in constraining the environment and thus the policy decisions made by the Ways and Means committee, maintaining the power and prestige of the panel remained of primary importance.[[30]](#endnote-30) As a result, committee members often subordinated their specific policy objectives in order to generate policy that was pleasing to the rest of the chamber.

The chairman of the committee in the pre-reform era, Wilbur Mills (D-Ark.), played a particularly important role in maintaining autonomy and fostering committee prestige. Due to the fact that the panel was relatively small (25 members) and there were no subcommittees, power remained highly centralized around the Chairman.[[31]](#endnote-31) This arrangement, however, worked to the advantage of committee members, as it allowed the Chairman a greater opportunity to direct legislative activity and foster consensus among members. In order to maintain influence in the House, which was a goal of both Mills and his committee, the moderate chairman worked closely with the other members, often in closed meetings, to generate policy that would win the favor of the House floor.

Beginning in the 1970s, however, both internal forces on the committee and political forces external to the committee began to alter the panel’s environment. Between 1969 and 1974, four of the seven newly appointed Democrats to Ways and Means were outspoken liberals who began to place partisan policy goals above consensus building.[[32]](#endnote-32) In addition, with the retirement of ranking Republican member on the committee John W. Byrnes (R-Wisc.) in 1972, and with the health trouble and eventual departure of Chairman Mills in 1974, the committee lacked a strong set of leaders who were dedicated to fostering compromise and restraining partisanship among members.[[33]](#endnote-33) Off of the committee, Democrats on the House floor were becoming increasingly frustrated with Ways and Means for failing to produce major legislation in the areas of health insurance and tax reform, both of which were at the top of the Democratic agenda in the early 1970s.

As a result of their discontent, the Democratic caucus began to enact a series of measures designed to alter the committee’s operations and the strategic premises of its members. The first attempts to weaken committee autonomy came in 1973, when the caucus voted to modify the use of the closed rule for Ways and Means legislation and strengthen procedures concerning committee meetings. Under the new rules, committee meetings were opened to the public (unless a roll call was taken to close the meeting on a particular issue) and Democrats could vote to allow for the consideration of specific amendments to Ways and Means legislation on the floor. In addition, the caucus voted to add three elected party leaders (the Speaker, the majority leader and the Caucus chairman) to the Committee on Committees, which enhanced partisan control over committee assignments. Further reforms that had significant effects on Ways and Means included one provision (passed in 1974), which mandated that all committees larger than twenty people were to establish at least four subcommittees.[[34]](#endnote-34) Reversing the earlier decision made by Chairman Mills to abolish subcommittees, this reform operated to decentralize power on the panel.

After the 1974 election, the power of Ways and Means was weakened further, as a larger Democratic majority in the House (which included 75 new freshman Democrats) voted to transfer additional power out of the hands of the committee and the chairman and into the hands of the party caucus. One the most significant powers removed was control over committee assignments, a duty Democrats on Ways and Means had been performing since 1911 when the committee-on-committees function was established. Committee assignment responsibilities were now in the control of the newly established Steering and Policy Committee, which was composed of party leaders, regional representatives elected by the Caucus, and a number of additional members appointed by the Speaker. [[35]](#endnote-35)

Randall Strahan used Fenno’s theoretical framework to assess how the 1970s congressional reforms altered both individual member goals and the environmental constraints on committee operations. He found that the prestige of the committee within the House declined due to these reforms. After the reforms, many members on the committee became more concerned with policy, as opposed to gaining influence in the House.[[36]](#endnote-36) In terms of environmental constraints, the party was seen as taking a more significant role. Party leaders continued to influence the committee recruitment process, as they had done before the reforms, but the majority party became even more prominent, further reinforcing incentives for Democratic committee members to toe the party line. Majority party influence on the committee was enhanced with the enlargement of partisan staff on the committee, the reestablishment of partisan committee caucuses, and the overall increase of the majority/minority ratio on the committee.

As Strahan contends, the new focus on partisan politics within the committee made it more difficult for members to reach a consensus on strategic premises, which in turn, rendered committee decision-making far more permeable to outside forces.[[37]](#endnote-37) In concurrence with this argument, Catherine Rudder notes that the reforms allowed members outside of the committee not only to challenge the committee’s bills on the floor but also to circumvent the committee’s decisions by attaching legislative language affecting tax policy to Appropriations legislation.[[38]](#endnote-38) Although Dan Rostenkowski (D-Ill.), chairman of the Ways and Means Committee from the 97th through the 103rd Congress, built a reputation for his efforts to enhance bipartisan compromise on Ways and Means legislation, as the parties on and off of the committee became increasingly ideologically divergent, he began to receive less and less support from the minority and more pressure from liberal Democrats to acquiesce to their partisan demands.[[39]](#endnote-39)

As seen in Figure 2, partisan division on the content of Ways and Means legislation was rising during this time.[[40]](#endnote-40) Looking at the percent of all amendment votes that were partisan (51/51), we see that division between the two parties generally increased from the reform period (starting in the 92nd-93rd Congresses) up to the 101st Congress (where it dropped to 45 percent) and then rose again in the 102nd and 103rd Congresses. On final passage votes, partisan division peaked in the 94th Congress, dropped slightly, and then steadily increased through the 99th-101st Congresses. While the percent of partisan final passage votes dropped during the last two terms in which the Democrats controlled Congress, it should be noted that it was during this same period that partisan disagreement on amendments to Ways and Means legislation was increasing (peaking at 77 percent in the 103rd Congress).

-INSERT FIGURE 2 ABOUT HERE-

After the election of 1994, partisan influence on the committee was further enhanced, as Speaker of the House, Newt Gingrich, worked to drastically shift the direction of tax policy. The Republicans named the conservative, anti-tax Bill Archer (R-TX) chair of the Ways and Means Committee and because cutting taxes was a central concern of the Republican Party,[[41]](#endnote-41) the influence of the majority party leadership on the committee became even more pronounced. Unlike the consensus-building environment fostered under Chairman Mills, and attempted by Archer’s predecessor, Dan Rosenkowski, parties on the committee became increasingly divided and the political situation on the panel began to look “increasingly like war.”[[42]](#endnote-42) While working to eliminate the income tax and enact a variety of other cuts,[[43]](#endnote-43) the Republicans frequently left Democrats out of the decision-making process, giving them little time to deliberate on tax legislation and limiting their role in conference committees. Republicans also engaged in a variety of procedural tactics, such as holding open votes on the House floor past the usual time limit, in an effort to secure additional votes to pass crucial pieces of legislation in the House. Overall, the leadership became less concerned about “preserving Congress as a vital institution” and maintaining the prestige of the Ways and Means Committee and more concerned with “elevating the Republicans” and preserving their majority party status.[[44]](#endnote-44)

Up until the Republicans lost control of the majority in the House in 2006, the party continued to serve as the primary environmental constraint on committee operations. When Archer’s term as Chairman expired in 2000,[[45]](#endnote-45) the leadership ignored the seniority norm, appointing Bill Thomas (R-Calif.) to chair Ways and Means.[[46]](#endnote-46) Thomas was heavily influenced by the partisan rhetoric of Newt Gingrich and worked throughout his term to “pay back” the Democrats for excluding him from policy debates during his 16 years in the minority party.[[47]](#endnote-47) He worked closely with Majority Leader Tom DeLay (R-Tex.) to bring partisan legislation to the floor (often relying on restrictive rules to do so) and frequently denied the minority party time to review legislation, let alone offer alternative proposals. When the Democrats protested their inability to review a pension reform bill in 2003, Thomas even called the Capitol Police, only apologizing for his behavior after being pressured by the Speaker, Dennis Hastert (D-Ill).[[48]](#endnote-48) Partisan division on the direction of Ways and Means legislation became particularly pronounced during Thomas’ time as chair, as demonstrated in Figure 2. We see that the percent of partisan final passage votes jumped to over 67 percent in the 107th Congress, remained above 60 percent in the 108th Congress and increased further to 79 percent in the 109th Congress. During this time period, partisan division on amendments also remained high, peaking at 93 percent in the 107th Congress and remaining above 60 percent in the succeeding terms.

In hopes of maintaining their majority status, Republican leaders became more open to compromise on Ways and Means legislation in 2006.[[49]](#endnote-49) However, such efforts were ultimately unsuccessful and they ended up losing control to the Democratic Party in November. Reverting to their previous greater reliance on seniority, the Democrats chose Charles Rangel (D-NY) to lead the Ways and Means Committee. A trusted agent of the party leadership,[[50]](#endnote-50) Rangel operated within a new kind of Democratic regime in which committee chairmen were no longer the “autocratic barons” that they had been before the reform era.[[51]](#endnote-51) Despite initial hopes of working with the Republicans to craft tax policy, Rangel was often forced to accept the proposals of the Democratic Party leadership and Speaker Pelosi. During debate on the 2009 Health Care Reform bill (HR 3200), Ways and Means Republicans complained that the committee was “playing second fiddle” to Pelosi, who had crafted the bill during a series of private meetings with the chairman and relevant subcommittee chairmen of Ways and Means, Energy and Commerce, and Education and Labor.[[52]](#endnote-52) Dave Camp (R-Mich.) who served as ranking member on Ways and Means in 2009 stated that there was “a pattern of outsourcing plans to Nancy Pelosi” and that this was diminishing the role of the panel.[[53]](#endnote-53) During a 14-month span of time between 2009 and 2010, the committee met a total of four times (marking up only two bills), allowing much of the decision-making to happen in the office of the Speaker.[[54]](#endnote-54)

More so than ever before, the autonomy of the Ways and Means committee was severely diminished in the 110th and 111th Congresses. According to House Republicans, the prestige of the committee declined, as power was transferred away from committee members and into the hands of Democratic Party leaders. This arrangement however, did not conflict with the policy goals of committee Democrats. Coming from primarily safe, liberal districts, Ways and Means Democrats were happy to grant Pelosi additional power to influence the committee decision-making process, primarily because this arrangement served as an efficient means for achieving their shared partisan policy goals. This behavior conforms nicely with both Fenno’s original theory of committees and the expectations of CPG theory. Applying Fenno’s original theoretical framework, we see how shifts in the pattern of individual member goals over time and the lack of consensus on strategic premises among members of the two parties on the panel increased committee permeability and enhanced the importance of the party relative to the committee. As a further extension of this, and in line with CPG theory, we see how the increase in inter-party heterogeneity and intra-party homogeneity on the committee actually served as a catalyst for the panel’s new relationship with the party leadership. As partisan policy goals of the Democratic members of the committee became increasingly important, and as these goals more closely aligned with those of party leaders, transferring power to the leadership to direct the decision-making process became an increasingly attractive strategy.

When the Republicans regained control of the House in 2011, Speaker, John Boehner (R-Ohio), vowed to return to a more traditional, committee-driven approach to congressional politics.[[55]](#endnote-55) In hopes of creating Ways and Means policy that would appease both more conservative and moderate members of the Republican Party, a Democratic Senate and a Democratic President, the leadership appointed Dave Camp (R-Mich.) to chair the committee. Camp, a self-described social and fiscal conservative, also presented a low-key, deliberative approach to crafting policy. Initially, this method was met with success, as Camp was one of few chairmen to author policy that was signed by the President (a bill to repeal the 1099 reporting requirement included in Obama’s Health care package). However, he soon began to face mounting opposition from both Democrats and the conservative wing of this own party. In 2011, Camp was forced to scrap two key trade and insurance bills (an extension of the Trade Adjustment Assistance Act and a bill to overhaul unemployment insurance) because they did not have the support of freshman conservatives on the House floor. In seeking to reform the tax code, Camp faced an even greater challenge of balancing the wishes of Republicans who hoped to significantly reduce the tax rate and Democrats who sought to get rid of tax breaks and redistribute burdens across income levels.[[56]](#endnote-56)

Although ideological divisions within the Republican Party made it more difficult for Boehner and the party leadership to direct operations within Ways and Means in the 112th Congress, the influence of the leadership on the committee remained, becoming even more pronounced as the term proceeded. In hopes of passing key pieces of legislation before the 2012 election, Boehner became more active in regard to the committee, looking to foster compromise among both conservatives and moderates in his party. Because maintaining majority status in the House has become so imperative for individual lawmakers working to achieve their policy goals, it was important for the Republicans to reach an agreement and pass legislation to “show voters that (they) could get things done.”[[57]](#endnote-57) In the process of passing an extension of the payroll tax cut in February 2012, the Speaker made extensive efforts to reach out to conservative freshman in his party, gaining crucial support for the measure. Although many were not completely satisfied that the bill did offset tax cuts with spending reductions, some were willing to accept the compromise, especially those from unsafe electoral districts.[[58]](#endnote-58) As a result of leadership efforts, the bill did end up passing the House and was later signed into law by the President.

In contrast to the pre-reform era and Fenno’s committee studies, we see that the decision premises of Ways and Means have been significantly altered, largely due to the substantial increase in the importance of policy goals and the fact that these goals have become more closely tied to a new goal of members to maintain majority status in the House. With regard to the norm of “restrained partisanship,” the modifier has disappeared partly because of the increased polarization of committee members on policy and the interest and the ability of majority party leadership to engage in politics inside of the committee. The party leadership remains a powerful constraint on committee operations but disagreement between conservative and moderate Republicans has rendered the job of the leadership increasingly difficult. That being said, while conservative members of the party disagree with many proposals put forth by the leadership, many have shown their willingness to compromise in an effort to keep policy control out of the hands of congressional Democrats.

**Appropriations: The Decline and Fall of Bipartisanship**

The Appropriations Committee that Fenno described in 1973 was the least partisan of the six committees he studied. In his 1966 book on the committee, he described a complex social system with norms that new members learned, one being that “Every subcommittee is expected … to observe the norm of *minimal partisanship,*” and that picture remained true in 1973.[[59]](#endnote-59) Exercising power in the chamber was the chief goal of committee members, and the decision premises adopted by the committee sought to protect that interest. That effort was reflected in the Committee’s powerful and deeply institutionalized subcommittee system. Collectively known as the “College of Cardinals,” the chairs of the 13 subcommittees had similar status to other full committees’ chairs. No other committee had such independently powerful subcommittee chairs.[[60]](#endnote-60) This structure sought and achieved a high level of specialization among members.

Collegiality across party lines was reinforced by strenuous efforts to avoid putting committee members on the record in opposition to one another. This was mainly accomplished by avoiding roll calls within the committee whenever possible. The committee’s leaders sought the highest possible degree of cohesion on the floor, where speeches by members emphasizing the committee’s bipartisanship were commonplace. Members chosen for assignment to the committee were usually senior and from safe districts, so they could more easily make the difficult choices the committee faced. As with Ways and Means, those who assigned members to the committee sought “responsible” legislators, dedicated to hard work and lacking strong ideological commitments.[[61]](#endnote-61)

The Democrats’ reforms in the 1970s affected Appropriations, but less than other committees. Smith and Deering described changes in members’ goals by the 1980s, with an increase in the proportion of members who had policy motivations.[[62]](#endnote-62) The congressional budget process, instituted in 1974, also reduced the power of Appropriations and increased the influence of partisan considerations in spending decisions. However, the basic structure of independent and powerful subcommittees persisted. A large-scale study of Appropriations by Joseph White in 1989 found that both parties were placing more emphasis on party loyalty in appointments, but both also still sought “responsible” members.[[63]](#endnote-63) He also contended that subcommittee deference was still strong, and that the “committee remained one of the most nonpartisan on the Hill.”[[64]](#endnote-64)

The limits on change in Appropriations are due in part to the nature of its jurisdiction. Previous statements of conditional party government theory have emphasized that not everything is partisan, and that the theory is relevant to the part of the agenda that is partisan. This distinction is especially relevant to Appropriations, where much of the focus of members’ interests was in “distributive politics”—bringing federal spending home to their districts or to their political clients.[[65]](#endnote-65) In general, the parties had no collective interest in the pattern of distributive outcomes, and so that aspect of the committee’s business did not entail increasing partisan conflict. Both continuity and changes in the committee are reflected in the roll call data on appropriations in Figure 3. By the late 1970s (the 95th Congress onward) there was a sharp increase in partisanship on special rules for appropriations bills, a consequence of the partisan control of the Rules Committee and efforts of the majority to control the agenda we have discussed. Party conflict on some details of appropriations, reflected in amendments, was also frequent and fairly steady. However regarding the ultimate support for the committee’s collective decision on final passage, there was a noticeable increase in partisanship through the 1970s and into the 1980s, but it still affected only about a third of the bills.

-INSERT FIGURE 3 ABOUT HERE-

Major changes in the committee did come, however, when the Republicans took control in 1995. As we described above, the GOP contingent in the House became much more homogeneously conservative. Moreover, the party—and especially the large group of freshmen—wanted to make major changes in government policy, particularly with regard to spending. Thus Appropriations was a committee that would be important to the party. Speaker Gingrich picked Bob Livingston of Louisiana to be the chairman of the committee, passing over four other GOP members with more seniority, because Gingrich thought Livingston would be loyal to the party’s efforts. And like other committee chairs, Livingston was given the power to choose subcommittee chairs and hire staff. Then Gingrich used the new leadership-dominated committee assignment system to reshape the committee’s membership. In the past, the appointment of freshmen to Appropriations was rare, but the Speaker had a strong link to the new members, many of whom felt that they owed their success to Gingrich’s efforts. As a consequence, seven of the eleven new appointments to the committee were freshmen, and the other four were in their second term.[[66]](#endnote-66) So the 1995 changes in the committee’s makeup produced a GOP contingent on the committee that was more tilted toward the preferences of the activist junior Republican members, and more closely linked to the party leadership.

These changes in the committee were especially important because the leadership had much more ambitious goals for the committee than just cutting spending on things the party did not favor. As we said, many in the new GOP majority wanted large changes in policy. But while many conservatives were unsure of the loyalties of senior Appropriations members, they had even more doubts about the intentions of the legislative committees. They feared that the “committee guys” had a vested interest in the legislative status quo within their jurisdictions, and so would resist change.[[67]](#endnote-67) As a result, the Republican leadership devised a plan to use Appropriations bills as the vehicles to make many of the changes in legislative policy they favored. That way the people who had the strongest interest in the status quo could be circumvented.

As we noted above, putting legislative language in appropriations bills (called “riders”) is generally prohibited by the House rules. But through the leadership’s control of the Rules Committee, they could have special rules created that granted exceptions to that general restriction for individual bills. And that’s what they did—with a vengeance. Probably the bill with the greatest partisan conflict over riders was the Labor-Health and Human Services (HHS) funding proposal in 1995. During subcommittee consideration, provisions were added to restrict enforcement powers of the Occupational Safety and Health Administration and to overturn an executive order by President Clinton protecting striking workers of federal contractors. Then the full committee added restrictions on Medicaid funding of abortions. Livingston and the chairman of the subcommittee that produced the bill tried to block the addition of some of the riders, but they were told by the leadership that they had no choice.[[68]](#endnote-68) In the Veterans-HUD proposal, there were almost 30 pages of legislative language, constituting more than one-third of the bill.

The battles over riders and over spending cuts had a great impact on the internal workings of the committee, shattering the past norms about restraining partisanship. In the seven congresses between 1979 and 1993, the average number of partisan amendments within the Appropriations Committee was 8.4 per Congress. In the 104th Congress, the number was 133![[69]](#endnote-69) And this form of agenda manipulation had an additional partisan bias: the waivers in the special rules were for the Republicans’ proposals, but analogous efforts by the Democrats to change the GOP provisions were not given protection and were, therefore, out of order. So in the first Republican Congress in four decades, the party leadership came to dominate the makeup and the decisions of the Appropriations Committee, transforming the characteristics that had largely set it apart from the polarization that had come to characterize the rest of the House.

The huge changes precipitated by the “Republican Revolution” were not limited to the to congresses during which Gingrich was Speaker. When Gingrich announced his intent to resign from the House in 1998 due to conflict and scandal, Bob Livingston was the choice to succeed him. However, due to his own scandals Livingston also quit the House. The new speaker Dennis Hastert (R, Ill.) selected C.W. Bill Young (R, Fla.) as chair. Young, despite his initial promises to work in the spirit of “bipartisanship, collegiality, and consensus-building”[[70]](#endnote-70) demonstrated from the start that he was a committed conservative who would work with the Speaker and the leadership on appropriations legislation. Under Hastert, GOP appointments to Appropriations continued to increase the ideological polarization within the committee.[[71]](#endnote-71) And, as we noted earlier, in 2003 Hastert extended the steering committee’s power to select committee chairs to subcommittee chairs on Appropriations.[[72]](#endnote-72)

Upon completion of Young’s six year term as committee chair, former Defense Appropriations subcommittee Chairman Jerry Lewis beat out Harold Rogers (R-Ky.) and the more senior Ralph Regula (R-Ohio) to garner the chairmanship. The leadership saw Lewis as a “team player” for his efforts over the years to collect funds to support the GOP Congress and his commitment to supporting the tight GOP budget.[[73]](#endnote-73) Lewis also supported and implemented the plan drafted by Majority Leader Tom DeLay (R-Tex.) to cut the number of the committee’s subcommittees from 13 to 10, further enhancing centralized leadership control of the appropriations process.

When the Democrats assumed control of the House in 2007, they confirmed as Appropriations chair their most senior member on the committee, David Obey (D, Wis.). Obey and new Speaker Nancy Pelosi of California, however, had served together on Appropriations and they had similar voting records. In Pelosi’s view, Obey could therefore be counted on to serve as a faithful agent of the party and its leader—indeed as an ally. This instance illustrates that strong centralized party leadership does not necessitate weak committees. Rather, because the Speaker and the chair of the committee shared similar preferences, the Appropriations and its chair were serving as an arm of the leadership, loyally reflecting the party’s interests. As we have noted, the new Democratic majority also adopted term limits for its chairs in the 110th Congress, something they had never done before. While they dropped them in the 111th, they modified “pay-go” and “ear mark” rules that had been adopted in the 110th such that the majority party could more easily use Appropriations to achieve its goals.[[74]](#endnote-74)

We can return to the roll-call data in Figure 3 to further describe the developments in appropriations politics in the first three congresses of the Bush presidency under GOP control (2001-2007) and the succeeding two congresses under the Democrats (2007-2011). In light of our account, it may seem puzzling that partisan conflict on final passage votes dropped off substantially in those first three congresses under Bush. Why might this be so? Diana Evans provides one answer, at least for 2001-05 (when her analysis end).[[75]](#endnote-75) She shows that relative changes in discretionary spending on defense and non-defense bills followed the expected partisan pattern (higher increases in defense under Republicans and during war, higher non-defense expenditures under Democrats), except for those three congresses. In these cases, both increased, and they did so substantially. Discretionary defense spending increased 47% in the 2001-05 period, (by far the largest increase she reports) as we would expect. However, non-defense discretionary spending also increased, this time by 23%, which is also the substantially more than any other period she presents. She included a comparison to the “Great Society” era (1965-69), which saw an increase of “only” 18.5%.

Whether due to reactions to 9/11 or other influences, the strategy adopted by Bush and his co-partisans was to give something to everyone, and as a result, everyone voted for such bills.[[76]](#endnote-76) This practice changed in his last two years, with a Democratic majority, and in Obama’s first two years. It reverted to the more typically partisan practice. The 111th Congress, of course, included the highly partisan economic stimulus bill. Most appropriations were made in an omnibus bill for FY 2009 appropriations, and only 11 Republicans voted for it. For fiscal 2010, non-defense appropriations increased considerably, and, as we would expect, passage through the House was by a heavily partisan vote. Democrats, however, essentially lost the fight after the debacle of the 2010 elections, and a fiscal 2011 budget was never passed, with spending governed by continuing resolution set at fiscal 2010 levels. These patterns are, clearly, very far from the era of those produced by a non-partisan keeper of the purse strings. Thus by intent and effect, it appears that the majority party exerted, through its caucus and its leadership, pressure to change that non-partisan context to one that opened the purse strings all of the time, for the benefit of the majority party, but kept them drawn tight, most (but not all) of the time, for the minority party.

The preliminary evidence from the 112th Congress indicates a continuation of the recent pattern. The first full-year appropriations bill to replace the continuing resolution saw significant cuts below President Obama’s budget requests and many GOP amendments designed to cut spending even further. Efforts by the Republicans to continue cutting discretionary domestic spending continued through 2011 and into 2012, with the threat of gridlock and a government shutdown looming at multiple points. In many instance, the GOP also sought to use appropriations riders to seek policy changes, as they had in the mid-1990s.

**Conclusions**

The traditional, textbook picture of Congress holds that it was a body dominated by committees and their chairs, in which the political party was not irrelevant but “hovered in the background.”[[77]](#endnote-77) It is for this basic reason that Fenno concentrated on congressional committees in seeking to understand House politics. He saw this structure of the classic, committee-centered Congress as one that was the result of Members seeking one or more of their three main goals: reelection, good public policy, and power in the chamber.

We agree with his view of the Congress and with its underlying rationale. Experience, however, has taught us that there is a fourth goal -- attaining and maintain majority party status. From 1954 until 1994, this was a goal Republicans could not realistically hope to achieve.[[78]](#endnote-78) But, with the surprise capture of a majority in 1994, Republicans, just like Democrats, could reasonably imagine capturing a majority of House seats in the coming election, and with that, both of the parties’ strategies were collectively shaped in part by this now-realistic ambition, in addition to the traditional more personal ones. The emergence of this as a goal has had several important consequences. Winning majorities always provided benefits, both in terms of access to power within the House and in terms of realizing good public policy. However, policy has become more central to its members, and that has elevated the stakes in attaining and maintaining control over the House. There are personal dimensions to this as well. The parties now have much more specific and informative policy reputations, and those reputations play a role in election and reelection to the House. As Mayhew noted, policy was of real but modest value to congressional reelection, but it was valuable in terms of position taking, not legislative enactment.[[79]](#endnote-79) If the collective reputation of the party matters to Member’s reelection, and if winning or losing the House majority is at stake in virtually every election, the policy outcomes assume a larger importance to Members, both in terms of reelection and in terms of what realizing “good public policy” means.

What has changed most dramatically, then, since Fenno’s writing has been the degree of partisan polarization on policy. In his parlance, that is the growing importance of the party as part of the environment in which these three committees operate. In our parlance, that is the “condition” in conditional party government. With those two changes, both the personal incumbency-oriented goals and the collective goals of the party could be achieved by the majority party’s capturing of the traditional sources of power in the House, the committees, and by the implementation of collective goals through those committees. This is especially true of the three prestige committees on which we have focused. By controlling taxing, spending, and the rules through which legislation is controlled, the majority party has moved to the center of influence in the policy making of the Congress. Or, to paraphrase Mayhew, “If a majority party sat down and tried to design the lower chamber of the American national assemblies with the goal of serving members’ electoral, policy, and power needs year in and year out, they would be hard pressed to improve on what exists.”[[80]](#endnote-80)

Figures

**Figure 1:**

**Figure 2:**

**Figure 3:**

Notes

1. Richard F. Fenno, *Congressmen in committees*. (Boston: Little Brown, 1973). [↑](#endnote-ref-1)
2. See David W. Rohde, *Parties and Leaders in the Post-Reform House* (Chicago: University of Chicago Press, 1991), chap. 3. [↑](#endnote-ref-2)
3. See Rohde, *Parties and Leaders*, chap. 2 and John H. Aldrich, *Why Parties? The Origin and Transformation of Political Parties in America.* (Chicago: University of Chicago Press, 1995) chaps. 6 & 7. An alternative (but not incompatible) theory of partisan organization of Congress is offered by Gary W. Cox and Mathew D. McCubbins, *Legislative Leviathan,* (Berkeley: University of California Press, 1993). [↑](#endnote-ref-3)
4. See Richard Hall and C. Lawrence Evans. “The Power of Subcommittees,” *The Journal of Politics* 52 (1990): 335-355. [↑](#endnote-ref-4)
5. Sara Brandes Cook and John R. Hibbing, “Congressional Reform and Party Discipline: The Effects of Changes in the Seniority System on Party Loyalty in the House of Representatives,” *British Journal of Political Science* 15 (1985): 207-226. See also Fiona M. Wright, “The Caucus Reelection Requirement and the Transformation of Committee Chairs,” *Legislative Studies Quarterly* 25 (2000): 469-480. [↑](#endnote-ref-5)
6. See Rohde, *Parties and Leaders,* 75-76. [↑](#endnote-ref-6)
7. Ibid*.,*118. [↑](#endnote-ref-7)
8. For details on the developments described in this paragraph, see John H. Aldrich and David W. Rohde, “The Transition to Republican Rule in the House: Implications for Theories of Congressional Politics,” *Political Science Quarterly* 112 (1997-1998): 541-567; and C. Lawrence Evans and Walter J. Oleszek, *Congress Under Fire: Reform Politics and the Republican Majority* (Boston: Houghton Mifflin, 1997). [↑](#endnote-ref-8)
9. See Cox and McCubbins, *Legislative Leviathan*; and Gary W. Cox and Mathew D. McCubbins. *Setting the Agenda* (Cambridge: Cambridge University Press, 2004)on the first point, and Gary C. Jacobson, *The Politics of Congressional Elections* (New Jersey: Prentice Hall, 2012) and Paul S. Herrnson, *Congressional Elections: Campaigning at Home and in Washington* (Washington D.C.: CQ Press, 2011) on the second. [↑](#endnote-ref-9)
10. Most observers considered this move by Speaker Nancy Pelosi to be a warning to committee chairs that they should be responsive to the party leadership. Two years later, Pelosi permitted the limits to be repealed. [↑](#endnote-ref-10)
11. John Stanton. “Cracking the Whip a Big Job; In House, McCarthy Has Challenging Task Herding GOP members” *Roll* Call, May 19, 2012, <http://www.rollcall.com/issues/57_111/Cracking-the-Whip-a-Big-Job-for-Rep-Kevin-McCarthy-213177-1.html>. [↑](#endnote-ref-11)
12. Much of this legislation, however, was met with strong opposition in the Democratic controlled Senate. See Emily Ethridge. “2011 Vote Studies: Party Unity,” *CQ Weekly*, Jan 16, 2012, 111-16. [↑](#endnote-ref-12)
13. Bruce I. Oppenheimer, “The Rules Committee: New Arm of Leadership in a Decentralized House,” In *Congress Reconsidered,* ed. Lawrence C. Dodd and Bruce I. Oppenheimer (New York: Praeger, 1977), 97. See also Eric Schickler and Kathryn Pearson, “Agenda Control, Majority Party Power, and the House Committee on Rules, 1937-65,” *Legislative Studies Quarterly* 34 (2009): 455-491 [↑](#endnote-ref-13)
14. John H. Aldrich and David W. Rohde, “The Logic of Conditional Party Government: Revisiting the Electoral Connection,” In *Congress Reconsidered,* ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington: CQ Press, 2001). [↑](#endnote-ref-14)
15. Ibid. [↑](#endnote-ref-15)
16. Partisan 51/51 is the proportion of all roll calls on which majorities of each party voted on opposite sides. Partisan 90/90 is the proportion of which at least 90 percent of each party were opposed. [↑](#endnote-ref-16)
17. Data from David W. Rohde, *PIPC Roll Call Database*, Duke University. Roll calls include both votes on passage of rules and on motions for the previous question, shutting off debate to move to a passage vote. For any given rule, there was sometimes a roll call on both and sometimes on only one. [↑](#endnote-ref-17)
18. Some specific terms were: modified-open, modified-closed, restrictive, structured, etc. [↑](#endnote-ref-18)
19. See Rohde *Parties and Leaders*, 98-105 for other examples. [↑](#endnote-ref-19)
20. Ibid., chap. 5. [↑](#endnote-ref-20)
21. Jim VandeHei, “Using the Rules Committee to Block Democrats,” *Washington Post*, June 16, 2003, A21. [↑](#endnote-ref-21)
22. Don Wolfensberger, “The Motion to Recommit in the House: The Creation, Evisceration, and Restoration of a Minority Right,” a paper prepared for the Conference on the History of Congress, Stanford University, December 5-6, 2003, 31. [↑](#endnote-ref-22)
23. See John H. Aldrich and David W. Rohde, “The Republican Revolution and the House Appropriations Committee,” *Journal of Politics* 62 (2000): 1-33. [↑](#endnote-ref-23)
24. See John H. Aldrich and David W. Rohde, “Congressional Committees in a Continuing Partisan Era,” In *Congress Reconsidered,* ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington: CQ Press, 2009): 236. [↑](#endnote-ref-24)
25. See Daniel Newhauser ,“Closed CR Reignites Criticism,” *Roll Call,* Sept 21, 2011, <http://www.rollcall.com/issues/57_32/-208885-1.html>. [↑](#endnote-ref-25)
26. Fenno, *Congressmen in Committees* and John F Manley, *The Politics of Finance: The House Committee on Ways and Means* (Boston: Little, 1970). [↑](#endnote-ref-26)
27. Fenno, *Congressmen in Committees,* 15-19. [↑](#endnote-ref-27)
28. Ibid., 18. [↑](#endnote-ref-28)
29. Manley, *The Politics of Finance: The House Committee on Ways and Means,* 44-53. [↑](#endnote-ref-29)
30. Fenno, *Congressmen in Committees,* 56-57. [↑](#endnote-ref-30)
31. Subcommittees had been abolished by Chairman Mills shortly after he became chairman in 1958. [↑](#endnote-ref-31)
32. Randall Strahan, *New Ways and Means: Reform and Change in a Congressional Committee* (Chapel Hill: University of North Carolina Press, 1990), 32. [↑](#endnote-ref-32)
33. Ibid, 33. [↑](#endnote-ref-33)
34. Catherine E Rudder, "Committee Reform and the Revenue Process " In *Congress Reconsidered,* ed. Lawrence C. Dodd and Bruce I. Oppenheimer (New York: Praeger, 1977), 120. [↑](#endnote-ref-34)
35. For a more detailed account of these reforms see Catherine Rudder, "Committee Reform and the Revenue Process" (1977); "The Policy Impact of Reform on the Ways and Means Committee." In *Legislative Refrom,* ed. Leroy N. Rieselbach (Lexington: Lexington Books, 1978); “Tax Policy: Structure and Choice" In *Making Economic Policy in Congress,* ed. Allen Schick (Washington: American Enterprise Institute, 1983); "Fiscal Responsibility and the Revenue Committees," In *Congress Reconsidered,* ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington: CQ Press,1985). [↑](#endnote-ref-35)
36. Strahan. *New Ways and Means: Reform and Change in a Congressional Committee,* 75. See also Steven Smith and Chistopher J, Deering. *Committees in Congress* (Wasington: CQ Press, 1984), 96. [↑](#endnote-ref-36)
37. Strahan, *New Ways and Means: Reform and Change in a Congressional Committee,* chap. 4. [↑](#endnote-ref-37)
38. Rudder, "Fiscal Responsibility and the Revenue Committees," 213. [↑](#endnote-ref-38)
39. Richard E Cohen, “Whiter Ways and Means?” *National Journal*, Jul 25, 2009, 27. [↑](#endnote-ref-39)
40. To generate this figure, we include bills that were both referred to the Ways and Means Committee and reported to the House Floor. Bills data were collected from E. Scott Adler and John Wilkerson, *Congressional Bills Project*: *(93rd-110th Congresses)*, NSF 00880066 and 00880061. Data on roll calls was drawn from Rohde, *PIPC Roll Call Database*. [↑](#endnote-ref-40)
41. Catherine E Rudder. "The Politics of Taxing and Spending in Congress: Ideas, Strategy and Policy." In *Congress Reconsidered,* ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washingtion: CQ Press, 2005), 329. [↑](#endnote-ref-41)
42. Ibid., 328. [↑](#endnote-ref-42)
43. See Rudder "The Politics of Taxing and Spending in Congress” and “Transforming American Politics Through Tax Policy,” In *Congress Reconsidered,* ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington: CQ Press, 2009). [↑](#endnote-ref-43)
44. Rudder, “Transforming American Politics Through Tax Policy," 269. [↑](#endnote-ref-44)
45. Republicans mandated a six-year term limit on all House committee chairmen. [↑](#endnote-ref-45)
46. Thomas was selected over the more senior member on the committee, Philip Crane (R-Ill.) [↑](#endnote-ref-46)
47. Jill Barshay,"A Rough but Steady Hand at Helm of Ways and Means," *CQ Weekly*, Jul 5, 2003, 1668-73. [↑](#endnote-ref-47)
48. Richard E. Cohen, “In the House, a Fleeting Cease-Fire.” *National Journal,* Jul 26, 2003. [↑](#endnote-ref-48)
49. As an example, they worked to forge a compromise on HR 5638, a cut to the estate tax, in hopes of pleasing both moderate and conservative wings of the party. [↑](#endnote-ref-49)
50. While also the most senior, Rangel had a voting record that mirrored that of the Speaker and the rest of party leadership. [↑](#endnote-ref-50)
51. Richard E Cohen, “Rangel’s Reach,” *National Journal*, Nov 3, 2007. [↑](#endnote-ref-51)
52. Cohen, “Whiter Ways and Means?” 25. [↑](#endnote-ref-52)
53. Ibid., 28. [↑](#endnote-ref-53)
54. This may also be due in part to the fact that Rangel was under investigation at the time for ethics violations (See Richard E. Cohen, “The Waning of Ways and Means,” *National Journal*, Mar 6, 2010, 44). [↑](#endnote-ref-54)
55. John Stanton, “Camp Runs Ways and Means Quietly” *Roll Call,* Jun 6, 2011, 3. [↑](#endnote-ref-55)
56. Sam Goldfarb, “For Taxes, an Uphill Overhaul” *CQ Weekly,* Sept 26, 2011,1980-86. [↑](#endnote-ref-56)
57. Sam Goldfard and Ben Weyl, “Payroll Tax Cut Sent to Obama.” *CQ Weekly*, Feb 20, 2012, 358-60. [↑](#endnote-ref-57)
58. Ibid. [↑](#endnote-ref-58)
59. Richard F. Fenno, *Power of the Purse* (Boston: Little, 1966), 164, emphasis in original. [↑](#endnote-ref-59)
60. Indeed, control over subcommittees was often one of the great powers wielded by most full committee chair before the reforms of the 1970s. [↑](#endnote-ref-60)
61. Fenno, *Power of the Purse*, 56. [↑](#endnote-ref-61)
62. Smith and Deering, *Committees in Congress,* 93-95. [↑](#endnote-ref-62)
63. Joseph White, *The Functions and Power of the House Appropriations Committee* (Berkeley: University of California, 1989). [↑](#endnote-ref-63)
64. Ibid., 15. [↑](#endnote-ref-64)
65. See Kenneth A. Shepsle, and Barry R. Weingast, “The Institutional Foundations of Committee Power." *American Polit. Sci. Rev*. 81 (1987): 85-104 and Barry R. Weingast and William J. Marshall, “The Industrial Organization of Congress; or, Why Legislatures, Like Firms, Are Not Organized as Markets,” *Journal of Political Economy*, 96 (1988): 132-163. [↑](#endnote-ref-65)
66. One reason for the nature of these appointments was that the conservative wing of the party did not trust more senior GOP appropriators. For example, White, *The Functions and Power of the House Appropriations Committee* notes (225-231) that in the 1980s there was often conflict between Republican committee members and their colleagues off the committee who sought programmatic cuts. See also Joshua B. Gordon, “The (Dis)Integration of the House Appropriations Committee: Revisiting *The Power of the Purse* in the Partisan Era,” In *Congress Reconsidered,* ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washingtion: CQ Press, 2005). [↑](#endnote-ref-66)
67. See William F. Connelly Jr. and John J. Pitney, *Congress’ Permanent Minority?* (Lanham, MD: Rowman and Littlefield, 1994) and Aldrich and Rohde, “The Republican Revolution and the House Appropriations Committee.” [↑](#endnote-ref-67)
68. For more details on the fights over riders, see Aldrich and Rohde, “The Republican Revolution and the House Appropriations Committee.” [↑](#endnote-ref-68)
69. Ibid., Table 2. [↑](#endnote-ref-69)
70. Carl Hulse, “New Panel Chairman, Ways of Old Pragmatist.” *New York Times* November 28, 1998, <http://www.nytimes.com/1998/11/28/us/in-new-panel-chairman-ways-of-old-pragmatist.html?pagewanted=all&src=pm>. [↑](#endnote-ref-70)
71. John H. Aldrich, Brittany N. Perry and David W. Rohde, “House Appropriations After the Republican Revolution,” Forthcoming, *Congress and the Presidency*. [↑](#endnote-ref-71)
72. Diane Evans, “Appropriations in the Republican Era,” *Extensions*, Spring 2007, 1-7. [↑](#endnote-ref-72)
73. J.J. Schatz, “Lewis Wins Favor of GOP Leaders--and Coveted Appropriations Chair,” *CQ Weekly,* Jan 10, 2005, 71-73. [↑](#endnote-ref-73)
74. See Aldrich and Rohde, “Congressional Committees in a Continuing Partisan Era,” for more details. [↑](#endnote-ref-74)
75. Evans, “Appropriations in the Republican Era.” [↑](#endnote-ref-75)
76. Fenno’s account had emphasized that the executive was very prominent in the committee’s environment, and that has remained true in the polarized era. Fenno, *Congressmen in Committees*, 22-23. [↑](#endnote-ref-76)
77. Kenneth Shepsle, “The Changing Textbook Congress,” In *Can the Government Govern?* ed. John Chubb and Paul Peterson (Washington: Brookings Institution, 1989), 238-267. [↑](#endnote-ref-77)
78. Except, perhaps, following the 1980 election, when not only were Republicans nearing majority status but they needed the support of only a handful of conservative Democrats to achieve effective unitary control of the government. That, of course, was lost in 1982 for another decade. [↑](#endnote-ref-78)
79. David R. Mayhew, *Congress the Electoral Connection* (New Haven: Yale University Press, 1974). [↑](#endnote-ref-79)
80. Mayhew’s original quote in *Congress the Electoral Connection*, 81-82 was: “The organization of Congress meets remarkably well the electoral needs of its members. To put it another way, if a group of planners sat down and tried to design a pair of American national assemblies with the goal of serving members' electoral needs year in and year out, they would be hard pressed to improve on what exists.” [↑](#endnote-ref-80)