

## ABSTRACT

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POWER IN THE U.S. HOUSE OF  
REPRESENTATIVES.

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Most congressional scholarship argues that legislative leaders—majority party leaders and committee chairs—are strongly constrained, weak agents of their rank-and-file. This study argues that information, and leaders' ability to control it, is a significant and independent source of power for leaders in the House of Representatives. Most rank-and-file members of Congress lack the time and resources necessary to track, study, or become deeply involved in legislating on most bills considered by the House. As a result, they rely on sources that can synthesize the information they need to decide whether or not to support the bill, offer an amendment, or take other actions. The party leadership and committee chairs, because of their staff and resource advantages, are important sources of information for the rank-and-file. However, legislative leaders often exploit their informational advantages to help their preferred legislation gain easy passage through the chamber. Along with the ability to perpetually collect information on rank-and-file preferences, and provide leadership-

approved information about legislation, legislative leaders also have an arsenal of tools to limit the availability of information including withholding legislative language, scheduling votes on short notice, and using large and complex legislation as a vehicle. This information control puts leaders in the driver's seat, allowing them to lead the chamber by shaping the information driving the debate on a bill. Thirty interviews with members of Congress and congressional staff, along with a unique dataset of important legislation considered by the House of Representatives are used to support this theory. Leaders are found to employ information control tactics strategically, to aid the passage of their priority legislation and in response to the potential for significant influence from outside groups. The study, overall, suggests that legislative leaders in the House are more influential than they are typically perceived to be and that participation in congressional policymaking is often restricted.

INFORMATION CONTROL: LEADERSHIP POWER IN THE U.S. HOUSE OF  
REPRESENTATIVES

By

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## Dedication

Once and again, to Jill.

## Acknowledgements

If it takes a village to raise a child, it at least takes a neighborhood to write a dissertation. As with any research project, there are a great many people without whom this dissertation would not have been possible. First, I need to thank Dale Oak and the rest of the staff of the House Appropriations Subcommittee on Financial Services and General Government for agreeing to let me work for them as a fellow in the summer of 2007. This project was born in the close quarters of our Longworth House Office Building closet/office. I am eternally grateful for the opportunity they provided me to participate in and observe the committee's work. The months I spent with them undoubtedly changed the trajectory of my career, and my understanding of the U.S. Congress.

I am also forever indebted to the 30 anonymous individuals who kindly gave their time and attention to be interviewed for this research. Members of Congress and congressional staff are the busiest and hardest working people I know. That they would clear their schedules to talk to a graduate student about his thesis says much about their generosity, as well. I also have to thank Jeff Biggs, sage of the APSA Congressional Fellowship Program. Over lunch at the Brookings Institution's cafeteria Jeff jump started my interviews by hooking me up with some of the initial members and staffers in my sample.

Over the time I have worked on this project a number of scholars have offered fantastic advice and feedback including Laurel Harbridge and Michael Bailey. Matt Green was especially generous providing incredibly detailed and insightful comments, and indulging my many questions over a lengthy email exchange.

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I also need to take the space to thank my friends for sticking with me despite my constant obsession with this project and the general crankiness that was a major side effect of working on it. The distraction friends can provide is a crucial part of remaining sane during the process of earning a doctorate. I do not know how anyone can survive it without the therapy they can provide over many, many beers.

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## Chapter 1: Introduction

*“Sit down, my son. We don't read most of the bills. Do you really know what it would entail if we were to read every bill that we pass?”*

Rep. John Conyers (D-MI), *Fahrenheit 9/11*

Around 10:30 p.m. on February 12, 2009, House and Senate conferees filed the 175,000 word, 1,100 page conference report for the *American Recovery and Reinvestment Act of 2009*. By 3 p.m. the next day the report had passed the House and was on its way to President Obama's desk. Minority Leader John Boehner (R-OH) was livid over the way the bill had been pushed through the chamber. Speaking on the floor during the final minutes of debate, he condemned the expedient consideration of the bill:

*“...Here we are with 1,100 pages—1,100 pages—not one member of this body has read. Not one. There may be some staffer over in the Appropriations Committee that read all of this last night—I don't know how you could read 1,100 pages between midnight and now. Not one member has read this.”* (Boehner 2009)

John Boehner is right. No member of the House of Representatives could have possibly read the conference report in the 13 hours that elapsed between the time the report was filed and debate began on the floor, even without breaking for food, sleep, the call of nature, or to stop and think through its implications. An individual reading at 200 words per minute would require roughly 14.5 hours to read the bill from start to finish.<sup>1</sup> But despite this and the fact that the bill had grown by over 60,000 words since it had initially passed the House less than two weeks earlier, the bill cleared the

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<sup>1</sup> Carver (1992) reports that 200 words per minute is the average reading speed among college students aiming to understand enough to pass a multiple choice test on the material being read. Cognitive understanding beyond this level may require an individual to read at a much slower pace, as slow as 138 words per minute.

chamber by a party-line vote with just seven Democrats opposing the bill and one voting present. The overwhelming majority of the 246 members of Congress who supported the bill could not have known details about the contents or implications of much of the bill, and yet they voted in the affirmative.

Rather than an aberration from the typical legislative process, the process by which the economic stimulus package was passed is part of a larger strategy implemented by congressional leaders to lead the legislative process in the House of Representatives. The implications of this strategy run counter to the prevailing view of leadership in the U.S. House.

Formally, the Constitutional design of the U.S. House of Representatives emphasizes the equality of its members. Each member represents an (relatively) equal number of individuals and has equal power (one vote) in determining the outcome of questions and legislation brought before the chamber. As Joseph Cooper (1977) describes it, “Congress has a low tolerance for hierarchy ... Members formally must have equal standing and decision making must be collegial...” (p. 147). Unlike the executive branch in which a single executive ranks above all other actors, formally at least, no one member of the House is more important or more powerful than the rest.

Most scholarship on congressional leadership supports this maxim. Typically, legislative leaders are seen as agents of their followers rather than independent actors, who are directed by the preferences and goals of the rank-and-file. They are empowered and serve their posts at the pleasure of the party caucus, the chamber at-large, or some other group within Congress. Some of the most disparate theories on legislative leadership agree that the degree of power leaders can wield is largely a

function of the level of agreement among their rank-and-file (Cooper and Brady 1981; Rohde 1991; Krehbiel 1991; Sinclair 1999, 2007). According to these theories, legislative leaders are agents held on a short leash by their principals, with little leeway to direct the legislative process, and holding no autonomous powers to shape legislative outcomes to reflect their own preferences. All real power rests with the rank-and-file. Leaders are, in essence, followers.

Building on the work of Richard Hall (1987, 1996; with Deardorff 2006) and Randall Strahan (2007), I argue that contrary to this predominant view, legislative leaders (in this case both the majority party leadership and committee chairs) have a distinct resource and a distinct power that helps them independently lead the legislative process. This resource is access to, and the ability to control, information about legislation. The typical rank-and-file member has neither the time nor the resources to track, study, or fully comprehend the implications of every piece of legislation under active consideration in Congress. Rather, they rely on their leaders to provide information on legislation that is before the chamber. At the same time, leaders have an arsenal of resources to limit the availability of information. They can withhold legislative language, schedule votes on short notice, and backload the legislative agenda so that a crush of legislation occurs all at once at the end of a session, or prior to a recess.

For leaders, this ability to control information centralizes power in their offices, allowing them to lead the House of Representatives, and giving them significantly more influence than the typical member of Congress over much of the policymaking in the chamber. While the degree to which leaders can use information



control tactics varies depending on several factors, including the contents of the bill in question, control over information is a primary and independent source of power held by all legislative leaders and they are able to use it often and effectively to lead the policymaking process. The typical member of Congress rarely gets to read the legislation that is before the chamber. They need help to understand what is in every bill. This is standard operating procedure in the House and is an important function of leadership positions. But leaders sometimes choose to exploit their information power and it is a powerful and effective leadership tool ever at their disposal.

‘Information is power’ is a common aphorism, and this is true nowhere more so than in the U.S. House of Representatives. In an atmosphere of limited time and resources, becoming informed about the multitude of legislation being considered at any one time is a challenge. A challenge that empowers legislative leaders as the policymaking process unfolds.

### *Defining ‘Legislative Leaders’*

An important question that deserves some discussion is: who are the “legislative leaders” in the House? Generally, there are two sets of leaders. One set is comprised of the members of the majority party leadership. The other set is that of the chairs of the standing committees. The latter set is easy to identify. However, the former is much less straight forward. Studies of Congress and congressional leadership have defined the majority party leadership in numerous ways. Some studies focus specifically on the Speaker as the dominant entity in the leadership (Peters 1997; Davidson, Hammond, and Smock 1998; Green 2010; Peters and

Rosenthal 2010). Others studies have defined the majority party leadership more broadly. Ripley (1967), for example, defined the majority party leadership as the Speaker, majority leader, majority whip, and caucus chairman. Sinclair (e.g. 2007) has also broadly defined the majority party leadership in her work.

I, similarly, use a broad definition of the majority party leadership. Rather than conceptualizing it as a set of lawmakers holding a static set of positions congress to congress, the majority party leadership is understood as more fluid. In any congress, the set of representatives who comprise the majority party leadership can evolve. Certain members, such as the Speaker of the House and the Majority Leader, are always a part of the leadership. However, the influence of the majority whip, the caucus chairperson, the chair of the party's campaign committee, some deputy whips, and even some committee chairs, within the party leadership can vary. Sometimes, the leadership table is larger, while other times it is smaller. Sometimes, lawmakers selected to traditional leadership positions do not have as much influence as those who previously held the post. Roy Blunt's (R-MO) testy relationship with then-majority leader Tom DeLay (R-TX) is often cited as evidence that Blunt was less influential as a majority whip than previous and subsequent holders of the position.<sup>2</sup> During the 110<sup>th</sup> and 111<sup>th</sup> congresses, David Obey (D-WI) was often perceived as having an important voice in the Democratic leadership's strategies on appropriations issues despite being a committee chair (National Journal Almanac 2010).

Thus, for the purposes of this study, the majority party leadership is understood as a potentially dynamic set of members that is relatively stable within any one congress, but can vary from congress to congress, and even from issue to

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<sup>2</sup> Interviewee 10 attested to this dynamic.

issue. Primarily, however, the core of that leadership appears to also be the Speaker of the House, the Majority Leader, and the Majority Whip. As a congressional staffer I interviewed for this study put it:

*Congressional staffer:* The party leadership is Boehner, Cantor, and McCarthy. Practically, when people around here say “leadership” they mean the Speaker, the majority leader, and the whip.<sup>3</sup>

It is also important to briefly mention the nature of the relationship between the party leadership and chairs of the standing committees. The scholarly literature has often portrayed these two sets of leaders as power centers at odds with each other in the legislative process. Undoubtedly, this has sometimes been true. Evidence to this effect has been well documented from congresses several decades ago (see, for example, Jones 1968). In addition, a host of scholarship has pointed to the congressional reforms of the 1960s and 1970s as stripping power from committee chairs and centralizing it in the party leadership (see, for example, Rohde 1991; Sinclair 2007).

However, leaders and chairs are not necessarily opposing entities. In fact, in times of unified parties they should logically find plenty of common ground. Cox and McCubbins (2005) portray the members of the party leadership and the committee chairs as members of a leadership firm. Like the board of directors in a corporation, party leaders and committee chairs share in the profits and damages of the caucus as a whole. As such they have incentives to work together to achieve mutual interests. In this way we should not necessarily understand these two sets of leaders as competing power centers. They may often find as many reasons to work harmoniously as they may find to be opposed to each other.

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<sup>3</sup> Interview 25

In sum, who exactly are the leaders of the House of Representatives at any one time is not clearly defined. However, as will be discussed, the actions and goals of these individuals can be understood as distinct. For the purposes of this study, understanding the motivations of these legislative leaders is more important than their particular identities at any time.

### Information and Power

The idea that information and power are related is not new. Nor is the idea that leaders can harness information as a source of power. In fact, that information may be a source of power has been suggested by thinkers for centuries. The scientific method is rooted in the principle that obtaining information and knowledge can help us increase our power over our world. Sir Francis Bacon is often given ownership of the phrase “knowledge is power”<sup>4</sup>; and Thomas Hobbes once wrote, “The end of knowledge is power ... the scope of all speculation is the performing of some action or thing to be done” (Hampton 1988, 46). In *The Prince*, Machiavelli suggests that the ability of a leader to be deceptive and sly about what he or she knows is an effective tool for leaders (Machiavelli 1998); and in the Bible, Proverbs 24:5 can be read to state, “A wise man is strong, and a well-taught man is robust and valiant.”<sup>5</sup> In short, having information has long been tied to power in human thought.

In the field of economics, the power advantages conferred by information asymmetries is so established that in 2001 the Nobel Prize in Economics was

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<sup>4</sup> The exact origin of this phrase is not known, but Bacon is the most commonly attributed owner of the aphorism.

<sup>5</sup> Translation comes from the *St. Joseph New American Bible*.

presented to scholars for their research on the influence of these asymmetries on market dynamics.<sup>6</sup> This line of scholarship suggests that without adjustment information asymmetries can empower the position of the actor with an informational advantage and bias market outcomes (see, for example, Akerlof 1970; Spence 1973).

Within the American political system information has been described as a potent source of power, as well. Specifically, that the executive branch can use its superior expertise and information advantages to avoid effective congressional oversight. Weber (1991) was perhaps the first to suggest that the ability to exercise secrecy about what it knows is an advantage for bureaucratic units over other agencies, the legislative branch, and interest groups. Niskanen's (1971) model of budgetary politics suggests that agencies can leverage their informational advantages about the costs of governmental programs and processes to increase the size of their operating budgets. While many scholars have noted that Congress can adapt to this reality to maintain control over the bureaucracy (see, for example, McCubbins and Schwartz 1984; Bendor, Taylor, and Van Gaalen 1985; McCubbins, Noll, and Weingast 1989), adaptation can be costly. Banks and Weingast (1992), specifically, argue that the harder, or more costly, it is to audit an agency's claims, the more political power that agency has. Without constituency incentives Congress is unlikely to absorb such costs, providing the bureaucracy with information-based advantages in its overall relationship with the legislature.

The information advantage the executive branch has regarding foreign policy, defense, and homeland security issues has received particular attention. Schlesinger (1973) in *The Imperial Presidency* argues that Congress' inability to properly oversee

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<sup>6</sup> These scholars are George Akerlof, Michael Spence, and Joseph E. Stiglitz.

actions on these issues allowed numerous presidential abuses throughout American history. Rudalevige (2005) argues that president have been able to continue to hold these advantages and that public and congressional reactions to the war on terror have only increased presidents' power in this area.

Ultimately, that the executive branch can leverage its informational advantages into power vis-à-vis the legislative branch is an idea that is well established and widely accepted. In many ways, legislative leadership offices within Congress possess the same advantages as executive offices and bureaucratic agencies. Party leadership and committee offices possess far more resources in terms of staff and are able to specialize and develop expertise in legislative procedure and in areas of policy substance far beyond what can be expected from the staff of a typical member of Congress. This allows leaders to accrue and hold more information about the legislation before the chamber. Furthermore, the rank-and-file members of Congress these leaders work with are the same ones who are often unable to find the will to adapt and audit the better informed agents they have empowered in the executive branch. Certainly there are differences between executive-legislative relations and the relationship between rank-and-file members of Congress and their legislative leaders. Most notable is that unlike the executive branch, legislative leadership positions result from a reversible, internal delegation of authority. However, this does not guarantee that rank-and-file members of Congress are likely to commit resources to audit their legislative leaders than they are to audit the executive branch.

Yet the logic of arguments about the informational power conveyed on executives and bureaucrats in the American political system has never been applied to congressional leaders. This study aims to do just that. The ultimate contributions of this exercise are to suggest that information is a source of power for congressional leaders, just as it is for other actors in the political system, and that through employing this power legislative leaders are able to exercise a degree of influence over congressional policymaking beyond what is normally ascribed by congressional scholars.

Furthermore, this study contributes by demonstrating a way in which the influence of information power can be empirically tested. While much has been made of information power, most of the scholarship described above is theoretical or qualitative in nature. Here quantitative indicators of information control are developed and analyzed. These measures may provide a starting point for developing similar measures to understand information-based relationships in other areas of American government and politics.

### *A Word on Information*

One last clarifying point worth making concerns what is meant by “information” in this study. Most of the time when this study refers to information it means information about what is contained in a piece of legislation, what that legislation proposes to do, and what the consequences of that legislation likely will be. This type of hard information is what rank-and-file members of Congress lack and need their legislative leaders to provide. On only a couple occasions, information

implies intelligence about the preferences of other actors in the policy process. These instances are few and are clearly noted in the text. Generally, the reader should understand information as the specifics of a bill.

### Overview of the Study

The following chapters of this study analyze information control in action in the U.S. House of Representatives. Party and committee leaders have various information control tools in their arsenal they can use to lead the policymaking process. In what follows, these tactics are described, patterns of their use are explained, and consequences of this legislative strategy are highlighted.

The conclusions drawn are based on a combination of qualitative and quantitative analyses. A lot of what constitutes information control strategies takes place behind-the-scenes in ways not perceptible to the public or through typical records of congressional activity. Qualitative study of the topic is necessary to develop a relatively complete understanding of information control strategies, the motivations of the legislative leaders who use them, and the motivations of the rank-and-file legislators who are subject to them. The qualitative analyses, in turn, are used to develop quantitative indicators of information control, and these indicators are used to conduct rigorous analysis demonstrating the generalizability of the findings.

The qualitative analyses here are interviews with sitting and former members of Congress and their staff. In total, 30 individuals were interviewed. Interviews within Congress are notoriously hard to obtain (Goldstein 2002; Baker 2009). As a result, these interviews were obtained using “snowball sampling” or “cluster



sampling” (Biernacki and Waldorf 1981; Esterberg 2002, 93-94). Beginning with an initial set of interviews with individuals in Congress with whom I was already acquainted, I asked each interviewee to refer me to others who might be willing to talk. Each subsequent interview provided opportunities for more referrals, and my access to more potential interviewees “snowballed”. Throughout the process I also cold-called (or cold-emailed) the offices of current and former members of Congress to request more interviews. While this process to some degree sacrifices the randomness that is desirable in sampling, it afforded me access to individuals that I would not have had access to had I simply contacted a random sample of representatives and staffers. Furthermore, it probably allowed me to interview more individuals than would have otherwise been the case. In the end, my sample of interviewees was quite diverse and representative of the Congress, at-large.

The interviews themselves were semi-structured, consisting primarily of open-ended questions. In conducting the interviews I wanted to remain relatively free of expectation. The first several interviews were the most exploratory. I used these interviews to refine the interview process and structure how subsequent interviews would proceed. However, each interview was unique. The questions were altered depending on the role the interviewee played in the House (party leader, committee leader, rank-and-filer, member or staffer) and whether they were currently in or out of office. However, each interview aimed at answering the same questions (i.e. how do members of Congress obtain information about legislation; how, to what degree, do leaders influence this process, etc...). More information about the interviews, the

interview process, and the sample of interviewees can be found in Appendix A. The evidence from these interviews is used throughout the study.

Chapter 2 presents a theory of information control. Setting it within the literature on congressional leadership, I show how this study provides a perspective of congressional leaders that differs substantially from the norm, but can draw on the lessons from some important scholarship on the policymaking process and leadership. This chapter provides the expectations for the analyses that follow.

Chapter 3 describes information control tactics used by majority party leaders and committee chairs. Both leaders have numerous powers and prerogatives through which they can influence the contents of legislation and subsequently control the flow of information throughout the subcommittee, committee, and floor stages of the legislative process. This chapter primarily draws on evidence gathered from elite interviews with members of Congress, past and present, and their staff to describe the various information control tactics legislative leaders employ, and the effect they have on the actions and decision making of typical members of Congress. These tactics generally fall into one of three categories: gathering information, restricting information, or providing information. Legislative leaders utilize all three types of tactics as they attempt to manage the flow of information in their chamber. The tactics are numerous and diverse and are found to be used substantially by both party leaders and committee chairs.

Chapter 4 presents quantitative analyses highlighting the strategic use of information control tactics by party leaders. Using a unique dataset of more than 270 important bills considered by the House between 2001 and 2008, the chapter focuses

specifically on the decisions of majority party leaders to implement several tactics meant to restrict access to information about legislation. The results of several multivariate analyses suggest that leaders are most likely to restrict information on bills that are of priority to the party leadership or have the highest potential for attracting activity from outside interest groups. The results also suggest that leaders are less likely to be able to implement these tactics when the legislation is something that is especially salient with the voting public.

Chapter 5 explores the how the use of these information control tactics influences the relationship between rank-and-file members of Congress and their legislative leadership. Specifically, the chapter argues that the use of these tactics generally reduces the amount of trust rank-and-file members of Congress have in their legislative leaders. This effect is most noticeable for members out-of-step with their party's ideological mainstream. More generally, the evidence suggests that a disconnect exists between what legislative leaders and rank-and-filers value in the legislative process. Leaders are more focused on the big-picture—passing a legislative agenda at whatever cost—while rank-and-filers find themselves more with the details of legislation and how different legislative proposals will affect their districts and their reelection chances. The inability of these two groups of legislators to reconcile these different perspectives creates a general tension that is only exacerbated by the use of information control tactics.

Finally, chapter 6 summarizes the findings of the study and explores what they mean for congressional politics and representation more generally. Broadly, what are the benefits of information control strategies for congressional policymaking

and the American political system and what are the detriments? The House of Representatives was designed as a representational body that gives an equal voice to equivalent constituencies across the country. Furthermore, Americans pride themselves on the perceived openness and individualistic nature of their legislative system. Are these values compromised by the use of information control tactics? If so, what are the tradeoffs? These tactics certainly streamline the policymaking process and help the majority party pass its legislative platform. These benefits, however, come at the cost of the quality of deliberations and the equality of representation in the highest representative body in the land.

## Chapter 2: A Theory of Information Control

*“Scientia potentia est [Knowledge is power].”*  
Anonymous/Sir Francis Bacon

*“Information is a commodity here; perhaps the most valuable one.”*  
Party leadership staffer<sup>7</sup>

Within political science, leadership is a poorly understood concept. What influence do leaders have over their followers? How, and to what degree, do leaders influence the policymaking process? Despite decades of interest, we lack an understanding of what factors comprise leadership and what sources of power leaders can rely on to exercise it. In the words of James MacGregor Burns (1977), perhaps political science’s foremost scholar on the topic of political leadership,

Political leadership is one of the most widely noted and reported and least understood phenomena in modern politics. If you doubt this, glance at the indexes of any of several hundred works that deal with political *leaders* but have little concept of, or reference to, the role of political *leadership* [emphasis in original] (p. 266).

David B. Truman (1959) provided a similar perspective on the state of leadership studies,

Everyone knows something of leaders and leadership of various sorts, but no one knows very much. Leadership, especially in the political realm, unavoidably or by design often is suffused by an atmosphere of the mystic and the magical, and these mysteries have been little penetrated by systematic observation (p. 94).

These words, though published decades ago, ring true today. Scholarly theories of leadership in Congress often focus on leaders and their role in modern policymaking,

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<sup>7</sup> Interview 27

but these theories tend to emphasize the limits of leadership influence or stress how strong or weak leadership reflects systematic underlying factors.

This chapter lays out a theory of information control in the U.S. House of Representatives. The foundations of this theory are simple: First, it starts with an understanding that information is a valuable commodity in Congress. Before legislators can act on legislation—propose an amendment, make a statement on the floor, or cast a vote—they have to know what they are amending, debating, or voting on. Furthermore, possession of information empowers legislators. The more informed a member of Congress is on a bill, the more he or she can be involved in its development. Additionally, other members of Congress become reliant on informed members, turning to them for information.

The second foundation is that all members are not equal in the amount of information they possess. With limited time and resources, typical members of Congress do not have time to become informed on most legislation that is before the chamber. Instead they rely on leaders—both majority party leaders and committee chairs—to provide the information they need. Leaders have far more staff resources allowing them to be both more informed about the contents of legislation and more involved in its development and consideration.

Finally, the third foundation is that leaders have an arsenal of tools to control the flow of information about legislation in the chamber, and they use these informational asymmetries to lead the chamber. These tools include, but are not limited to, the ability to restrict access to legislative language, bring bills up for votes

on short notice, and condense the legislative agenda so that a torrent of legislation comes up for consideration all at once.

Few studies highlight the influential sources of power possessed by leaders, or systematically analyze the influence leaders can have over the policymaking process. Rather, most theories about leadership power in Congress have taken one of two perspectives. Leadership power is either (1) a function of the preferences and goals of the flock, or (2) a function of the traits exhibited by the leader in question. Before information-based sources of leadership power can be discussed in more detail, these other perspectives on congressional leadership should be reviewed.

### *Weak Leadership in Congress*

The majority of modern theories of congressional politics, at least as they relate to legislative leaders, describe leaders as beholden to the preferences and goals of the rank-and-file. Perhaps the most comprehensive work expressing this perspective is Krehbiel's (1991) *Informational Theory and Legislative Organization*. According to this theory, congressional delegation to committees, committee leaders, and party leaders is done as a division of labor; to create specialization and reduce information barriers for the chamber as a whole, and reduce the inefficiencies inherent in collective action. Less abstractly, the chamber delegates to committees to develop expertise on the subject matter under their jurisdictions and produce expertly informed legislation, while committee leaders and party leaders are delegated the responsibility of becoming procedural experts and aiding the passage of this legislation. The efficiency of this system hinges on the ability of the chamber to hold

their delegated agents accountable through various majority-vote check points, including approving the memberships of the committees, electing the leaders of the chamber, approving the guidelines for debate as established through special rules, having the ability to amend all legislation reported from committees, and voting on the final passage of every bill (Gilligan and Krehbiel 1989; Krehbiel 1991, 1999; Dion and Huber 1996; Baron 2000; Martorano 2006).

The most important aspect of this theory is the ability of the rank-and-file to check their agents. Because of the multitude of check-points, it is presumed that the chamber should be able to adequately check the actions taken by its delegated agents. In other words, legislative leaders are given the authority to act, but they are not given power to act independently. If an agent steps out of line, his or her actions can be rejected by the chamber, or, even more severely, the agent could even be removed from his or her post. In this model, legislative leaders are weak, and legislative outcomes are shaped entirely by the distribution of policy preferences and priorities among the rank-and-file.

While other theories disagree with the informational theory in many respects, they are in harmony in their perceptions of leadership power. Cooper and Brady (1981), paving the way for Aldrich and Rohde's theory of *conditional party government*, argue that the power of legislative leaders is a function of the distribution of preferences within and between the party caucuses. Specifically, the more united the members of a party caucus are with each other, and the more they disagree with the opposing party caucus, the more power and authority they will delegate to their leaders. Thus, leaders only have the authority to act to the degree that



their fellow partisans allow them (Rohde 1991; Aldrich and Rohde 2000a, 2000b). While the focus under this theory moves away from the preferences of the chamber as a whole and toward the preferences of the party caucuses, its logic is the same—legislative leadership, and leadership power, are held in check by the rank-and-file.

Sinclair's theory of *unorthodox lawmaking* further refines this relationship (Sinclair 2007, 1983, 1995, 1999). Sinclair's research on legislative procedure in the House emphasizes how the legislative process changed during the latter half of the twentieth century. By demonstrating how the traditional "textbook Congress" gave way to a new "unorthodox" style of lawmaking, she shows how the role of majority party leaders grew dramatically. However, she argues that leadership activism is driven and restrained by rank-and-file preferences and expectations. She suggests that this more centralized and leadership-led style of lawmaking is a consequence of the chamber reforms of the 1960s and 1970s, alterations to the budget process, and the polarization of the parties. By reducing the power of committee chairs, the reforms left a power vacuum in its wake. Consequently, the "Democrats began to look to their party leaders, the only central leaders in the chamber" to counter new organizational problems (Sinclair 2007, 112). As the party caucuses further polarized throughout the 1970s and 1980s, it became more difficult for the lawmaking process to work through bipartisan compromise. The central leadership of the parties had to innovate to pass their legislative priorities, but only in response to clamoring among the rank-and-file for more aggressive strategies. The implication is that leaders can only take these aggressive steps when their party acquiesces. Otherwise leaders have no independent authority to do so.

The other primary thrust in the study of political leadership is to focus on the individual in power. Specifically, these studies emphasize how the power of a leader is a function of how well his or her traits match the needs of the job, or, simply how talented each leader proves to be once in office. The earliest studies of congressional leadership employed this approach. Follett's (1896) study of the speakership is perhaps the earliest scholarly examination of leadership in Congress. Follett concludes that while the speakership is an inherently powerful office, the degree of power wielded at any time is a function of the individual holding the office. Specifically, "men of strong character" such as Henry Clay and Thomas Reed, when in power, made the speakership very influential, sometimes more influential than the President (Follett 1896, 64). Subsequent early studies of leadership in Congress followed Follett's lead, tracing the actions of each individual leader as they ruled the House of Representatives (Fuller 1909; Brown 1922; Hasbrouck 1927; Chui 1928).

Later studies have continued this method, analyzing the impact individual leaders such as Clay, Reed, Cannon, and Rayburn had on the House (see, for example, Davidson, Hammond, and Smock 1998). Ripley (1967), analyzing party leadership as a whole concludes that while environmental and institutional factors influence the degree of power leaders wield, the most important factor in leadership power is the individual's propensity to be powerful. This is a sentiment Peters (1997) echoes in his extensive study of the House Speaker. He ultimately concludes that, "the contextualist view tends to be insensitive to the major differences that the personal element of the power equation makes" (Peters 1997, 273). It is how a Speaker's personality and style interacts with political institutions and the political

environment that determines how powerful he or she will be during her tenure. Though a historian, Caro's (2002) study of Lyndon Johnson exemplifies this approach to leadership studies. Caro describes Johnson's effectiveness as a Senate leader as a function of his mastery of senatorial politics, the personal relationships he forged with key senators, his physical stature, his fundraising abilities, and to some degree, his good fortune.

Ultimately, these studies remind us that understanding the individual is important to understanding leadership, but they fail to identify systematic sources or patterns in leadership power. Considered in tandem with scholarship that portrays congressional leaders as beholden to their rank-and-file, we are left with the conclusion that leaders are typically weak, but a few, who have the right motivation and qualities, can sometimes under rare circumstances make a noticeable difference through their leadership. Both perspectives implicitly argue that leaders do not have real institutional sources of power or authority. Consequently, this literature tells us little about what leaders actually *can* do, and what influence they actually have throughout the legislative process.

### *Strong Leadership in Congress*

While contemporary scholarly thought on American political leaders tends to emphasize the weaknesses of leaders, some perspectives on American politics emphasize the importance and influence of leaders. The Founding Fathers, for one, were concerned with the influence strong leaders could have over the political process. James Madison and Alexander Hamilton both dedicated important passages

in the *Federalist Papers* to discussing the ramifications political leadership could have for the burgeoning republic. For both of them, strong leadership could be either boon or bane (Strahan 2003). For example, in *Federalist 62* Madison argues that legislatures are prone to “[seduction] by factious leaders, into intemperate and pernicious resolutions” (Hamilton, Madison, and Jay 1999, 377). However, in other essays he repeatedly mentions the importance of “fit characters” and politicians of “generous principles” to be found and kept working in American government (Strahan 2003, 64). Altogether, concern over and respect for the influential nature of political leadership spans back to the foundation of the American republic.

Among recent scholarship of Congress, there are foundations for a perspective of strong leadership, as well. For one, Richard Hall (1987, 1996; with Deardorff 2006) provides an understanding of how legislative leaders could exert independent leadership over the policymaking process. According to Hall, the greater *interest* a member of Congress has in an issue, and the greater the *resources* he or she can commit to the issue, the more involved that member is both able to be, and likely to be, in legislating on that issue. Interest can arise from a variety of sources, including the concerns of their constituents and the personal policy preferences of the member. Furthermore, interest is fairly evenly distributed among members of Congress. Resources, however, are to a large degree a function of the position a member of Congress holds in the chamber. Members in party and committee leadership positions benefit from larger staff resources than the rank-and-file. Committee staffers, especially, are often more experienced and knowledgeable about the issue areas on which they work.

Hall's (1996) exhaustive investigation into participation in Congress yields the conclusion that on any bill only a small number of representatives are deeply involved in the policymaking process. These individuals are typically those on the committee or subcommittee of jurisdiction who have a personal or constituent-driven interest in the policy at hand. However, Hall also notes that legislative leaders are almost always one of the participants. Committee or subcommittee chairpersons, specifically, are always involved in drafting the committee marks of a bill, and if they so choose, can use their dedicated and experienced committee staffs, as well as their procedural controls over the mark-up, to become even more intimately involved in the creation of legislation in their committees. As Hall puts it, committee leaders are at "the epicenter of the communications network in which most important legislative interactions take place" (1996, 94). In other words, important discussion by committee members about the content of committee reports almost always involves the committee's staff, and by extension, the chair. Hall's research does not explicitly discuss party leaders, but his reasons for expecting increased participation from committee leaders should apply to party leaders, as well. Majority party leaders also have staff resource advantages and procedural advantages that should allow them to be deeply involved in legislating. Altogether, Hall's research strongly suggests that the procedural prerogatives and resource advantages enjoyed legislative leaders in Congress will both allow and compel them to become deeply involved in the policymaking process.

Other scholarship has provided perspectives of strong leadership in the U.S. Congress, as well. Strahan's (2007) theory of *conditional agency* conceptualizes

legislator preferences as subject to the persuasion of the congressional leaders. Through historical case studies of leadership, Strahan documents leaders actively shaping legislator preferences, and subsequently altering legislative outcomes. Furthermore, the theory suggests that leadership is possible under a variety of environmental contexts, not just when followers are united on particular policy outcomes. Green (2010), in his recent study of the speakership, similarly suggests that Speakers can lead by actively advocating a position or an issue through, among other things, speaking and voting on the House floor. Both Strahan and Green argue that consequential leadership arises from the goal-achieving behavior of House leaders. While they disagree on the specific contents of those goals, they agree that it is in pursuing these goals that leadership influences the policymaking process and policy outcomes.

In a different way *party cartel theory* also provides for strong legislative leadership (Kiewiet and McCubbins 1991; Cox and McCubbins 1993, 2005). The theory argues actors holding key leadership positions in the House of Representatives, such as committee chairs and the Speaker, have the authority to use powerful institutional mechanisms to control the chamber's agenda. While the theory argues that these leaders will only push legislation that finds widespread support within their caucus, this still leaves significant leeway. Especially in times of ideologically coherent parties, leaders should have a vast array of issues and policies that they could choose from to push. Thus, while Cox and McCubbins' (2005) first commandment of party leadership is, "Thou shalt not aid bills that will split the party..." (p. 24), they also find that restrictions on the *positive* agenda control

decisions of legislative leaders are less than rigid (see also, Finocchiaro and Rohde 2008).

Altogether, legislative leaders in the House have informational and resource advantages they can use in tandem with their institutional powers to lead the chamber. Rather than follow their caucus or committee, legislative leaders are endowed with tools that allow for real leadership. Building off Hall, Strahan, and others, the following sections describe specifically how information is power for legislative leaders, and to what ends.

### *Information and Power in Congress*

Legislative leaders in the U.S. House of Representatives, here defined as both majority party leaders and committee leaders, have a unique source of power they can harness to lead the policymaking process in the chamber. That power is control over the flow of information about legislation, or *information control* for short. Because of the needs of rank-and-file legislators, and because of leadership goals and desires, legislative leaders use information control strategies to strongly influence policymaking in the House.

The reasons leaders would *want* to control information are fairly straight forward. The primary job of the majority party leadership and of committee chairs is to get legislation passed, specifically legislation agreeable to the leadership or to the chair. In controlling information, leaders attempt to avoid controversy arising around their legislation. The more individuals and groups that can analyze a specific bill, the more likely someone will find reasons to object to some provision in the bill or some

interpretation of the legislation, or that a specific provision will turn into a political issue that could potentially change the level of support for the bill within the majority party caucus or become a public embarrassment for the leaders. In controlling what information about a bill is public domain, leaders can avoid these controversies and pilot an easier path to passage. This gives them more control over the legislative process and help legislation pass in their preferred form.

There are several reasons why leaders *can* use information to lead the House of Representatives, as well. These merit additional discussion. First, members of Congress both want and need to be led by their designated leaders. Second, there is evidence that members of Congress have general or vague policy preferences, rather than clearly-defined preferences that can be influenced. Third, it is unfeasible for the rank-and-file to adequately control or check many of the actions taken by their leaders.

### **Congressional Workload and Necessary Leadership**

Perhaps the most important reason that leaders should be able to lead is because the rank-and-file *need* to be led. It is well established that political institutions are endogenous entities. Members of Congress create the institutions that structure their world in order to aid the achievement of some goal or set of goals (Stewart 1987; Binder 1997; Schickler 2001). Leadership positions in the House were created, in part, out of a necessity to reduce the inefficiencies that would result from every member having to participate in directing the activity of the chamber. It would be untenable, inefficient, and simply a logistical nightmare for all representatives to



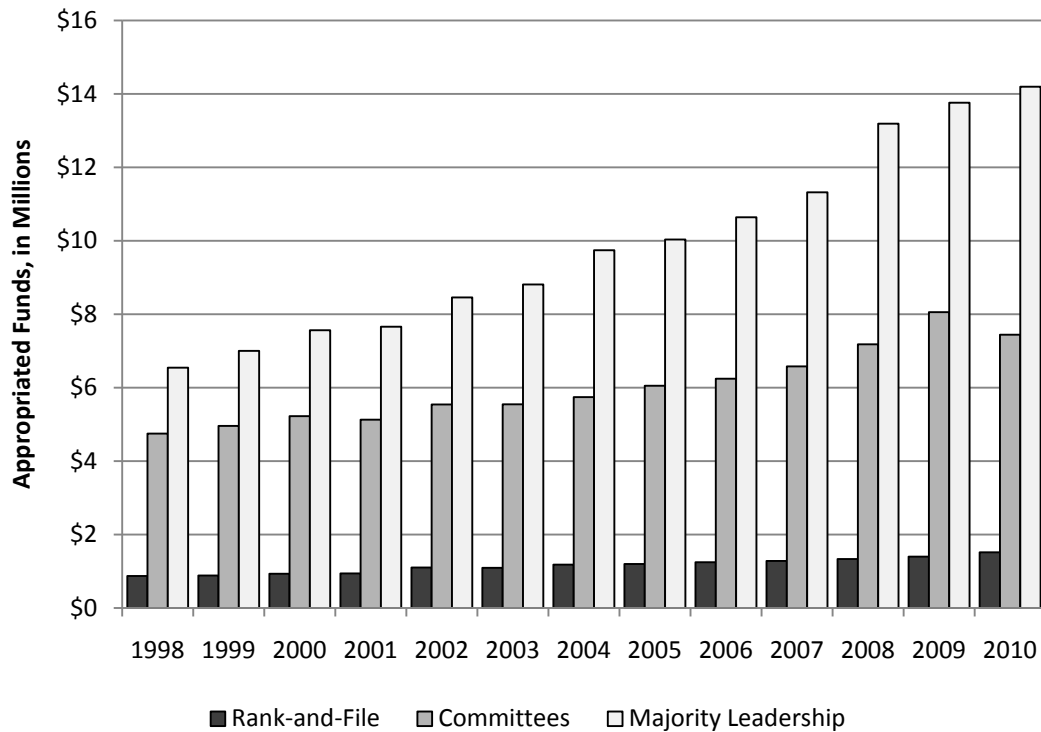
be involved in every one of these actions. The creation and development of leadership positions in the House was an attempt to alleviate this problem (Bach and Smith 1988; Krehbiel 1991; Baron 2000).

Furthermore, the demands placed on typical members of Congress make it impossible for them to be involved, or even informed, on most pieces of legislation. Members have neither the time nor the resources to study and analyze each bill (Kingdon 1989). A look at the daily schedule of any member of Congress would reveal overlapping constituent meetings, caucus meetings, committee hearings and mark-ups, floor deliberation and votes, fundraising events, trips to and from the district, as well as meetings and briefings with legislative staff. The time that remains for members to actually get involved in shaping legislation, much less sitting, reading, and thinking about legislation, is by necessity going to be allocated to legislation of the greatest importance to the member and his or her constituents. Hall (1996) highlights how the demands on the time of members of Congress far exceed the time and the resources they have to commit. As one representative told Hall, “I feel like I’m spread thin all the time. There’s never any time to read or think an issue through or anything like that” (1996, 23).

The staffs of rank-and-file members of Congress are spread thin, as well. The typical member of Congress has far fewer staff resources than party and committee leaders. In 2010, for example, rank-and-file members were limited to hiring a maximum of 18 staffers and were allotted an average of \$1.5 million for salaries and offices expenses. Party and committee leaders, by contrast, have significantly more staff resources. Figure 2.1 presents the additional funds appropriated to majority party

leadership and committee offices between 1998 and 2010. Party leadership and committee offices have been routinely appropriated millions of additional dollars for salaries and other expenses. In 2010, for example, majority leadership offices were provided with \$14 million and the typical committee benefited from an additional \$7.4 million for staff and other expenses, to be at the disposal of the committee chair.

**Figure 2.1: Funds Appropriated to Rank-and-File, Committee, and Majority Party Leadership Offices**



Sources: Legislative Branch Appropriations, fiscal years 1998-2010.

Note: Fund appropriated for majority leadership offices include all funds appropriated for the Speaker’s Office, the Majority Leader’s office, the Majority Whip’s office, the Chief Deputy Whip, the Republican Steering Committee, the Republican Conference, and the Republican Policy Committee (when the Republicans are in the majority), the Democratic Steering and Policy Committee and the Democratic Caucus (when the Democrats are in the majority), and all cloakroom personnel. Fund appropriated to committees are the average funds appropriated to regular standing committees. Numbers are displayed in 2010 constant dollars.

The disparity between leadership offices and rank-and-file offices is also growing. As shown, funding to all offices grew between 1998 and 2010. While

funding to personal and committee offices grew at a relatively equal pace, funding to leadership offices grew almost twice as rapidly. Over the course of the period represented, funds appropriated to members' personal offices grew 27 percent and funds to committees grew 22 percent. Funds to majority and minority leadership offices, by contrast, grew 50 percent. These data suggest that not only have legislative leaders persistently had more resources with which to write and track legislation, research issues, and manage information, but the disparity has grown at least in respect to majority party leaders.

With more funds at hand, party and committee leaders can hire not only more numerous staff, but typically more experienced and talented staff who can focus more assiduously on fewer issues than the personal staff of rank-and-file representatives. Committee staffers, for example, can focus solely on a subset of issues within the jurisdiction of the committee. Leadership staffers can focus on narrow areas of policy and procedure as well. By comparison, the personal staffers of typical members have to work on numerous policy areas and typically have less experience and expertise. Altogether, the average member of Congress can only get involved on a small number of bills in a small number of issue areas because the time and resources are not available to do anything else (Hall 1996, pp. 32-48). On the remainder of issues, the rank-and-file must rely on others for information about what is happening on each bill.

This circumstance allows for majority party leaders and committee chairs to influence the rank-and-file. Leaders can use their resources to influence the information members receive about a specific bill, amendment, or provision.

Committee staffers, under the direction of committee leaders, are the wardens of information about committee drafts of legislation. Members interested in the contents of a specific bill may often have nowhere else to turn. Party leaders, similarly, have vast whip organizations that not only collect intelligence about the preferences of the membership of the party caucus, but are often essential in providing information to the rank-and-file about what is in a bill. Altogether, the time restraints and resource disadvantages faced by rank-and-file members of Congress empower legislative leaders by giving them distinct opportunities for influence.

But rank-and-file members not only *need* empowered leaders but also have reasons to *want* empowered leaders. The creation of strong leaders serves to aid goals beyond legislative efficiency. Specifically, *partisan* leadership positions help the party caucus more effectively further their collective policy preferences which, in turn, can potentially help everyone in the party at the polls (Cox and McCubbins 2005; Jones 2010). For the majority, this means both pushing legislation the caucus agrees upon (Finocchiaro and Rohde 2008) and blocking legislation that splits it (Cox and McCubbins 2005). For the minority, this means a heightened ability to organize obstructionist tactics to either stop the majority from enacting its prerogatives or to obtain policy concessions. If the party is successful in its legislative strategies, it should help each of the members of the caucus individually.

Members of Congress typically want to go along with their party's leadership. In the absence of information that may dissuade a member from supporting their leadership's position on a bill, for most members the default action is to go along. Early scholarship on roll call voting strongly suggests that most members begin with

the assumption that they will support the party position and only deviate from that position when information regarding the bill would make doing so unpalatable (Ripley 1967, 139-59; Matthews and Stimson 1975; Kingdon 1989). As Lee (2009) has more recently suggested, membership in a party caucus provides numerous incentives beyond ideology to go along with the party's positions. These incentives, including the image of the party among the electorate, control over the chamber, and a mistrust of the opposing party, fuel partisanship in Congress and make going along with the party even more enticing to legislators. Altogether, that members will default to supporting their leadership in the absence of compelling reason to the contrary provides incentives for legislative leaders to control the availability of any information that might raise doubts or concerns among the rank-and-file.

In sum, it is both a necessity and desire among the rank-and-file to empower and follow leaders. The typical member simply does not have the time or resources to obtain all the information they need about legislation alone and in the absence of a compelling reason not to, most members tend to support the party position. Empowering leaders helps the party more efficiently and effectively pass their legislative platform and, at the same time, it empowers leaders to lead.

### **Broad Orientations vs. Clearly Defined Policy Preferences**

Information-based leadership is also powerful because there is evidence that, rather than clearly defined policy preferences (see, for example, Krehbiel 1998), members of Congress may have what would more accurately be defined as “broad orientations” or “zones of acceptable outcomes” (Cooper and Hering 2003; Weaver

1986, 2000) that can be molded and influenced by leadership actions. Scholars who describe members of Congress as having well defined preferences generally point to constituency pressures as the primary constraint (see, for example, Krehbiel 1993, 1998; Brady and Volden 1998). However, there is a great deal of evidence, anecdotal and otherwise, that members have a good amount of leeway in their voting decisions. For example, rather than adhering strictly to a set of constituent preferences, the representatives Fenno (1978) interviewed indicated that they had leeway as long as they could convincingly explain their votes to their constituents or to a large enough subset of constituents.

Arnold (1990) furthered this argument by pointing out that any position can be taken on a bill if it can be done so obscurely. For example, if the meaning or consequences of a vote are unclear to the public, a member of Congress is able to act free of constituent pressures. Furthermore, not every individual in a district needs to approve of the policy positions a representative takes. Members only need to please a large enough sub-population to secure reelection. Altogether, members of Congress are not typically bound to a single position by the preferences of their constituents.

There is evidence that variation exists in the *intensity* of policy preferences among representatives, as well. Hall (1987, 1996) argues that just as no member could potentially be involved on every issue, no member could possibly be intensely concerned about every issue before the chamber. This variation in preference intensity influences which issues members of Congress get involved in, as well as the degree to which their preferences on that issue are more or less clearly-defined. On some issues, members may be simply disinterested. A legislator from an eastern,

urban district, for example, may not care whether dairy subsidies favor Midwestern or Californian farmers. Other times, members may be more apathetic simply because they never had time to consider the legislation closely. Regardless of the reason, on issues where members have less interest and less of a stake, they are likely to have less-defined policy preferences.

Even if members of Congress do have solidified preferences on a bill or issue, there is evidence that majority party leaders can influence the formation of these preferences. Evans and Oleszek (1999) find, for example, that party leaders not only respond to the preferences of their rank-and-file on legislation, but actively work to shape those preferences. Specifically, leaders make use of the whip organizations to influence support for policy proposals and, contrary to the conclusions drawn by many other scholars, may actually be most effective in doing so when there are “significant pockets of disagreement” within the party caucus (Evans and Grandy 2009, 197).

Altogether, the nature of representatives’ preferences leaves significant leeway for leaders to lead. According to research done by Behringer, Evans, and Materese (2006), it is not just on bills of minor importance that legislators are uncertain of their preference for support or opposition. They find that members often, even on bills of great importance, remain unsure of how to vote even as they come to the floor to cast that vote.

## **Problems of Controlling Leadership Action**

Even if the rank-and-file wants to control or check their leadership, there are reasons to believe that it is generally unfeasible to do so. This lack of control begins with leadership selection. One could argue that the rank-and-file could select leaders that have policy priorities compatible to their own. However, there is substantial evidence that House leaders are selected primarily on the basis of other concerns. For example, there is a strong relationship between candidate-to-candidate campaign donations and leadership selection. Typically, members of Congress who donate the most to their fellow partisans obtain leadership positions within the chamber (Heberlig, Hetherington, and Larson 2006; Green and Harris 2007; Deering and Wahlbeck 2006, Cann 2008a, 2008b). Recent evidence bears this out with Democratic leaders Nancy Pelosi (D-CA) and Steny Hoyer (D-MD), and Republican leaders John Boehner (R-OH) and Eric Cantor (R-VA), ranking among the most prolific candidate-to-candidate contributors in recent elections.<sup>8</sup>

Historically, and still to a large degree, the selection of committee chairpersons has reflected seniority as well as campaign donations. The importance of seniority to legislative organization in Congress has been well documented (Goodwin 1959; Polsby, Gallaher, and Rundquist 1969; Hinckley 1971). Although the final selection of committee chairpersons may reflect contribution totals, the members who comprise the list of possible candidates are largely determined by seniority. Without extensive experience in Congress and on the committee in question, a member has little chance of becoming the chairperson. This remains true, even though under

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<sup>8</sup> Analysis of candidate-to-candidate and leadership PAC-to-candidate contributions in the 2010 election cycle by the Center for Responsive Politics listed these members of Congress as four of the top five overall donors among members of the U.S. House.



Speaker Newt Gingrich (R-GA) seniority was often bypassed in the selection of committee chairpersons (Owens 1997; Aldrich and Rohde 2000b).

Beyond selection, since representatives have limited time and resources and tend to be overscheduled, they cannot routinely check the information provided to them by their leaders. If members are turning to the leadership for information it is probably because they are unable to get the information elsewhere. If they cannot collect the information on their own, or from any other sources, they probably do not have the time to rigorously check what their leaders have provided them. Even if members were able to check their leaders, they would then have to convince a requisite number of their fellow rank-and-file that the leadership is being misleading—a task that would likely be hard to achieve. Furthermore, as discussed above, rank-and-file members may not want to check their leaders much of the time. In letting leaders lead, they help advance party-backed legislation over the minority and into law.

Removing leaders from power is also very difficult. Scholars who argue that congressional leaders are weak point to the ability of the rank-and-file to remove leaders that abuse their power. While there are examples of congressional leaders being removed from power in the House of Representatives, these examples are more often the exception rather than the rule.<sup>9</sup> In fact, once selected to a leadership or committee post, it has been historically difficult for the rank-and-file to remove even the most irascible agents. One reason is because the longer a member spends on a

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<sup>9</sup> The most famous story of leader removal is that of Speaker Cannon's overthrow in 1910. However, Cannon's behavior has to be viewed as the most extreme case of power abuse in congressional history. The fact that the Republican caucus stripped him of his powers after such egregious power abuse should not be seen as an example of leader removal, but rather a demonstration of just how far a leader has to go in order to finally spur enough of the caucus into revolt.

committee or in a leadership position, the more of an expert they become in their area of specialization. To remove such an agent from the chair or a leadership post may detrimentally impact how efficient the legislative process would operate.

Furthermore, once in power, legislative agents act to consolidate power by building alliances through striking deals with other members over legislation, distributing campaign contributions, and other actions. There is often no obvious successor to whom they can turn, if they remove a leader.

As an example of how difficult it can be to displace a legislative leader consider the 1987 deliberation over Les Aspin's (D-WI) chairmanship of the House Armed Services Committee. Aspin's conservative stances on military and foreign policy issues clashed strongly with the more liberal Democratic rank-and-file after he became chairman of the committee in 1985. At the start of the next Congress in 1987, House Democrats voted to remove Aspin from his post and select a successor. However, nothing in the Democratic Caucus by-laws restricted Aspin from running to regain the seat. Along with Aspin, three other committee members were nominated for the post: Charles E. Bennett (D-FL), an ethics reformer and political moderate, Nicholas Mavroules (D-MA), a leading liberal on the committee, and Marvin Leath (D-TX), one of the few committee Democrats even more conservative than Aspin. Early rounds of voting eliminated Bennett and Mavroules from consideration leaving the conservative Aspin to face off against the even more conservative Leath. Realizing Leath would be even more troublesome, liberal Democrats swung strongly for Aspin in the final vote. Despite continuing to clash with his fellow partisans,

Aspin would hold onto his chairmanship until 1993 when he was appointed by President Clinton to become Secretary of Defense.<sup>10</sup>

Altogether, checking or removing leaders from power is not an easy task for members of Congress. Their limited resources and need for leadership makes it both difficult and usually undesirable to remove leaders from power. Historically, only extreme abuses of power have resulted in serious consequences. As Nelson (1977) demonstrates, serious challenges to party leaders have been relatively uncommon. Between 1863 and 1977, there were only six serious challenges to Democratic Party leadership posts and nine serious challenges to Republican leadership posts in the House of Representatives (Nelson 1977, p. 935). Since the 1970s, leadership challenges have neither been more common nor more successful.

For most members of Congress most of the time, it is simply more rational to trust their leaders so their time is free for other activities like campaigning, constituent tending, and working on the legislation that is important to their particular interests. This arrangement provides leaders with significant leeway within which to influence policymaking in Congress. Members of Congress do not always want to constrain their leaders, but even when they do it may be onerously difficult to do so.

### *Leadership Goals and Leadership Action*

Altogether, it is clear that information is a source of power in the House of Representatives and that majority party and committee leaders have an abundance of it. However, it is important to not view the information-based relationship between

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<sup>10</sup> See Longley and Oleszek (1989), pp. 294-306, for a more detailed discussion of this case study.

leaders and the rank-and-file as a zero-sum game. Information control is not solely negative for the rank-and-file and purely positive for leaders. There are pros and cons associated with the relationship for both sets of actors. In some ways, information control helps both leaders and rank-and-file members of Congress achieve their goals. But in other ways it favors leadership goals over the goals of the typical member of Congress.

Scholarly inquiry into congressional politics over the past several decades has generally depicted members of Congress as purposive actors who act in order to achieve their goals. Fenno (1973) highlighted three primary goals held by all members of Congress—reelection, the development of good public policy, and influence within the chamber—though he recognized members could hold other goals as well, such as election to positions outside the chamber (see also, Deering and Smith 1997). This goal-based approach has been a popular model for understanding congressional behavior, with studies highlighting the specific effects of the goal of reelection (Mayhew 1974; Fiorina 1989; Stein and Bickers 1994; Adler and Lapinski 1997), creating good policy (Mayhew 2000), or increasing individual influence (Dodd 1977).

However, it is important to consider how the intensity of particular goals can vary across legislators. Fenno (1973) argued that members seek committee assignments to help them meet their goals, but he also stressed that they *adapt their goals* to the positions they attain. Recent studies by Strahan (2007, 2011) and Green (2010) have emphasized how leadership action is driven by several leadership-specific goals. However, leadership goals are neither completely distinct, nor

completely identical, to those held by the typical member of Congress. In pursuing goals, leaders act in ways that aid both themselves and their followers, as well as in ways that may benefit only themselves and sometimes at the detriment of the rank-and-file. Specifically, leaders primarily pursue three interrelated goals: (1) remaining in the leadership; (2) winning and holding chamber majorities; and (3) passing partisan policy priorities.<sup>11</sup> The pursuit of these goals creates a great deal of tension around the use of information control strategies as rank-and-file members face the prospect of both benefitting and being harmed by their use.

In the existing scholarship on congressional leaders, the goal of remaining as a leader is by far the most prominently discussed. Much like the goal of winning reelection to the chamber, leaders cannot pursue any other goals unless they remain leaders. As discussed above, it is a focus on this goal that motivates much of the ‘weak leadership’ perspective on congressional leaders (Cooper and Brady 1981; Krehbiel 1991; Aldrich and Rohde 2000a, 2000b; Sinclair 1995, 2007). Since party leaders and committee chairpersons are elected to their posts by their principals every two years, they have to satisfy those principals or endanger being cast off. While congressional history is not exactly replete with cases of leaders being overthrown, the existence of even a few cases—such as Joseph Cannon’s (R-IL) removal from power in 1911 and Gerald Ford’s (R-MI) defeat of Charles Halleck (R-IN) for

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<sup>11</sup> Stahan (2007) and Green (2010) both discuss goals as motivating factors for leadership action. Stahan highlights good public policy, historical reputations, and remaining as a leader as major leadership goals. Each of these is included within the discussion of my three categories. Green identifies a broader set of goals that also includes reelection to Congress, representation of the institution, and support of the president. Leaders’ relationships to the president is subsumed in one of my three goals (passing the partisan policy priorities), but I do not explicitly consider reelection to Congress or representation of the institution as goals. I bypass these because they are relatively minor compared to the other three. Green, himself, points out that leadership in fulfillment of these goals is far less common than it is for the others.

Republican leader in 1965—along with the presence of enough ambitious up-and-comers—may be enough to often keep leaders on their toes.

As a consequence of this Sword of Damocles perpetually dangling over leaders' heads, there is a need to be responsive to the desires of the rank-and-file. But assuming this is the only consequence of the leadership goal of remaining a leader is to see an incomplete picture. Leaders must indeed be responsive to their followers. However, the information and resource advantages leaders enjoy allow them considerable freedom. The rank-and-file, as discussed, are not checking every leadership action. Instead, leaders have significant leeway to act.

Furthermore, leaders are held responsible not just for being responsive, but also for the electoral success and failure of the party caucus. Put bluntly, leaders risk losing their power if their party does poorly at the polls. This is the second leadership goal—helping their party win and hold chamber majorities. Members of Congress want their party to do well in every election. For the typical member, majority status means more money for district projects (Balla et al 2002; Levitt and Snyder 1995), more institutional power and resources, more campaign cash (Cox and Magar 1999; Rudolph 1999), and a better probability of getting their policy initiatives adopted as law. For leaders it means all these things and more. For one, in the minority, leadership powers are diminished. The majority party leadership sets the agenda and schedule of the chamber and of the committees, determines committee seat allocation, influences bill referral, and determines the rules by which legislation is considered. The minority leadership, by contrast, can only respond to majority leadership action in committee and on the floor. Second, as referenced above, winning and holding

chamber majorities aids the job security of leaders. Leaders likely run a much higher risk of attracting opposition if the party is struggling rather than winning electorally (Peabody 1976).

The third leadership goal is passing partisan policy priorities. To some degree, all members of the party caucus hold this goal. As Cox and McCubbin's (2005) posit, all members of a party caucus have an interest in their party passing legislation that creates a positive brand name for the party in the electorate. In short, if the party is well thought of by voters, everyone benefits. However, the typical member of Congress has many competing interests. For one, the party's collective priorities and the preferences of a representative's constituents may not always align (Kingdon 1989; Sullivan and Uslaner 1978). In these instances members have to consider district-specific influences on their constituents' support, as well as the party's reputation.

Legislative leaders, however, are subject to additional incentives that promote the advancement of partisan priorities. As such, leaders tend to prioritize and focus on the big-picture of the legislative process and push major tenets of the party's legislative platform. One set of incentives are the previous two leadership goals. Needing to build a positive party image, leaders typically focus on legislation that achieves the primary aims of the party and helps create a record of success for the party to run on (Cox and McCubbins 2005). Helping to cultivate a positive party image in turn aids leaders in their pursuit of staying in power and placating most members of the caucus with improved electoral odds.

Additionally, because of their institutional power, legislative leaders become the primary actors on the president's priority legislation. Because leaders have to take the lead on the presidential agenda, they necessarily have to consider party priorities more than the typical legislator. The president's influence on congressional policymaking is foremost (Bond and Fleisher 1990; Baumgartner and Jones 2009; Edwards and Wood 1999). While not able to dictate policy outcomes, presidents typically have substantial influence over the final substance of legislation. Perhaps more importantly, presidents have substantial influence over the congressional agenda, especially the agenda of their own party. To a large degree, legislative leaders have to act in response to the presidential agenda. If there is unified government, this means leaders often become the chief supporters of the president's legislation. If there is divided government, it means becoming a leader of the opposition. This is especially true for party leaders. Modern Speakers of the House feel it is their duty to support the President when he or she is a member of their party (Peters 1997; Green 2010). Peters (1997) also suggests that Speakers feel it is their responsibility to lead the opposition when the President was of the opposition party.

Another incentive for leaders to focus on passing partisan priorities is a concern for their historical reputations. Strahan (2007, 30-33) highlights how Speakers act, in part, to build historical reputations for themselves around the policies passed under their tenure. A concern for such a reputation naturally lends itself to a concern over big-picture issues. As Strahan puts it,

Parochial concerns of rank-and-file legislators may cause them to pay insufficient attention to broader, long-term interests, while advancing these broader interests is precisely what confers lasting "fame" on a leader (Strahan 2007, 31).



In other words, historically prominent statesmen and stateswomen do not gain national fame by accruing pork. They do so by influencing the enactment of nationally significant legislation. Undoubtedly, this should concern not only Speakers, but committee chairpersons and other representatives of significant prominence, as well. Much like presidents, each of these actors are likely to be concerned with building positive, and national, historical records.<sup>12</sup>

Altogether, these three leadership goals make big-picture, partisan priorities a more central concern to leaders than they are for the typical member of Congress. While most members of Congress support the passage of their party's platform, as discussed above, they have goals and incentives that may push them in other directions, as well. Rank-and-file members may be unable to support the party's priorities because of public opinion in their district. Or they may want to amend the details of legislation to make it more palatable, or insert provisions that help them with their specific priorities. If the rank-and-file have little information about a bill, or have limited access to its contents, they will have limited opportunities to influence these types of details. And while they will potentially benefit from the passage of party prioritized legislation, the bill may contain provisions they consider suboptimal and lack provisions they would have ideally included. Thus, the information-based

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<sup>12</sup> To some degree, developing an historical reputation could also drive leaders in the House to try to position themselves to obtain even higher office—the Senate or the even the Presidency. Doing so, however, may incentivize self-interested behavior that is contrary to party goals. If a leader has an eye towards a state-wide or national election, he or she may support or oppose legislation in a way that actually hurts the party caucus. Richard Gephardt's (D-MO) support for the 2002 Iraq War Resolution, against the majority of his own caucus, is a prime example. In this instance Gephardt put his own presidential ambitions ahead of the good of the party, forfeiting the Iraq War as a political issue for the Democrats in the 2004 elections.

arrangement between leaders and the rank-and-file, in furthering general party goals, can be both a boon and a bane for the typical member of Congress.

### Summary and Conclusions

In sum, information control is a powerful tool for legislative leaders in the House of Representatives. It is an independent, institutionally-driven source of power that leaders can draw on to lead the chamber. Most theories of congressional action that posit leaders to be weak or inconsequential do not give enough weight to the inequalities in the information and resources held by leaders and the rank-and-file. The typical member of Congress, in terms of resources and information, is rarely on equal footing with his or her leaders, and generally does not wish to, and simply cannot, consistently check or control leadership action. A realistic understanding of the general disparity between leaders and followers in the House of Representatives makes it clear that leaders, and leadership, can be consequential.

Considered in tandem with the expectation of goal-driven behavior by all members of Congress, we can identify clear expectations about what will result from this relationship. Leadership goals should generally encourage leaders to use information control tactics to further leadership priority legislation, avoiding the arousal of controversies that may derail the legislation, or force the leadership to alter its contents in a way that makes it less preferable to them. This can be both beneficial and detrimental to the rank-and-file. On one hand, information control allows the majority party to enjoy more aggregate success than it might otherwise. But on the other hand, individual voices within a party caucus or committee are reduced and

members have fewer opportunities to influence the details of a good deal of legislation.

The next chapter takes to the task of describing the tools of information control. What specifically do committee and party leaders do to control information in the House? Evidence from interviews with members of Congress and their staff find that leaders have a variety of tactics that they implement.

## Chapter 3: The Informational Tactics of Party and Committee Leaders

*“You have a 1,500 page bill—members aren’t going to read through it. You can certainly cherry pick what you give to them.”*  
Staffer in a party leadership office<sup>13</sup>

*“When it comes down to it, it’s the details that really matter.”*  
Rank-and-file member of Congress<sup>14</sup>

Information control is a comprehensive strategy, not merely a set of tactics. When they wish to control the flow of information in the House about legislation, majority party leaders and committee chairs typically attempt to manage it from all angles: gathering information about member preferences, restricting access to information, and supplying their own censored information. Each specific tactic may be classified in one of these three general categories, but is typically used in tandem with others. Often times, the information gathered informs what other strategies should be used; if, and to what degree, information must be withheld; and what information would best help sell a bill to the rank-and-file.

This chapter discusses many of the informational tactics used by majority party leaders and committee chairs. It draws on evidence from the 30 semi-structured interviews described in chapter 1 and in more detail in Appendix A. Despite their tremendous advantages in terms of staff resources and information, Leaders can find their legislation, and even occasionally their control over the chamber, imperiled if the wrong information falls into the wrong hands, or the wrong piece of information

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<sup>13</sup> Interview 10

<sup>14</sup> Interview 17

becomes the focus of deliberations. Most significant legislation has many facets and addresses several issues. The final product is often the result of carefully fashioned compromises reached among a handful of important players in Congress and in the executive branch. Leaders want to avoid an issue being brought up or a controversy being raised that will derail the delicate balance they have struck. As one staffer described the general disposition of leaders in communicating with rank-and-file offices:

*Rank-and-File Staffer:* Their reaction is to say ‘no’ and to not do anything to make it easier for people to change the bill that they’ve written and the compromises they have carefully made.<sup>15</sup>

Another staffer described the control committee chairs kept over the process in similar terms:

*Rank-and-File Staffer:* In a lot of cases it was because legislation would probably be controversial and [the committee staff] didn’t want to allow the other side, or in some cases both sides, the opportunity to offer unlimited amendments that would keep the committee in mark-up for days on end and change the direction of some of the wishes that the chairman might have had on the legislation.<sup>16</sup>

A committee and a leadership staffer similarly describe the committee’s view of changes to the chairman’s mark:

*Committee Staffer:* But from our point of view, once people start offering amendments it starts messing with the balance in the bill.<sup>17</sup>

*Leadership Staffer:* 90-100 percent of the time the chair of the committee where a bill originated is going to come to the Rules Committee or the party leadership and say, “Hey, what came out of my committee stays.” The phrase that everyone likes to use is a “carefully-crafted balance” and you can’t change a thing or else it will all come crashing down.<sup>18</sup>

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<sup>15</sup> Interview 19

<sup>16</sup> Interview 24

<sup>17</sup> Interview 4

<sup>18</sup> Interview 15

In all likelihood, most bills will include some provisions and specifics that are unpopular to some members of Congress, interest groups, and constituencies. The arousal of controversy can have disastrous effects. A major strategy of the minority party, and of a bill's opponents in general, is to raise an issue that will drive a wedge into the majority's vote coalition. In bringing to light an unpopular provision, or framing the bill in an unpopular way, opponents can bring it down, alter it in a way that is undesirable to the majority leadership or committee chairs, or create an effective issue to use in the next election campaign.

An example of this is the defeat of the bi-partisan assault on the Clean Air Act led by Representative John Dingell (D-MI) and President Ronald Reagan in the early 1980s. Dingell, then chairman of the Committee on Energy and Commerce, with support of the Reagan administration intended to ram through a series of amendments to the Clean Air Act of 1970 that would reduce emission standards. The bill, with broad support from American industry, important leaders in both parties, and a powerful Democratic chairman, looked to be a sure bet for passage. However, a coalition of members led by Representative Henry Waxman (D-CA) was able to stir enough controversy to eventually kill the bill in committee. Waxman, representing smog-filled Los Angeles, had a strong vested interest in blocking the legislation and was willing to allocate significant time and resources to its defeat. As chairman of the Environment Subcommittee, Waxman's staff had strong ties with the Environmental Protection Agency. A key moment came when his staff obtained a leak of Reagan's draft recommendations for the bill (Waxman and Green 2009, 80). Armed with this information, Waxman and his coalition were able to focus the debate over the bill on

unpopular provisions, and successfully offer amendments in committee that resulted in Dingell removing the bill from the agenda.

As will be shown, by influencing what potential opponents know and for how long they know it, legislative leaders reduce the quality of opposition tactics because opposition leaders are not armed with the information they need to peel away votes, and have neither the time nor the resources to obtain this information. These tactics, however, have the consequence of not only limiting the information possessed by clear opponents of a bill, but of all rank-and-file members of Congress as well. This often impedes the ability of even majority party members to offer amendments, fully vet the contents of a bill, or become more deeply involved in the policymaking process. But for party leaders and committee this means passing their carefully crafted bills without inspiring controversy and with as few changes to the bill as possible. While sometimes it is not possible to control the flow of information about a bill inside and outside of Congress, when it is possible it can be an effective leadership strategy and empower leaders to shape and pass the legislation they prefer.

### *Gathering Information*

Legislative leaders go to great lengths to gather information about rank-and-file member preferences and their potential valuations of legislation. Uncertainty is a failure for party leaders and committee chairs. As one committee staffer described their response to unanticipated actions and reactions by rank-and-file members, “If we are surprised we’re not doing our job.”<sup>19</sup> Leaders want to know how their rank-and-file are likely to react to legislative provisions so that they can either adjust them

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<sup>19</sup> Interview 4

appropriately, or sometimes, keep members in the dark about certain provisions as much as possible and focus on aspects of a bill that are more palatable.

Committee chairs and party leaders both use similar tactics to gather information and make use of their staff and resource advantages in doing so. Committee information gathering tends to occur primarily during the early stages of the legislative process, while the majority party leadership gathers intelligence throughout the process.

### **Tactics of Committee Chairs**

Committee information gathering often begins even before the drafting of the chair's mark at the subcommittee level. Under the guidance of the full committee chair or the subcommittee chair, committee staff work to find out what rank-and-file committee members may think about a bill or an issue, and subsequently what leeway they may have in writing the bill and who on the committee will be so intensely concerned that they will have to be brought into the process and involved more intimately in the drafting. This information gathering is done in several ways—through general outreach, targeted outreach, formal meetings, and discussions with minority ranking members and minority committee staff.

#### *General Outreach*

Committee staffers reach out generally to subcommittee and committee members early in, or before, the drafting process to gather information and report back to their chairs. Staffers want to take the temperatures of their rank-and-file



members about provisions that might be included in a bill. They also want to find out if there are specific policy areas planned to be addressed in a bill that some committee members may take a special interest in or that may stir-up controversy later on in the legislative process. At this point, committee staffers also expect rank-and-file members of the committee to come to them directly if they have any special interests in a bill that is being drafted, or if they have distinct concerns they would like considered. As few staffers described the committee's perspective on this stage in the process:

*Committee Staffer:* We solicit. We ask at the subcommittee level, we say, "You know, if you've got any amendments you better tell us now. Let's talk about it because we've done everything we could to accommodate you."<sup>20</sup>

*Committee Staffer:* The subcommittee staff is in pretty regular contact with the other subcommittee members. ... They have certain programs they want to plus-up. They obviously have their earmarks that they want to fend for. So they will continue to be in touch with the subcommittee staff. It's not a constant thing because other members of the subcommittee may have particular parochial, or peripheral, issues they are concerned about, particular issues that their boss takes a particular interest in, but it's not going to cover the whole bill.<sup>21</sup>

Committee members do themselves few favors by trying to surprise their chair and the staff. The committee wants to know up-front if there are issues a member is going to want to be involved in or if there are things they have strong opinions about. Rank-and-file members of the committee are encouraged at this stage to send in letters requesting particular policy considerations, or in the case of the Appropriations Committee, make specific requests for the funding of projects.<sup>22</sup>

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<sup>20</sup> Interview 4

<sup>21</sup> Interview 8

<sup>22</sup> Interview 4

The committee staffers interviewed, however, also made it clear that for rank-and-file members it is not as simple as ‘ask and you shall receive’. Committee staff solicit input, requests, and ideas from their rank-and-file committee members, but there is no guarantee that these requests will be included in the bill as drafted or addressed in any way. Most committee members are left in the dark about whether their requests will have any impact on the final bill:

*Committee Staffer:* All [rank-and-file] input, though, is on the front end, and not as we are drafting. There is no back and forth—you know, we’re thinking about doing this—except at the discussion of the staff and the chairman.<sup>23</sup>

This process of soliciting requests, for committee staffers, is not just about pleasing their rank-and-file members and trying to including their wishes in the draft of the bill. It is perhaps to a larger degree about knowing what to expect in response to certain legislative language, knowing what issues are important to the committee membership, and knowing what policy proposals might be popular or unpopular as included in the bill.

### *Targeted Outreach*

Beyond this general outreach, committee staffers will reach out to specific rank-and-file committee members if they know from past experience that particular members will be intensely concerned about an issue being addressed in the draft of a bill:

*Committee Staffer:* If there is something we know [a rank-and-file member] cares about and we want to make sure we get it right for them, then we may have some back and forth with them on it.<sup>24</sup>

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<sup>23</sup> Interview 4

<sup>24</sup> Interview 4

*Committee Staffer:* It's usually one discrete program and they'll let you know why it's important to their boss, or in the member's case, they'll let you know why it's important to their district and they hope you can do something about it and you may get some follow up and back and forth.<sup>25</sup>

Furthermore, rank-and-file members can indicate that a particular issue is going to be very important to them, even if it hasn't been in the past, through the way they approach the committee staff:

*Committee Staffer:* The offices who are really serious about things and know what they're doing will write a letter and then follow up at the staff level and the member level sometimes and say, "This is really important. Is there some way we can work this out?" and then that gets our attention and we will focus our limited time and resources on trying to deal with those issues.<sup>26</sup>

Unlike with the interaction generated from general outreach, this type of interaction is driven by the intensity of preferences held by the rank-and-file committee members and is likely to result in a more substantive give and take between the staffer, or the member, and the committee. As this committee staffer indicated, it is also more likely to result in the member's interest being reflected in the final draft of the bill. When enough interest is shown, staffers, and the committee chair, are going to do their best to be accommodating because they don't want to risk the issue becoming a problem for the bill later in the legislative process.

But, as one key staffer to a committee chairman indicated, on any bill the number of committee members becoming this involved are few:

*Committee Staffer:* Most of the members of the subcommittee don't have daily interaction; it's very occasional interaction.<sup>27</sup>

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<sup>25</sup> Interview 8

<sup>26</sup> Interview 4

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The limited resources typical members of Congress have would not allow them all to be deeply involved at all times. They have to pick and choose their battles, and focus on the issues most important to them and their districts (Hall 1996). Furthermore, as another staffer indicated, these rank-and-file committee members still lack the ultimate authority of the committee chair. If the request runs counter to the overall direction of the bill and the compromises crafted, or if the request conflicts with the wishes of the committee chair, the request is unlikely to make itself into the bill language. Succinctly put:

*Committee Staffer:* But it's not a matter of [the rank-and-file] approving what we do. It's a matter of trying to accommodate them.<sup>28</sup>

#### *Formal Meetings*

In addition to the outreach described above, committee staffers also hold occasional formal meetings with the staff of rank-and-file members as another form of intelligence gathering. These meetings, as described in the interviews, take the form of a general forum in which the committee staff make a few general statements and announcements and then open it up to questions. More than anything, these serve as another forum for committee leaders to gauge the opinions of their rank-and-file members.

Usually, the committee or subcommittee chair holds a similar type of meeting with majority members of the committee at some point during the process as a form of information gathering exercise as well:

*Committee Staffer:* Before subcommittee [mark-up], [the chair] has generally met with [majority] members of the subcommittee to make

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<sup>28</sup> Interview 4

sure they are aware what the priorities he set in the bill are; what the potentially contentious issues are; what we have heard from the minority and the ways we have tried to incorporate the views of the minority; and if there are some particularly contentious issues, to prep them to hopefully stand with him when it comes to amendment votes and things like that.<sup>29</sup>

#### *Discussion with the Minority*

Committee chairs and staff also keep in regular contact with the minority ranking members and the minority committee staff throughout the process. They do so largely through bouncing ideas off of the minority staff to get an idea of what the response might be if such a provision were included in the bill:

*Committee Staffer:* The majority writes the bill and we will seek [minority] input as we move along and they will provide their input and we will try to accommodate them as best we can.<sup>30</sup>

*Committee Staffer:* It's, "let me know what your ideas are on this particular issue; what would you suggest for this account; or, is there something that is a priority for the minority on this particular agency?"<sup>31</sup>

In addition, on some committees, and depending on how much partisan rancor is surrounding the topic of a bill, the chair and the minority ranking member will actually sit down and discuss the minority's priorities. The Appropriations Committee is one place where this happens quite frequently:

*Committee Staffer:* The ranking member will present his priorities for the bill; will present a laundry list of items he'd like to see; accounts that he'd like to see plussed-up or brought down; suggestions for report language; suggestions for other items, earmarks included; and they'll have a fairly long meeting early in the drafting process where they'll hash these out. After that, I think, the subcommittee staff will have regular contact with the minority staff.<sup>32</sup>

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<sup>29</sup> Interview 8

<sup>30</sup> Interview 4

<sup>31</sup> Interview 8

<sup>32</sup> Interview 8

But this type of interaction should not be read to imply that the minority's input is automatically incorporated in the bill text. Instead these interactions are meant to help the chair and the majority staff get an idea of what the minority is concerned about, what minority members are thinking, and what issues may cause a partisan fight in mark-up or on the floor. Even on the Appropriations Committee, where partisanship has been noted to be muted in comparison to other committees, minority voices still carry very little weight compared to the will of the majority:

*Committee Staffer:* Now they're not helping to draft the bill, obviously, it's being done by the majority staff, but there is some back and forth and they'll communicate on certain issues they're hearing from their side and they want to bounce some ideas of each other on a limited basis. But it's certainly a majority product.<sup>33</sup>

This same staffer also emphasized that most of the conversations with the minority are one-way. Majority staff may ask the minority staff how they might react if a certain provision were included in the bill, but they do not tell them which language is going to be in the final product, what majority priorities are, or what the majority's final plans will be. Those things are kept close to the vest:

*Committee Staffer:* It's not extremely open. You don't want to tip off...Because there are negotiations to be worked out; because there might be things you don't want out in the public domain—there's a certain level of trust with the minority; you don't want them to work up a bunch of opposition to something you're trying to do before the bill is moving; for a variety of reasons you're not going to be completely forthcoming about what you're going to do with every item in the bill.

...

Certainly, input is solicited every step of the way, but it's not an exchange of information.<sup>34</sup>

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<sup>33</sup> Interview 8

<sup>34</sup> Both quotes from interview 8.

An interview with a minority committee staffer on the same committee confirmed this relationship:

*Committee Staffer:* There's a lot of communication and sharing of information at [the pre-drafting] stage in the process. When they are actually writing the bill there is a little bit less. So we have our chance to provide our input and language suggestions and ideas and make clear our positions to the majority sort of before they enter that process of marking up.<sup>35</sup>

Minority committee staffers, under the direction of the minority ranking member, are eager to provide their input to the majority staff, but they realize their opinions are merely suggestive and that the information they are providing helps the majority write a stronger product. Giving the example of the removal of terrorist suspects from the Guantanamo Bay prison facility, this staffer also indicated that the majority staff, on items of particular sensitivity, will be even less forthcoming than usual with what they share with the minority:

*Committee Staffer:* A lot of times, in that case, they would probably be a lot less willing to include me in on the conversation. A good example of that would be the policies and programs related to Guantanamo prisoners and detainees. That's been a huge issue on our bill and—I'm not sure the administration is talking to anybody—but to the extent that they are they are talking to the majority and I'm not part of that planning process because they feel that whatever they want to propose, probably rightly, that our side is going to provide opposition to.<sup>36</sup>

Ultimately, in communicating the minority's priorities on the bill, the minority staff hope that they can gain some concessions out of the majority in terms of language. However in the end, these discussions are more informative for the majority staff and the chair; helping them understand what issues may prove problematic later in the

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<sup>35</sup> Interview 7

<sup>36</sup> Interview 7

legislative process and helping them identify if there are any easy ways they can avoid costly political fights.

Altogether, majority committee staff go to great length to gather as much information as possible about what their rank-and-file members are thinking about, care about, and want to see in the bill; as well as what the minority may care deeply about seeing (or not seeing) in the final product. The intelligence gathered can help the committee plan its legislative strategy as the process progresses. But throughout the process, the majority party leadership is also active in collecting information that proves useful for the same purposes.

### **Tactics of Majority Party Leaders**

Majority party leaders spend just as much time gathering information on where the rank-and-file stand, but on a much larger scale. Typically, it involves taking the temperature of the entire majority caucus to make sure enough members will be on board for passage, or a subset of the caucus that may be crucial to passing some particular legislation. Most information gathering is conducted by the party's whip apparatus, but the rest of the party leadership can also get into the act when necessary.

#### *The Whip Organization*

The whip organization is the eyes and ears of the majority party leadership, and it is relied on heavily for gathering intelligence. The whip's office has a dedicated staff and a hierarchical chain of command from the head whip, down to deputy whips,



and down to regional whips that talk to members under their specific jurisdictions and find out if they have any concerns with an upcoming bill or issue.

Whip officers and staffers take several routine steps to survey their caucus. The most routine is called the “whip check” which, these days, is done as an e-mail from the whip’s office to every member of the party caucus. These e-mails typically contain a list of anywhere from one to several bills and amendments, sometimes with a brief summary, the party’s recommendation for how caucus members should vote if the leadership is taking a position, and a statement from the whip requesting that any members who intend to vote against the party leadership’s recommendations to respond to the e-mail and let it be known. These whip checks go out to rank-and-file members of the caucus anywhere from 3-4 days ahead of floor action to as late as a few hours before the vote.<sup>37</sup>

However, whip checks are not the only way information is gathered. In fact, the information gathering activities of the whip organization often begin very early in the legislative process and continue through floor action:

*Leadership Staffer:* We’ll start well ahead in advance of any bill text and [the content] gets sharper as the bill text develops.<sup>38</sup>

*Leadership Staffer:* [Information gathering] becomes key in the majority because you are trying to govern. You’re trying to get 218 votes to govern on a daily basis on the floor. And from that perspective you need to constantly be getting intelligence from your members. On where they are; on where other members are; on where the minority is.<sup>39</sup>

In the majority you whip them right up to and possibly during the votes.<sup>40</sup>

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<sup>37</sup> Interview 10

<sup>38</sup> Interview 3

<sup>39</sup> Interview 10

<sup>40</sup> Interview 10

Generally, the earlier the whip organization can begin collecting information the better as it gives the leadership an idea of what issues they are going to have to tread lightly on, use additional information control tactics on, or gather more intelligence on.

The process of gathering intelligence uses a combination of methods comprised of formal means, like whip checks and meetings with sub-caucuses like the Blue Dogs and the Congressional Black Caucus, and informal means, such as second-hand information about what a certain caucus or rank-and-file member might be planning to do, or what the minority party may have up their sleeves.<sup>41</sup> Whip officers and staffers also employ information gained from past experience to simplify the process. On bills addressing issues that have been legislated on in a similar manner before, whips and whip staffers know which members and sub-caucuses they need to communicate with, who might be problematic to the passing of the legislation, and what issues are going to possibly cause snags if they are not addressed properly in the bill or through the majority leadership's legislative strategy.

As whip staffers explained:

*Leadership Staffer:* After a while...I could tell you the political map just through the members I had interacted with. Even if I never set foot in their districts I knew exactly what it took to motivate them to vote for things and what would dis-motivate them to vote for things. ... So, you kind of know almost ahead of time because of your familiarity with the issue areas where pockets of members are going to be on that.<sup>42</sup>

*Leadership Staffer:* You can narrow it down pretty quickly who your problem members are going to be when you're going to whip a bill.<sup>43</sup>

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<sup>41</sup> Interviews 3 and 10

<sup>42</sup> Interview 3

<sup>43</sup> Interview 9

Giving the example of energy legislation, one of these staffers explained how he classified members of the party caucus in groups based on their interests and that he could approach information gathering through these informal sets of members:

*Leadership Staffer:* Any bill that deals with energy, I automatically know I have my solar people I have to deal with and make sure they are okay, I know immediately I'm going to have to deal with my oil-patch members, particularly in the south. So immediately I have to go to them to find out what exactly they do or don't like about this energy bill. ... Then you have your coal members, who have their own patch of issues, and then, of course, you have what I like to call your rate-payer coalition.<sup>44</sup>

Based on past experience with energy legislation, the whip office knew who to talk to, what to talk about, and even already had an idea of what these groups of members might be concerned with within such a bill.

The whip organizations will also adjust their information gathering strategies based on the type of bill and the issue being considered. Specifically, on issues that are important to the party leadership, the whip organization will take steps to hear out what rank-and-file members are thinking very early, before any other steps are taken in the legislative process:

*Leadership Staffer:* If we know way ahead of time that this big issue is coming down, we will start doing what you could call focus groups. Basically you get groups of members together and sometimes it can be regionally oriented, sometimes it can be because they are already organized as a caucus, and kind of hear them out.<sup>45</sup>

On major legislation whip organizations typically allocate far more time and resources into gathering intelligence for the leadership. Along with focus groups,

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<sup>44</sup> Interview 3

<sup>45</sup> Interview 3

whips go directly to members to find out what they are thinking on specific issues and specific legislation.

*Leadership Staffer:* You're spending more time on the floor actually having to go member to member and asking the way they feel about X bill or Y bill and those kind of things and seeing where you are at the end of the day if you can bring the bill up or not.

...

I spend a good amount of time coming in and saying, "congressman so and so," if it's to the congressman or congresswoman directly or it's to the staff who are responsible for educating that member directly on the issue, "I understand your problem with it," or "tell me what the problem is."<sup>46</sup>

Of course lawmaking is a fluid and dynamic process and requires the whip organization to constantly react to changes in the political environment and changes to legislation and continue to collect information and adapt their strategies. As deals are struck among major players, or as the leadership adjusts the timeline for consideration of the bill,

*Leadership Staffer:* A lot of times things get compressed. The whip office moves at the speed of agreement or disagreement, and that happens pretty radically. ... Sometimes because of the political pressure that we might be feeling because a recess is coming up and members want to have something to go home and talk about, that can be condensed to a [one] day whip.<sup>47</sup>

And sometimes, despite the best laid plans, some issues and some bills are simply difficult to get a read on. Some legislation is so broad, and sometimes the politics is so unpredictable that the whip office, and as a result the party leadership, just might not be sure what their caucus is thinking, or only have an educated guess about certain members. As one staffer put it, bluntly,

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<sup>46</sup> Interview 3

<sup>47</sup> Interview 3

*Leadership Staffer:* There's going to be some issues you come across that are going to be so nuanced that you are not going to know.<sup>48</sup>

Other times, there are issues that are changed by the political context and force the whip organization to throw out what they think they know about an issue's dynamics within their caucus:

*Leadership Staffer:* Sometimes the progression of an issue changes the landscape dramatically. Issues like that would be more like your social issues that tend to be really tough. For instance, issues around 'Don't Ask Don't Tell', or gay marriage, and that kind of stuff. I could have told you what the political landscape was two cycles ago and that's radically different from the cycles now.<sup>49</sup>

*Leadership Staffer:* Once and a while a piece of legislation would come up that we wouldn't think would really cause that much trouble and then something obscure would come up that we weren't aware of that would affect a member's district and then the flow would be from the member to the whip's office. That way we would learn and would know of that next time something would come around that was trade related, or that was water related. We knew that in that district it would really affect that member no matter who sat in that seat.<sup>50</sup>

But the whip organizations is constantly trying to keep a read on things, looking for activity early in the legislative process that may signal trouble down the road.

Contentiousness at the committee-level, across parties or within the party caucus, on a particular issue may signal a bigger fight on the floor; so might public statements by members of Congress, or the attempts of an outside group to get involved on part of a bill. Whips and their staffers keep an eye on these developments and adjust their intelligence gathering accordingly.

Generally speaking, the whip organization, as the dedicated eyes and ears of the majority party leadership is constantly gathering information on the opinions and

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<sup>48</sup> Interview 3

<sup>49</sup> Interview 3

<sup>50</sup> Interview 9

preferences of the members of their party caucus and reporting back to the leadership so the proper legislation and the proper legislative strategies can be developed.

*Information Gathering by Other Leadership Offices*

Even though they rely heavily on their whip apparatus, other leaders, including the Speaker and the Majority leader and their staffs, also spend time gathering intelligence about their rank-and-file's opinions, preferences, and potential actions. They do this largely through direct contact with members and sub-caucuses, and through both formal, expected lines of communication, and informal discussion.

The leadership spends a good amount of time calling and talking with key members or key groups in their caucus. Much like the whip organization, the rest of the leadership will follow a very similar tact. They will bounce ideas around and get a feel for what the response to different things might be. This commonly happens with sub-caucuses within the majority conference. In these discussions there can be a bit of a back and forth, but the goal for the leadership is just to find out how a group of members might react. A staffer with one such caucus provided an example of this kind of interaction:

*Caucus Staffer:* We pitched to them an idea of what the next continuing resolution should look like, and they called said, 'you know, we got some feedback on that. We have a variation on it, what do you think?' And so we we're talking it through and it sounded pretty good, actually.<sup>51</sup>

If the leadership can get an idea of how a subset of their membership is likely to react, they can feel more confident moving forward with a bill. This same staffer summed up the relationship they have with the leadership in this regard:

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<sup>51</sup> Interview 25

*Caucus Staffer:* [Our caucus is] kind of like a wild horse. You know, approach slowly, soft voices, don't SPRING! WOW! You know if they spring something on [us] we tend to react negatively.<sup>52</sup>

But as with before, this is not about the leadership seeking tacit approval for their plans and policy priorities. As with the committees and the whip organizations, it is about temperature taking. Making sure what they are putting forth sounds good in principle and that the bill they will eventually bring to the House floor is not likely to easily stir controversy, at the very least, within their own caucus.

### **Discussion**

The above demonstrates how committee and majority party leadership offices commit significant resources toward gathering information on the opinions and potential reactions of rank-and-file members to legislation being written and considered. Committee chairs and staffers solicit their members generally, and sometimes specifically, to find out what they have a deep interest in, what provisions they might have strong objections to, and what additional policies they might want included in the committee draft of a bill. Additionally, they hold formal meetings and briefings with rank-and-file members of the committee and their staff, and talk regularly with the ranking member and minority committee staff, to ascertain what pitfalls may arise during bill mark-up, or even later during floor consideration. Party leaders similarly use their whip organization to more broadly measure their caucus' feelings about a bill or issue and to find out trouble spots that may emerge later.

In completing the first stage of information control—gathering information—party and committee leaders can decide how to proceed. Sometimes the consequence

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<sup>52</sup> Interview 25

of this information gathering enterprise is a changed bill. This is what a former whip office staffer described as a “policy fix”. He gave an example from a stimulus bill considered during his tenure:

*Leadership Staffer:* The bill was to give rebate checks to tax payers and there was a huge concern among a group of members in my caucus about rebate checks going to people who are undocumented. ... There the policy solution was to put in a statement, what we call a “rule of construction”, in the bill that basically said that no checks shall go to undocumented people, blah, blah, blah, blah, blah; and penalties will be enforced if any undocumented people, or what not, were to receive checks unlawfully or whatever, blah, blah, blah, blah.<sup>53</sup>

Other times the majority party leadership does not have a formulated plan for the bill, and instead whips their caucus membership for an idea of how the bill should be written in order for it to pass.

*Leadership Staffer:* We normally call that process “whipping to write”. Meaning that you whip your members on certain issues, find out where the collective masses are, and then write that policy. That’s not always the best policy, but it’s the policy that passes.<sup>54</sup>

In instances like these the leadership decides that the simplest and most effective solution to a potential problem with the bill is to change or write the bill to address the problem. Sometimes the best course of action for a committee or for the majority party leadership to acquiesce to the preferences of a subset of their rank-and-file, or the opposition to a bill, in order to guarantee a winning vote coalition in committee and on the floor. This is what now infamously occurred with the Bart Stupak (D-MI) amendment regarding abortion funding to the Health Care bill forwarded by President Obama and the House Democrats during the 111<sup>th</sup> Congress. The majority leadership could not keep the abortion issue from arising during the consideration of that bill,

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<sup>53</sup> Interview 3

<sup>54</sup> Interview 3



and so acquiesced to allow an amendment, sponsored by a member of their own caucus, to be considered and passed on the floor of the House restricting funding to abortion services.

However, not all potential pitfalls are addressed in this way. Others are solved through the use of information control tactics that restrict access to the information available to rank-and-file members, the minority party, and other outside groups, and vigorously sell the bill through controlled messaging on the part of committee staffers, chairs, and the majority party leadership. In taking this kind of an approach, the provocation of potential problems is avoided altogether, and leaders are able to pass bills as they have crafted them with a few major players in the policy sphere.

### *Restricting Information*

Information control hinges on the ability of party and committee leaders to limit the information to which members and staffers, as well as outside advocacy groups, have access. When legislative leaders cannot control what information is in the hands of other players in the policy process, the information they provide to their rank-and-file is just another voice among the cacophony of voices expressing opinions and analyses on legislation. Leaders do not attempt to tightly control information on all legislation that is before the chamber. Some legislation is routine and other legislation requires more delicate deliberations. But both party leaders and committee chairs choose to restrict information often, and when they do they find they have a number of resources to keep policy details under wraps.

## **Tactics of Committee Chairs**

Committee chairs and their staffs have information restriction tactics that they carry through the committee stages of bill consideration and beyond. Building on the intelligence gained through their information gathering tactics, they know if there are aspects of a bill that may be troublesome or even kill the bill if the debate focuses on them. When committee leaders choose to restrict information they do so by controlling the drafting process, and controlling the release of information about the chairman's mark.

### *Controlling the Drafting Process*

Committee chairs and staff keep tight control over the drafting of the chairman's mark. All bills that either originate in the committee or are referred to it after introduction by another member can be marked up by committee staff under the guidance of the chair. The resulting product is known colloquially as the 'chairman's mark.' There are few rules limiting the extent to which the chairman can alter a bill through the mark, but it would be rare for a chairman to change the core concept of the bill. Nevertheless, the committee may change language to put proposed policies more in-line with party interests or the interests of the chair.

Generally, very few individuals are brought into conversations that direct the drafting of the mark. With bills that originate with the committee (as opposed to bill introduced by a rank-and-file member and referred to the committee), discussions over draft contents involve primarily the committee staff, key personal aides to the chair, and the chair. One committee staffer described it this way:

*Committee Staffer:* The way it usually works is staff will develop recommendations for both policy and funding and then we will sit down with whoever the chairman is for a long time—this takes a while, it's over the course of several weeks, each staff member will come in and talk about their part—and go over all the major policy issues, all the funding levels, and get sign offs from him or changes if he wants something changed. So, it's a matter of us drafting things and coming up with recommendations based on our analysis of the budget and bringing those recommendations to him for approval or change.<sup>55</sup>

A personal aide to an Appropriations subcommittee chair described it very similarly:

*Committee Staffer:* Prior to drafting we spend two hours for every component agency. It could be, in some cases, more than two hours where subcommittee staff and I will be with him going through line by line what we call out in terms of dollar amounts in the bill. All the grant programs, administrations, any other issues, earmarks of course. So we'll go through that and he'll sign off on amounts that we call out in the bill and the report. And we go through that through all of the portions of the bill. So that is prior to putting the legislative language together. Obviously [the committee staff] come here with recommendations. So they'll have a packet of recommendations for the amounts for each account and we'll go through all of those. And sometimes they'll be minor tweaks here or there. ... Then he'll eventually see all the report language before the end of the process.<sup>56</sup>

If the bill originates with another member of the committee, however, that representative will also play a major role in these draft discussions. The intelligence gathering conducted by committee staff will indicate if there are other intensely interested rank-and-file members that should be brought into the intimate fold, as well. The more people that are brought into the discussions the harder it is to control information about what is being discussed and what is being drafted. Unlike bills originating with the committee, bills proposed by rank-and-file members that originate in a personal office before being sent to the committee automatically

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<sup>55</sup> Interview 4

<sup>56</sup> Interview 8

represent a loss of control over information from the start. According to a staffer of one rank-and-file member of Congress:

*Rank-and-File Staffer:* Most bills that originate in the Science Committee come from members of that committee. And if that's the case, I usually know what's going on with the bill a fair amount in advance. And as the bill is being written I will talk to [my] congressman. And if there are points that he'd like to make in the bill I will work with the committee staff and other offices to get them in there before it becomes public in a mark-up form. So usually by the time it comes up at a mark-up we've talked about it, he knows about it.<sup>57</sup>

From the perspective of the chairman and the staff, the more people involved in the drafting process the tougher it will be to control. With more principals it is harder to control the secretive nature of the drafting. For committees, the fewer principals involved in drafting a bill, the easier it is to keep information under wraps. In these instances, compromises can be more easily drawn and information can more easily be held close to the vest when necessary.

Ultimately, the interviews provide ample evidence that the chairman's mark is closely held, that information about it is withheld from most committee members until shortly before the mark-up, and that even when the text become available, access to it is typically limited. For bills that originate within committee office doors, this information management is easiest. The chair and the staff can control who is talked to about the bill and who is brought into the negotiations over draft contents. For bills that originate with a rank-and-file member, information management can be more difficult depending on the cooperation of that representative. But the more control the committee can keep over the drafting process, the easier it will be to control what information is released after the draft is completed.

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<sup>57</sup> Interview 19

### *Controlled Release of Draft Contents*

Eventually, the contents of the mark have to be released, but even when this moment arrives, most committee chairs and staff will jealously guard copies of the bill. In fact, committee staff go to great lengths to exercise control over the release of bill contents, if and when they are actually made fully available. From the perspective of the chair and the staff, such action is a necessity. The unrestricted release of a bill's contents could land it in the hands of the wrong individuals or outside groups. If the opponents of a bill were able to analyze draft language early in the legislative process, they could begin developing a sophisticated and effective legislative and communications strategy to build opposition to the bill, or build support for making drastic changes to its content. Such a result is disastrous for a committee leadership that is trying to craft a bill that meets its legislative goals. As one committee staffer explained it, "It's purely a matter of, once you let somebody walk out of here with that paper, it's out there."<sup>58</sup> Once someone has that text, committee control over the bill is over.

From the perspective of rank-and-file committee members, however, the tight control committees place over bill drafts can be a source of frustration. Members are concerned, especially when in the majority, of seeing that bills going to mark-up address issues in a way that meets their interests and the interests of their constituents. At the very least, members want to avoid taking blame down the line for supporting a bill containing a provision unpopular with their constituents (Arnold 1990). Limited time and access to draft contents can make it difficult for rank-and-file members to

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<sup>58</sup> Interview 4

adequately vet the legislation. Furthermore, if a member has an interest in offering an amendment to a bill, limited time and access can make doing so tricky.

Each committee has specific rules and norms governing the release of information about items to be considered in committee meetings. Table 3.1 presents these formal rules of each committee during the 109<sup>th</sup> and 110<sup>th</sup> congresses. Specifically, it shows how long before mark-ups each committee requires bill drafts to be made available to committee members, and how long before mark-up sessions rank-and-file members are required to submit proposed amendments.<sup>59</sup> There is substantial variation in these formal requirements. Regarding the release of draft contents, some committees have no requirements at all. Some committees, such as the Committee on Agriculture, are only willing to go as far as to require the chair to announce the agenda of upcoming meetings as far in advance as is reasonably possible, and provide no requirements for the availability of bill text. Rule language like this gives committee chairs and their staff great leeway over when and how they release information about draft contents, and just exactly what information is released.

Other committees have formal requirements listed in their rules, but many of these rules are qualified. In the 110<sup>th</sup> Congress for example, the Committee on Natural Resources required information on bill contents to be made available to committee members 48 hours in advance of any mark-up sessions; however, the rules state that only a “summary of the major provisions” need be made available. The

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<sup>59</sup> The 109<sup>th</sup> and 110<sup>th</sup> congresses were chosen for inclusion in this table to control for the possibility that party control of the chamber may influence committee rules. The 109<sup>th</sup> Congress rules represent requirements under recent Republican control, and the 110<sup>th</sup> Congress rules represent requirements under recent Democratic control.

**Table 3.1: Rules Regarding the Timeliness of Bill Text Availability Prior to Markups**

Committee	Time Before Mark-up Bill Text Must be Made Available		Time Before Markup Amendments Must be Submitted	
	110th	109th	110th	109th
	<i>Standing Committees</i>			
Agriculture	-none-	-none-	24 hrs.	24 hrs.
Appropriations	3 days	3 days	-none-	-none-
Armed Services	-none-	3 days	-none-	-none-
Budget	6 hrs.	4 hrs. <sup>8</sup>	-none-	-none-
Education and Labor	48 hrs.	48 hrs.	"timely manner"	"timely manner"
Energy and Commerce	-none-	36 hrs.	-none-	-none-
Financial Services	2 days	2 days <sup>8</sup>	-none-	-none-
Foreign Affairs	24 hrs. <sup>1</sup>	24 hrs. <sup>1</sup>	-none-	-none-
Homeland Security	24 hrs. <sup>2</sup>	-none-	-none-	-none-
House Administration	-none-	-none-	"when requested"	"when requested"
Judiciary	-none-	-none-	-none-	-none-
Natural Resources	48 hrs. <sup>3</sup>	48 hrs.	-none-	-none-
Oversight and Gov. Reform	3 days	3 days	-none-	-none-
Rules	--	--	--	--
Science, Space, and Technology	48 hrs. <sup>4</sup>	48 hrs. <sup>4</sup>	24 hrs. <sup>4</sup>	24 hrs. <sup>4</sup>
Small Business	-none-	-none-	-none-	"when requested"
Standards of Official Conduct	-- <sup>5</sup>	-- <sup>5</sup>	-- <sup>5</sup>	-- <sup>5</sup>
Transportation and Infrastructure	48 hrs. <sup>6</sup>	48 hrs. <sup>6</sup>	-none-	-none-
Veterans' Affairs	-none-	-none-	-none-	-none-
Ways and Means	2 days	2 days	-none-	-none-
<i>Select Committees</i>				
Intelligence	-none- <sup>7</sup>	-none- <sup>7</sup>	"timely manner"	"timely manner"
Energy Independence and Global Warming	-none-	--	-none-	--

*Sources:* Published committee rules for each committee in each congress.

<sup>1</sup> Rule qualifies this requirement with "whenever possible".

<sup>2</sup> Requirement can be waived by the Chair with advance notice to the Ranking Minority Member.

<sup>3</sup> Rule refers specifically to making a "summary of the major provisions" of a bill available.

<sup>4</sup> Rule qualifies this requirement with "to the maximum extent practicable".

<sup>5</sup> Standards of Official Conduct has unique procedures as a result of its unique jurisdiction.

<sup>6</sup> Can be unilaterally waived by the chair.

<sup>7</sup> The Select Committee on Intelligence has lengthy and varying rules regarding the availability of sensitive materials.

<sup>8</sup> Can be waived by chair with concurrence from ranking member.

Committee on Science, Space, and Technology likewise had a 48-hour requirement during both the 109<sup>th</sup> and 110<sup>th</sup> congresses, but qualified these requirements with the addition of, “to the maximum extent practicable.” Other committees like the Committee on Homeland Security during the 110<sup>th</sup> Congress, allowed chairs to unilaterally waive these requirements.

Only a few committees had completely unqualified requirements listed among their official rules; however, all committees have a propensity to bend or ignore these statutes when necessary, and exercise broad interpretations of the meaning of ‘availability of contents’. It seems that a rather typical process for the release of bill contents is to make a copy of the bill report, and sometimes the full bill text, available for viewing by rank-and-file staffers for a limited number of hours, usually the day before the mark-up is scheduled. Copies of the report, bill, or both, are held for viewing in the subcommittee office, but are not to be removed. Personal staff can come in and look at them and take notes, but that is as far as it goes:

*Committee Staffer:* His subcommittee always makes everything available to staff before mark-up. They can’t take it out of the room, but they’ll say, ok, starting the morning of the mark-up, or sometimes the day before, at that time you’ll have access. Every office has their own copy of the bill and a copy of the report and it’s marked. It’s not supposed to leave the room. You can take whatever notes you want and go.<sup>60</sup>

*Committee Staffer:* Probably a day before the subcommittee mark-up we will have staff in here and give them probably not the actual bill and report, but we will make it available for them to look at. ... So, we will make it available for them to check things they are interested in and have a chance for them to ask questions of staff about what’s in there.<sup>61</sup>

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<sup>60</sup> Interview 2

<sup>61</sup> Interview 4



*Committee Staffer:* We usually make the bill and reports available for associate staff to view and members if they'd like to, the day before the subcommittee mark-up. But only in the subcommittee offices, they can't take it back with them. So they'll be given a number of business hours before the subcommittee mark-up to view the product and to see the particular priorities that their boss has and be able to brief their boss on what is included in the bill before the subcommittee mark-up.<sup>62</sup>

*Rank-and-File Member:* Usually we would have an opportunity to review a chairman's mark the day before legislation was brought forward.<sup>63</sup>

The lengths the committee staff will go to in keeping bill reports and drafts from slipping out of the room borders on comedy. Staffers will often be placed at all doors to the committee office to make sure no one tries to slip out with a copy under their arm or in their briefcase. Other staff will be assigned to closely watch incoming staffers to make sure everything is kosher. As the first quote above indicates, each copy of the bill and report are marked with the name of the office they are intended for. This is done so that if a copy is missing at the end of the day, it is clear who the culprit is.

While this type of procedure appears to be standard practice, a few committees seemed to be more liberal about distributing bill drafts. A staffer for a member of Congress sitting on the Budget Committee described a more open process:

*Rank-and-File Staffer:* We're normally notified by an e-mail saying that the legislation has been posted to the website or they will send it internally.

...

Typically [we get] the full text in that time frame. Sometimes we'll get a report or a summary a little bit earlier and then we'll get the final text. But normally we get the final version within 24 hours.<sup>64</sup>

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<sup>62</sup> Interview 8

<sup>63</sup> Interview 6

<sup>64</sup> Interview 24

Nonetheless, this process still describes a very controlled release. While the actual contents are posted and fully available to the members, they are still done so very late before mark-ups, giving rank-and-file members very little time to vet the bill, and giving opponents very little time to develop an opposition.

Most of the interviews with rank-and-file members of Congress or their staff indicated that they find this process to be problematic and frustrating. The transcription below was rather typical of the interviews conducted with rank-and-file legislators and their staffs:

*JC:* For the typical amount of time you have between when you might receive the draft of the bill and the mark-up, is it an adequate amount of time to acquaint yourself with its contents?

*Rank-and-File Staffer:* In general, no.<sup>65</sup>

A common refrain was that sometimes the short amount of time was adequate, but with bills that were technical, complex, or lengthy, or with bills that covered an issue that had not been extensively legislated on before, it was not enough time at all:

*Rank-and-File Member:* For the way, particularly...I mean, it depends on the subject matter. If you're talking about a tax provision, sometimes this would be really pushing it. If you're talking about a broad social security policy or a broad human resources issue, probably it was enough time to consider.<sup>66</sup>

*Rank-and-File Staffer:* It depends on the size of the bill. It also depends on if the bill is something we have gone through before. If so, less time is needed to understand it.<sup>67</sup>

*Rank-and-File Staffer:* In the case of massive pieces of legislation, not really [enough time]. In a lot of cases, while we might not have had the final text we knew pieces that were going to be incorporated into it before hand and a lot of time we're using language that has been previously used and we know that's going to be there so we can start

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<sup>65</sup> Interview 19

<sup>66</sup> Interview 6

<sup>67</sup> Interview 21

before we have the final version. But it would certainly be more helpful to have notices more than 24 hours in advance.<sup>68</sup>

Although, one staffer disagreed that the technical nature of a bill was the most important variable:

*Rank-and-File Staffer:* It's not a matter of how technical the information is. It's a matter of how much time you have to gather it. ... Ultimately you have to make something of a judgment call that isn't perfectly well-grounded because the information isn't there.<sup>69</sup>

Restricted access to bill contents can also make proposing and getting amendments to the draft accepted at mark-up sessions difficult, if not impossible. Proposing an amendment that fits with the bill text is time consuming. Members of Congress and their staff have to find where their amendment can fit in the bill, draft proposed language, and then turn that draft over to the committee staff for it to be technically edited so that the language is adequate. While an office could have an idea of what kind of amendment they may like to offer to a committee bill, they cannot formally create it until they are briefed on that bill's contents. Several members and staffers lamented this problem during the interviews:

*Rank-and-File Member:* Sometimes drafts come up less than 24 hours before the mark-up. It makes it very hard to offer amendments.<sup>70</sup>

*JC:* Were there any instances where you had intended to offer an amendment to a bill and because of the short time frame you were not able to?

*Rank-and-File Staffer:* Yeah. There certainly were.<sup>71</sup>

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<sup>68</sup> Interview 24

<sup>69</sup> Interview 19

<sup>70</sup> Interview 17

<sup>71</sup> Interview 24

One staffer shared an anecdote about a bill before the Committee on Science, Space, and Technology that exemplifies how committee chairs and staff can control the release of bill drafts to keep the bill they have crafted in-tact:

*Rank-and-File Staffer:* After the oil spill, a bill came forward addressing natural resource policy, and the rules say drafts have to become available 48 hours before mark-up—they gave it to us 15 hours before. We had an amendment ready to go, but it was already obsolete—the deadline is 24 hours. We got it to them in 2 hours and they pushed back. They said, you know, we don’t have enough time to work through this. So that is what can be frustrating for a personal office.<sup>72</sup>

The impression from many of the interviews was that occurrences like this were not out of the ordinary. Committee leaders can often game the process to make it impossible for rank-and-file members to have significant influence in the process.

Some interviews suggested that the control over information varied based on who the chair was. Some chairs were dedicated to a more open process than others whether because of their philosophy of how the House should operate or because the issues they were dealing with required it. As one rank-and-file staffer succinctly put it, “It all depends on the chairman. And a lot of times the staff will reflect the chairman and the way that the chairman wants to operate.”<sup>73</sup>

One former member of Congress was very forthcoming in his assessment of some of the committee chairs of his time. He singled out a few as particularly frustrating when it came to gathering information:

*Leadership Member:* They really didn’t want everybody to fully understand what was going on. When Jamie Whitten was chairman of the Appropriations Committee he spoke with a deep, Mississippi accent and people clearly could not understand what he was saying and I think he used that to his advantage. But I remember one time

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<sup>72</sup> Interview 19

<sup>73</sup> Interview 24

when he came into the Rules Committee and he really wanted us to understand what he was saying and spoke very clearly. I understood every word that he was saying when most of the time you couldn't understand him because of his accent.

When Dingell was chairman of the Energy and Commerce Committee, he would speak in generalities. He didn't give you a lot of information. He wasn't misleading, but he would speak in generalities ... He didn't make an effort to go into the real specifics of the bill.

[Bill] Thomas was devious. And so I think Thomas did it intentionally. I'm not sure about the others.<sup>74</sup>

Another staffer was equally critical of certain chairs, again noting Bill Thomas specifically:

*Leadership Staffer:* Chairman Thomas was very much in the camp of—my product is perfect and I'm working in the tax code and therefore you shouldn't be doing anything to it. There are times we pushed back on that. I still have scars from him yelling at me.<sup>75</sup>

This serves as a reminder that the degree to which information is controlled by the committee is not just a function of the bills being considered, but also of the person in charge.

Altogether, it is clear that committees go to great lengths to control what information about their bill marks is released and how. From the moment a bill is referred to a committee, or is begun in the committee, the process is controlled. Information on legislative language is held tightly by just a few principal actors until very late in the process. When committees are finished, however, the process does not necessarily become more open. Rather, the majority party leadership often continues to restrict rank-and-file access to information.

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<sup>74</sup> Interview 5

<sup>75</sup> Interview 15

## **Tactics of Majority Party Leaders**

Once a bill is passed by committee the majority party leadership formally takes control of its consideration. At this stage, the majority party leadership can decide—as a result of its own extensive information gathering as well as what it observed to have occurred in committee—whether information restricting tactics should be employed in further consideration of the bill. Majority party leaders have numerous ways they can restrict the information the minority party and rank-and-file members of their own party have on a bill draft, but the process is not as easy as it is for committees. By rule, bills passed by committee have to be made public, usually within three days. Additionally, any member of the chamber can pick up a copy of the passed bill from the committee, and in a reasonable amount of time the text of the legislation is publically made available in electronic form through the Library of Congress, the Government Printing Office, and other governmental organizations. Furthermore, the fact that the bill has already gone through a committee process means more details about the bill are likely known compared to when the bill was sitting in a committee office, prior to mark-up. As such, party leaders have to be more open and responsive to their rank-and-file than committee leaders. Nevertheless, party leaders still have numerous tactics they can employ, including restricting bill layover, self-executing the bill in the Rules Committee<sup>76</sup>, back-loading and front-loading the legislative agenda, and throughout, taking advantage of the size and complexity of some legislation.

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<sup>76</sup> Self-execution is a process by which the contents of a bill before the House are altered via the special rule crafted to define the rules of debate of that bill. Once the rule is passed on the floor of the House, the changes described in the rule are “self-executed,” amending the bill in question.

### *Restricting Layover*

A major strategy used by majority party leaders to restrict access to information about legislation is to reduce the amount of time that legislation is available before it is considered on the floor of the House. The rules of the House state that all bills must “layover” for three calendar days after committee passage before they can be brought before the Committee of the Whole for consideration (Rybicki 2005). However this rule is far from restrictive. First, “three calendar days” does not mean 72 hours. If a bill passes committee at 1 a.m. with the House adjourning shortly after and reconvening at 6 a.m. the same morning, one calendar day is considered to have passed. Thus those calendar days can pass much quicker than 72 hours. But more importantly, layover requirements are almost always waived via language in special rules providing for the consideration of legislation. Whether the special rule is open, closed, or modified, language similar to the following is typically included at the start of the rule:

Resolved, That upon the adoption of this resolution *it shall be in order* to consider in the House the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes. *All points of order against consideration of the bill are waived* except those arising under clause 9 or 10 of rule XXI [emphasis added].<sup>77</sup>

The italicized clauses in the above passage effectively sidestep layover requirements. If a member of Congress were to raise a point of order against the consideration of H.R. 3996 on the basis that it had not been laid over for three calendar days, the chair of the Committee of the Whole could dismiss the point of order on the basis that its special rule waives “all points of order against its consideration.” As one former

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<sup>77</sup> Language is taken from H.Res.809 from the 110<sup>th</sup> Congress. Clauses 9 and 10 pertain to rules about congressional earmarking procedure.

leadership staffer explained it, “the leadership had finessed the rules so that it wasn’t that you could make a point of order against the rules.”<sup>78</sup>

Layover requirements are frequently bypassed, even on important legislation (see chapter 4 for data on this point). For rank-and-file members of Congress, less layover time makes it difficult to adequately vet bill contents. Many of the rank-and-file members interviewed lamented the difficulty of doing their job under such time restraints:

*Rank-and-File Member:* There were a number of occasions when we voted on things on the floor and there were details included that we were not properly exposed to.<sup>79</sup>

*Rank-and-File Member:* Without going through regular order you have to do a lot more work. It was a lot more difficult.<sup>80</sup>

Just as in committee, some members and staffers indicated that it was especially problematic when the legislation in question happened to be lengthy, technical, or something that had not been legislated on before:

*Rank-and-File Member:* If it requires a great deal of detail—an extended appropriation, a major deregulation or reauthorization—and if it’s brought to the floor on an expedited basis, that typically creates problems. That’s probably the case where if it’s being brought to the floor for the first time as an issue, this is probably the area where you are most likely to find abuse and members not being given enough time to consider the details. For example, clearly at the beginning of last year when the stimulus legislation was brought to the floor there was a great deal of detail in there that I don’t think rank-and-file members had an opportunity to review. I view that as problematic. There have been other instances where I have seen major statutory overhauls come through and that would be expedited.<sup>81</sup>

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<sup>78</sup> Interview 1

<sup>79</sup> Interview 6

<sup>80</sup> Interview 14

<sup>81</sup> Interview 6



*Rank-and-File Member:* Large, omnibus, appropriations bills were a problem. You could only look at the parts that you cared about to look for problems.<sup>82</sup>

For minority party members it is most difficult to get a gauge of exactly what a bill is going to do. With less time to analyze it, it becomes more difficult to orchestrate effective opposition to the bill, challenge some of its provisions, or conduct a public relations campaign against it. As a minority leadership staffer put it:

*Leadership Staffer:* Where we can be given notice of a bill, and sometimes a pretty substantial bill, that is coming to the floor the next day, we get that notice the night prior, sometimes at midnight or something like that. In that case we're really scrambling. So the information that we are coming up with, one, we don't have access to it, two, we don't have time.<sup>83</sup>

Consequently, this staffer continued, the minority can only take a rather general stance against the bill rather than something more specific or effective:

So we're usually using a tactic that's much more generalized with your members. We're saying, 'well, we know there are tax increases in this bill so it's a tax increase bill, it's a job killer'—stay top of the line with your members with the message. But you can't get it as specific in that case. And that's really the minority's burden.<sup>84</sup>

For both majority and minority members of Congress, limited time to access a bill is a problem. And this is not the only way the leadership can restrict access to information.

### *Self-Execution*

Another tactic the majority party leadership has to restrict access to information is to self-execute, or change the contents of the bills, in the Rules

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<sup>82</sup> Interview 14

<sup>83</sup> Interview 10

<sup>84</sup> Interview 10

Committee. The leadership can insert language into the special rules defining the rules of floor debate for a bill that add to, subtract from, to simply change various provisions of the bill in question. In doing so, the majority party leadership makes it even more difficult for rank-and-file members to vet the legislation, as its final contents are not known until the special rule has come to the floor, which is often the day of, or the day before, the bill is brought forth for consideration. Self-execution is not a new development in congressional legislating, but its usage has changed dramatically since the 1980s. As one former leadership staffer explained:

*Leadership Staffer:* It started out harmlessly enough many years ago as just a way to make corrections without having to have a formal amendment to vote on it. But then the Democrats, when they were in the majority especially under Jim Wright, would use that more and more to make substantive changes in the bill.<sup>85</sup>

In fact, use of self-executing provisions has grown dramatically. Figure 3.1 presents the frequency of use of self-executing provisions between the 101<sup>st</sup> and 110<sup>th</sup> congresses.<sup>86</sup> In the 101<sup>st</sup> Congress less than 6 percent of all special rules included self-executing provision. By the 110<sup>th</sup> Congress nearly one in three special rules self-executed some legislation.

Self-execution is not used solely as a means of amplifying the informational asymmetries in the chamber. It is often a way of “fixing” legislation in a way that makes it more palatable to the majority caucus before it gets to the floor:

*Leadership Staffer:* I think it’s usually a matter of having late warning in the game, so it couldn’t be corrected at the committee level anymore, and how do we correct something so we don’t have this political problem on the floor. So, it was usually done with that in

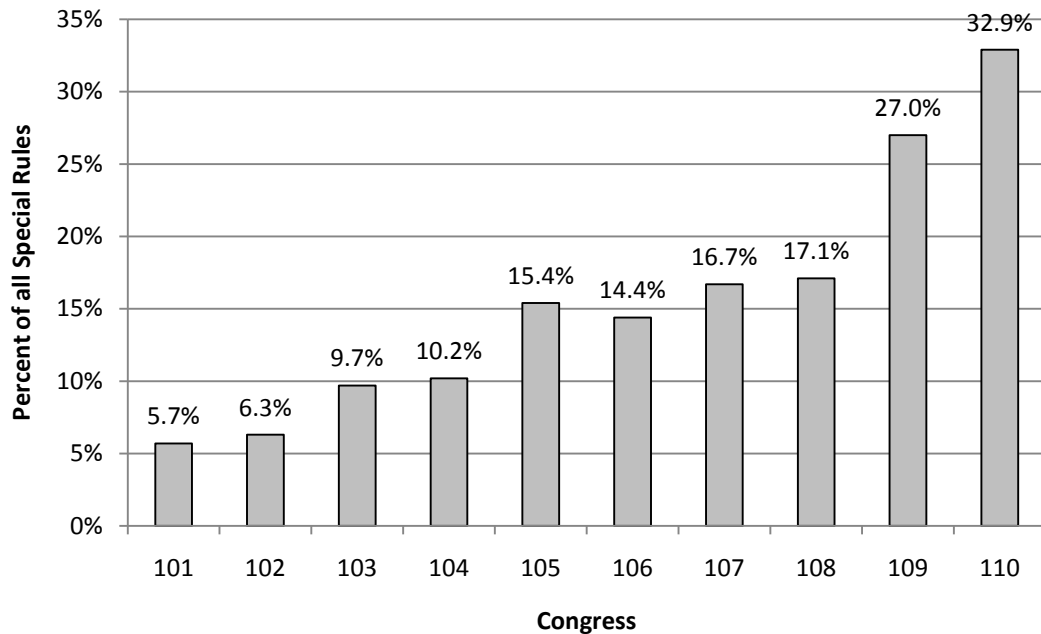
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<sup>85</sup> Interview 1

<sup>86</sup> The time series in Figure 3-1 begins with the 101<sup>st</sup> Congress because, as Wolfensberger (2006) indicates, the use of self-executing provisions was fairly rare before this Congress.

mind. It wasn't premeditated before the committee of jurisdiction reported.<sup>87</sup>

**Figure 3.1: Percentage of Special Rules Containing Self-Executing Provisions, 101<sup>st</sup> to 110<sup>th</sup> Congresses**



*Source:* Data on the use of self-executing provisions taken from the “Survey of Activities of the House Committee on Rules” published semi-annually in the *United States Congressional Serial Set*.

These types of fixes are usually done at the behest of the chair of the committee of jurisdiction, but other times, the leadership uses their ability to self-execute to make very large changes to a bill so that it better reflects their interests, with the added benefit of doing so with little time left for the chamber to catch up. This same leadership staffer continued:

It's with the complicity of the chairman of the committee. Although, Lee Hamilton ... has said when he was Foreign Affairs Committee chairman he would take a little ten-page bill to the Rules Committee and it would emerge a 30-page bill because they would self-execute other stuff into it.<sup>88</sup>

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<sup>87</sup> Interview 1

<sup>88</sup> Interview 1

One party leadership staffer put it bluntly:

*Leadership Staffer:* Until you bring that bill to the floor you can change it as much as you want to and you can change it for the betterment of certain members. ... But, you know, not only do you have the schedule as a real advantage there because you're controlling the information in the majority, but you also have the legislation itself that you're controlling is in your hands and you can tweak as much as you want until the moment it's brought to the floor, basically.<sup>89</sup>

For rank-and-file members of Congress, self-execution can obviously be problematic, especially if it is extensive. It often means they will be coming to the floor to vote on something they do not have full information on and that has only been in their possession for a short period of time. Even if members had a good idea of what the bill was doing before self-execution, they often have no idea afterwards:

*Rank-and-File Member:* It makes it much more difficult to have information because you don't really know what's in the final bill. Often times the bill is very large and when it comes down to it, it's the details that really matter. So while the bill may have been out there for a long time and the committee may have been doing a lot of work in public. When it's re-written you don't really know the details.<sup>90</sup>

In some ways self-execution is more restrictive for rank-and-file members than reduced layover because it both changes the bill and limits the amount of time before floor consideration. Most bills come to the floor the day of or the day after the passage of its special rule. When this is the case, if a bill is self-executed, rank-and-file members will have typically less than 24 hours to assess what the changes mean.

#### *Back-Loading and Front-Loading*

Another strategy the majority party leadership has under its control is to back-load or front-load the legislative agenda. In condensing the agenda and bringing

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<sup>89</sup> Interview 10

<sup>90</sup> Interview 17

bundles of legislation to the floor in rapid succession, the leadership makes it even more difficult for rank-and-file members to vet the bills they are going to cast votes on. Back-loading, specifically, is not always done purposefully, though sometimes it is. In either case, the party leadership is willing to take advantage of the situation. A leadership staffer concisely put it:

*Leadership Staffer:* People tend to wait until the last minute to get things done, but obviously from a strategic standpoint, the leadership is advantaged if they wait until the last minute to get important things done because then members are more likely to go along with it.<sup>91</sup>

The idea that the majority leadership will control the schedule to their advantage is not new (Aldrich and Rohde 2000a; Sinclair 2007). With control over what to bring to the floor, and when, the leaders can make sure the timing is just right. In bulking up the agenda just prior to a recess, leaders can pressure their members to support the legislation so they will have something to tell their constituents about when they get home. If it is before the end of a session or a congress, the leadership can tell their rank-and-file it is their last chance to get something passed. Otherwise they have to go face their constituents having failed:

*Leadership Staffer:* We don't want to have a black eye as we're going out the door because we're going to have to go home and face our constituents now and, so, I think both elements are there.<sup>92</sup>

Front-loading is just as powerful a tool for the majority party leadership as back-loading. The Democrats handling of their 'Six for 06' agenda at the start of the 110<sup>th</sup> Congress is an archetypical model of its execution. During the 2006 congressional elections, the Democrats' coordinated campaign focused on six pieces of priority legislation that they promised to pass if they took control of Congress. This

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<sup>91</sup> Interview 1

<sup>92</sup> Interview 1

agenda, formally called “A New Direction For America” consisted of a “phased redeployment” of American troops from Iraq, implementation of the 9/11 Commission’s national security recommendations, a labor bill to raise the minimum wage and punish companies that exported jobs overseas, an education bill to make college more affordable for students through increasing access to loans and expanding grant programs, energy legislation to invest in renewable energy and end tax breaks for oil companies, health care legislation aimed at lowering costs of medication and ending the ban on stem cell research, and a promise to stop any plan to privatize or endanger social security.<sup>93</sup>

After winning majorities in the November general election, the Democratic leadership huddled to write legislation addressing these points. During the first 10 days of the new congress, the majority leadership brought forth bill after bill to address these priorities, bypassing regular order, and passing them at a frantic pace (Peters and Rosenthal 2010, 86-88). While the generalities of these priority bills had been known since the 2006 campaign, the specifics of the legislation were crafted at the leadership table. By front-loading the agenda, the Democratic leadership overwhelmed the chamber with major legislation and made it difficult for anyone outside a small circle of leaders to actually vet the details of what was being considered and passed.

Rank-and-file members of Congress interviewed emphasized the difficulties front-loading and back-loading creates for obtaining adequate levels of information

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<sup>93</sup> The formal “A New Direction For America” document is archived by the Washington Post here: <http://www.washingtonpost.com/wp-srv/special/politics/political-rallying-cry/new-direction-for-america.pdf>

about legislation. One sitting member of Congress typified the feelings of the rank-and-file:

*Rank-and-File Member:* Late in session, right before a recess, a lot of legislation is passed. There is a deadline. Leadership has the opportunity to push bills through with less information being out there. They aren't doing this to pull one over on the members. Like I said, there is no such thing as a perfect bill. There are always things to oppose. The less information that is out there in the public, it makes it easier to pass legislation.<sup>94</sup>

As with each of the information restriction tactics, having less information available makes it easier to pass bills. By limiting access to the details of legislative language, leaders can prevent small provisions from being made into large problems that can derail a bill, delay its passage, or require fundamental changes to the bill on the floor, outside of the control of the leadership.

Interesting in the above quote is that the congressperson did not perceive their own leadership as trying to trick the party membership. This was a common feeling among the rank-and-file members of Congress and staffers interviewed. Nearly all of them found leadership tactics that restricted information to be frustrating, but most were understanding of their leadership's decision to employ them. This is a topic discussed in much more detail in chapter 5.

## **Discussion**

Over the course of the conversations I had with members of Congress and their staffs, one individual summed up these information restriction tactics rather adroitly:

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<sup>94</sup> Interview 17

*Leadership Staffer:* Now, they tend to go along, the majority does, with their leadership when a decision like that is made. “Well, we’ve got to get this done before such-and-such a date,” or, “there is a deadline and we didn’t have the time to go through the full process.” But other times I think it’s, frankly, done to make sure people don’t have too much time to look at it. It’s an old political trick. If you’ve ever attended, even, a Young Democrats or a Young Republicans meeting and the leadership of that organization wants to put something through quickly, they don’t give their members a day or even a few hours to look at something they’re going to put to a vote. They’ll pass it out and say, “oh yeah, by the way, here’s an amendment, any discussion?” You know, people are trying to read it the same time they’re asking for discussion. But, it’s an old trick—the element of surprise.<sup>95</sup>

Restricting information is the crux of information control. While gathering information and subsequently providing information are no doubt important, limiting what information is available to members of the chamber is what makes the information gathered and provided useful and important. Restricting information keeps the minority party, and any other opposition groups inside or outside of Congress at bay, limiting the effectiveness of the opposition tactics.

Committee chairs restrict information by keeping the drafting process under lock-and-key and subsequently releasing information about chairman’s marks late in the game, and in a controlled manner. Likewise, party leaders have a variety of tactics with which they limit access to information. Specifically, they limit the amount of time rank-and-file members have to read and vet legislation by reducing layover times, self-executing, and front-loading or back-loading the legislative agenda. Again, in doing so they limit what kind of tactics the opposition to the bill can use.

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<sup>95</sup> Interview 1



Some interviewees suggested that controlling information might be most important for party and committee leaders on the most contentious and most partisan bills. It is on these bills that they have the most to risk from information leaks. As one member put it, “You want more information on the more contentious issues,” because those are the issues that you are most likely to find some reason to be in the opposition.<sup>96</sup> This is exactly what leaders are trying to avoid. If members are predisposed to go along with their leadership in the absence of compelling information to do otherwise (Ripley 1967, 139-59; Matthews and Stimson 1975; Kingdon 1989; Lee 2009), limiting that compelling information is key to holding together a majority voting coalition.

Some interviewees indicated that they found the information they had about legislation to be adequate. One former member of the Financial Services Committees provided a typical positive response:

*Rank-and-File Member:* Yes, there was usually enough time. No surprises on the committees I was on. The chairman let you know what was in it. It was like reading a computer program, but the language was dense and hard to understand.<sup>97</sup>

Others also felt satisfied, most of the time, with the amount of time they had in the process:

*Rank-and-File Member:* You know, we were sufficiently specialized on the committee that we could usually ask questions, and approaching it as a team, we would have enough of a division of labor that we always know who to ask. And we have an opportunity informally to make that ask in advance.<sup>98</sup>

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<sup>96</sup> Interview 17

<sup>97</sup> Interview 22

<sup>98</sup> Interview 6

Others still indicated that they would have liked more time to review legislation, but they found the time they had was adequate:

*Rank-and-File Member:* I was there during one of the busiest congresses of all time. Of course I would have liked more time. But I understand the leadership did the best they could.<sup>99</sup>

*Leadership Member:* You could always use more [time], but generally the people that I had on my legislative staff were pretty good and could boil it down for me and get me the information I needed.<sup>100</sup>

That there is some variation in member's satisfaction with the amount of information they had is not surprising. Some committees surely were more restrictive than others, either through their formal rules and their adherence to them or because of the personality of the chairman. Furthermore, members of Congress bring different orientations to the job and to the role they should play vis-à-vis the leadership. Some are more willing to go along with their leadership and others are more distrustful. This is a topic that is raised in more detail in chapter 5.

Ultimately, the balance of interview evidence suggests that party and committee leaders actively look to restrict information on some legislation and that this process makes it more difficult for the minority leadership, minority caucus, and outside groups to effectively oppose, change, or understand the bill. Furthermore, it puts legislative leaders in a position of authority with their own rank-and-file. In restricting what information is out there, leaders can say to their rank-and-file membership, 'trust me, this bill achieves our party goals, and there is nothing in it that will embarrass us later. Let's get it passed before the minority has a chance to derail

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<sup>99</sup> Interview 23

<sup>100</sup> Interview 5

it.’ This process of filling the information void they have created with their own leadership-approved information is what this chapter turns to next.

### Providing Information

Providing information is the final act of the information control strategy. After having gathered information about their members’ opinions, and kept tight-lipped about the development and contents of legislation, both party and committee leaders provide information designed to keep their members on-board with the bill. In giving away just certain details of legislation they can focus the discussion and debate—both inside and outside of Congress—on the aspects of the legislation they think will be most favorable. In doing so, they can stunt the growth of effective opposition strategies before they even get started and keep the bill on track to passage and their party on the road to reelection.

### **Tactics of Committee Chairs**

As discussed above, at some point in the process, the committee has to inform its members of what is included in the chairman’s mark. However, committees have a great deal of leeway over what exactly they provide. Some committees provide just the report on the bill, while other committees provide the actual bill draft. Most committees also provide additional summaries of provisions through documents they circulate among members of the committee. These documents strongly reflect the opinions of the chair on the bill and on proposed amendments to be considered during mark ups.

*Rank-and-File Member:* On a markup – the chair might put out a paper with a description of each amendment and the chair’s position. Other committees they don’t print out anything but the chair makes his position known as the amendment is offered.<sup>101</sup>

The information included on these documents is far from straight forward. Careful thought and planning is put into what will be said about the bill and about amendments. The goal is to provide the information that best sells the bill and obscure details that might be controversial. One personal staffer gave an example of how this could be done:

*Rank-and-File Staffer:* There will be some information given out about the bill that is more detailed and less accessible. On things they might not want you to understand because you might vote against, it will be less clear. And on things that they are full-throatedly behind and the [majority] on the committee will be behind they will be more clear.<sup>102</sup>

The committees will also provide some information during briefings hosted by staff and attended by personal office staffers. These are the same briefings that committee staffers use to gather feedback from members of the committee, but they also serve as opportunities to provide information.

*Committee Staffer:* There is a process that the majority conducts where they will call in all the associate staff of the subcommittee on a bi-partisan basis and brief them on the contents of the bill.<sup>103</sup>

From the point of view of rank-and-file staffers, the information provided in these meetings can be limited. Committee staff are unlikely to delve into details of legislation that they may consider sensitive or that may arouse disapproval from the minority or some other faction on the committee. Generally the information provided is fairly prosaic. One staffer provided a fairly adept analysis:

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<sup>101</sup> Interview 17

<sup>102</sup> Interview 19

<sup>103</sup> Interview 7

*Rank-and-File Staffer:* There is usually a formal briefing held once a week by the subcommittee staff. Usually they read you something and ask if there are any questions. And if you ask questions they won't give you a real answer. If you actually had important questions you couldn't ask them in that forum anyway, because it's a bipartisan briefing. These meetings are set up in a way not to answer questions. Sometimes you have to ask just on general principal but you know you're not going to get any answers. Usually it's, 'we're working on it and we're going through negotiations with leadership.' You could have predicted it, but you had to ask.<sup>104</sup>

As this staffer suggests, part of the reason that the information provided is so mundane is the presence of the minority in the meetings. The committee leadership certainly does not want to share anything more than the basic details of legislation in front of a group of members that are inclined to oppose it. However, in meetings just among majority members, the information sharing isn't exactly free-flowing, either. The same staffer describes what happens to a majority staffer who asks tough questions during a bi-partisan briefing:

Sometimes staffers will ask tough questions during the bipartisan briefing, and then afterwards, in the Dems only meeting they will get castigated for asking tough questions.<sup>105</sup>

The opinion of the committee leadership is that majority members shouldn't be asking probing questions about the committee's decisions. Rather, they should be on board. Furthermore, what was not said to these inquisitive staffers is equally telling. Rather than giving an explanation or answering the question, there was admonishment. Rank-and-file staffers often leave these meetings with little additional understanding of the details of piece of legislation.

Some, though not all, committee chairs hold similar meetings with the rank-and-file members of the committee prior to a mark-up. These meetings are generally

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<sup>104</sup> Interview 19

<sup>105</sup> Interview 19

partisan in nature with the chair meeting with the majority members, only. Some minority ranking members do the same with the minority members. The degree to which these meetings occur depends on a number of things. For some committees, the large size of the membership makes these meetings impractical. On these committees the meetings are more likely to be held by subcommittee chairs before the subcommittee mark-ups. Whether or not these meetings occur can also depend on how busy everyone is, and also just the personal nature of the chair. Some chairs are more inclined to these types of face-to-face meetings than others. One staffer for a subcommittee chair described these meetings:

*Committee Staffer:* Before subcommittee [mark-up] he has generally met with Democratic members of the subcommittee to make sure they are aware what the priorities he set in the bill are; what the potentially contentious issues are; what we have heard from the minority and the ways we have tried to incorporate the views of the minority; and if there are some particularly contentious issues, to prep them to hopefully stand with him when it comes to amendment votes and things like that.<sup>106</sup>

The last part of this statement is the most enlightening. The goal of these meetings is for the chair to convince his or her fellow partisans to stand together and support the bill as it was crafted. The information provided is the last step in the information control strategy employed by the committee to pass the bill as they would like to see it passed.

Of course rank-and-file members of committees, and their staffers, are not fools. They know that the information provided to them by the committee is often inadequate, biased, and crafted to sell the bill. The problem is that this meager information is often all they have to work with. Given their limited time and

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<sup>106</sup> Interview 8

resources, rank-and-file legislators have to prioritize which bills they dig into independently, and which bills they do not. Most bills cannot be prioritized and on these bills members have to rely on the information the committees have given them, and the limited analyses their staff can provide. One member of Congress provided a rather succinct description of a rank-and-file member's plight:

*Rank-and-File Member:* I rely a lot on material the committee produces. ... On my major committees my staff provides unique analysis. They use their judgment on whether the committee materials are accurate, or complete.<sup>107</sup>

The key for members of Congress to really getting information from committees is to be persistent with the staff. Let them know if something is really important and follow up. Better information comes from asking things directly of the committee staff rather than sitting back and waiting for it to be provided. For those who sit back, the information will be incomplete. But by being direct and persistent, most staff will be helpful and will provide more information. Reducing the information disparity typical members live with requires allocating time and staff resources. On most legislation this simply cannot be done, so rank-and-file members focus on the legislation that is most important to them. For most members much of the time, the information provided by the committee will be all that is available.

### **Tactics of Majority Party Leaders**

The majority party leadership is also actively involved in providing information to its rank-and-file, though the nature and content of this information is different from that provided by committees. If members of Congress find committee

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<sup>107</sup> Interview 17

information to be sometimes lacking in policy detail, they often find party-approved information to be barren of specifics.

As with information gathering, the whip organization is deeply involved in providing information. The onus for providing information falls on that apparatus, but the rest of the majority party leadership gets involved, as well. A lot of information providing is relatively informal and can be initiated by the members looking for information.

*Rank-and-File Member:* Members would go to the whip organization and raise the issue. A whip organization is important not only for vote counting, but also to be a source of information for rank-and-file members. We always had a local whip who would reach out to me, typically on general issues.<sup>108</sup>

*Leadership Staffer:* A lot of times members are looking for information. They want to answer the questions they are getting back in their districts.<sup>109</sup>

But more often than not, the leadership actively provides information to their members. From a strategic standpoint it is important to get out there and set the tone of the debate over the bill; to provide the information that convinces their own rank-and-file members to support the bill, and to avoid giving the minority or any opposition outside of Congress the opportunity to develop an effective opposition. Leaders know that their resources and control over the policymaking process give them an opportunity to set the tone and try to make the debate over the bill revolve around themes and provisions that are favorable.

One whip staffer was especially forthcoming about this information-providing strategy. The way he explained it, the leadership can take advantage of their

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<sup>108</sup> Interview 6

<sup>109</sup> Interview 10



information and resource advantages as well as the pace of the legislative process in “cherry picking” the information they relay to their rank-and-file.

*JC:* Do you take some leeway in terms of what information you sell the bill on?

*Leadership Staffer:* Sure. Absolutely. You have a 1,500 page bill—members aren’t going to read through it. You can certainly cherry pick what you give to them. Maybe that’s intellectually dishonest or something, but you really don’t have the benefit of time if this thing is moving quickly. So you need to get out the information you want them to know. And that’s usually the worst hits or something. We often cherry pick the information.<sup>110</sup>

This pattern is not entirely leadership driven. As this same staffer clarified, the rank-and-file expect the information they get from the leadership to be short and sweet. If they had time for lengthier or more complex analysis they would read the bill. They are turning to their leaders precisely because they do not have this kind of time:

*Leadership Staffer:* They want to know what is in it and why it’s bad [or good]. And they are not going to do the homework on their end. They have a lot less resources than the leadership does. They are going to rely on us to give them that information, and it usually falls to the whip office to give them the most timely and accurate information and certainly the other leadership offices do a good job of disseminating information.

...

Even if [the rank-and-file] could read a bill [they] wouldn’t understand it. So this whole ‘read the bill’ stuff is almost a little bit disingenuous. Because reading five lines referencing some part of the code isn’t going to help you at all unless you are a committee staffer that wrote the damn thing. So they are relying on us for those big pieces that are moving to tell them exactly what’s in the bill, and if you’re in the minority, why it’s bad.<sup>111</sup>

When the leadership chooses to actively provide information to their membership, they do so primarily in two ways. First, they occasionally hold formal meetings—sometimes hosted by the whip’s office, sometimes by the conference

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<sup>110</sup> Interview 10

<sup>111</sup> Interview 10

chair, and sometimes by other members of the leadership—where information is provided directly to members or their personal staff, and some questions are fielded.

One staffer described this process:

*Committee Staffer:* On major bills, there's a chief of staff meeting every Friday and a whip-staff meeting and a press secretary-staff meeting every Monday afternoon. ... We get information about the schedule and what's coming up this week and next week. And we get the political lay of the land. There's a lot they won't have. But in terms of getting the basics on, well, this is in the bill and this is out. You know, they'll sort of give a layout. And when they can they'll say, 'Week three is going to be a jobs week so we might do unemployment extension or something else'. So they'll just give you sort of an idea.<sup>112</sup>

Beyond these formal meetings, the whips and the whip staffers will begin actively seeking out members directly at the start of the policymaking process. Like with information gathering, the whip office often knows ahead of time which members, or group of members, may need more convincing. Sometimes these appeals last right up through the vote.

*Leadership Staffer:* In the majority you whip them right up to and possibly during the votes. The best example of that would have been Medicare Part D prescription drug coverage for seniors. That vote was whipped all the way up to the vote, during the vote, and for three hours during that vote on the floor.<sup>113</sup>

Activity on the floor is more important than it might seem. Even on important legislation, many members of Congress come to the floor either ambivalent or unsure of what they are going to do regarding amendments, and sometimes even the final vote (Behringer, Evans, and Materese 2006). A whip organization armed with information can be very influential here. Members crave information about what is going on, and whips and their staff are happy to oblige:

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<sup>112</sup> Interview 2

<sup>113</sup> Interview 10

*Leadership Staffer:* On a more day-to-day level, [the job of the whip] is serving almost as a concierge for the members on the House floor. So my staff is in charge of informing the members when they're voting, what they're voting on; the mundane to the larger issues.<sup>114</sup>

By providing the information, leaders set the debate and can appeal to aspects of the bill their membership may find palatable and easy to support. A whip staffer gave an idea of the kinds of information the leadership provides to their members to get them on board. Along with the standard party line about why the legislation is good, the leadership will draw on outside sources as well and show, whenever possible, how the bill is popular with the voting public.

*Leadership Staffer:* You're also trying to provide them, and we do this in the minority too, with public polling and outside political expertise. This is what Democrats were doing a lot during Health Care. You saw that the bill was opposed by a majority of Americans. But then they would break down certain issues so they could tell their members, 'well, preexisting coverage polls at 75 percent.' And they would break down the issues so they could tell their members, 'yeah this whole thing has been kind of demonized, but when you break down the popular provisions and when you go out and start selling that when it's being implemented and people realize that they are getting this new benefit it's going to be quite popular.' So public opinion polling, that stuff, is quite beneficial.<sup>115</sup>

As mentioned above, focusing the debate on this friendly information helps suppress opposition, as well. The minority leadership does not have access to the same amount of information as the majority. Furthermore, the minority can only react to the majority's actions and the information the majority is putting out there. When the majority speeds up the legislative process, it is more difficult for the minority to develop an effective and coherent opposition strategy, and to inform their members. The same staffer described what this is like in the minority:

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<sup>114</sup> Interview 10

<sup>115</sup> Interview 10

In the minority you're reacting to the majority schedule. And we find ourselves here, a lot of times, not getting that information until literally the last minute. ... So at that point in the minority you're just trying to feed your members information: 'Listen, here is what it does on a substantive basis, and we defer to the committees on that, and here's the political dynamic on that.' And a lot of members already know that because if it's of some consequence to the outside—to the business community for instance—they'll be hearing from the Chamber of Commerce. They'll probably already have that information but it's our job to make sure if they want it on the floor they can get it from us and the committees are prepared to tell them about it.<sup>116</sup>

Basically, there is no time to provide a comprehensive and organized set of talking points on which to oppose the bill. Instead they give their members some basic information to attack the bill and hope some other actors may have something more effective. The majority leadership hopes whenever possible to keep the minority—and any other potential opposition—on its toes in this regard. Doing so may prevent more controversial aspects of a bill becoming the focus of the policy debate.

From the interviews, it appeared there were a variety of opinions among rank-and-file members of Congress and their staff about the quality of information provided to them by the leadership. Some indicated that the information was pretty straight forward, but usually not very in-depth:

*Rank-and-File Member:* The information is pretty good. They have meetings and hand out sheets with information. They don't always give us all the information. You need to ask them. But they were promoters. They knew I probably wouldn't be with them most of the time.<sup>117</sup>

*Rank-and-File Staffer:* The stuff that comes before the floor, leadership gives more information through caucus meetings and whip meetings. Those are two places that members get a lot of updates on what's included. That's not always the case. Not every piece of

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<sup>116</sup> Interview 10

<sup>117</sup> Interview 14

legislation is brought up in the course of those meetings. A lot of times major legislation will be.<sup>118</sup>

One staffer indicated that the quality of information varied quite a bit depending on the bill. On some bills the information is very top-line, basic, or unsatisfactory. Other times, the leadership feels that they need to go into some detail about the legislation to keep the caucus on-board. This is what happened with the health care overhaul considered throughout the 111<sup>th</sup> Congress:

*Rank-and-File Staffer:* In the case of the health care bill in the last congress they went through section by section of the bill explaining what each section does and members could ask questions throughout. If you add it up there were days of just caucus meetings where they went through and talked about the bill after all the committee meetings had occurred on it. A lot of times it will be just a summary of the legislation. At times there's guidance as to where leadership thinks you should be on certain legislation.<sup>119</sup>

Members and staffers, like the ones quoted above, find leadership information to be somewhat adequate even if they wished they had more. Other members, however, are much more skeptical of the information the leadership provides. They often describe leadership information as even more inadequate, misleading, or biased than their colleagues:

*Rank-and-File Member:* I am always suspicious of the information that comes from the party. One of the most difficult parts of being a member of Congress is not being able to get enough information on how to cast a vote. You know information from each party is tilted, but there are not many independent sources out there.<sup>120</sup>

*Rank-and-File Member:* I was skeptical of information provided by party leadership. Leaders put out information to try to get the response they want from their members. It was valid information, but one-sided.

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<sup>118</sup> Interview 24

<sup>119</sup> Interview 24

<sup>120</sup> Interview 17

You can play with language like that. I was more skeptical because my district required me to be.<sup>121</sup>

*Rank-and-File Member:* Mostly vote recommendations and talking points; less substance.<sup>122</sup>

*Rank-and-File Member:* One of the biggest complaints you run into is that whip materials sometimes turn out to be inadequate and even sometimes misleading. Without a partisan bent on this, it happened on a number of occasions when Mr. DeLay was whip, although, I generally was very positive on the whip organization. I think the same complaint was levied against the whip organization under the Democrats in the last few cycles I was in Congress.<sup>123</sup>

Other members of Congress found leadership information to be almost completely useless. They found the information to be little more than talking points that they could not even use back in their districts. These members suggested that the information was especially useless for representatives in moderate, or swing, districts. The information has such a partisan slant to it that it was helpful, probably, to only the most partisan districts. The irony is that representatives in very partisan districts probably have less need for detailed information about the policies under consideration. The most orthodox members of a party caucus from the most orthodox districts can afford to trust their leadership's priorities, opinions, and goals as they probably match their own. It is those members representing moderate districts that need to be most vigilant. These members need to find out if there are provisions in a bill that may embarrass them later, or if there are compelling reasons for them to join the opposition. The relationship between a member's ideological orientation relative to their party and its influence on their opinions of leadership supplied information is discussed in more detail in chapter 5.

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<sup>121</sup> Interview 14

<sup>122</sup> Interview 21

<sup>123</sup> Interview 6

Altogether, whether or not the information provided by the majority party leadership is found to be extraordinarily useful by the rank-and-file, it is often the only information available in the short period of time a bill is being considered. That being so, members of Congress have no choice but to pay attention to what their leadership is telling them and consider it when casting their votes on the floor. If the leadership is successful they will keep the debate focused on favorable issues and themes and will keep a majority voting coalition together. If they are unsuccessful, the bill will fail or be tarnished in the act of its passing.

### **Discussion**

The majority party leadership, in tandem with tight-lipped committee leaders and staff, work hard to make sure their message and their information dominate discussions on legislation. Having gathered information on the opinions of their rank-and-file and of the minority in advance, they have an idea of what information will highlight the most palatable aspects of the bill. Having restricted access to the details of the bill, their voice will be the one of the only ones out there.

For members who trust their committee and party leadership, this information will be influential. Even for those who have less trust, it may still be the only information they have access to in the short period before it is time to vote. In either circumstance, providing information is the final act of information control. If the leadership has been successful the bill will pass without controversy and the majority party will have a win, both in policy and potentially for the next election.

### Summary and Conclusions

To summarize, information control strategies used by majority party and committee leaders in the House consist of three types of tactics: those aimed at gathering information, those aimed at restricting access to information, and those aimed at providing information. By gathering information about rank-and-file preferences and concerns, legislative leaders can anticipate what problems may arise later in the legislative process and try to avoid them through their legislative strategy, through bringing more actors into the policy building process, by changing the bill in question, or by implementing further information control tactics. These tactics include both limiting the access rank-and-file legislators have to bill language and limiting the amount of time they have to vet legislation that is being considered. Additionally, having reduced the amount of information available on a bill and having limited the number of actors who have seen the bill, leaders can provide their own limited information that highlights the more palatable aspects of the bill to fill the information void. Having done so, they can focus the debate and the communications strategies on themes and provisions that benefit them and their party, aid the passage of the bill, and perhaps help the party in the next election.

Obviously, all these strategies are not used on every bill considered by the House of Representatives. First, a lot of legislation considered by the chamber is relatively minor. On these bills, there is no need for party or committee leaders to take this much control over the process. On important legislation, the calculations are different because the stakes are much higher. On many of these bills, party and committee leaders are going to spend time and resources gathering information.



Whether or not they implement tactics to restrict information or provide information will vary, depending on a number of factors including the importance of the bill to the party or committee leadership, the issue topic of the bill at hand and how long that issue has been on the chamber's agenda, the salience of the bill with the voting public, and the potential influence of outside interest groups on the deliberations. It is to the details of this decision making process that the next chapter turns.

## Chapter 4: Strategic Use of Information Control Tactics

House leaders cannot use information control tactics all the time. Such a strategy would alienate rank-and-file legislators, spur outrage among the minority, and be impossible and undesirable for a number of additional reasons. Instead, leaders use this source of power on legislation they consider the most important. As discussed in chapter 2, leaders should be most likely to lead in order to pass the partisan legislation that they prioritize. But as indicated in chapter 3, leaders use information control tactics for other ends, as well, including keeping information out of the hands of unfriendly actors during deliberations. Using a unique dataset of important legislation considered by the House of Representatives between 2001 and 2008, this chapter empirically tests these claims.

To do so, this chapter develops several empirical measures of information control. While other scholars have theoretically identified information as an important source of power for political leaders, few attempts have been made to empirically measure information-based power sources and show how they affect specific actions within a political or social context. This chapter does just this in developing three indicators of information control for congressional policymaking: the layover time of legislation, the use of self-executing provisions in special rules, and bill complexity. Additionally, new issue-based measures of leadership priority legislation, potential interest group influence, and a bill's public salience are developed and used in the empirical tests. Altogether there is strong evidence that leaders are most likely to use

information control tactics on leadership priority legislation, on bills subject to intense interest group involvement, and on legislation that is less salient with the general public.

### *Measuring Information Control Tactics*

As discussed in chapter 3, legislative leaders have numerous information control tactics they employ to lead the legislative process, and measuring many of them can be difficult. Some tactics are simply not measurable. For example, it is difficult to quantitatively assess when party and committee leaders provide members of Congress with censored information, revealing positive aspects of legislation while obscuring negatives. Some tactics, however, can be empirically measured and tested and as suggested in chapter 3, the use of one tactic is often related to the use of others. For example, when leaders choose to restrict access to legislative language, they often subsequently provide their own summaries of the legislation to the rank-and-file. Thus, if we find that leaders implement some tactics in support of leadership priority legislation, we should infer that they probably use others, as well.

The specific hypothesis that legislative leaders will use information control tactics more often in support of leadership priority legislation will be tested on two specific tactics: (1) restricting access to legislative language; and (2) exploiting the complexity of legislation. But how do we define “restricting access”? And what is “complexity”? Furthermore, how is “leadership priority legislation” defined? The sections below will deal with these matters of definition and others, and provide the specific hypotheses to be tested.

## **Bill Sampling and Issue Content Coding**

The sample of bills used in this chapter is meant to capture all *important* legislation considered by the House of Representatives during each congress between 2001 and 2008. Many minor and trivial bills are considered by Congress each year. Understanding how bills like these are considered is neither important nor interesting. However, understanding how leaders influence the consideration of important legislation tells us something more substantive.

Scholars have used a number of methods to categorize legislation as important or major. Mayhew (1991) analyzed *New York Times* and *Washington Post* wrap-ups of congressional activity to determine which legislation could be considered major temporally and retrospectively. Through these sweeps he categorized roughly 12 bills a year as major legislation. Sinclair (2007), looking to develop a more inclusive collection of important legislation, used the bills listed in *CQ Weekly's* weekly list of important bills (see, also Taylor 1998). This section has most recently been titled "Bills to Watch", but at times it has also been known as "This Week in Congress", and "What's Ahead." Regardless of name, between 40 and 50 bills are noted annually.

I use Sinclair's method for a couple of reasons. First, it is more inclusive, allowing the data analysis to pertain to more legislation. Second, it is primarily temporal in that it captures legislation that was considered important by actors in the legislative process at the time of consideration. It is this level of importance that drives how leaders act. In addition, all regular appropriations bills from each congress

were added to the sample. Appropriations bills are important simply because they fund every program created by law. Furthermore, they often involve long and contentious battles in the House of Representatives. Full details on the bills and resolutions included in my sample can be found in Appendix B.<sup>124</sup>

After assembling the dataset, each bill had to be coded for its issue content. The issue content of each bill could in turn be used to determine whether or not it was a leadership priority. Political scientists have used numerous issue coding schemes for congressional legislation. Lowi's (1964) typology defines legislation as distributive, regulatory, or redistributive. Clausen (1973), and later Sinclair (1977), use a five issue area classification, classifying legislation as related to government management, international involvement, social welfare, civil liberties, or agricultural assistance. Both of these typologies, while enlightening, are too broad for the purposes of this study. Instead, I use Baumgartner and Jones's (2009) typology, which has been made available as part of the Policy Agendas Project.<sup>125</sup> This typology makes use of 19 major issue areas and a total of 225 specific topics. Using their codebook, each bill in the dataset was coded in two ways. First, each bill was coded for the issue topic it primarily addresses. Second, because a significant amount of legislation deals with multiple issue topics, each bill was also coded for all of the major issue areas addressed in its text. These two issue classifications were used as the basis for several other variables. The issue topics each bill was coded as primarily addressing can be found in Appendix B.

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<sup>124</sup> Joint resolutions and conference reports are excluded from the analyses.

<sup>125</sup> The Policy Agendas Project, its data, and its codebooks can be found at <http://www.policyagendas.org>.

## Defining Leadership Priority Legislation

Determining what legislation is a leadership priority is difficult. While chapter 2 suggests that leaders will focus on partisan legislative priorities, there is no single way to quantitatively assess what issues and what legislation this includes. For that reason, two indicators are used and tested. Each, however, is based on the issue content of the legislation.

One way to code legislation as a leadership priority is to assess the issue content of bill numbers reserved for the Speaker of the House. Each congress, the first several bill numbers (i.e. H.R.1—H.R.10) are reserved for the Speaker to use as he or she sees fit. The bills inserted into these slots typically represent issues that are important to the party leadership and the mainstream of the party caucus. For each congress, the major issue topic and subtopic of bills inserted into these reserved slots was assessed. Then each bill introduced during that congress that primarily addressed those *Speaker's issues* was coded as a leadership priority bill. Thus, if one of the Speaker's bills primarily addressed 'higher education' (issue code 601), all bills appearing on *CQ Weekly's* list of important bills during that congress that primarily addressed higher education would be designated as leadership priority bills.

For the 110<sup>th</sup> Congress, the bills identified as addressing *speaker's issues* included all the bills on the Democrats' 'Six for 06' agenda.<sup>126</sup> However, it included a number of other bills, including legislation addressing amendments to the Federal Intelligence Surveillance Act, numerous renewable energy bills, numerous high education bills, and legislation addressing national security issues including the war

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<sup>126</sup> See pg. 89 for a description of this agenda.

on terror and the war in Iraq. Appendix B has more information on the specific bills designated at *Speaker's issues* in each Congress.

A second measure of leadership priority recognizes the president's importance as a partisan leader and legislator-in-chief. The president is a major agenda setter for Congress, especially during times of unified government. As discussed in chapter 2, legislative leaders in the House have numerous incentives to become champions of the president's agenda, or lead the opposition. One way to identify *Presidential priorities* is through the issue content of State of the Union addresses. For 2001-2005, the Policy Agendas Project has coded each sentence in each address for its issue content. Following their coding scheme, the 2006-2008 addresses were similarly coded. For each year, the number of times each issue topic was mentioned during the address was calculated. Each bill was then coded as a presidential priority based on the number of times the issue topic it primarily addresses was mentioned during the speech. So, for example, in 2001, President Bush made eight statements related to 'health insurance reform, availability, and cost' (issue code 302) in his State of the Union address. Thus, every bill in 2001 primarily addressing this aspect of health care policy was assigned a value of eight. Appendix B indicates the number of State of the Union mentions relevant to each bill in each Congress.

The use of these two separate measures give us two ways to test the effect of leadership priorities on the use of information control tactics—one focusing on the priorities the party and the party leadership in the House and the other focusing on the priorities of the president. While the first measure should be relevant every year, the

second measure may be more important during times of unified government than during divided government.

### **Restricting Access to Legislation**

As discussed in chapter 3, legislative leaders can restrict access to legislative language in a number of ways. In committee, chairs can keep draft language under lock and key until just prior to the mark-up and instruct their staff to remain tight lipped about its contents. After committee consideration, party leaders can bring legislation to the floor quickly, change the contents of legislation in the Rules Committee, or front- or back-load the agenda. For a couple of these procedures we can develop measurable statistics to observe patterns in their use. Specifically, we can measure (1) how quickly party leaders bring legislation to the floor, and (2) when party leaders choose to use self-executing provisions to alter legislation in the Rules Committee.

The amount of time a bill is available to the rank-and-file determines how much time they have to vet its contents. In a literal sense, the less time a bill is available the less time rank-and-file members have to understand it. Layover, in House parlance, is the time that passes between when a bill is reported by the committee(s) of jurisdiction and when the bill is brought up for debate on the floor. According to House rules, bills must “lay over” for at least three legislative days after reported from committee before they can be brought up for debate on the floor (Rybicki 2005). As discussed in chapter 3, however, these rules are quite often waived. The layover of each bill can be measured as the time that elapsed between

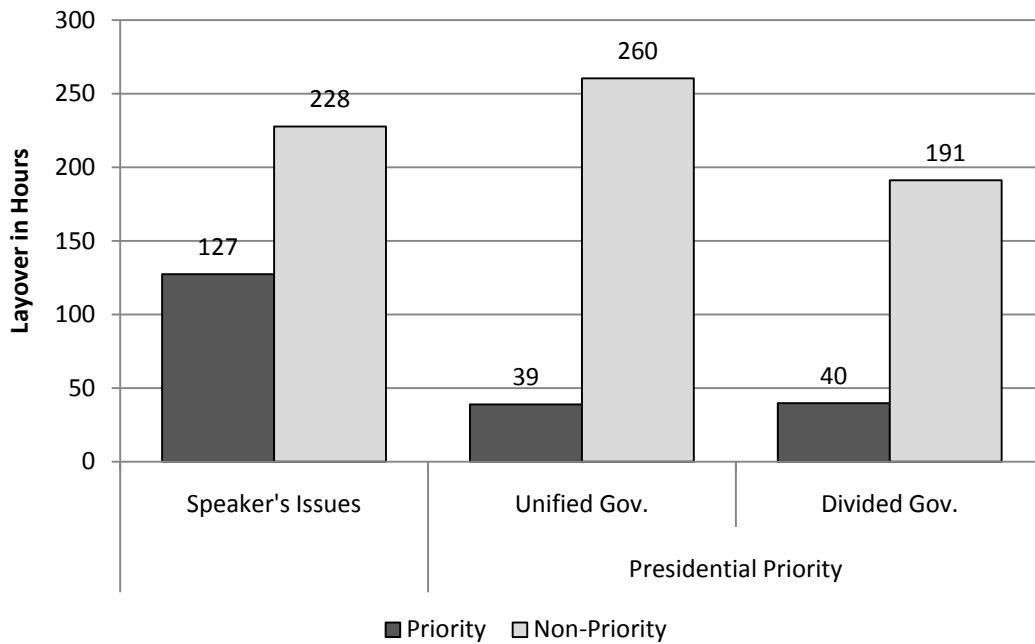


when the bill was reported from the last committee to take action on it until it was brought up for debate on the floor. This *layover time* can be viewed as a conservative estimate of how much time a typical members of Congress had to understand the bill and decide how to act because it is unlikely that on most bills members vet a piece of legislation the minute it is reported by a committee.

Figure 4.1 shows the average amount of time bills laid over for each measure of leadership priority legislation between 2001 and 2008. For the *Presidential priority* measure, dummy variables were created that indicate if the issue addressed by the bill was mentioned at all in that year's speech, or not. Additionally, the measure of presidential priority was analyzed separately for times of unified government (107<sup>th</sup>-109<sup>th</sup> congresses) and divided government (110<sup>th</sup> Congress). Regardless of measure, leadership priority legislation typically laid over for less time. The presidential priority measure results in the most dramatic findings. During unified government, legislation that primarily addressed issues mentioned by the president in the State of the Union were available, on average, for less than one-sixth the amount time of bills that did not. The results are dramatic for the *Speaker's issues* as well, with leadership priority bills being available for half as long, on average, as non-priority bills. Additionally, all of the differences presented in Figure 4.1 are statistically significant ( $p \leq .05$ ).

The layover times of some of these leadership priority bills, furthermore, were incredibly short. For example, in the 110<sup>th</sup> Congress, the Democratic leadership brought to the floor the Renewable Energy and Energy Conservation Tax Act of 2008. This dense, 100 page bill altered the tax code in numerous ways with the goal

**Figure 4.1: Leadership Priority Legislation and Availability of Bills, 2001-2008**



*N* = 275

of promoting renewal energy and energy conservation. Despite the bill's complexity, it laid over for just two minutes before floor consideration began and ended hours later in a party-line vote. During the 109<sup>th</sup> Congress the Republican leadership pushed the Estate Tax and Extension of Tax Relief Act of 2006 to the floor. This bill was created in the Rules Committee by combining several difference tax measures—none of which ever received significant committee action—and was brought to the floor after just a four hour layover.

A second way we can measure restricted access to legislation is by tracking the use of self-executing provisions. As discussed in chapter 3, self-executing provisions are language added to special rules that change the content of the bill in question upon the adoption of the rule by the full House. For leaders, self-executing provisions have dual benefits. First, they allow the leadership to make substantive

changes to legislative language in the Rules Committee. Second, they increase leadership control over information about legislation. Because the details of the bill are changed in the Rules Committee, rank-and-file members do not get a chance to see the final bill language until after the special rule has been brought to the floor or passed. This gives a typical member even less time to understand the final product before votes are taken.

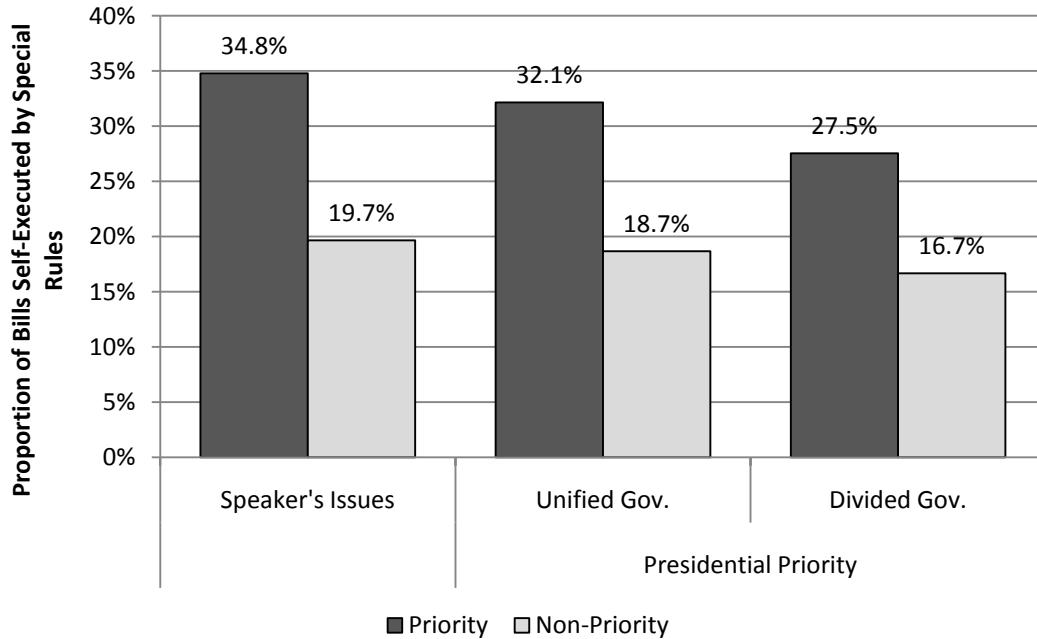
Bills were coded as having been self-executed if the rule reported by the Committee on Rules for consideration of the bill included at least one self-executing provision.<sup>127</sup> Figure 4.2 shows the proportion of bills on which leaders used self-executing provisions for leadership priority and non-priority legislation. Across the board, leaders are more likely to use self-executing provisions on legislation addressing leadership priority issues. Depending on the measure, leadership priority bills are between 65 percent and 77 percent more likely to be self-executed than non-priority bills. For the bill numbering and presidential priority measure during unified government, the differences between priority and non-priority legislation are statistically significant ( $p \leq .08$ ).

Self-executed bills are often bills that had been considered in committee for a significant amount of time before being reported. Take, for example, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, a major transportation authorization bill considered during the 109<sup>th</sup> Congress. This bill spent a month before the Committee on Transportation and Infrastructure. However, the evening after being reported the Rules Committee brought a special rule to the floor that

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<sup>127</sup> Special rules were determined to have done this if they were indicated to have by the “Survey of Activities of the House Committee on Rules” reports as published in the *United States Congressional Serial Set*.

**Figure 4.2: Leadership Priority Legislation and the Use of Self-Executing Provisions, 2001-2008**



*N* = 275

amended the contents of the bill. The bill was brought up for debate on the floor the very next morning.

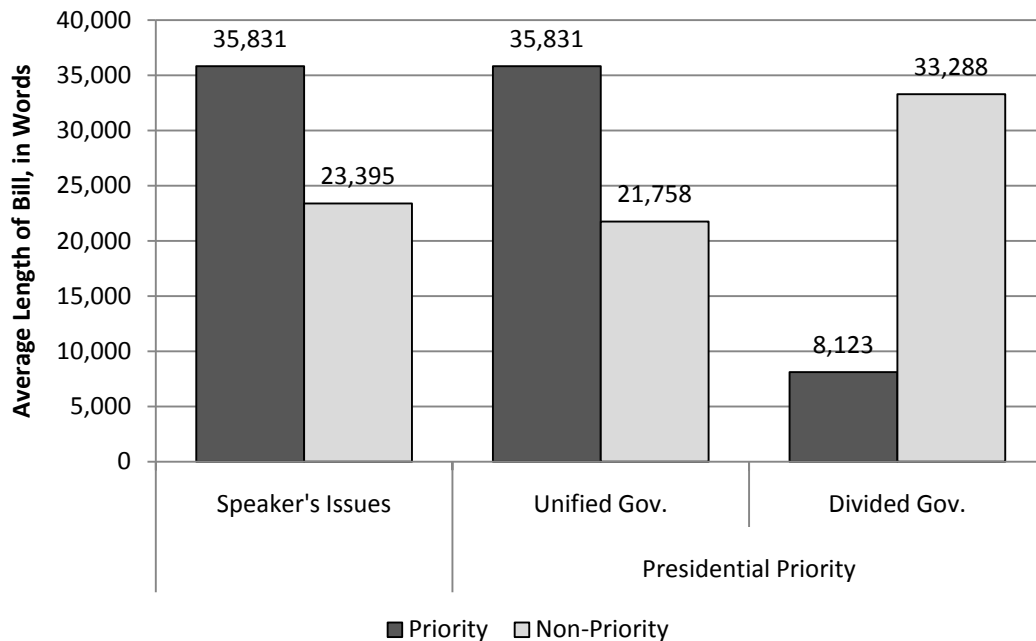
Altogether, there is substantial preliminary evidence suggesting leaders restrict access to legislative language more often on leadership priority legislation. On legislation that addresses leadership priority issues, leaders reduce the amount of layover a bill has before it is brought up on the floor for debate and are more likely to employ self-executing provisions to alter language after committee consideration. These results suggest that leadership goals play a role in leadership strategies and that these goals drive leaders to advance leadership priority bills.

## The Complexity of Legislation

As well as restricting access to legislative language, leaders also control information via the complexity of legislation. Defining and measuring complexity can be difficult. There is no single definition of what comprises a complex bill. Krutz (2001, 44-46), in his study of omnibus legislating, however, provides a compelling definition: “Omnibus bills differ from typical major bills in their *scope* (number of substantive policy areas spanned) and their *size*, and following from scope and size, their *complexity* (2001, 46, *emphasis in original*). While Krutz’s goal is to create a systematic definition of omnibus legislation, in the process he provides a good definition of bill complexity: size and scope. I use these two measures, size—in terms of word length—and scope—in terms of the number of major issue topics the bill addresses—as measures of bill complexity.

As discussed in chapter 3, complex legislation is by definition more difficult for members to analyze and understand. Leaders understand this and find that on complex legislation their rank-and-file are more reliant on them for information. By addressing leadership priority provisions in complex bills, party leaders reduce the risk of rank-and-file members finding compelling reasons to oppose the bill or potential opponents finding provisions to develop effective opposition strategies around. Figure 4.3 shows the average size of bills, in words, for leadership priority and non-priority legislation. For *presidential priority* bills during unified government, and for *Speaker’s issues*, priority bills are, on average, much longer than non-priority bills. For each measure, non-priority bills are about two-thirds the length of priority bills, on average, and the differences are statistically significant ( $p \leq .05$ ). During

**Figure 4.3: Leadership Priority Legislation and Bill Length in Words, 2001-2008**

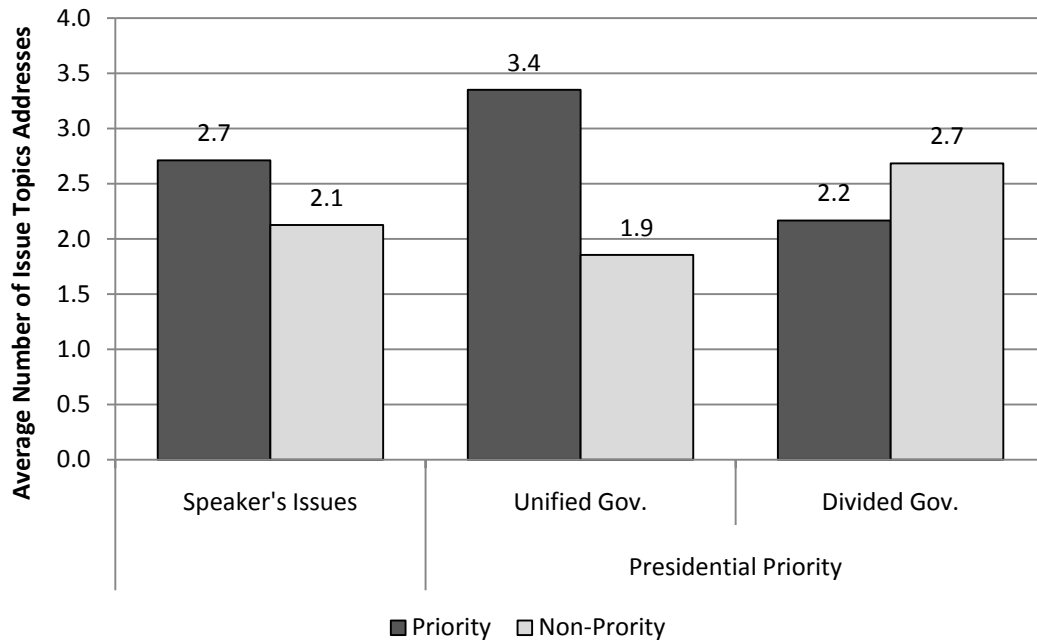


$N = 275$

divided government (the 110<sup>th</sup> Congress), the opposite relationship is found as *presidential priority* bills are actually far shorter than non-priority bills. This, essentially, may have been a strategy by the leadership in the House to hinder the ability of the president's policy measures from receiving support. Many of these bills may have been brought to the floor as standalone provisions to receive votes of disapproval from House majorities. Altogether, these bills were, on average, about one-fourth the length of non-priority bills and this difference is statistically significant, as well ( $p \leq .05$ ).

Measuring complexity in terms of scope (the number of major issue topics addressed) results in similarly compelling findings. As shown in Figure 4.4, bills addressing leadership priority issues typically address more total issue topics. This is especially true for *presidential priority* bills. During unified government, these bills

**Figure 4.4: Leadership Priority Legislation and Number of Issue Topics, 2001-2008**



$N = 275$

typically address an additional 1.5 major issue topics ( $t=-3.63$ ,  $p<.001$ ). The *Speaker's issues* measure similarly shows that priority bills tend to be larger in scope. Specifically, these bills, on average, were larger by half an issue topic ( $t=-1.51$ ,  $p=.067$ ). During divided government, again, presidential priority bills were typically smaller in scope. This again may suggest that the House leadership was often bringing the president's legislative provisions to the floor for a clear vote of disapproval.

Altogether, there is substantial preliminary evidence that legislative leaders in the House use information control tactics, both in terms of restricting information and using bill complexity, to advance leadership priority issues and legislation. However, there are several other factors that play into the decision of when to use these tactics

and others. The next section discusses some of the external factors that influence the use of information control.

### *Other Factors in the Use of Information Control Tactics*

While, as demonstrated above, congressional leaders use information control to advance leadership priority legislation, there are several other factors that play into the decision to, and the ability of leaders to use these tactics. These factors are primarily related to external and environmental contexts than influence congressional action and policymaking.

#### **Interest Group Influence**

Interest group activity can strongly influence when leaders use information control. As highlighted in chapter 3, leaders are not the only potential sources of information for members of Congress. Seeking to learn more about a bill and its potential consequences if made into law, members will seek analysis from numerous other actors, including interest groups. In this way, lobbying functions as a form of legislative subsidy (Hall and Deardorff 2006). Interest groups seek to form relationships with members of Congress sympathetic to their goals, providing them with information and additional resources that help balance the disparity between the rank-and-file and their leaders.

For leaders hoping to control the flow of information, these are potentially dangerous arrangements. Interest groups can provide other perspectives and voices on the contents and consequences of a bill that potentially conflict with the leadership's



narrative. For some members, interest groups can be more trustworthy sources of information than the party leadership, a committee chair, or committee staff. This is especially true among moderate members of a caucus whose policy priorities and preferences often conflict with those of the leadership. As discussed in chapter 3, part of the reason leaders restrict access to information is to reduce the influence of these other voices. While some interest groups would likely provide information to support leadership positions, there are a great many groups in the pressure system, and it is likely some of them, if not most, will find reasons to object to at least some of a bill's provisions. If leaders want to control the information available about a bill then they will want to keep the bill and its contents out of the hands of interest groups and lobbyists. Some bills have the potential to draw the attention of more organized interests than others. We should expect on bills with the potential to attract more interest group activity, leaders will restrict access to information more so than on bills with less potential.

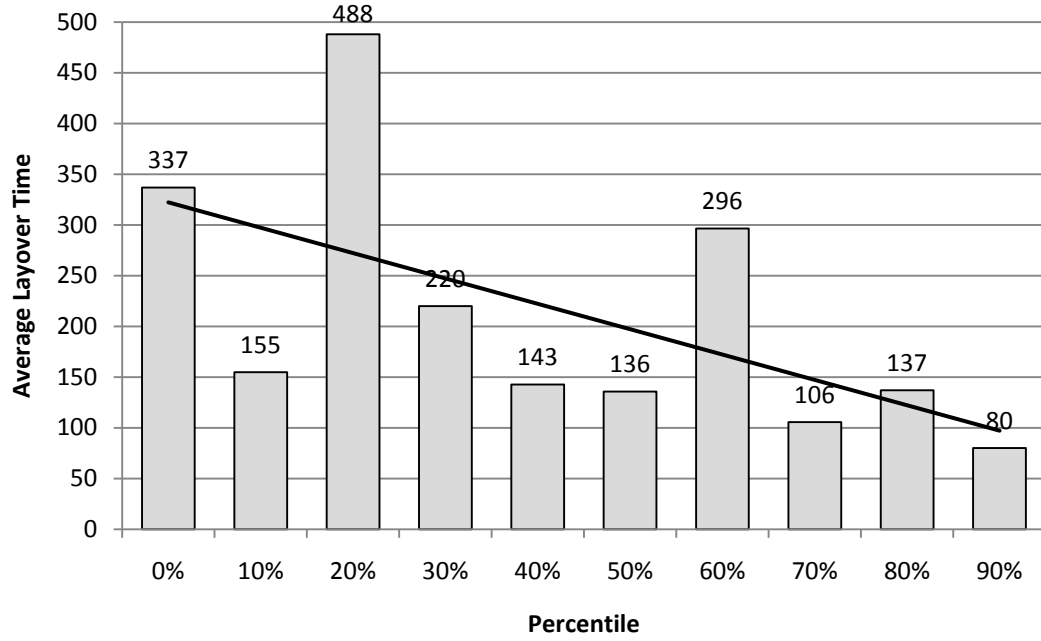
I developed two issue-based measures to approximate the amount of potential influence interest groups could have on each bill in my dataset. The Center for Responsive Politics records the total amount of spending, as well as the total number of lobbyists employed, by interest groups representing more than 100 industries each year. These 100 industries, grouped into 13 sectors, were matched to the Policy Agendas Project's 19 major issue topics on the basis of the issues that industry would be most concerned with influencing. Most of the industries were assigned to just one issue topic. However, 30 industries were coded as having a strong interest in two issue topics. The proportion of all interest group spending and the total number of

lobbyists employed by industries concerned with each issue topic (in each year) were then assigned to each bill on the basis of each of the major issue topics it addressed. So, for example, if a bill dealt with both health care and education in 2006, the proportion of all interest group spending during 2006 spent by industries concerned with either health care or education—roughly 19.5 percent—was assigned to the bill. Similarly, the total number of lobbyists employed by industries concerned with health care or education in 2006—4,927—was also assigned. These values serve as proxies for the *lobbying potential* for each bill in the sample. For more details on the matching of the issue coding to the issue industries, see Appendix C.

Figure 4.5 shows the relationship between the spending potential of groups and the length of layover for bills between 2001 and 2008. Examining layover times by each tenth percentile, there is a generally negative relationship between the spending potential of interested groups and layover time. Leaders restrict access to legislation the most on bills where *lobbying potential* is most intense. Altogether the 25 percent of bills subject to the most potential interest group spending were laid over for an average of 102 hours. By comparison, the remaining 75 percent laid over for an average of 255 hours. The difference between those numbers is statistically significant ( $t=2.41$ ;  $p<.01$ ).

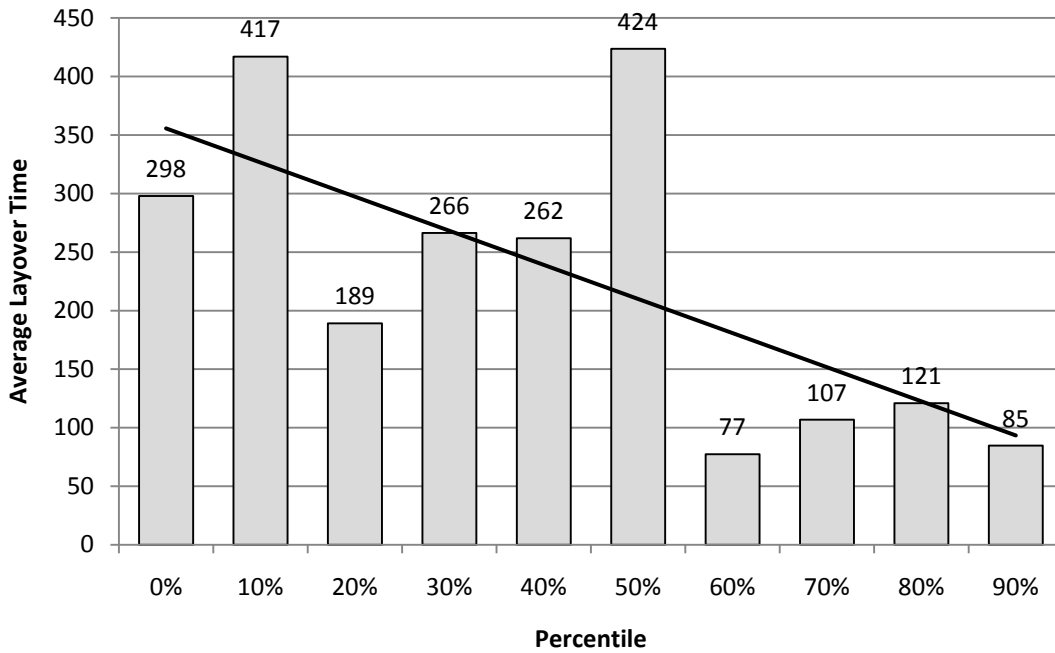
Figure 4.6 presents the relationship between the *lobbying potential* (in the number of lobbyists employed) and bill layover. Just as with interest group spending, there is a negative relationship between the number of employed lobbyists and layover time. Leaders restrict access the most on bills where interest group influence could be the most intense. Comparing the 25 percent of bills subject to the most

**Figure 4.5: Potential Interest Group Spending and Bill Layover Time, 2001-2008**



*N* = 275

**Figure 4.6: Potential Interest Group Lobbying and Bill Layover Time, 2001-2008**



*N* = 275

potential lobbying to the remaining 75 percent of bills, the same differences in layover are found as was the case with interest group spending. The top 25 percent were laid over for an average of 102 hours, while the remaining bills were laid over for 254 hours ( $t=2.39$ ,  $p<.01$ ).

Altogether, there is substantial preliminary evidence that leaders react to the potential of interest group involvement in the legislative process by restricting access to legislative language. In this way, they can safeguard their control over information within the chamber. With fewer outside sources of information available to rank-and-file members of Congress and opposition leaders, they will be less likely to find something objectionable about the legislation on the table.

### **Public Salience**

The use of information control tactics is also sensitive to the salience of issues among the public. Rank-and-file members of Congress, concerned with their reelection, are going to be more cautious about legislation that addresses topics salient with their constituents. District-specific salience is likely to motivate members of Congress to try to get involved with the legislation early in the process. As Hall (1996) describes, there is an “intensity bias” in participation in congressional policymaking. Members of Congress who have a particular interest in a bill—often in the interest of their reelection—are more likely to commit time, attention, and resources to that bill from the early committee stages forward. Individual members are also more likely, over the long term, to become specialists on issues important in

their districts, making it easier for them to overcome the informational disadvantages their offices face (Krehbiel 1991).

As discussed in chapter 3, committee chairs and party leaders are less likely to attempt to, or be able to restrict information from members who have a strong interest in a particular bill. Legislative leaders know these members need to be brought into the decision-making fold in order to approve the likelihood of the bill passing the committee or chamber, unscathed. But by bringing more members into the fold, leaders lose some control over the information that is out there. Generally, the salience of an issue can reduce the resource and information disparity between leaders and rank-and-file legislators by altering the intensity level and involvement of the typical member of Congress.

The national salience of issues is potentially even more important for the use of information control tactics. Widespread salience of a bill or issue changes the time and resources even more members allocate towards the bill than just local salience. On a vote of some importance that will likely become an issue in the next election, members of Congress are likely to allocate more of their time and staff resources to researching and analyzing the bill. With members' interests primed, it will be more difficult for the leadership to successfully restrict access to information. In these circumstances, members will remain in tune with the bill as it moves through the stages of the legislative process, and be persistent in asking questions and demanding answers from committee and party leaders and their staffs. As described in chapter 3, it is allocating this kind of attention—through asking questions and being persistent—

that members can overcome their resource and information disadvantages on a specific bill.

Measuring the national *public salience* of a bill or issue is a difficult task. Scholars have used a number of methods to measure issue salience. One method is to use responses to survey questions asking what they believe to be the nation's "most important problem" (Miller, et al. 1976; Burden and Sanberg 2003). The problem, however, with this measure is that it could bias responses toward issues respondents view negatively. An individual may think an issue is very important, but if they approve of government action and performance on that issue, they may not see it as a "problem" (Wlezien 2005). Other measures have been tried, as well. One method scholars have had some success with is using newspaper articles and editorials to estimate the salience of issues among the public (Epstein and Segal 2000; Binder 1999). Research shows that the public's attention towards political issues is strongly related to the amount of coverage it receives in the news (Iyengar, Peters, and Kinder 1982; Page and Shapiro 1992, 12-13; Pew Research Center 1999; McCombs 2006). Mayhew (1991) and Binder (1999) both use *New York Times* editorials as a basis for determining the salience of issues, and subsequently, legislation. I similarly rely on *New York Times* editorials.

I used a sample of 10 percent of all editorials that appeared in print in the *Times* between January 1, 2001 and December 31, 2008. Each editorial was coded for the issue topic and subtopic it most directly addressed. For each year, the number of editorials on each issue topic was summed. This value was then divided by the total number of editorials that contain identifiable issue content creating a measure of issue

salience for each issue area for each year.<sup>128</sup> Bills were then assigned a value based on the salience of the issue it primarily addressed. For example, in 2008, 8 editorials in the sample addressed the ‘U.S. banking system and financial institution regulation’ (issue code 1501). A total of 116 editorials that year were coded to have contained issue content. Consequently all bills that primarily addressed the banking system and the regulation of the financial institution in 2008 were assigned a value of 6.9 percent.

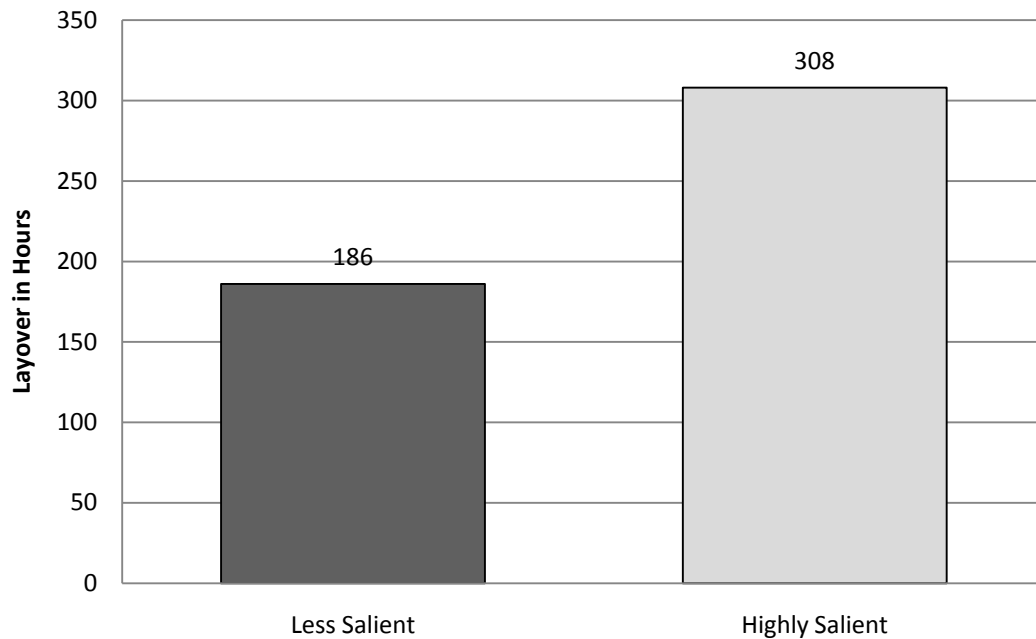
Given that the most salient bills will draw the most attention from rank-and-file members of Congress throughout the legislative process, we should find that leaders will be less able to use information control tactics on these bills. Figure 4.7 shows the relationship between the *public salience* of bills using the *New York Times* based measure described above and layover times. Bills with salience scores above the average were coded as highly salient while all other bills were coded as less salient. Altogether, bills addressing highly salient issues have, on average, much longer layover times than bills addressing less salient issues. Specifically, highly salient bills were laid over for an average of 308 hours compared to 186 hours for less salient bills. In other words, salient bills were laid over 40 percent longer than less salient bills, although the difference between these averages is not statistically significant ( $p=.203$ ).

Altogether, there is evidence that interest group influence and public salience influence the strategic choices of congressional leaders. The next section considers these factors and others in a multivariate setting.

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<sup>128</sup> To ensure that the 10 percent sample closely approximated the results of a 100 percent of the editorials, I also coded every editorial for the last three months of 2008 and compared the results to a 10 percent sample of those cases. The values for each issue area were not substantively different between the complete population and the 10 percent sample.

**Figure 4.7: Public Salience and Bill Layover Time, 2001-2008**



*N* = 275

Multivariate Analyses

The primary hypotheses in this chapter are that leaders will use information control to further leadership priority legislation, that they will protect their control over information when the potential for interest group influence is high, and will be less able to restrict information on the most salient legislation. Preliminary evidence of these relationships was presented above. But fully understanding the relationship between these factors and information control tactics requires the use of multivariate regression analysis.

Multivariate tests are done on the two types of information control tactics that measures were developed for: restricting access to legislation, and using the complexity of legislation. The specific dependent variables for restricting access are



bill *layover time* and the use of *self-executing provisions*. For complexity, the dependent variables are the *size* of the bills and their *scope*. Bills addressing leadership priority issues should have less layover time, be more likely to be self-executed, and be more likely to be large or complex in terms of size or scope. Similarly, bills with the potential for the most lobbying should be laid over for less time, self-executed more often, and be larger and more complex. Finally, the most salient bills should be laid over for longer periods, on average, should be less likely to be self-executed, and be smaller and less complex than other legislation.

### **Restricting Access to Legislation**

The first set of tests analyzes the total layover time a bill received. The dependent variable here is layover time in hours. To test the impact of covariates on this dependent variable, the best tool is a duration model. Duration models assess the impact of covariates on the likelihood of an event occurring. These models are quite common in medical studies, modeling likelihood of the occurrence of death among patients. For this reason they were often termed “survival models”. However, duration models have expanded in recent years into political science and have been used to analyze numerous political phenomena such as congressional retirements (Box-Steffensmeier and Jones 1997), and policy adoption and repeal (Berry and Berry 1990; Ragusa 2010). These models are useful for testing layover times as they literally are testing the *duration* that a bill is laid over.

For this dependent variable, specifically, I use a Cox Proportional Hazards model (CPH). The CPH model is a non-parametric duration model. Parametric

models are typically used to make predictions about the specific duration times of individual cases by assuming some general distribution in the data, such as a Weibull or Log-Normal distribution. However, the assumption of an unknown distribution can lead to false inferences (Box-Steffensmeier and Jones 2004). For the purposes of this chapter, I am most interested in understanding the impact of covariates on layover times, rather than predicting the layover of specific bills. The CPH model is best for this because it does not assume any distribution. The downside is the inability to estimate specific layover times, but the benefit is deriving more accurate estimates of the impacts of the covariates.<sup>129</sup>

The primary independent variables in this model include the measures of party leadership and presidential priority, lobbying potential, and public salience that were discussed in the above sections. Additionally, several other control variables are included that could impact layover times. These variables can be grouped into three general types: contentiousness, procedure, and legislation type. Specifically, there are two variables for contentiousness: *vote margin*, and whether or not the final passage vote was a *party vote*. The logic behind including these variables is that it may be the potential contentiousness of the deliberations and vote on a bill that are driving the leadership to reduce access to information rather than the issue content or outside interest. These measures control for that possibility. Specifically, *vote margin* is

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<sup>129</sup> CPH models also require that the proportional hazards assumption is met. This assumption requires that the impact of covariates on the hazards do not vary over time. In other words, the impact of covariates does not increase or decrease as the duration of time studied continues. There are several tests of this assumption. Two prominent tests are the link test and Harrell's  $\rho$  test. The results of these tests for each covariate and for the model cannot reject the null hypothesis that the proportion hazards assumption holds for either model presented in this chapter. Schoenfeld residuals were also plotted and do not show any signs that the assumption does not hold. The results of these diagnostics can be found in Appendix D. See Box-Steffensmeier and Jones (2004) for more on the proportional hazards assumption and tests.

calculated as the absolute differences between the yea and nay votes for the bill and *party vote* is a dummy variable indicating if the final passage vote featured 90 percent of one caucus voting against 90 percent of the other. While party leaders clearly do not know what the exact outcome of final passage votes will be on bills before they occur, as discussed in chapter 3, they use their whip organizations to make an educated guess, and rarely bring bills to the floor without some idea of the magnitude of support for them. It is also true that the use of information control tactics likely alters the contentiousness of the final vote. If party leaders are successful at controlling information they may reduce the contentiousness of final deliberations. Nevertheless, these measures should be seen as a rough approximation of the contentiousness of the bill and issues under consideration.

Among procedural factors there is one important variable: a dichotomous indicator of whether or not the bill was *considered under suspension* of the rules. Bills considered under suspension pass through the chamber rapidly. For this reason we should expect that this variable to have a strong, negative impact on layover time.

Two control variables deal with the type of legislation. The first is a dichotomous indicator of whether the bill dealt with appropriations. With *appropriations bills*, the majority party feels a great deal of pressure to get them passed. Without passing an appropriations package, Congress runs a risk of a work stoppage. But more importantly, appropriations bills allow the majority to influence the enactment and enforcement of every law on the books. While repealing a specific public law may be too cumbersome, Congress can cut spending. While passing new authorizing legislation may end in gridlock, increasing spending to prioritized

programs can achieve some similar ends. As a result, I expect that the majority leadership will bring appropriations bill to the floor more quickly than typical legislation.<sup>130</sup>

The other variable controls for Congress' need to respond quickly to national emergencies. In 2001, Congress was faced with an external shock requiring quick action: the *September 11<sup>th</sup>* terrorist attacks. A dichotomous variable is included that indicates if the bill was part of an immediate response to the event. These bills should have come to the floor much quicker than the average.

Finally, variables are included to deal with temporal aspects of the data. First, a dichotomous variable is included that indicates if a bill was introduced during the *second session* of a congress. Bills introduced during the second session should be more likely to move through the legislative process quickly simply because there is less time to pass the bill. Additionally, dichotomous variables are included for the 108<sup>th</sup>, 109<sup>th</sup>, and 110<sup>th</sup> congresses to control for the possibility that there are congress-specific patterns in layover times. Furthermore, these variables ensure that the rest of the coefficients are not influenced by congress-specific patterns.

Table 4.1 presents the results of the regression analyses. The coefficients in this model predict the impact of the covariate on the likelihood of layover ending. A positive coefficient means that an increase in the independent variable increases the likelihood of an abbreviated layover period. Two different models are presented. Model #1 controls for *lobbying potential* using the spending measure and Model #2

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<sup>130</sup> Additionally, all the models in this chapter were run excluding appropriations bills. The results were not substantively different.

**Table 4.1: Determinants of Reduced Layover Time on Important Legislation, 2001-2008**

	Model #1			Model #2		
	coefficient	std. error	p	coefficient	std. error	p
<b><i>Leadership Priority Bill</i></b>						
Speaker's issues	0.526	0.190	<0.01	0.526	0.190	<0.01
Presidential priority – unified Gov.	-0.006	0.010	0.26	-0.006	0.010	0.26
Presidential priority – divided Gov.	0.024	0.010	0.01	0.023	0.010	0.01
<b><i>External Factors</i></b>						
Lobbying potential – Spending	0.792	0.288	<0.01	--	--	--
Lobbying potential – Number of lobbyists/1k	--	--	--	0.036	0.013	<0.01
Public salience	-0.056	0.037	0.07	-0.056	0.037	0.07
<b><i>Contentiousness</i></b>						
Vote margin	-0.001	0.001	0.16	-0.001	0.001	0.18
Party vote	-0.275	0.225	0.11	-0.273	0.224	0.11
<b><i>Procedure</i></b>						
Considered under suspension	0.383	0.236	0.05	0.388	0.236	0.05
<b><i>Legislation type</i></b>						
Appropriations bill	0.273	0.164	0.05	0.261	0.164	0.06
September 11th bill	2.694	0.758	<0.01	2.680	0.759	<0.01
<b><i>Session</i></b>						
Second session	0.208	0.136	0.06	0.217	0.136	0.06
<b><i>Congress</i></b>						
108th Congress	-0.229	0.188	0.23	-0.233	0.188	0.22
109th Congress	-0.300	0.190	0.11	-0.330	0.191	0.09
110th Congress	-0.335	0.188	0.07	-0.375	0.189	0.05
N		272			272	
AIC		2492			2491	

*Note:* Coefficients were fit with a Cox proportional hazards model. Positive coefficients indicate an increased "hazard", or, an increased likelihood of an abbreviated layover period. P-values are one-tailed for all independent variables except the congress indicators.

controls for *lobbying potential* using the number of lobbyists measure. Both models provide strong support for all three hypotheses.

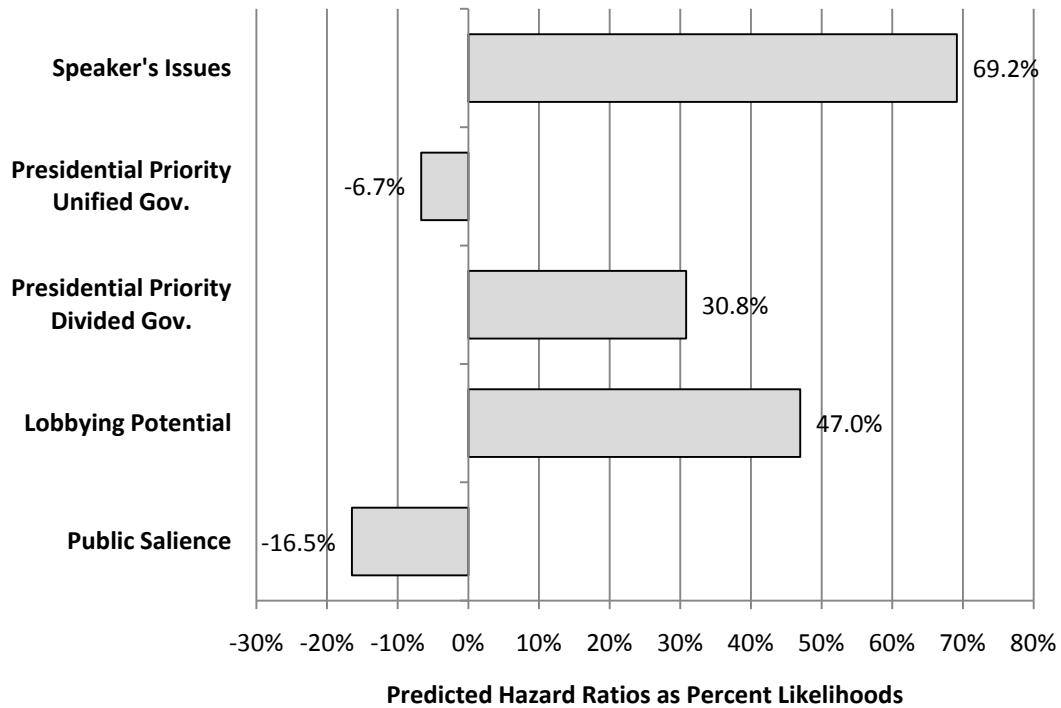
First, leadership priority bills have a much higher, statistically-significant likelihood of being laid over for shorter amounts of time. Hazard ratios can be calculated from the coefficient estimates. The hazard ratios can be interpreted as the changes in likelihood that an event will occur—in this case that the duration of layover time will be cut short—given an increase in the independent variable in question. Figure 4.8 shows hazard ratios presented as percent changes in likelihood for select variables in the regression. Values were calculated using the coefficients in Model#1.<sup>131</sup> These predictions indicate that *Speaker's issues* bills were almost 70 percent more likely to have reduced layover times than all other bills. Similarly striking, an increase in one standard deviation in the number of times a president mentioned an issue during the most recent State of the Union address, during times of divided government, resulted in an almost 31 percent increased likelihood of reduced layover. Interestingly, results for presidential priority bills are only found during divided government, suggesting party leaders in the House restrict information on issues important to opposition presidents to control the deliberations and perhaps bring these bills to the floor for a quick vote of disapproval. These results strongly suggest that legislative leaders restrict access to legislation more often on bills that are party and presidential priorities than on other legislation.

The results also suggest that potential interest group influence has a strong effect on layover. Increases in both the spending potential of interest groups and the number of lobbyists employed by interest groups that might be interested in a bill relate to a decrease in layover time. The hazard ratio for *lobbying potential* predicts that a one standard deviation increase in spending potential results in a nearly 50

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<sup>131</sup> Hazard ratios calculated from Model #2 are nearly identical.

**Figure 4.8: The Influence of Select Variables on Layover Time**



*Note:* Values are predicted hazard ratios from Model #1 of Table 4.1 interpreted as percent changes in likelihood that layover will be reduced.

percent increase in the likelihood that layover will be cut short. Altogether, these results suggest that the potential of interest group influence causes leaders to more tightly control access to information in the House. *Public salience* also significantly influences the layover of important legislation. The hazard ratio suggest a one standard deviation increase in the proportion of *Times* editorials dedicated to an issue results in a 17 percent decrease in the likelihood of a bill having a shortened layover period. Leaders have a more difficult time controlling information on salient legislation than on legislation less important to the public.

Several of the control variables significantly influenced layover times, as well. Appropriations bills have a significantly increased likelihood of being considered

after an abbreviated layover period. This reflects the importance that leaders place on the passage of spending bills. Additionally, legislation passed in the aftermath of the September 11<sup>th</sup> attacks were laid over for far less time than most legislation. This outcome, if nothing else, suggests that Congress can be responsive to the public's perceived demand for action. However, it also may say something about propensity of leaders to take advantage of opportunities. Members of Congress risked great harm to their political careers in opposing any legislation that responded to the attacks. Leaders no doubt knew this to be the case and, similarly, no doubt knew that opposition to such legislation on the basis of procedure—specifically the length of layover or the availability of legislation language—would fall on deaf ears with the American public. In pushing this legislation through the chamber expediently, the leadership advanced preferred legislation without allowing for objection on the part of the rank-and-file or the minority party.

Additionally, the session in which a bill is considered is important and the impact follows expectation. Bills introduced during the *second session* of a congress were significantly more likely to have their layover reduced. Finally, as expected, bills *considered under suspension* were more likely to layover quickly.

A second set of tests investigates the use of self-executing provisions. The dependent variable for this regression is a binary indicator (equal to one) if the bill in question was self-executed using a special rule. Since the data are binary, logistic regression was used to calculate regression coefficients. The primary independent variables measuring whether a bill was a leadership priority, the *lobbying potential* on



the bill, and the *public salience* of the legislation are the same as in the previous models.

In addition, several variables are controlled for. As in the previous models, the controls for contentiousness—*vote margin* and *party vote*—are included. Again, these variables control for the possibility that self-execution is a strategy used because of the potential contentiousness of the deliberations, rather than the concerns hypothesized about. The dichotomous measure of *appropriations bills* is included. Appropriations bills are typically considered in a relatively open process. As a result we should expect appropriations bills to be far less likely to be self-executed. Just as in the previous models, control variables are also included for temporal aspects of the bills' consideration. A dichotomous variable is again included indicating if the bill was considered during the second legislative session. It is likely that bills considered in the second session of any Congress are more likely to be self-executed because there is less time to get the bill written and passed in the *second session* than there is in the first. Finally, dummy variables for each congress (with the 107<sup>th</sup> Congress excluded) are included in the regression to control for congress-specific effects on the estimations.

Table 4.2 presents the results of the analyses. Again, the table shows two models—one measuring *lobbying potential* using spending and one measuring it using the number of employed lobbyists. The results between the models are very similar. In general, there is strong evidence that leadership priority bills—as measured using the *Speaker's issues* variable—are much more likely to be self-executed than bills that are non-priorities. The coefficients in each model are positive

**Table 4.2: Determinants of Self-Execution on Important Legislation, 2001-2008**

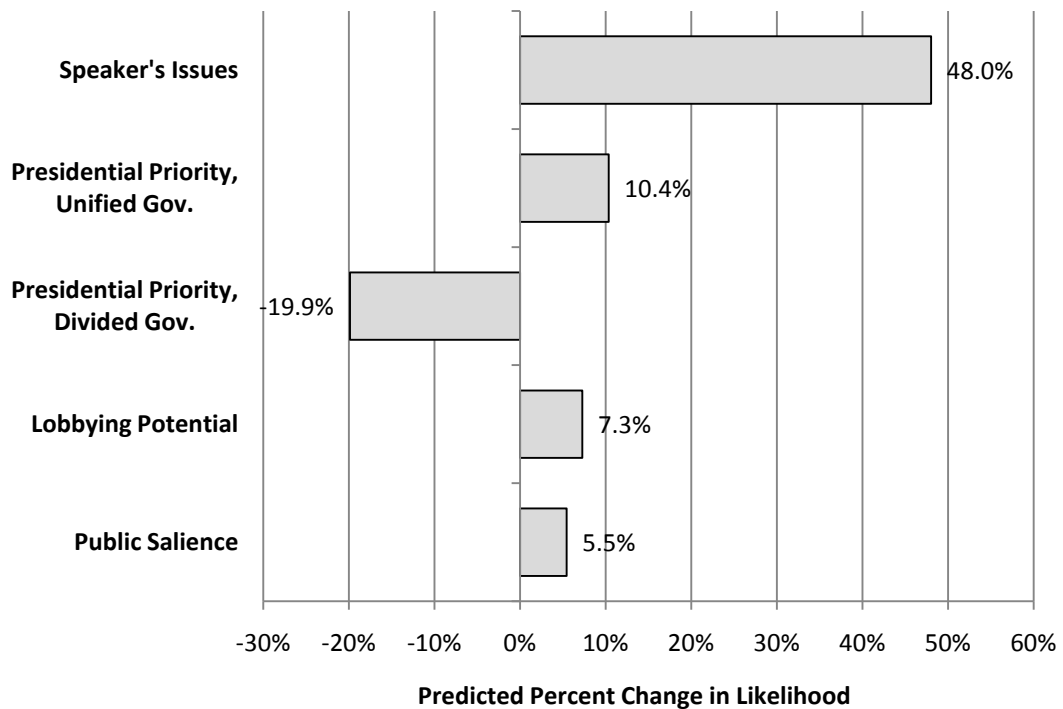
	Model #1			Model #2		
	coefficient	std. error	p	coefficient	std. error	p
<b><i>Leadership Priority Bill</i></b>						
Speaker's issues	0.599	0.426	0.08	0.598	0.426	0.08
Presidential priority – unified Gov.	0.014	0.028	0.31	0.014	0.028	0.31
Presidential priority – divided Gov.	-0.025	0.024	0.15	-0.025	0.024	0.15
<b><i>External Factors</i></b>						
Lobbying potential – spending	0.498	0.751	0.25	--	--	--
Lobbying potential – number of lobbyists*1,000	--	--	--	0.023	0.000	0.23
Public salience	0.024	0.060	0.34	0.024	0.059	0.35
<b><i>Contentiousness</i></b>						
Vote margin	-0.004	0.001	<0.01	-0.004	0.001	<0.01
Party vote	0.480	0.458	0.15	0.482	0.458	0.15
<b><i>Legislation Type</i></b>						
Appropriations bill	-0.338	0.420	0.21	-0.352	0.423	0.20
<b><i>Session</i></b>						
Second session	0.178	0.345	0.30	0.179	0.345	0.30
<b><i>Congress</i></b>						
108th Congress	-0.837	0.519	0.05	-0.839	0.518	0.05
109th Congress	-0.069	0.456	0.44	-0.092	0.458	0.42
110th Congress	-0.215	0.447	0.32	-0.245	0.453	0.29
constant	-0.639	0.680	0.35	-0.636	0.679	0.35
N		272			272	
ePCP		0.704			0.704	

*Note:* Coefficients estimated using logistic regression. P-values are one-tailed tests for all variables except the congress indicators and the constant.

and statistically significant. The measures of *presidential priority* bills, during unified government, comes close to conventional levels of statistical significance suggesting these bills might be less likely to be self-executed than other bills.

Figure 4.9 presents predicted changes in the likelihood of self-execution for the primary independent variables in the models. The first bar shows the percentage change in the likelihood of self-execution when the bill addresses a Speaker's issue compared to when it does not. These leadership priority bills have an almost 30 percent chance of being self-executed while non-priority measures have a 20 percent chance.

**Figure 4.9: Predicted Effect of Variables on the Use of Self-Execution, 2001-2008**



*Note:* Predicted probabilities were calculated using the coefficients in Model #1 in Table 4.2. Values represent the mean percentage change in likelihood of self-executing. For the bill numbering variable, this change is as the values moves from 0 to 1. For the other variables the change represents a one standard deviation increase in the variable.

This difference means that bills addressing leadership priority issues are, on average, 48 percent more likely to be self-executed than non-priority bills. For presidential priority bills the effects are much smaller, and as mentioned, not

statistically significant. The predicted effects, however, show that on average, presidential priority bills are almost 10 percent more likely to be self-executed than non-priority bills during unified government and 20 percent less likely during divided government. This conforms to expectation. Leaders, to some degree, self-execute bills of same-party presidents to obtain the same advantages as with other leadership priority bills. By contrast they are more likely to bring the priorities of opposition of presidents to the floor for a straight up or down vote allowing the House majority party to create a record of opposition to the president.

The models do not find potential interest group influence to have any significant effects on the use of self-executing provisions. The coefficients for both measures are positive suggesting that an increase in lobbying potential increases the likelihood of self-execution, but they are both statistically insignificant and the substantive effects are small (see Figure 4.9). The public salience of a bill also did not significantly affect the likelihood of self-execution. Among the controls, the most notable effect is that for vote margin. Bills with smaller margins are significantly more likely to be self-executed than bills with larger margins. This suggests the potential contentiousness of bills is an important motivating force for party leaders when they choose to self-execute. Leaders are more likely to use this tactic if they think a vote will be close.

Altogether, the regression models in Tables 4.1 and 4.2 provide support for the hypothesis that legislative leaders will use information control tactics primarily to advance leadership priority legislation. Bills addressing leadership priority issues are much more likely to have shorter layover periods than non-priority legislation.

Additionally, leadership priority bills are more likely to be self-executed, especially using the *Speaker's issues* measure. The results of the analyses also provide some mixed evidence on the influence of interest group involvement on Capitol Hill. On one hand, heavy interest group involvement appears to be perceived as a threat by legislative leaders and they restrict access to legislative language in the face of it. On the other hand, the likelihood of self-execution is not significantly affected by the potential for interest group influence. Public salience appears also to only affect leaders' use of restricted layover reducing the likelihood that leaders will use this strategy. These results, generally, may suggest that reduced layover is a more central to information control than self-execution. Self-execution, as discussed, achieves more than just restricting access to information. It also allows the leadership to substantially alter the substance of legislation. As such, other factors may play into the decision to use this tactic. One controlled for in the models—contentiousness—appears to be a major consideration. The next section analyses leadership use of bill complexity as an information control tactic.

### **Complexity of Legislation**

Legislative leaders use both the size and the scope of legislation as a form of information control. The first test analyses the use of the scope of legislation. Scope, again, is measured as the number of major issue topics a bill addresses. Within the dataset, this ranges from a minimum of one to a maximum of fifteen issue topics. Ordinary Least Squares regression is used to estimate the impact of several variables

on scope.<sup>132</sup> The measures of leadership priority legislation are the same here as in the above models, as is the measure of public salience. Unfortunately, we cannot test the possibility that leaders respond to lobbying potential by utilizing the scope of legislation because legislation that is larger in scope, by definition would potentially attract more interest group involvement. The expectations are that bills addressing leadership priority issues are more likely to be large in scope as leaders take advantage of the rank-and-file's inability to digest the contents of these bills quickly and efficiently; and that bills addressing salient issues will be less likely to be larger in scope.

The control variables from the previous models for contentiousness are included in this model, as well. Additionally the dichotomous appropriations variable is also included. Appropriations bills routinely address multiple issue topics and should be larger in scope. Additionally, the temporal aspect of the consideration of the bills is controlled for using dummies for each congress (excluding the 107<sup>th</sup> Congress) and for the second session.

Table 4.3 present the results of the analysis. The results suggest that bills primarily addressing leadership priority issues are typically larger in scope. The *Speaker's issues* variable is statistically significant and indicates that these bills are, on average, almost one issue area larger in scope than non-priority bills.<sup>133</sup> During times of unified government, presidential priority bills are also significantly larger.

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<sup>132</sup> An argument can be made that a count model would be best for estimating these effects. However, count models add additional assumptions that are problematic for this data. A poisson regression model was estimated anyway, and its findings corroborate those of the OLS model. Since the OLS model is simpler to interpret, its results are presented here.

<sup>133</sup> The poisson model estimates a similar substantive impact, estimating that leadership priority bills will address 1.2 more issue topics than non-priority bills.

**Table 4.3: Determinants of the Scope of Important Legislation, 2001-2008**

	coefficient	robust std. error	p
<b><i>Leadership Priority Bill</i></b>			
Speaker's issues	0.967	0.499	0.03
Presidential Priority - Unified Gov.	0.048	0.028	0.04
Presidential Priority - Divided Gov.	-0.026	0.024	0.15
<b><i>External Factors</i></b>			
Public salience	0.076	0.066	0.13
<b><i>Contentiousness</i></b>			
Vote margin	-0.002	0.001	0.07
Party vote	0.290	0.588	0.31
<b><i>Legislation Type</i></b>			
Appropriations bill	1.685	0.391	<0.01
<b><i>Session</i></b>			
Second session	0.175	0.366	0.32
<b><i>Congress</i></b>			
108th Congress	0.500	0.488	0.15
109th Congress	1.000	0.494	0.02
110th Congress	1.046	0.487	0.02
constant	1.161	0.729	0.06
N		272	
adj. R-square		0.074	

*Note:* Coefficients estimates using Ordinary Least Squares regression. P-values are one-tailed for all independent variables except the congress indicators and the constant.

Specifically, an increase of one standard deviation in the number of mentions an issue receives in a State of the Union address equates to a one-half issue area increase in the scope of related bills. It appears leaders use large bills as vehicles for leadership priority legislation. The use of complex bills imposes more time and resource costs on rank-and-file legislators and makes it more difficult for them to have input on the legislation.

The results for *public salience* are less impressive. More salient bills are slightly larger in scope, on average, but the difference is not statistically significant. Unlike with layover, it appears the salience of legislation does not hamper the decision of leaders to use bill complexity as a form of information control. Contentious bills, in terms of *vote margin*, by contrast, are significantly larger in scope when the vote is closer. Appropriations bills, as expected, also address more issue topics than typical legislation. On average, the typical appropriations bill addressed an additional 1.7 issue topics. This reflects the often complex jurisdictions held by Appropriations subcommittees as well as the prevalence of omnibus appropriations bills in recent congresses. There is also evidence that legislation in general, is becoming more complex. The dichotomous variables controlling for congress-specific effects are in the positive direction and in the 109<sup>th</sup> and 110<sup>th</sup> congresses have statistically significant impacts. Specifically, the coefficients estimate that bills in the 109<sup>th</sup> and 110<sup>th</sup> congresses, all else equal, were typically one issue topic larger than bills in the 107<sup>th</sup> Congress. This result suggests complex legislation is increasingly becoming a norm in congressional policymaking.

The next analysis addresses the size of bills. Size, here, is measured as a bill's word length. The longer a bill, the longer it should take a rank-and-file member of Congress to vet. Just as with scope, the expectation is that leaders will exploit the time and resource problems faced by typical legislators by using the size of bills as a vehicle for leadership priority measures. Specifically, bills containing leadership priority issues should be, on average, longer than those that do not. Because of the extreme right skew of the variable, the natural logs of the values were taken for the



analysis. Leadership priority bills are measured here the same way as they were in the above models. The control variables in this model are the same as those in the model for scope, but *lobbying potential* could be included in this model, as well.

Table 4.4 presents the results of the analysis. The results present some support for the hypotheses. The coefficient for *Speaker's issues* bills does not reach a conventional threshold for statistical significance. However, during unified government presidential priority legislation appears to be significantly longer, all else equal. Specifically, retransformed estimates indicate that during unified government, a one standard deviation increase in the number of State of the Union mentions of the issue primarily addressed by a bill results in a 44 percent increase in word length. During divided government, the opposite relationship is apparent. Presidential priority bills are significantly smaller during divided government than non-priority bills. A one-standard deviation increase in the number of State of the Union mentions results in a 26 percent decrease in word length.

Neither *lobbying potential* nor *public salience* significantly influences the word length of bills. Both have positive coefficients, and lobbying potential comes close to statistical significance suggesting that bills with the potential for more interest group involvement tend to be longer, but the relationship is not strong. As with scope, *vote margin* is significantly related to word length. Longer bills typically pass by smaller margins. This suggests again that bill complexity may be affected by the contentiousness of the deliberations.

Appropriations bills are, all else equal, significantly longer than typical bills. This reflects both the typically long length of these spending measures, as well as the

**Table 4.4: Determinants of the Size of Important Legislation, 2001-2008**

	coefficient	robust std. error	p
<b><i>Leadership Priority Bill</i></b>			
Speaker's issues	0.057	0.299	0.43
Presidential priority - unified gov.	0.035	0.017	0.02
Presidential priority - divided gov.	-0.024	0.015	0.05
<b><i>External Factors</i></b>			
Lobbying potential - spending	0.605	0.473	0.10
Public salience	0.020	0.040	0.30
<b><i>Contentiousness</i></b>			
Vote margin	-0.001	0.001	0.08
Party vote	0.016	0.341	0.48
<b><i>Legislation Type</i></b>			
Appropriations bill	0.704	0.235	<0.01
<b><i>Session</i></b>			
Second session	-0.061	0.215	0.39
<b><i>Congress</i></b>			
108th Congress	0.516	0.290	0.04
109th Congress	0.332	0.293	0.13
110th Congress	0.452	0.291	0.06
constant	8.797	0.444	<0.01
N		272	
adj. R-square		0.039	

*Note:* Coefficients were estimated using Ordinary Least Squares regression. Coefficients indicate the impact of covariates on the natural log of the word length of bills. P-values are one-tailed for all independent variables except the congress indicators and the constant.

frequency at which appropriations are passed as omnibus packages. Like with scope, there is some systematic evidence that bills are getting longer over time. The coefficient for the 108<sup>th</sup> and 110<sup>th</sup> congresses indicates that bills in those congresses were significantly longer than in the 107<sup>th</sup> Congress. The coefficient for the 109<sup>th</sup> is

also in a positive direction, but is not statistically significant. Still, this suggests bills are getting somewhat longer over time.

Altogether, there is significant evidence that leaders use the complexity of legislation as an information control tool. The analyses find evidence that leaders use both the scope and the size of legislation. Specifically, leaders appear to use scope on both leadership priority and presidential priority bills, and size on just presidential priority bills. By increasing the complexity of these bills leaders make it more difficult for the typical member of Congress to become informed on their contents, and subsequently become involved in shaping the bills.

### Conclusions

The results of the analyses in this chapter strongly suggest that information control tactics are implemented by legislative leaders as a form of goal-achieving behavior. The evidence here demonstrates that priority bills often have their layover times reduced, are more likely to be self-executed, and are more likely to be considered as complex legislative packages. Each of these actions makes it even more difficult for the typical member of Congress to overcome the information and resource disadvantages they face throughout the policymaking process.

Additionally, there is evidence that leaders use information control in response to external pressures. When there is a greater potential for interest groups to influence the content of legislation, party leaders are more likely to restrict access to legislative language. This disables an alternative source of information for members of Congress and makes them even more reliant on leaders and leadership staff for

information. Furthermore, salience of bills with the public can also affect the use of information control tactics. Specifically, party leaders are less able to restrict layover times on bills that are salient with the public.

Finally, this chapter introduced several new measures and tests for congressional studies. First, a measure of bill layover was developed to gauge the availability of legislative language. Until these analyses, this remained an un-studied aspect of congressional politics. Second, analyses were done on the use of self-executing provisions. This also has been an understudied and poorly understood aspect of congressional policymaking. Third, this chapter makes broad use of the Policy Agendas Project's issue classifications, leveraging them into measures of leadership priority legislation, interest group influence, and public salience. The results demonstrate that an issue-based approach to coding aspects of congressional action can provide a great deal of insight.

Ultimately, the results of this chapter further highlight how information control is used as a source of leadership power for legislative leaders in the House of Representatives. It demonstrates that information control tactics are used strategically by leaders on important legislation to achieve identifiable goals, and provides systematic and quantifiable context for the findings in chapter 3. But it also hints at how these tactics can be both beneficial and detrimental to the typical member of Congress. In helping pass major tenets of the party's platform, these tactics facilitate goal achievement for all or most members of the majority caucus. However, restricted access to legislative language and the expedited consideration of important, and often complex, bills make it difficult for most members of Congress to be involved in the

details of the legislation even when they want to be. The next chapter highlights the tension that information control creates between leaders and the rank-and-file throughout the legislative process.

## Chapter 5: Information and Trust in Legislative Leaders

*“If you don’t trust the information they [committees and party leaders] are giving you, it’s a problem.”*

Rank-and-File Staffer<sup>134</sup>

*“Who you trust to tell you what is going on is what is relevant.”*

Leadership Staffer<sup>135</sup>

Information control tactics give legislative leaders in the House of Representatives great influence over the chamber. The previous chapters indicate that leaders can effectively gather, restrict, and provide information to lead the legislative process, and that they use these tactics strategically, focusing primarily on their priority legislation and to some degree on the bills with the potential for significant outside influence. But not all the effects of information control are intended. While leaders can use these tactics in support of partisan priority legislation, they can also cause some damage to their standing with the rank-and-file in the chamber. Specifically, where information control tactics run up against the goals of rank-and-file members of Congress they create tension and undermine the trust legislators have in their leaders.

The amount of civility in Congress has generally eroded since the 1980s (Uslaner 1993; Jamieson and Falk 2000). Partisanship has been a scapegoat for the decline of trust and civility, but it does not explain the existence of distrust within party caucuses. The use of aggressive leadership tactics, like information control, is likely to create tension among co-partisans and members of a committee.

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<sup>134</sup> Interview 22

<sup>135</sup> Interview 20

This chapter examines the influence information control tactics have on the trust between legislative leaders and the rank-and-file. Drawing upon the interviews conducted for this study, I find that information control tactics cause rank-and-file members of Congress and their staff to be more skeptical of leaders and the information they provide. This is especially true of members and staff out-of-step ideologically with the mainstream of the party caucus. More generally, the different goals held by leaders and the rank-and-file in Congress create a disconnect within the House that is only exacerbated by the use of restrictive tactics. Ultimately, the evidence suggests information control tactics may be a powerful tactic for legislative leaders, but their use is not without consequences.

### *Trust, Leadership, and Information*

Most congressional scholarship on member's approval or disapproval of their legislative leaders focuses on leadership selection and retention (see, Jessee and Malhotra 2010). However, there are numerous other aspects of leadership/rank-and-file relations worth understanding. For example, for leaders to be effective they have to enjoy the general support and trust of their rank-and-file. Without such trust, followers are unlikely to follow and leaders unlikely to be able to effectively lead. While political science has paid relatively little attention to the importance of trust and good standing regarding the relationships followers have with their leaders, other fields including psychology, sociology, and organizational leadership have developed rich theoretical and empirical perspectives on the topic.

Literature on leadership trust largely highlights trust as either a function of the traits of the truster (follower) and the trustee (leader), or of the actions of the leaders (Burke, Sims, Lazzara, and Salas 2007). While traits undoubtedly are important, they are largely static. Relative to the topic at hand is how leader actions influence the level of confidence placed in them by their followers. A review of scholarship on the antecedents of trust shows that there are a number of factors in its development, but that information sharing and communication can play a major role.

The literature on trust in leadership identifies numerous antecedents to its development. The influential model of trust developed by Mayer, Davis, and Schoorman (1995) categorized its antecedents into three broad leader traits or behaviors: benevolence, integrity, and ability. Much of the literature on antecedents falls under one of these overarching categories.

Benevolence concerns the degree to which leaders show respect or concern for their followers. This antecedent is closely tied to the literature on transformational leaders who take action to gain the trust of their followers so they can achieve desired outcomes. Among the steps these types of leaders take is to consult with subordinates. Podsakoff, MacKenzie, Moorman, and Fetter (1990) argue that leaders can gain trust from their followers by consulting with them on important decisions and allowing their opinions to have an impact on decision outcomes. In doing so, leaders demonstrate they respect the opinions of their followers. Leaders can also gain trust simply by showing general concern for their followers (Jung and Avolio 2000).

Integrity, or the perceived fairness of leadership actions, is also important to the development of leadership confidence. Leaders appearing to favor certain



followers or their ideas over others risk alienating the less favored groups (Whitener 1997). Furthermore, some scholars have suggested that the procedures leaders use to make decisions, and the perceived fairness of these procedures, have a large influence on the trust developed (Konovsky and Pugh 1994).

The ability of a leader to produce results and achieve successes also has an influence on the development of trust. Robinson (1996), for example, argues that the amount of trust placed in a leader is influenced by the ability of that leader to meet the expectations of their followers. Ahearn, et al (2004), in a different way, find that a leader's political skill, or ability, can influence trust. They contend that leaders with more political skill are able to successfully mask any ulterior motives and encourage their followers to believe they are successfully achieving the goals of the team. In this way, ability is tied back to a leader's benevolence and integrity.

Beyond benevolence, integrity, and ability, there are a few other factors that are presumed to have some influence on how much confidence followers place in their leaders. The length of the relationship between a leader and a follower is likely to be positively related to trust (Lewicki and Bunker 1996). Essentially the longer the relationship, the more interaction the actors have presumably had. Generally speaking, followers will become more accustomed to the way their leaders act as time progresses and have a better understanding of leadership motives. However, it is also entirely possible that familiarity may breed discontent, as well.

The organization leadership literature also suggests that congruence of values strongly influences trust. The more followers believe their leaders share their values

and opinions, the more likely they are to trust their actions (Govier 1997; Jung and Avolio 2000; Sitkin and Roth 1993).

Information sharing and communication is another factor often mentioned as an antecedent to trust (Whitner, Brodt, Korsgaard and Werner 1998; Zaccaro et al. 2001; Burke, Sims, Lazzara, and Salas 2007). Leaders who appear to be forthcoming and accurate with information have been shown to engender more trust among their followers (Roberts and O'Reilly 1974; O'Reilly 1977; O'Reilly and Roberts 1977; Yeager 1978). Similarly, followers are more likely to see their leaders as trustworthy when they provide adequate explanations for their actions (Folger and Konovsky 1989; Konovsky and Cropanzano 1991). Dirks and Ferrin (2002), in a meta-analysis, find that followers' confidence in their leadership is correlated with belief in the information provided by leaders. Perhaps most important for the topic at hand, a number of studies have found that open communication between leaders and followers enhances the level of trust found among all parties (Butler 1991; Farris, Senner, and Butterfield 1973; Hart, Capps, Cangemi, and Caillouet 1986).

Altogether, the development of leader/follower trust is complex. Identified here are six potential antecedents: leadership benevolence, integrity, and ability, length of the relationship between leader and follower, congruence of values between leader and follower, and the quality of information sharing and communication. These factors are far from distinct. Rather, one can see how the willingness of a leader to openly share information would affect followers' view of his or her benevolence and integrity. Similarly, congruence (or lack thereof) of values between

leaders and followers could influence how openly leaders share information with their followers.

### *Trust and Congressional Leaders*

The above discussion provides a general overview of how trust develops among leaders and followers. To understand how the use of information control tactics may influence the relationship between legislative leaders and rank-and-file members of Congress, we must consider how these antecedents fit within the specific context of the House of Representatives. The first two antecedents—benevolence and integrity—are difficult to discuss in any detail because of the broad meanings of the concepts. However, the remaining four: leadership ability, the length of relationship between leader and follower, congruence of values between leader and follower, and the quality of information sharing and communication, can be discussed with some care. Each of these factors may have some influence on the amount of confidence rank-and-file members of Congress have in their leadership. Investigating each in some detail will provide some specific hypotheses about why trust or distrust may form between legislative leaders and the rank-and-file.

#### **Leader Ability**

A leader's ability to get things done has been shown to have some influence on the rank-and-file's trust in and approval of his or her leadership. There is some evidence that a leader's ability to be successful at leadership tasks, such as building coalitions, can influence the trust the rank-and-file have in their leaders (Peabody

1976; Canon 1989; Sinclair 1995). In the realm of elections, successes or failures can also influence how the rank-and-file view their leadership. Parties that sustain heavy losses in an election are likely to lose some trust in the abilities of their leadership. Conversely, leaders or parties that gain seats in an election rarely suffer from any uprising in their ranks.

Cox and McCubbins' (2005) influential theory also suggests that leader ability can influence a leader's standing with the rank-and-file through accruing legislative accomplishments and subsequently bolstering their electoral fortunes. The rank-and-file delegate powers to their leaders in order to achieve successes that benefit the group. If these successes are not achieved, leaders will lose the faith of their rank-and-file.

Altogether, the ability leaders demonstrate in office will affect how they are viewed by their fellow partisans. Skilled leaders are likely to gain the faith and trust of their followers, while less skilled leaders are apt to lose it. We should expect rank-and-file members of Congress to have less trust in their legislative leaders when they are failing legislatively and electorally than when they are succeeding.

### **Length of Relationship**

The above literature also suggests that the length of time leaders and followers have been together can positively influence the amount of trust in the relationship. Within the scholarly literature most studies of congressional tenure relate to benefits members gain through increased seniority (see, for example, Goodwin 1959; Hinckley 1971) or the factors in determining the lengths of tenure of members of

Congress (see, for example, Theriault 1998; Wolak 2007). However, there is some evidence that congressional familiarity may engender trust.

For one, the longer a member of Congress remains in the House of Representatives, the more likely he or she is to become a committee leader or part of a the party leadership. Regarding committees, although the final selection of chairpersons may reflect a number of factors, the members who comprise the list of possible candidates are largely determined by seniority. Without extensive experience in Congress and on the committee in question, a member has little chance of becoming the chairperson. With party leaders, the selection process tends to identify members of the caucus who are among the ideological mainstream of the party (Jessee and Malhotra 2011), and those who are among the most prolific donors of fund to their fellow partisans (Heberlig, Hetherington, and Larson 2006; Green and Harris 2007; Deering and Wahlbeck 2006, Cann 2008a, 2008b). However, it is exceedingly rare for a member of the House to rise to a leadership position without having accrued a significant tenure in the chamber. Altogether, one reason longer tenures may engender more trusting relationships with legislative leaders is that longer tenured members are more likely to hold a leadership position.

Even if a member does not enter a leadership position, as his or her tenure advances, he or she is more likely to have developed close relationships with people who are leaders. Kingdon (1989) indicates that senior members of Congress are more likely to turn to other members for advice and information than junior members (p. 93). This is in part because these members have more time to develop trusting relationships within the halls of Congress. Since Kingdon also indicates that members

primarily turn to members of at least the same level of seniority as themselves for advice, we should find that more senior members of Congress have developed more of these relationships with those in leadership positions.

The above evidence, though limited, suggests that the length of time an individual spends in Congress may be positively related to his or her trust in legislative leaders. At the same time, however, we should consider how the opposite could be true. Namely, a member of Congress who makes a career out of being contrary to his or her legislative leaders, no matter how long of a tenure is accrued, is unlikely to develop trusting relationships with these leaders. A member of Congress like Dennis Kucinich (D-OH), for example, is unlikely to develop a trusting relationship with the Democratic Party leaders he often finds himself in conflict with, no matter how long he remains in the chamber. So while tenure in office most likely increases the likelihood a member of Congress develops trusting relationships with legislative leaders, this is probably truer for some members than for others.

### **Congruence of Values**

A number of scholars have highlighted how a congruence of values among members of a party caucus can increase the trust placed in leaders. Cooper and Brady's (1981) theory of leadership power and Aldrich and Rohde's (2000a, 2000b) theory of conditional party government highlight how rank-and-file members of Congress will entrust their leaders with more power over the legislative process when they are more unified in their preferences and when the opposition is polarized from them. Sinclair (2007) similarly suggests that rank-and-file legislators are more likely

to trust their leaders to take aggressive actions when there is widespread agreement about what should be pursued. Generally, it seems increased congruence among opinions will increase the trust placed in leaders.

At the same time, there are reasons to believe legislative leaders will often have different values than the rank-and-file. As discussed in chapter 2, leaders and the rank-and-file are likely to hold and pursue different goals. Recall that leaders' goals drive them to focus on the big legislative picture and the passage of major partisan priorities into law. By contrast, rank-and-file legislators are primarily concerned with their reelection; they are more likely to be focused on the details and minutiae of the legislation being considered. While both of these statements are simplifications, they suggest when legislation is being considered, leaders and rank-and-file legislators are likely to value different things. We should expect to find this incongruence to foster distrust. Specifically, when the different goals of legislative leaders and rank-and-file legislators do not align, distrust and discontent will form.

Similarly, we should expect that ideological incongruence to foster discontent. While the parties have become increasingly cohesive since the mid-twentieth century, there is still ideological variation within the caucuses. Party leaders, for various reasons, typically emerge from the mainstream of their party's ideology (Jessee and Malhotra 2010).<sup>136</sup> Among committee chairs there are typically a wider array of

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<sup>136</sup> There has been substantial debate over the typical ideological location of party leaders in Congress. The debate has centered primarily on whether party leaders are usually ideological extremists or "middle-men" (see, Truman 1959; Clausen and Wilcox 1987; Kiewiet and McCubbins 1991; Grofman, Koetzle, and McGann 2002). Jessee and Malhotra (2010) have recently shown that the truth is likely somewhere in the middle as most party leaders are selected from close to the party median but typically to the extreme side of that median (the ideological left for Democrats and the ideological right for Republicans).

ideologies represented as the selection of chairs is more idiosyncratic.<sup>137</sup> Those in the caucus similar in ideology to their leaders should find less reason to be frustrated by leadership action. In other words, those in the mainstream of the party will typically be more pleased when leaders take aggressive action to pursue the policy goals of the party's mainstream. Those to the moderate and extreme wings of the party, however, should more often be frustrated by such leadership action.

### **Quality of Information Sharing and Communication**

The primary hypothesis of this chapter is that communication and information sharing has a strong influence on the trust rank-and-file legislators have in their legislative leaders. To that end, the above factors could be viewed as counter to that theory—that factors other than communication and information sharing, such as the party's legislative and electoral success, a member's familiarity with his or her leaders, and the ideological congruence of the caucus or the specific member, primarily determine the degree of trust present. However, reality is more complex than that. What is more likely is that we will find the influence of information to be tied up in these other factors. In other words, the influence the use of information control tactics has on the trust and approval members have in their legislative leaders is likely to be conditioned by these existing factors.

An important part of the story is how value congruence interacts with the use of information control tactics. For example, a moderate member of a party's caucus is like to have his or her trust eroded more so than a mainstream member of the caucus

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<sup>137</sup> See chapter 2.



when the leadership restricts access to information because that member is less likely to agree with the ends pursued using this tactic. Leaders will see the restriction of information, for example, as necessary to passing legislation over the objections of the minority. Rank-and-file members of the caucus or committee, however, are likely to see the restriction of information as action by their leaders that impairs their ability to understand and influence the details of legislation that may impact their reelection efforts.

However, information control is likely to have its own independent influence as well. The way leaders use information control tactics is likely to have some effect on the level of trust found among the rank-and-file. For example, when legislative leaders are gathering input from their rank-and-file on legislative issues, the sincerity with which they appear to listen to the preferences may influence how much trust is placed in leadership actions later in the process. Conversely, if the rank-and-file repeatedly feel the information supplied by their leaders is misleading, trust is likely to erode, regardless of other factors.

### Hypotheses

From the above discussion a number of hypotheses can be tested regarding the development of trust and contentment in legislative leaders. However, the scope of the evidence available limits the hypotheses to be evaluated. Specifically, hypotheses regarding leader ability or the length of relationship are not tested here. The nature of

the interviews conducted precludes it.<sup>138</sup> Instead the remainder of this chapter focuses on the influence of value congruence and use of information control tactics on the trust and distrust apparent in the House, and potential consequences of its development.

Regarding the use of information control tactics, the specific hypothesis to be evaluated is as follows:

*Information Control Hypothesis:* The use of information control tactics by legislative leaders will reduce the trust placed in them by the rank-and-file.

In other words, we should find evidence in the interviews that the use of information control tactics harms the relationships between rank-and-file members of Congress and their committee and party leaders and impairs the trust the rank-and-file have in their leadership.

Regarding value congruence, there are two specific hypotheses to be evaluated. The first relates to the divergent goals held by legislative leaders and the rank-and-file:

*Goal Divergence Hypothesis:* The legislative leadership's lack of concern with legislative details will be a source of distrust and frustration among rank-and-file members.

In other words, we should find frustrated rank-and-file members of Congress repeatedly mentioning their inability to understand and affect the *details* of legislation

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<sup>138</sup> Many of the interviews were conducted either with members of Congress or staff after their retirement from the House, or with sitting members or current staff about events in the past. For these reasons it would be impossible to isolate the influence of factors such as their party's past electoral or legislative success and failure, or the length of the subject's relationship with their leaders from a time in the past. Rather than risk drawing inappropriate conclusions with the evidence present, these hypotheses are left unevaluated.

while leaders should demonstrate their overwhelming focus on the *big picture*. The second hypothesis relates to the ideological dispositions of the members:

*Ideology Hypothesis:* Rank-and-file members of Congress further from their party's ideological mainstream will be less trusting of and more frustrated by their legislative leaders.

In other words, among the interviewees we should find less trust and more conflict between leaders and rank-and-file members from the moderate wings of each party and from the ideological ends of each party.

Perhaps most important, however, is that we should find that all three of these hypotheses interact. When leaders resort to information control tactics, we should find that the rank-and-file members most frustrated by their use are those looking to affect the details of the legislation and those most ideologically dissimilar from the mainstream of the party. Similarly, it is these members who should demonstrate the least trust in their legislative leaders. Conversely, members of the mainstream of the party who are less detail oriented should prove less frustrated by the process and more trusting of their leaders. The following section evaluates these hypotheses using evidence from the interviews conducted with members of Congress and their staff, past and present.

### *Interview Evidence*

Finding evidence for or against the above hypotheses required careful evaluations of the interview evidence. The interviews conducted were often quite lengthy and touched on a number of different topics.<sup>139</sup> Each rank-and-file member or

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<sup>139</sup> See Appendix A for full details on the interviews.

staffer, after discussing their perceptions of the availability and quality of information they received from their party and committee leaders, was asked to describe how the use of these tactics influences their view of the legislative process and of their legislative leaders. Since the interviews were only semi-structured the initial responses to these questions were often followed by a different array of follow-ups.

In evaluating the responses to these questions, I had to look at more than just the words. Often the body language of the interviewees and the tone of their voices conveyed as much as the words. Since these questions were always asked near the end of the interviews, I had typically been able to assess something about the personality of the interviewee by the time we broached the subject. As some interviewees were excitable about whatever was discussed, an excited response to this line of questioning was not necessarily interpreted as meaning they were agitated. Conversely, an interviewee who had been calm throughout the interview but displayed great agitation in providing answers on this subject indicated something very important. In fact, it was not uncommon for the interviews to really come alive during this line of questioning.

The following sections begin by reviewing how rank-and-file members of Congress reacted to information control tactics regarding their relationships with their legislative leaders and the trust they place in them. Then the role ideology plays in these feelings is worked into the discussion. Finally, how the divergent goals of leaders and their rank-and-file influences the effect of information control tactics have on the relationship between leaders and followers in the House is discussed.

## Trust and Information Control Tactics

The reactions of rank-and-file members of Congress and staff to their leaders regarding the use of information control tactics varied quite a bit, providing mixed evidence for the *Information Control Hypothesis*. Some of those interviewed found few problems with the use of restrictive tactics and were no more or less distrusting of their legislative leaders as a result. In fact some, though not many, saw no problem with the process, regarding information, at all:

*Rank-and-File Staffer:* We had great information on the bills and the pros and cons actually with those who were for it and against it.<sup>140</sup>

It was not uncommon for these members and staffers to express some sympathy for the leadership. These members did not find the way things often operated to be ideal, but believed their leaders had no choice but to act how they did.

*Rank-and-File Member:* I was there during one of the busiest congresses of all. Of course, I would have liked more time to look at legislation, but the leadership did the best they could. ... Certainly we were criticized for speed with the health care bill. But a lot of that was misinformation. Generally things were not done so quickly that I was uninformed.<sup>141</sup>

Others provided somewhat temperate reactions. These members and staffers were clearly displeased with the use of information control tactics by their legislative leaders and their opinion of and trust in their leaders had been damaged. They often described the legislative process as frustrating or agitating. However, they also seemed resigned to believing that this was simply how the legislative process had to function and did not find this something worth dwelling on.

*Rank-and-File Staffer:* I will say that it can be stressful in that there are times when we want to offer amendments or there is limited time as

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<sup>140</sup> Interview 28

<sup>141</sup> Interview 23

we mentioned earlier to entirely analyze something and to offer a change to it, a fix to what we would want. Normally, at least our leadership will work with you if there is something that is really important to your district or to the congressmen and try to come up with a solution, but that's not always the case. That can be frustrating.<sup>142</sup>

*Rank-and-File Member:* I wish the party leadership was more honest with us because no legislation is perfect. But I also know they have incentives to not provide full information to the members about what is going on. That's just how things work here.<sup>143</sup>

*Rank-and-File Member:* I was skeptical of information provided by the party leadership. Leaders would put out information to try to get the response they wanted from their members. The information was always perfectly valid, but it was also one sided. You can play with language like that.<sup>144</sup>

What really separated these moderated responses from some of the others was the lack of anger or aggravation in their voice and their body language as they responded to the questions. Some members were far more agitated and emphatic in their responses. These members and staffers found the use of restrictive informational tactics borderline appalling and did not hesitate to let it be known. One former member of Congress who had answered all the previous questions in a rather manner-of-fact way became very lively in discussing some previous instances of information control:

*Rank-and-File Member:* Clearly at the beginning of last year when the stimulus legislation was brought to the floor there was a great deal of detail in there that I don't think rank-and-file members had an opportunity to review. I view that as problematic. ... In fact I think that is a large abuse and it creates a situation where you are voting on things that literally you haven't had time to review!<sup>145</sup>

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<sup>142</sup> Interview 24

<sup>143</sup> Interview 17

<sup>144</sup> Interview 14

<sup>145</sup> Interview 6

A staffer for a rank-and-file member of Congress in a similar way suddenly began to display a great penchant for sarcasm as we began this portion of the interview:

*Rank-and-File Staffer:* Not infrequently I will get copies of the bills from outside stakeholders or from minority offices before I get them from the majority committee staff. Minority committee staff may have a very different approach to the legislative process. I hope I'm not sounding too bitter about it.<sup>146</sup>

Later in the interview this staffer became very blunt about how many rank-and-file offices feel about their leaders:

At the end of the day, personal office staffers often feel that the committee staff is not trying to help us in any way, and in fact, they are actually working against us.<sup>147</sup>

Generally, the interviews suggest that there is significant variation in reactions to the use of information control. Some were not bothered by it and did not demonstrate that it would affect how they viewed their leadership. Others found it problematic and were more skeptical of their leaders as a result, but demonstrated some understanding about the leadership's needs. Others still found the use of restrictive information control tactics to be an affront to the legislative process and seemed to suggest it made trusting their leaders rather difficult. As will be shown in the subsequent sections, the *Ideology Hypothesis* and the *Goal Divergence Hypothesis* shed some light onto why this variation exists.

### **The Role of Ideology**

A clear mitigating factor in the different reactions presented above was the ideology of the rank-and-file member or staffer. As described above, when leaders

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<sup>146</sup> Interview 19

<sup>147</sup> Interview 19

and followers hold different values it can lead to an erosion of trust. As formulated in the *Ideology Hypothesis*, this suggests that rank-and-file members of Congress further from their party's ideological mainstream are going to be more likely to be distrustful of their legislative leaders and discontented with their actions and use of restrictive information control tactics.

To test these propositions the responses of rank-and-file members and staffers were coded in a few different ways. First, each interviewee was coded for whether or not they expressed any concern over the use of information control tactics. The threshold for this was for the interviewee to have indicated that they thought the use of these tactics was a problem in any way. Second, each was coded as to whether or not the interview suggested the interviewee trusted the information provided by their party leadership, and separately, by their committee leadership. Interviewees, at times, were much more ambiguous on these points. Some of them would contradict themselves within the interview about their level of trust in the information provided. Ultimately, I coded each interviewee on the basis of the clearest statements they made on the subject.

Finally, each interviewee was coded for the ideological camp they resided in within their party caucus. To ensure that this coding was not influenced by the statements made during the interview, I used DW-NOMINATE scores. For current and former members of Congress, I used the average NOMINATE score for their career (through the Congress the interview was conducted). I calculated a career average because the former members of Congress undoubtedly gave their responses on the basis of reflection on their full career, and the sitting members were not asked



to limit their responses to the time period the interview was taking place. For staff, I took the average NOMINATE score of all the members of the House of Representatives they had been employed by as these individuals should be seen as representatives of their bosses. Not surprisingly, congressional staffers that work for more than one member during their careers tend to find ideologically similar bosses.

Once these scores had been identified, members and staff were coded as moderate, mainstream, or extremist.<sup>148</sup> Deciding where to create cut-points among these groups is unavoidably arbitrary (see, Fleischer and Bond 2004). Fleischer and Bond (2004) create hard DW-NOMINATE cut-points to identify groups. But since the ideological location of the party caucuses has changed over time (Jacobson 2000, Roberts and Smith 2003; Stonecash, et al 2003) using a set cut-point for this analysis could lead to classification errors.<sup>149</sup> Instead, I define each group as follows:

*Moderate* members and staff are defined as those whose average DW-NOMINATE score falls among the most liberal/conservative 20 percent of all members of the Republican/Democratic memberships during that individual's career. *Extremist* members and staff are those whose average DW-NOMINATE score falls among the most conservative/liberal 20 percent of all members of the Republican/Democratic memberships during that individual careers. *Mainstream* members and staff are those who fell within the remaining 60 percent of their caucus' membership during their career.<sup>150</sup>

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<sup>148</sup> I resist presenting the full DW-Nominate scores for any member or staffer for fear of potential identification of the interviewees. All interviews were conducted under the agreement of anonymity. See Appendix A for more details.

<sup>149</sup> Given that this analysis is small N, classification errors are a bigger concern than they are for Fleisher and Bond (2004) and other large N studies.

<sup>150</sup> These cut-points are obviously just as arbitrary as any, but have some logic behind them. By taking the extreme 20 percent ends of each party, a strong 60 percent majority remains as the "mainstream".

Table 5.1 presents the results of this analysis. Altogether twelve of the interviewees (a little more than one-third) were purely rank-and-file members or staffers. In other words, these individuals never held an identifiable leadership position in Congress. Of these twelve, seven were coded as *mainstream* and the remaining five as *moderates*.<sup>151</sup> Generally, the *mainstream* members and staffers were more positive about the use of information control tactics. Only two of the seven mainstream members expressed concern over the use of these tactics. By contrast four of the five *moderate* interviewees indicated that they found the use of information control tactics troublesome. Similarly, trust in the information provided by the party leadership suggests *mainstream* members and staffers were more trusting. Three of the seven *mainstream* interviewees indicated they trusted the information their party leadership provided, while none of *moderates* indicated they placed much trust in that information. Trust in information provided by committees, however, was much less varied. Generally, those interviewed had trust in the information their committees provided: all of the seven *mainstream* interviewees and four of the five *moderates*.

Many of the interviewees indicated that their ideology was important in their statements. A common refrain from the more moderate members interviewed was that they felt they needed to find other ideologically similar members of Congress to lean on for information and advice. One very moderate member of his caucus put it well:

*Rank-and-File Member:* There were 20 to 25 of us who voted alike and we depended on each other. One of the things you do to analyze another bill is you go to other members who are credible on their committees.<sup>152</sup>

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The results of the cut-points also conform to how I viewed each interviewee (in terms of their relative ideology) prior to conducting the interviews.

<sup>151</sup> No interviewee was coded as an extremist.

<sup>152</sup> Interview 13

**Table 5.1: Ideology and the Responses of Rank-and-File Members and Staffers**

Interview Number	Ideological Group	Expressed Concern?	Trust in Leadership Information	Trust in Committee Information
6	mainstream	yes	no	yes
11	mainstream	no	no	yes
13	moderate	yes	no	yes
14	moderate	yes	no	yes
16	mainstream	yes	no	yes
17	moderate	yes	no	yes
19	moderate	yes	no	no
21	mainstream	no	no	yes
22	moderate	no	no	yes
23	mainstream	no	yes	yes
24	mainstream	yes	yes	yes
28	mainstream	no	yes	yes

*Source:* Interviews with rank-and-file members and staff. See Appendix A.

*Note:* The interviewee categorized as a rank-and-filer in Appendix A not used here is interviewee 12. This individual had a diverse experience in Congress. While she was a rank-and-filer most of her career, the experience was not pure enough to be included in this table.

Another former member, though coded as mainstream here, clearly viewed himself as out of step with the majority of the party caucus. He provided a similar narrative:

*Rank-and-File Member:* There are informal arrangements. In my case, the Tuesday Group, which is a moderate Republican clustering, would have members from the committee who could sit there and say, “I have heard that this is coming up and it includes X, Y, Z details that seem to have implications people haven’t caught up with.” There would sometimes be a member of the group who was actually part of the process and they’d be in a position to comment and either allay our fears or not. I would say, usually, going to the leadership, from my perspective, was low down on the priority list.<sup>153</sup>

These responses conform well to what Kingdon (1989) identified as an important source of information for members of Congress—other members. However, here I find that this source is most important for those who see themselves as out of step with the leadership. Other moderate members described their skepticism with the

<sup>153</sup> Interview 6

leadership as a function of their districts and their constituents. These members knew that the information coming from their party leadership was not going to play with their moderate constituencies:

*Rank-and-File Member:* I was more skeptical of the information that came from the leadership because my district required me to be.<sup>154</sup>

*Rank-and-File Member:* [Leadership information] was useless for somebody from a swing district. I couldn't image it actually being useful to anyone like me. Perhaps people who were like-minded could use it politically, but it wasn't good information. I would have preferred they made better arguments for their side. I needed information that attacked the other side's argument in a cogent and effective way, but that's not what they gave you.<sup>155</sup>

Mainstream members, by contrast, did not describe their trust in leadership information in ideological terms. Perhaps the fact that they shared more policy goals with the actors providing the information made discussing it unnecessary. Some interviewees were more likely to describe things that were considered under restrictive information control tactics as noncontroversial, straight forward, or not requiring lengthy consideration:

*Rank-and-File Member:* Most of the bills that came to the floor quickly dealt with non-controversial issues.<sup>156</sup>

These members and staffers were also more likely to describe party leadership information as useful in some way:

*Rank-and-File Member:* The information they gave us was useful primarily as back-up information. But it was especially useful when they gave you information specific to your district.<sup>157</sup>

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<sup>154</sup> Interview 14

<sup>155</sup> Interview 22

<sup>156</sup> Interview 23

<sup>157</sup> Interview 23

*Rank-and-File Staffer:* As far as paper, the whip's office put more out now than they ever had, I think, which is really good. Instead of just saying what the schedule will be they'll really describe the bill.<sup>158</sup>

Others were skeptical about the quality of the information the leadership was forwarding, but generally didn't think it was a big deal, or found they could work around it adequately enough:

*Rank-and-File Staffer:* What the leadership would give you was mostly vote recommendations and talking points. Not a whole lot of substance. Sometimes there isn't enough time to get all the information you want but you do the best you can.<sup>159</sup>

*Rank-and-File Member:* The leadership offices or committee leaders do not intentionally mislead but they may omit items that do not fit their messaging. I wouldn't say that our office has been misled because we do enough of our own independent research and we are very thorough about finding out the particulars of bills coming before us.<sup>160</sup>

As mentioned, committee information was always valued more highly than information that came from the party leadership. All but one of the rank-and-file interviewees indicated they at least trusted the information that came from the committees they sat on. This included a number of the interviewees who were very skeptical of party leadership information:

*Rank-and-File Member:* All of [the information] was shared. That's how we operated on the Ag Committee.<sup>161</sup>

*Rank-and-File Staffer:* Sometimes the committee will provide you with unsolicited information if they know it is important to your boss. Most of the time, however, you have to ask. But if you develop the right relationships with the committee staff you can get good information.<sup>162</sup>

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<sup>158</sup> Interview 28

<sup>159</sup> Interview 21

<sup>160</sup> Interview 11

<sup>161</sup> Interview 13

<sup>162</sup> Interview 21

*Rank-and-File Member*: I could trust the staff on my committees.<sup>163</sup>

Emphasizing the higher standings committees have as sources of information for rank-and-file members and staff, many interviewees mentioned committee staff as important, unprompted. By contrast, party leaders were never spontaneously mentioned as a source of information in the policymaking process.

Generally, there is some evidence that rank-and-filers out of line with their party's mainstream are going to be more distrustful of their legislative leaders, and be more irritated by the use of restrictive information control tactics. This is especially true regarding the party leadership. While the analysis done here is done on only a small sample of actors, the results are suggestive. Next, the divergence of goals is considered as another mitigating factor in the relationship between information control and the quality of the relationships between leaders and the rank-and-file.

### **Goal Divergence**

The *Goal Divergence Hypothesis* argues that part of the reason legislative leaders and their rank-and-file will clash is that they prioritize different goals. Leaders, generally, prioritize the big picture—obtaining legislative victories and passing a legislative agenda; while rank-and-file members of Congress are more detail-oriented and focused on making sure the legislation fits with their goal of reelection. The interview evidence suggests that this difference in priorities does play a big part in the frustrations felt by both leaders and rank-and-filers, and that it often arises as a source of tension when restrictive information control tactics are employed.

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<sup>163</sup> Interview 22

Both party and committee leaders during the interviews often underscored their focus on passing an agenda. Often they talked about obtaining results as more important to their job than the details produced in those results. Their statements often focused on results, getting things done, and securing victories:

*Leadership Staffer:* One way you [get things done] is you just go and hammer it out in the Rules Committee. ... And sometimes that gets you good results and sometimes that gets you bad results, but it will get you a result.<sup>164</sup>

*Leadership Staffer:* [On re-writing an energy bill in the Rules Committee] That was backed up against the visit to energy summit. So you had this hard deadline. Nobody wanted to embarrass themselves and go on to Copenhagen and have nothing to show.<sup>165</sup>

*Leadership Staffer:* There are times where something important will cause a difficult vote so you self-execute it in instead. It's intended to minimize the moving parts to make it more likely that we have success on the floor and to make it easier for the whip to get a yes or no out of members.

One committee staffer displayed this general attitude when she indicated she did not understand why a rank-and-file member of the committee would offer an amendment the chair opposed:

*Committee Staffer:* If [the chair is] going to oppose it you need to know that going in because most rank-and-file members, if the chairman or ranking member opposes it they are not going to vote for it, so it's just dead. So what's the point of doing it?<sup>166</sup>

While a rank-and-file member may have a number of reasons for offering an amendment even if they knew it was doomed—such as signaling to his or her constituents a focus on the issue or simply because they have a strong conviction in

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<sup>164</sup> Interview 3

<sup>165</sup> Interview 3

<sup>166</sup> Interview 2

the position they hold—leadership and committee staff typically did not understand wasting time on something that did not end in a legislative result.

As discussed in chapter 3, legislative leaders are also concerned with holding a carefully crafted compromise together once it was complete. The possibility that the particular concerns of individual members might disrupt the balance of such a compromise was an unacceptable outcome:

*Committee Staffer:* We've got our bill out there and all of a sudden they want to make a change which, again, upsets the balance in some way—it's complicated something and we have to deal with it all at the last minute.

One member of the party leadership described how many committee chairs feel about the bills they work through their committees:

*Leadership Staffer:* Ninety to one hundred percent of the time the chair of the committee where a bill originated is going to say, "Hey, what came out of my committee stays." The phrase that everyone likes to use is a "carefully-crafted balance" of issues and that you can't change a thing or else it will all come crashing down.<sup>167</sup>

It appeared to some general degree that the higher up in the leadership an actor was, the less the details were a concern. One committee staffer described the hierarchical relationship:

*Committee Staffer:* I think it's more often that the subcommittee clerk needs to keep the full committee clerk aware of major funding or policy issues that may impact the ability to pass the bill. And so the full committee is not imposing itself into the details, but is reliant on the subcommittees to push up to them the major issues to make sure everybody's on board.<sup>168</sup>

Another committee staffer corroborated this fact:

*JC:* How much contact is there with Chairman [omitted] about the details?

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<sup>167</sup> Interview 15

<sup>168</sup> Interview 4



*Committee Staffer:* Not a whole lot. Chairman [omitted], if there is a particularly politically sensitive issue for the caucus, he might get involved. But once the subcommittee allocations are set and once all the hearings are done, and he determines which subcommittees are going to go first in terms of mark-up in the full committee—and the subcommittee for that matter and the floor—he’s not very much personally involved in the drafting.

*JC:* Is it the same kind of relationship with the party leadership?

*Committee Staffer:* Yes. That’s right.

One former staffer described how former Ways and Means Committee chairman Bill Thomas (R-CA) used the complex nature of the committee’s jurisdiction as an excuse for avoiding prolonged deliberation on its bills:

*Leadership Staffer:* Chairman [Bill] Thomas was very much in the camp of—my product is perfect because I’m in the tax code and therefore you shouldn’t be doing anything to it.

I pushed back on some leadership staffers during their interviews as to whether or not they thought it was fair to restrict information or feed their memberships tilted information about legislation. One whip staffer responded matter-of-factly:

*Leadership Staffer:* Maybe it’s intellectually dishonest or something but you really don’t have the benefit of time if this thing is moving quickly.<sup>169</sup>

Another leadership staffer became quite agitated at the line of questioning and responded dismissively about rank-and-file complaints regarding the availability of information:

*Leadership Staffer:* That’s a cheesy public argument; the minority votes against it all anyway. It’s not like they are trying to figure out if maybe if they knew what this was maybe they might vote for it. Never!

*JC:* What about in the majority?

*Leadership Staffer:* It’s not like the amount of information anyone has affects the outcomes. It’s just some people’s best political

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<sup>169</sup> Interview 10

argument—that things were done in a shoddy way. ... It's part of a political argument. Sometimes it's true but it's not a real argument. It's not like if we gave them another two hours, or four days, or two weeks anything would change. I think it's a political argument.<sup>170</sup>

Basically, this leadership staffer indicated repeatedly in the interview that he did not think the amount of information out there made a big difference. His job, and the job of the party leadership in general, was to get the legislation and the agenda passed. This was also clear when I asked him what considerations went into deciding how the Rules Committee would act on a specific bill:

What's the best way to get the agenda passed?<sup>171</sup>

Or if I was asking him about specific leadership action on specific bills:

That was the price for getting the votes. This is the place where we have to figure out what we have to do to make things happen.<sup>172</sup>

This interviewee best exemplified the general attitude party and committee leaders and their staff demonstrated towards the legislative process. They understood members had their particular interests and concerns, but the goal of the legislative process is to pass an agenda and whatever it might take to pass it was fair game, whether it meant rank-and-file legislators had a real voice at times or not, and whether the legislation that gained final approval was the best bill possible or not.

Rank-and-file members, however, showed a real concern for legislative details and their inability to understand and affect such details often was a source of frustration.

*Rank-and-File Member:* One of the most difficult parts of being a member of Congress is not being able to get enough information. You

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<sup>170</sup> Interview 20

<sup>171</sup> Interview 20

<sup>172</sup> Interview 20

know information from each party is tilted but there isn't anything you can do about it. There aren't many independent sources out there.<sup>173</sup>

Some rank-and-filers were very cognizant of their leadership's bias towards results and away from details, but it did not make it any less frustrating:

*JC:* Did you believe the majority would ever manipulate the schedule to get results?

*Rank-and-File Member:* It was done to help a chairman. They couldn't get something out of their committee if they allowed open votes and so it would go through the Rules Committee and invariably that has contributed to the breakdown of the legislative process that we see today.<sup>174</sup>

*JC:* If you asked the committee staff directly something about the bill, would they answer your question or would they still try to obscure it?

*Rank-and-File Staffer:* I don't know what they would tell you. They'd probably try to side-step the answer. In a lot of cases it was because legislation would probably be controversial and they didn't want to allow the other side, or in some cases both sides, the opportunity to offer unlimited amendments that would keep the committee in mark up for days on end and change the direction of some of the wishes that the chairman might have had on the legislation. I don't know if they would tell you that. Probably not. They would probably tell you that information is made available as soon as it can be made available. That's not always the case.<sup>175</sup>

One former member of Congress provided an analogy illustrating how the differences in philosophy about the legislative process seemed to a rank-and-file member of Congress concerned with legislative details:

*Rank-and-File Member:* It's like going to a neurosurgeon and asking for brain surgery and him saying it will take 10 hours and you asking him if he can do it in 30 minutes!<sup>176</sup>

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<sup>173</sup> Interview 17

<sup>174</sup> Interview 13

<sup>175</sup> Interview 24

<sup>176</sup> Interview 22

In other words, this member of Congress did not understand how his leadership could expect the chamber to produce major legislation so quickly when the issues being addressed were so complex and the political decisions were so difficult.

To be fair, some leadership staffers were aware that their informational strategies and approach to the legislative process could be harmful to their relationships with the rank-and-file. One staffer interviewed described how the Appropriations Committee leadership had for years been especially protective of its legislation. They felt they had a special right to their turf and that no one else had the expertise necessary to really even comment on the bills they produced. As the staffer suggested this led to a situation where many rank-and-file members, and also the party leadership, became suspicious of the Committee's motives. Similarly, this leadership staffer described how the nature of the debt negotiations between the White House and the House Republican leadership during the 112<sup>th</sup> Congress created tension within the caucus:

*JC:* Can you think of an example where poor communication on the part of your office, whether intentional or not, created a distrustful atmosphere?

*Leadership Staffer:* I think recently with the debt deal we had that problem. The nature of the negotiations with the President and the Senate forced us to have to often leave our members, and even committee chairmen, in the dark about what was going on.<sup>177</sup>

This staffer made it clear however, that he didn't think there was any way around this problem:

It happens quite a bit that poor communication causes these problems. But really it's unavoidable.<sup>178</sup>

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<sup>177</sup> Interview 27

<sup>178</sup> Interview 27

Altogether, the interviews suggest that the different goals held by rank-and-file members and Congress and their legislative leaders creates a disconnect between them that breeds a distrustful atmosphere. Rank-and-filers cannot always trust that their leaders have their interests in mind and as such are often skeptical of leadership action. Leaders, similarly, often don't believe the interests of their rank-and-file will aid the passage of an agenda. They will thus treat their followers as masses needed guidance on how to act and how to vote. Unfortunately for some of the rank-and-file, as highlighted in the previous chapters, they often do not have any other source of information than their leaders. As one former leadership staffer summarized the dilemma:

*Leadership Staffer:* The complaints that are raised [by the rank-and-file] against it are very legitimate. But, of course, the leadership always has their legitimate reasons for doing so. It's just a matter of how much trust you put in the leadership to be doing the right thing. I think members on both sides now have to have that kind of delegation and trust in their leadership to do the right thing and protect the majority or get it back in the next election.<sup>179</sup>

### Discussion and Conclusions

The evidence in this chapter suggests that the use of information control tactics has a generally negative affect on the relationships between legislative leaders and their rank-and-file in the House of Representatives though some members believe that such tactics are unavoidable. Many rank-and-file legislators are skeptical of their leaders because of their use of these kinds of tactics. This is especially true for legislators out of step with the ideological mainstream of their party's caucus.

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<sup>179</sup> Interview 1

That legislative leaders and the rank-and-file prioritize different goals seems to be a major factor in the tension created by information control tactics. If rank-and-file members had the same overriding concern with the passage of an agenda at all cost, it is unlikely the use of restrictive information control tactics would be so irksome. But members have to be ever concerned with their reelection, and to some degree, this incentivizes a focus on legislative details relevant to their districts. As a result, leadership tactics that hurt their ability to understand and influence such details are a point of contention.

At the start of this chapter the epigraph included a quote from a congressional staffer about the importance of trust in the congressional policymaking process:

If you don't trust the information they [committees and party leaders] are giving you, it's a problem.<sup>180</sup>

Indeed, leadership studies highlight not only the causes of trust in organizations, but the consequences, as well. Generally the findings suggest that trust can lead to improved working relationships between leaders and followers. Specifically, when trust is present followers are more likely to suspend questions and doubts and follow their leadership unconditionally (Dirks 2000). When distrust is abundant followers will spend more of their time and energy trying to monitor their leaders rather than working towards shared goals (Mayer and Gavin 2005). When followers feel they have to monitor the actions of their leaders or cannot trust leaders to look out for their interests they will be less inclined to cooperate with their leadership's plans (Hall, Blass, Ferris, and Massengale 2004).

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<sup>180</sup> Interview 22

Regarding information flows and communication, Zand (1972) suggests that groups that do not have trust do not share information and are less effective as organizations. If subordinates do not trust their leaders they are not likely to openly share information with them (Argote, Gruenfeld, and Naquin 2001; Mayer and Gavin 2005). Similarly, Mayer, Davis, and Schoorman (1995) suggest that followers who find their leaders to be trustworthy will be more likely to engage in behavior that puts them at risk, such as sharing sensitive information with their leadership.

A few studies of Congress have reflected these findings. As noted at the start of the chapter, scholars and observers alike have noted a general decline in trust and civility within the U.S. Congress (Jamieson and Falk 2000). Schraufnagel (2005), operationalizing incivility through media reports and almanac summaries of legislative proceedings, shows that this decline in incivility has contributed to gridlock over judicial nominations in the Senate. Dodd and Schraufnagel (2007) suggest that while some incivility is necessary to deal with real policy problems, too much incivility can make policymaking unable to proceed in any form. Essentially there is a happy medium between too much incivility and not enough.

The results here suggest that information control tactics also need to be used in a balanced way. Leaders need to be sensitive about how they use these tactics if they are going to maintain good relationships with the rank-and-file and sustain functional cooperation within the caucus. If the trust between leaders and followers is strained too much it is possible that the majority would not be able to drive the legislative process in committee or on the floor. At the same time, leaders need to use these tactics to neutralize an aggressive and sophisticated minority. If they cannot

control the information available and keep the minority from raising potential wedge issues in committee and on the floor, they may not be able to pass a legislative agenda or effectively run the chamber. Ultimately, the balance of maintaining trust and effectively leading the chamber creates difficult dilemmas for legislative leaders in the House.



## Chapter 6: Conclusions

As citizens and scholars our understanding of congressional leaders is a confusing one. On one hand, journalistic accounts of congressional politics place a great importance on leaders. Leaders are expected to develop or identify good policies, herd the flock in support of them, and lead their party to electoral success in the next election. The American public views congressional leaders with similarly high expectations. It is not surprising that when the economy faltered in late 2008 and accounts of congressional politics began to focus on the inability of the legislature to act, public approval of leaders like Nancy Pelosi, John Boehner, and Eric Cantor dropped precipitously. But on the other hand, when we write and talk about successful leaders of the past, we often portray them in hyperbolic terms. We refer to Lyndon Johnson as the “Master of the Senate”; we call William Reed, “Czar Reed”; and we know Henry Clay as “The Great Compromiser”. We name buildings, parks, and streets after them; and accounts of their successes become things of legend.

Scholarly accounts of congressional leaders minimize their importance. Rather than focusing on how they lead or where they derive their power, most scholarship focuses on how, and the degree to which that power is limited. On the occasion that scholars do recognize an immutable contribution from a congressional leader, the leader, or the act of leadership, is often identified as unique. Johnson, Reed, and Clay are usually described as great men who seized power where others could not. When lesser individuals are able to exercise significant power, it is

ascribed to exogenous factors, such as party polarization. With a few important exceptions (see, for example, Peters 1997; Strahan 2007; Green 2010; Peters and Rosenthal 2010) the importance of leadership in Congress is undervalued and poorly studied.

This dissertation aims to provide some insight into what congressional leadership actually comprises in the day-to-day functioning of the legislature. It begins by identifying information as a visible and traceable source of leadership power and describing how significant this power can be. Specific tactics are discussed in some detail showing how regularly legislative leaders in the House make use of this power source as they manage the legislative process. Furthermore, that these tactics are used strategically to obtain specific leadership goals is demonstrated on significant legislation considered by the House.

Ultimately, the conclusions of this study are threefold. The first is that legislative leadership power in the House can be significant. Leaders are able to use their control over information to lead the House or their committees from numerous angles. This conclusion has implications for our understanding of congressional leaders and their place in the policymaking process. Second, the study has normative implications for the representativeness of the Congress. Namely, how representative is our most representative American institution if on some legislation of importance many members cannot participate and do not have a significant voice? At the same time, are the tradeoffs worthwhile if it leads to a more efficient and responsible form of two-party governance? The third conclusion is that both the use and non-use of information control tactics may have long-term impacts on how the House of

Representatives functions. On one hand, the use of these tactics may alienate members of the majority caucus. On the other hand, the inability of leaders to control information may lead to an inability of the majority party to exercise any will.

### *The Power of Legislative Leaders*

Legislative leadership influence in the House is significant. This study shows information to be an identifiable source of power for majority party leaders and committee chairs in the U.S. House of Representatives. Compared to rank-and-file members of Congress, leaders have far more resources appropriated to their offices which they can utilize to hire far more staff—and far more experienced staff—to read, write, and track legislation. They also have the resources and procedural power to regularly implement three levels of information control tactics in gathering intelligence from their memberships, restricting the access the rest of the chamber has to information about legislative language, and provide favorable messaging to try to keep the policy debate positive towards the leadership's agenda.

Chapter 3 highlights a number of specific tactics that leaders employ and provides some qualitative evidence of their utility. Party and committee leaders can continually collect intelligence from their memberships utilizing staff meetings, whip checks, and informal contact over email or in the hallways. They can restrict information by writing bills behind closed doors and then controlling the ability of the rank-and-file to access and analyze the legislative language. Committees can do this by releasing the contents of committee drafts only hours before mark-ups. Party leaders can do this a number of ways: by bringing bills to the floor quickly, by

rewriting them in the Rules Committee, or by using large and complex legislation as a legislative vehicle. At the same time, legislative leaders can provide information to their rank-and-file that focuses on the popular and most palatable aspects of the legislation, and obscures or minimizes the importance of more controversial aspects and provisions.

Chapter 4 demonstrates that party leaders, at least, employ restrictive information control tactics strategically. Leaders cannot use these tactics on every bill, nor would they want to. Instead, employing a unique dataset of measures of information control tactics, and of issue-based measures of key independent variables, chapter 4 shows that leaders focus their efforts on legislation that is of a priority to the leadership, and on legislation that has the potential for significant interest group influence. In this way they usher through their priority legislation avoiding the influence of outside groups who may have a different agenda than the leadership. However, their ability to use these tactics is limited by the salience of the legislation with the public. Some issues and legislation capture the attention of the general public in such a diffuse way that it spurs typical members of Congress to engage and commit their limited resources and energies. On legislation like this, the resource and informational asymmetries between rank-and-filers and leaders will be reduced, and leaders will be unable to control information effectively.

The level of control and influence over the legislative process described in these chapters is not typically recognized in the scholarly literature. As discussed in chapter 2, congressional leaders are not typically viewed as this powerful. Interpretations of leadership power vary quite a bit, but even when leaders are

ascribed some power, the discussion focuses on its limits. Leader influence is often described as conditional on the willingness of the rank-and-file to cede authority to leaders to take aggressive action (Cooper and Brady 1981; Aldrich and Rohde 2000; Sinclair 2007). Otherwise when leaders are viewed as powerful it is typically seen as exceptional, and non-systematic. Powerful leaders are either an exceptional sort of person, or they were in the right place at the right time (Follett 1896; Ripley 1967; Davidson, Hammond, and Smock 1998).

But the implications here are that leaders in the House have a source of power that they can all implement, and that implementation is not necessarily tied to explicit cessations of power from the rank-and-file. The gathering of intelligence from their rank-and-file is not solely subject to external forces. Party and committee leaders always gather intelligence from their memberships to inform their legislative strategies later in the process. The same goes for the providing of information. Regardless of the circumstances, as long as leaders have a preference on a bill, they are likely to provide a message to their members to try to sell the legislation. Restricting information, as discussed, is determined by several factors, but only one of those factors works against the leadership—public salience. However, we know that only a small number of bills each Congress become widely salient with the public. Most legislation, even important legislation, passes without significant attention from voters. This suggests that most of the time, leaders are free to choose what legislation they employ restrictive tactics on.

In identifying information as a source of this leadership, this study provides an in-depth look at what leadership actually looks like in the House of Representatives.

Where most studies focus on the limits of power, this study analyzes a source. Altogether, in showing how leaders use this power, this study suggests that leaders have a significant amount of influence over the House of Representatives—more influence than they are typically ascribed by congressional scholarship.

### *Information Control and Congressional Representation*

The results of this study also speak to our normative evaluations of congressional representation. Specifically, it highlights the tension in what scholars and congressional observers value from congressional action. On one hand, we value accurate representation and deliberative politics. But at the same time we want a legislature that is efficient at passing legislation and a legislative agenda.

Regarding the quality of representation, we put a value on representative legislatures, like Congress, reflecting the political will of the nation, and on representatives reflecting the political will of their constituents. As Madison put it in *Federalist #57*, representative institutions should be built to not have “elevated the few on the ruins of the many” (Hamilton, Madison, and Jay 1999, 352). Theoretically, scholars have long been concerned with what dyadic representation should look like (e.g. Mansbridge 2003, 2011; Rehfield 2011). Empirically, numerous studies have analyzed the degree to which legislator behavior reflects the opinions of the represented (e.g. Miller and Stokes 1963; Erikson 1978; Bartels 1991; Clinton 2006). The degree to which legislators do not reflect their constituent’s preferences concerns us.

We also expect the Congress to be collectively representative. Pitkin's (1967) seminal study discusses one view of representation that focuses on the quality of representation of society as a whole. The purpose of a representative legislature, after all, is to represent its citizenry (see also, Weissberg 1978). While this type of representation has received less empirical attention (at least relating to the Congress), it nonetheless reinforces the normative value we place on legislatures and legislators accurately reflecting the opinions of the represented.

The results presented here are problematic for this representative ideal. Whether or not typical members of Congress are trying to accurately reflect the wishes of their constituencies, the control legislative leaders often exercise over information suggests it may not be possible on some legislation. When a major bill is available for most members of the House to analyze and assess for just hours or minutes before floor or committee action, the typical member will not be able to fully participate in the process, evaluate the implications of the bill for his or her constituents, or decide if the bill will more beneficial and favorable to their district than detrimental and unpopular. In relying on their legislative leaders for information regarding these considerations, they are ceding their constitutional authority as representatives.

This type of legislating only exacerbates an already well known participation bias in Congress. Members of Congress focus their energies and attentions on legislation and issues important to their legislative districts at the cost of influence and participation in other areas. Scholars have analyzed this systemic bias on the committee assignments members seek and obtain (Fenno 1973; Deering and Smith

1997; Adler and Lipinski 1997; Frisch and Kelly 2006), member decisions to become actively involved in the early stages of legislating on a bill or issue (Hall 1996), and ultimately on the legislation passed into law (Ray 1980). A system of gains-from-trade is often seen as greasing the wheels of this mutually beneficial specialization system allowing each self-interest coalition to pass legislation benefiting their specific constituencies (Ferejohn 1974; Shepsle and Weingast 1987; Weingast and Marshall 1988). This study suggests that on the issues members have not prioritized, they often are not even informed about what is going on. This gives more power to the self-selected few who are deeply involved in those particular issues and to the legislative leaders who are almost always involved. These actors can act behind closed doors and withhold information about their final products. The rest of the chamber cannot assess the quality of the legislation being produced and veto it if it seems unpalatable—they often will not have enough information to make this call.

As detrimental as information control may be for our representational ideals, it is not all negative. This is because we value not only accurate representation from Congress, but also efficient and effective lawmaking. Scholars and political observers often decry legislative gridlock and do-nothing congresses. We want the House of Representatives, especially, to function as a majoritarian institution capable of passing legislation favored by a majority of elected members. The degree to which politics and political institutions frustrate legislative productivity has been studied across a variety of dimension (Mayhew 1991; Binder 1999, 2003; Howell, et al. 2000; Wawro and Schickler 2006). The diversity of represented opinions and the numerous check-points a bill must pass in order to become law slows the policymaking system



and can be a cause of legislative gridlock. A legislative approach in which 435 constituencies voice their concerns is necessarily going to be slow and often result in frustration.

In controlling information, legislative leaders have a solution to this problem of institutional design. By using information control tactics, legislative leaders can streamline the process and avoid gridlock. In writing bills behind closed doors, giving rank-and-file legislators little time to analyze and vet legislation, and selling it by keeping the information available on bills positive, leaders minimize competing voices and perspectives. In particular it can help leaders avoid particularized interests from altering, slowing, or derailing the passage of legislation. In a way, information control helps parties in the House function more like the responsible two parties called for by political scientists over 60 years ago (American Political Science Association 1950). Majority party leaders are able to identify their legislative priorities, write the legislation, and then usher it through the chamber with the support of their caucus or committee.

The use of information control tactics, then, can be seen as partly good and partly bad. One who values representation and deliberation over all else will surely see the restriction of widespread participation as a negative, but another that values legislative efficiency and majoritarianism will no doubt see these tactics as all the more positive. Ultimately, it is difficult to decide if their use is on the balance more positive than negative. Such a decision is best left for each individual reader to decide.

*A Leadership Catch-22*

While on any particular bill the use of information control tactics raises concerns about the quality of representation and participation in Congress, the long-term, and potentially increasing, use of these tactics may have other implications. Most importantly, the control of information may lead to growing discontent among certain members of the majority caucus.

Chapter 5 suggests that the members of Congress who are most frustrated by the use of information control tactics are those who are out-of-step ideologically with their leaders and with the mainstream of their party. These members of the caucus were more likely to describe the use of restrictive informational tactics as frustrating and problematic. Some even decreed them as one of the biggest problems with Congress today. Some of the former members of Congress I talked to lamented the state of legislative process today as it related to its openness and pace. One, in particular, talked at length about the need for reform and his discussions with other former members of Congress still involved in the Washington community about how such reform could be achieved.<sup>181</sup> These proposals typically involved encoding more clear and enforceable rules about the availability of bill text to members of Congress and guaranteeing bills move through the numerous stages of the process—from committee action to floor consideration—at a more deliberate and cautious pace.

The risk that leaders run in using these tactics is that they will frustrate too many members of their own caucus and motivate actors in the legislative process to push for reform. This is something we have seen before in Congress. In the 1960s and

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<sup>181</sup> Interview 13

1970s, liberal members of the Democratic Party pushed to reform the structure and process of the House to strip away the close control committee chairs had over policymaking. The policy priorities of these more liberal members were out-of-step with the more conservative chairmen. By the early 1970s, the size of the liberal wing of the party reached a critical mass allowing it to pass a series of reform intended to increase their voices in the process (Rohde 1991, 17-34). That reform could occur in the immediate future regarding information control tactics appears unlikely given the level of cohesion within the party caucuses. However, if a large enough contingent of either party found itself repeatedly out-of-step with its leadership, legislative leaders may risk losing power to control information and a source of their influence over the House of Representatives.

But while using information control tactics may someday leave leaders vulnerable to a reform movement, not successfully employing these tactics can leave them vulnerable to losing influence in the House on a day to day basis. The 112<sup>th</sup> House of Representatives has demonstrated the difficulties majority party leaders can have trying to lead the chamber when their control over information is reduced. With the influx of new conservative Tea Party Republicans into the chamber, the leadership faced the development of a second power center within their own caucus. These new members quickly allied themselves with the Republican Study Committee (RSC), a congressional caucus of conservative Republicans with the stated goal of “advancing a conservative social and economic agenda in the House of Representatives (Republican Study Committee 2011).” Members of this caucus voluntarily pay dues to the caucus to hire staff that can develop policy alternatives,

research and track legislation before the House, and become another source of information in the chamber.

With the start of the 112<sup>th</sup> Congress, over 170 Republicans joined the RSC out of 242 total Republicans in the House. While the dues paid to the RSC are not publically disclosed, a number of other caucuses make these figures public including the Congressional Black Caucus which charges its members around \$8,000 a year (Palmer and Allen 2011). If the RSC asks similar dues from its membership it had nearly \$2.8 million to hire dedicated staff for the 112<sup>th</sup> Congress. This should be enough to hire numerous skilled and dedicated staffers that can become an alternative source of information for conservative Republicans.

While the resources of the RSC pale in comparison to that of the majority party leadership (see Figure 2.1), select and strategic allocation of these resources have proven fruitful. During the first nine months of the 112<sup>th</sup> Congress, the House majority leadership sustained numerous public embarrassments at the hands of its own caucus. Several of these were driven by the RSC. The RSC and its membership orchestrated the defeat of numerous spending and budgetary provisions supported by the Republican leadership, including measures meant to avoid a government shutdown in April and more recently in September 2011. In the summer, the RSC was able to energetically drive the debate on raising the debt ceiling by uncompromisingly taking a stance that any change to the debt ceiling should be offset with spending cuts. By providing their own information, and developing their own policy alternatives and comparing them to the party leadership's, the RSC created a rival information power-center in the 112<sup>th</sup> House which has made leadership much more

difficult for Republican Party leaders. The voice of Speaker Boehner (R-OH) and Majority Leader Cantor (R-VA) are diluted by that of the rival RSC making informed defection from leadership proposals more likely than in the past.

Ultimately, it appears that the use of information control tactics, in the long-term, presents a catch-22 for legislative leaders. Leaders have to control information to lead the House of Representatives. Not doing so can lead to repeated embarrassments at the hands of the minority party or a faction of the majority caucus. However, controlling information may, in the long run, result in reforms that strip leaders of their ability to control information. In other words, utilizing powers they *must* utilize to lead their committees or the chamber, legislative leaders risk losing these powers altogether at some point in the future. This is a dilemma that even Joseph Heller would find vexing.

### *Concluding Thoughts*

Understanding the actions and influence of legislative leaders in Congress is an important enterprise. Majority party leaders and committee chairs conduct a continuous information-based leadership strategy that appears to be a major source of their power, and a major part of what they do as leaders every day. Leaders continually collect intelligence from their rank-and-file, before, while, and after bills are being written; and continually try to push their message on major legislation on which they have a position. On priority bills they can restrict the access the rank-and-file has to information to try to aid the passage of these bills and prevent potential opponents from developing effective opposition strategies.

As scholars we should not underestimate the influence of legislative leaders on the policymaking process, the legislation that is written, or the legislation that is passed. Members of Congress do not seek leadership positions out of a sense of duty or out of futility, but because these positions confer great power. Here, information is established as a major source of this power and the result of its use is to centralize congressional policymaking in the offices of majority party leaders and committee chairs.

## Appendices

### Appendix A – Elite Interviews

This study draws heavily upon evidence from 30 anonymous interviews with members of Congress and their staff, past and present. This appendix provides some detail on the sample of interviews, how those interviews were obtained, and how the interviews were conducted. These interviews were conducted with approval from the University of Maryland’s Institutional Review Board (IRB). Full details on the IRB approval for the interviews can be obtained from the University of Maryland. The IRB Protocol Number for this study is 09-0718.

Tables A-1 presents details on each of the interviewees. Only minimal information can be presented to protect the anonymity of these individuals, but what is presented demonstrates that the sample is fairly representative. The table demonstrates, first, that among the interviewees there were more Democrats (19) than Republicans (11). This is a rather common bias in qualitative studies of Congress. For numerous reasons, Democrats typically are more open to speaking with academics than Republicans. However, within both party groups—as can be seen in column 3 of the table—I was able to interview rank-and-filers, committee leaders and staff, and party leaders and staff. Therefore, even if the sample collected more Democrats than Republicans, the lessons drawn about each groups of actors included information from both Democrats and Republicans.

As for the general distribution of position within the chamber, the sample included nine individuals who were part of the party leadership, seven individuals

**Table A-1: Details on Sample of Interviewees**

Interview #	Party	Position	Member or Staff	Current or Former
1	Democrat	Party Leadership	Staff	Former
2	Democrat	Committee	Staff	Current
3	Democrat	Party Leadership	Staff	Former
4	Democrat	Committee	Staff	Current
5	Democrat	Party Leadership	Member	Former
6	Republican	Rank-and-File	Member	Former
7	Republican	Committee	Staff	Current
8	Democrat	Committee	Staff	Current
9	Republican	Party Leadership	Staff	Former
10	Republican	Party Leadership	Staff	Current
11	Democrat	Rank-and-File	Member	Current
12	Democrat	Rank-and-File	Staff	Current
13	Democrat	Rank-and-File	Member	Former
14	Republican	Rank-and-File	Member	Former
15	Republican	Party Leadership	Staff	Current
16	Democrat	Rank-and-File	Member	Former
17	Democrat	Rank-and-File	Member	Current
18	Democrat	Party Leadership	Staff	Former
19	Democrat	Rank-and-File	Staff	Current
20	Democrat	Party Leadership	Staff	Current
21	Democrat	Rank-and-File	Staff	Current
22	Democrat	Rank-and-File	Member	Former
23	Democrat	Rank-and-File	Member	Former
24	Democrat	Rank-and-File	Staff	Current
25	Republican	Rank-and-File	Staff	Current
26	Republican	Committee	Staff	Current
27	Republican	Party Leadership	Staff	Current
28	Democrat	Rank-and-File	Staff	Former
29	Republican	Committee	Staff	Current
30	Republican	Committee	Staff	Current

who were part of the committee leadership or committee staff, and 14 individuals best categorized as rank-and-filers. Regarding the balance of staffers and members, most of the individuals were staffers. Nine of the interviews were with current or former members of Congress while the remaining 21 individuals were staff. Finally, 18 of



the interviews were conducted with individuals who were in Congress at the time of the interview while the remaining 12 individuals were out of Congress.

As mentioned in chapter 1 the sample of interviews was obtained using a method called “cluster-sampling” or “snowball sampling”. This method was developed by researchers hoping to study notoriously closed-off segments of the population such as drug users (Biernacki and Waldorf 1981; Esterberg 2002, 93-94). Basically, a researcher hoping to gain access to a population begins with one or two individuals whom he or she has had some previous contact with. Because of the previous contact this individual is more likely to trust the researcher and agree to take part in the study. The researcher asks this individual then to recommend others who might be willing to take part, using that first individual as a reference to gain trust with the rest of the population. Each subsequent interview is then used to obtain more references. Ideally the process creates a snowball effect in which more individuals become open to taking part in the study.

Although my intention has not been to liken members and Congress and congressional staffers to drug users, they are perhaps as notoriously difficult to obtain interviews with (Goldstein 2002; Baker 2009). I used this sampling technique to gain as many interviews as possible. At the same time I continually cold-contacted congressional offices about the possibility of an interview with the member or a staffer. Altogether, the percentage of contacted individuals was still quite low (30 of the roughly 170 individuals contacted agreed to talk), but this rate is likely much higher because of the use of cluster-sampling than it might have otherwise been. Very few of the interviews were obtained via a cold-call.

All individuals were contacted via email with the same message. That message is presented below:

Dear Mr./Ms. X,

I recently spoke with [name of reference] and he/she suggested I get in contact with you. I am a graduate student at the University of Maryland working on my Ph.D. in government and politics. I am currently conducting research for my dissertation about the role information and communication plays in decision-making in the House of Representatives. I would appreciate the opportunity to briefly meet with you to discuss the topic in an interview.

Any information we discuss would of course only be used anonymously for my academic research and all records from the interview would be securely stored. I understand that you have an exceedingly busy schedule and promise to not take up too much of your time if you are willing to sit down with me.

I greatly appreciate any time you may be willing to grant me. I can be contacted via email at [email address], or via phone at [phone number].

Sincerely,  
Jim Curry

The only change from one email to the next was the name of the references. If I did not have reference for that particular person the first sentence was excluded entirely. Nevertheless, some individuals required some reassurance. Sometimes the individual contacted responded with a number of questions about the purpose of the study, what the interview would be used for, when and how it might be published, and if anyone else would have access to the records. These individuals, and others, were all assured that only myself and my dissertation advisor would have access to the records, that the statements made would only be used in my academic research, and that the publication of such research, while not assured, would likely not be read by many people.

The interviews were generally semi-structured and asked primarily open-ended questions. In conducting the interviews I had the dual goals of keeping them open enough that they would allow me to discover things about information control I had not anticipated while keeping them structured enough that one interview could be compared to another. This involved asking a similar set of questions of each individual, but required a willingness to ask follow up questions that let each interview go in its own direction. Each interview lasted roughly 30-40 minutes and all but a handful were conducted in person. The others were conducted over the phone.

Every interview started the same. I first gave each individual a very basic background about why I was talking to them and about the project. I then assured each individual that the interviews were anonymous and that anything discussed would be used only in my academic research and that he or she would only be identified in the most basic way: as a current or former member of Congress or staffer who was a rank-and-filer, a committee leader, or part of their party leadership. I then asked each individual if I could tape-record the interview. All but one allowed me to use the tape recorder. From there the interviews differed slightly on the basis of whether the individual was a rank-and-filer, a committee leader or staffer, or part of the party leadership.

For a rank-and-file member or staffer the structured questions began with inquiries about how they accrued information about the legislation before the House. These questions started with a general inquiry like the following:

On bills [before the committees you sit on/not before the committees you sit on] to what sources do you turn to obtain information about the bills?

These inquiries allowed the individuals to list sources they found most important or informative. I then turned to more targeted questions about whether or not they were able to get information specifically from the committees or their party leadership, and what kind of information:

Is [committee staff/the party leadership] a source of information for these bills?

How does [committee staff/the party leadership] distribute information?

I would also have a series of questions asking them to assess the information they received from different groups they had mentioned, or from the party leadership or from the committees. These questions would look something like this:

How substantively helpful was the information you received from the [committee/party leadership]?

Finally, I would ask these individuals about specific actions taken by party and committee leaders that might limit the amount of information they had, and how that affected their ability to be informed. These questions looked something like this:

When a bill [came to the floor quickly/was self-executed, etc...] how did this affect your ability to get the information you needed?

Throughout, I ask follow up questions to each of the structured questions to dig deeper into the responses and opinions of the interviewees. These questions differed dramatically from interview to interview, but had the same goal—to understand how rank-and-filers became informed, and how the committees and the party leadership played into the process.

Interviews with committee staffers and committee leaders differed from those with rank-and-filers. These individuals were asked about how they gathered, restricted, and provided information to the rank-and-file of their committees or to

others. These interviews generally started with my asking how they communicated information about a typical bill before their committee to the members of the committee:

Once a mark of the bill is finished being drafted, how do you present its contents to the membership of the committee?

This starting question often led to a number of different paths. From this questions I could follow up on what information, specifically, would be provided and in what manner or why the information provided might be limited. I also asked questions about general communications with members of the committee during and after the drafting process. These would look something like this:

How often do you communicate with members of the committee [during/after] the drafting process?

How open are the communications with members of the committee [during/after] the drafting process?

These questions often led to illuminating responses about how committee staffers viewed their responsibilities in communicating with members of the committee and how these communications were more about gathering information about what their membership was thinking than about any give and take about what the contents of a bill should include. Again, like the rank-and-file interviews, these structured questions led to follow ups that delved into the individual responses.

Interviews with party leadership members and staffers were more similar to the committee interviews than they were to the rank-and-file interviews, but were by far the most variable of the bunch. The questions I asked were driven even more by the specific job the individual had in the party leadership—whether he or she was a part of the whip organization, worked for the Speaker or Majority Leader, or had

some other role. For example, with individuals involved in the whip organization my questions were tailored towards understanding what their communications with members were like, when they began, what they asked members, and what they told them. With individuals in the Speaker's office or the majority leader's office I would ask questions more about the motivations to restrict information or how they would decide how to sell a piece of legislation to their party's membership. Despite the variability, however, there were some similarities across the interviews. For example, I generally asked a question along the lines of:

Can you be selective in deciding what information to tell your members about X bill?

With questions about motivation, I usually asked something akin to:

On a major piece of legislation, what are the motivations of the party leadership to bring the bill to the floor quickly or bypass regular order?

Generally, these interviews were a lot more open ended than the others and this was necessitated by the sheer amount of division of labor apparent in party leadership offices.

## Appendix B – List of Important Legislation & Issue Content

Table B-1 presents the important legislation used in the analyses in this study. Included with the list of bills is the congress in which it was considered, the Policy Agendas Project issue coding, whether or not the bill is a party leadership priority bill based on the *Speaker's Issues* measure, and the number of State of the Union mentions related to the bill.

**Table B-1: Dataset of Important Legislation Analyzed, 2001-2008**

Congress	Bill	Policy Agendas Project		Speaker's Issue?	SOTU Mentions
		Issue Code	Issue Title		
107	H.R. 622	100	General Domestic Macroeconomic Issues	yes	3
107	H.R. 1836	100	General Domestic Macroeconomic Issues	yes	3
107	H.R. 7	100	General Domestic Macroeconomic Issues	yes	3
107	H. Con. Res. 83	105	National Budget and Debt	yes	32
107	H.R. 2	105	National Budget and Debt	yes	32
107	H. Con. Res. 353	105	National Budget and Debt	yes	3
107	H.R. 8	107	Taxation, Tax policy, and Tax Reform	yes	39
107	H. J. Res. 36	207	Freedom of Speech & Religion	no	1
107	H.R. 4954	300	Health - General	no	1
107	H.R. 2563	302	Health insurance reform, availability, and cost	no	8
107	H.R. 2505	398	Health - Research and development	no	1
107	H.R. 2330	400	Agriculture - General	no	0
107	H.R. 2646	400	Agriculture - General	no	0
107	H.R. 2213	404	Agricultural Marketing, Research, and Promotion	no	0
107	H.R. 3090	500	Labor, Employment, and Immigration - General	no	0
107	H.R. 10	503	Employee Benefits	no	1
107	H.R. 3762	503	Employee Benefits	no	5
107	H.R. 3231	530	Immigration and Refugee Issues	no	0
107	H.R. 1	602	Elementary and Secondary Education	yes	29
107	H.R. 4	800	Energy - General	yes	6
107	H.R. 2299	1000	Transportation - General	no	0
107	H.R. 1699	1007	Maritime Issues	no	0
107	H.R. 503	1207	Child Abuse and Child Pornography	no	0
107	H.R. 6	1208	Family Issues	yes	0
107	H.R. 4737	1302	Poverty and Assistance for Low-Income Families	no	2
107	H.R. 247	1401	Housing and Community Development	no	0
107	H.R. 1088	1502	Securities and Commodities Regulation	no	0
107	H.R. 333	1507	Bankruptcy	no	0



**Table B-1: Continued...**

107	H.R. 256	1507	Bankruptcy	no	0
107	H.R. 3763	1520	Corporate Mergers, Antitrust Regulation, and Corporate Management Issues	no	0
107	H.R. 327	1521	Small Business Issues and the Small Business Administration	no	2
107	H.R. 524	1521	Small Business Issues and the Small Business Administration	no	2
107	H.R. 3210	1523	Domestic Disaster Relief	no	0
107	H.R. 3338	1600	Defense - General	no	4
107	H.R. 2586	1600	Defense - General	no	4
107	H.R. 4546	1600	Defense - General	no	2
107	H.R. 5010	1600	Defense - General	no	2
107	H.R. 2883	1603	Military Intelligence, CIA, Espionage	no	0
107	H.R. 2904	1611	Military Installations, Construction, and Land Transfers	no	0
107	H.R. 5011	1611	Military Installations, Construction, and Land Transfers	no	0
107	H.J. Res. 114	1619	Direct War Related Issues	no	0
107	H.R. 1542	1709	Computer Industry, Computer Security , & General Issues Related to the Internet	no	0
107	H.R. 3009	1800	Foreign Trade - General	no	3
107	H.R. 3005	1802	Trade Negotiations, Disputes, and Agreements	no	0
107	H.R. 2603	1802	Trade Negotiations, Disputes, and Agreements	no	0
107	H. J. Res. 50	1802	Trade Negotiations, Disputes, and Agreements	no	0
107	H. J. Res. 51	1802	Trade Negotiations, Disputes, and Agreements	no	0
107	H.R. 3189	1803	Export Promotion and Regulation, Export-Import Bank	no	2
107	H.R. 2602	1803	Export Promotion and Regulation, Export-Import Bank	no	2
107	H.R. 1646	1900	International Affairs and Foreign Aid - General	no	4
107	H.R. 2975	1927	Terrorism, Hijacking	no	1
107	H.R. 3150	1927	Terrorism, Hijacking	no	1
107	H.R. 2926	1927	Terrorism, Hijacking	no	1
107	H.R. 3162	1927	Terrorism, Hijacking	no	1
107	H.R. 4775	1927	Terrorism, Hijacking	no	84
107	H.R. 5005	1927	Terrorism, Hijacking	no	84
107	H.R. 4547	1927	Terrorism, Hijacking	no	84
107	H.J. Res. 111	2000	Government Operations - budget requests omnibus appropriations	no	0

**Table B-1: Continued...**

107	H.R. 2620	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.R. 2216	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.R. 5120	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.R. 3061	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.R. 2647	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.R. 2506	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.R. 5121	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.R. 2500	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.J. Res. 124	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.R. 2590	2000	Government Operations - budget requests omnibus appropriations	no	0
107	H.R. 3295	2012	Regulation of Political Campaigns, Political Advertising, PAC regulation, Voter Registration, Government Ethics	no	1
107	H.R. 2356	2012	Regulation of Political Campaigns, Political Advertising, PAC regulation, Voter Registration, Government Ethics	no	1
107	H.R. 2944	2014	District of Columbia Affairs	no	0
107	H.R. 2217	2100	Public Lands and Water Management - General	no	0
107	H.R. 5093	2100	Public Lands and Water Management - General	no	0
107	H.R. 2311	2104	Water Resources Development and Research	no	0
108	H.R. 2	103	Unemployment Rate	yes	3
108	H. Con. Res. 95	105	National Budget and Debt	no	3
108	H. Con. Res. 393	105	National Budget and Debt	no	4
108	H.R. 7	107	Taxation, Tax policy, and Tax Reform	yes	11
108	H.R. 1308	107	Taxation, Tax policy, and Tax Reform	yes	11
108	H.R. 3521	107	Taxation, Tax policy, and Tax Reform	yes	11
108	H.R. 4520	107	Taxation, Tax policy, and Tax Reform	yes	13
108	H.J. Res. 106	202	Gender and Sexual Orientation Discrimination	no	10
108	H.R. 760	208	Right to Privacy and Access to Government Information	no	0
108	H.R. 663	324	Medical liability, fraud and abuse	yes	4
108	H.R. 5	324	Medical liability, fraud and abuse	yes	4
108	H.R. 1	335	Prescription drug coverage and costs	yes	2
108	H.R. 534	398	Health - Research and development	no	2

**Table B-1: Continued...**

108	H.R. 4766	400	Agriculture - General	no	0
108	H.R. 3108	503	Employee Benefits	no	0
108	H.R. 1000	503	Employee Benefits	no	0
108	H.R. 2210	603	Education of Underprivileged Students	no	0
108	H.R. 6	800	Energy - General	yes	1
108	H.R. 3550	1000	Transportation - General	no	0
108	H.R. 2115	1003	Airports, Airlines, Air Traffic Control and Safety	no	0
108	H.R. 5107	1200	Law, Crime, and Family Issues - General	no	0
108	H.R. 3214	1200	Law, Crime, and Family Issues - General	no	0
108	H.R. 1997	1207	Child Abuse and Child Pornography	no	0
108	H.R. 1036	1209	Police, Fire, and Weapons Control	no	0
108	H.R. 1115	1210	Criminal and Civil Code	no	0
108	H.R. 4	1300	Social Welfare - General	yes	0
108	H.R. 2622	1504	Consumer Finance, Mortgages, and Credit Cards	no	0
108	H.R. 975	1507	Bankruptcy	no	0
108	H.R. 2658	1600	Defense - General	no	0
108	H.R. 1588	1600	Defense - General	no	0
108	H.R. 4613	1600	Defense - General	no	2
108	H.R. 4200	1600	Defense - General	no	2
108	H.R. 2559	1611	Military Installations, Construction, and Land Transfers	no	0
108	H.R. 4567	1615	Civil Defense & Homeland Security	no	0
108	H.R. 2555	1615	Civil Defense & Homeland Security	no	0
108	H.R. 3289	1619	Direct War Related Issues	no	16
108	H.R. 1559	1619	Direct War Related Issues	no	16
108	H.R. 3717	1707	Broadcast Industry Regulation (TV, Cable, Radio)	no	0
108	H.R. 49	1709	Computer Industry, Computer Security , & General Issues Related to the Internet	no	0
108	H.R. 1298	1905	Developing Countries Issues	no	3
108	H.R. 10	1927	Terrorism, Hijacking	yes	22
108	H.R. 2800	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 4818	2000	Government Operations - budget requests omnibus appropriations	no	0

**Table B-1: Continued...**

108	H.R. 2657	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 5006	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 2765	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 2673	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 4837	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 5025	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 2660	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 2861	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 4755	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 2799	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 4754	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 2989	2000	Government Operations - budget requests omnibus appropriations	no	0
108	H.R. 4850	2014	District of Columbia Affairs	no	0
108	H.R. 2691	2100	Public Lands and Water Management - General	no	0
108	H.R. 4568	2100	Public Lands and Water Management - General	no	0
108	H.R. 2754	2104	Water Resources Development and Research	no	0
108	H.R. 4614	2104	Water Resources Development and Research	no	0
109	H. Con. Res. 95	105	National Budget and Debt	no	5
109	H.R. 4241	105	National Budget and Debt	no	5
109	H. Con. Res. 376	105	National Budget and Debt	no	4
109	H.R. 8	107	Taxation, Tax policy, and Tax Reform	yes	4
109	H.R. 5638	107	Taxation, Tax policy, and Tax Reform	yes	6
109	H.R. 4297	107	Taxation, Tax policy, and Tax Reform	yes	4
109	H.R. 5970	107	Taxation, Tax policy, and Tax Reform	yes	6
109	H.R. 4128	200	Civil Rights, Minority Issues, and Civil Liberties - General	no	0
109	H.R. 4772	200	Civil Rights, Minority Issues, and Civil Liberties - General	no	0
109	H.J. Res. 39	202	Gender and Sexual Orientation Discrimination	no	2
109	H.R. 9	206	Voting Rights and Issues	yes	0
109	H.R. 6111	300	Health - General	no	0
109	H.R. 6143	331	Prevention, communicable diseases and health promotion	no	0
109	H.R. 2520	398	Health - Research and development	no	5

**Table B-1: Continued...**

109	H.R. 810	398	Health - Research and development	no	5
109	H.R. 2744	400	Agriculture - General	no	0
109	H.R. 5384	400	Agriculture - General	no	0
109	H.R. 27	502	Employment Training and Workforce Development	no	1
109	H.R. 2830	503	Employee Benefits	yes	0
109	H.R. 6	800	Energy - General	yes	3
109	H.R. 5253	803	Natural Gas and Oil (Including Offshore Oil and Gas)	no	1
109	H.R. 4761	803	Natural Gas and Oil (Including Offshore Oil and Gas)	no	1
109	H.R. 3	1000	Transportation - General	yes	0
109	H.R. 748	1208	Family Issues	no	0
109	H.R. 1461	1406	Low and Middle Income Housing Programs and Needs	no	0
109	H.R. 5385	1600	Defense - General	no	0
109	H.R. 5122	1600	Defense - General	no	0
109	H.R. 1815	1600	Defense - General	no	0
109	H.R. 5631	1600	Defense - General	no	0
109	H.R. 5682	1605	Arms Control and Nuclear Nonproliferation	no	0
109	H.R. 2528	1609	VA Issues	no	0
109	H.R. 2360	1615	Civil Defense & Homeland Security	no	0
109	H.R. 5441	1615	Civil Defense & Homeland Security	no	0
109	H.R. 5252	1706	Telephone and Telecommunication Regulation	no	0
109	H.R. 310	1707	Broadcast Industry Regulation (TV, Cable, Radio)	no	0
109	H.R. 3045	1802	Trade Negotiations, Disputes, and Agreements	no	0
109	H.R. 3199	1927	Terrorism, Hijacking	no	15
109	H.R. 4437	1927	Terrorism, Hijacking	no	15
109	H.R. 4954	1927	Terrorism, Hijacking	no	44
109	H.R. 5825	1927	Terrorism, Hijacking	no	44
109	H.R. 4939	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 3010	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 2863	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 3058	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 1268	2000	Government Operations - budget requests omnibus appropriations	no	0

**Table B-1: Continued...**

109	H.R. 5672	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 3057	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 2862	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 2985	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 2361	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 5576	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H.R. 5386	2000	Government Operations - budget requests omnibus appropriations	no	0
109	H. Res. 1000	2007	Government Procurement, Procurement Fraud and Contractor Management	no	0
109	H.R. 4890	2011	Federal Government Branch Relations and Administrative Issues, Congressional Operations	no	2
109	H. Res. 648	2012	Regulation of Political Campaigns, Political Advertising, PAC regulation, Voter Registration, Government Ethics	no	4
109	H.R. 513	2012	Regulation of Political Campaigns, Political Advertising, PAC regulation, Voter Registration, Government Ethics	no	0
109	H.R. 4975	2012	Regulation of Political Campaigns, Political Advertising, PAC regulation, Voter Registration, Government Ethics	no	4
109	H.R. 5254	2103	Natural Resources, Public Lands , and Forest Management	no	0
109	H.R. 2419	2104	Water Resources Development and Research	no	0
110	H.R. 5140	100	General Domestic Macroeconomic Issues	no	24
110	H. Con. Res. 312	105	National Budget and Debt	no	3
110	H. Con. Res. 99	105	National Budget and Debt	no	7
110	H.R. 7005	107	Taxation, Tax policy, and Tax Reform	no	6
110	H.R. 3996	107	Taxation, Tax policy, and Tax Reform	no	0
110	H.R. 6275	107	Taxation, Tax policy, and Tax Reform	no	6
110	H.R. 493	205	Handicap or Disease Discrimination	no	0
110	H.R. 6331	301	Comprehensive health care reform	no	0
110	H.R. 3162	301	Comprehensive health care reform	no	4
110	H.R. 2900	321	Regulation of drug industry, medical devices, and clinical labs	no	0
110	H.R. 976	332	Infants and children	no	0
110	H.R. 4	335	Prescription drug coverage and costs	yes	0
110	H.R. 1108	341	Tobacco Abuse, Treatment, and Education	no	0

**Table B-1: Continued...**

110	H.R. 3	398	Health - Research and development	yes	0
110	H.R. 5813	400	Agriculture - General	no	0
110	H.R. 3161	400	Agriculture - General	no	0
110	H.R. 2419	400	Agriculture - General	no	0
110	H.R. 5749	503	Employee Benefits	no	0
110	H.R. 800	504	Employee Relations and Labor Unions	no	0
110	H.R. 2	505	Fair Labor Standards	yes	0
110	H.R. 5	601	Higher Education	yes	0
110	H.R. 5715	601	Higher Education	yes	3
110	H.R. 2669	601	Higher Education	yes	0
110	H.R. 4137	601	Higher Education	yes	0
110	H.R. 1429	603	Education of Underprivileged Students	no	0
110	H.R. 5351	800	Energy - General	yes	0
110	H.R. 6049	800	Energy - General	yes	0
110	H.R. 2776	800	Energy - General	yes	1
110	H.R. 6	800	Energy - General	yes	1
110	H.R. 6899	803	Natural Gas and Oil (Including Offshore Oil and Gas)	no	0
110	H.R. 7060	807	Energy Conservation	no	0
110	H.R. 1592	1210	Criminal and Civil Code	no	0
110	H.R. 3195	1304	Assistance to the Disabled and Handicapped	no	0
110	H.R. 3221	1400	Community Development and Housing Issues - General	no	0
110	H.R. 5818	1401	Housing and Community Development	no	0
110	H.R. 1852	1401	Housing and Community Development	no	0
110	H.R. 6377	1502	Securities and Commodities Regulation	no	0
110	H.R. 6604	1502	Securities and Commodities Regulation	no	0
110	H.R. 3915	1504	Consumer Finance, Mortgages, and Credit Cards	no	0
110	H.R. 1908	1522	Copyrights and Patents	no	0
110	H.R. 4040	1525	Consumer Safety and Consumer Fraud	no	0
110	H.R. 1585	1600	Defense - General	no	0
110	H.R. 3222	1600	Defense - General	no	0
110	H.R. 4986	1600	Defense - General	no	0

**Table B-1: Continued...**

110	H.R. 5658	1600	Defense - General	no	0
110	H.R. 2082	1603	Military Intelligence, CIA, Espionage	no	0
110	H.R. 7081	1605	Arms Control and Nuclear Nonproliferation	no	0
110	H.R. 6599	1611	Military Installations, Construction, and Land Transfers	no	0
110	H.R. 1684	1615	Civil Defense & Homeland Security	no	0
110	H.R. 4156	1619	Direct War Related Issues	no	50
110	H.R. 5501	1905	Developing Countries Issues	no	0
110	H.R. 5104	1927	Terrorism, Hijacking	yes	38
110	H.R. 6304	1927	Terrorism, Hijacking	yes	38
110	H.R. 3773	1927	Terrorism, Hijacking	yes	57
110	H.R. 556	1927	Terrorism, Hijacking	yes	57
110	H.R. 5349	1927	Terrorism, Hijacking	yes	38
110	H.R. 1	1927	Terrorism, Hijacking	yes	57
110	H.R. 3093	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 3074	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 2638	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 2771	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 3043	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 7110	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 1591	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 2643	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.J. Res. 20	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 1424	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 6124	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.J. Res. 52	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 2764	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 2642	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 2829	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H.R. 2206	2000	Government Operations - budget requests omnibus appropriations	no	0
110	H. Con. Res. 63	2011	Federal Government Branch Relations and Administrative Issues, Congressional Operations	no	7



**Table B-1: Continued...**

110	H.R. 2317	2012	Regulation of Political Campaigns, Political Advertising, PAC regulation, Voter Registration, Government Ethics	no	0
110	H.R. 2316	2012	Regulation of Political Campaigns, Political Advertising, PAC regulation, Voter Registration, Government Ethics	no	0
110	H.R. 1905	2014	District of Columbia Affairs	no	0
110	H.R. 2641	2104	Water Resources Development and Research	no	0
110	H.R. 1495	2104	Water Resources Development and Research	no	0

Appendix C – Matching of Interest Group Industries to Issue Coding

Table C-1 shows the matching of each of the Center for Responsive Politics' issue industry sectors to each of the Policy Agendas Project's major issue areas. Most issue industries were coded to just one issue area, while a minority were coded to two.

**Table C-1: Matching the Policy Agendas Project's Issue Coding to the Center for Responsive Politics' Issue Industries**

Center for Responsive Politics Industry Sector	Policy Agendas Project	
	Issue Topic #1	Issue Topic #2
Agricultural Services & Products	Agriculture	
Crop Production & Basic Processing	Agriculture	
Dairy	Agriculture	
Food Processing & Sales	Agriculture	
Forestry & Forest Products	Agriculture	Public Lands & Water Management
Livestock	Agriculture	
Poultry & Eggs	Agriculture	
Tobacco	Agriculture	
Misc. Agriculture	Agriculture	
Building Materials & Equipment	Banking, Finance, & Domestic Commerce	Foreign Trade
Construction Services	Banking, Finance, & Domestic Commerce	Foreign Trade
General Contractors	Banking, Finance, & Domestic Commerce	Foreign Trade
Special Trade Contractors	Banking, Finance, & Domestic Commerce	Foreign Trade
Accountants	Banking, Finance, & Domestic Commerce	
Commercial Banks	Banking, Finance, & Domestic Commerce	Foreign Trade
Credit Unions	Banking, Finance, & Domestic Commerce	
Finance / Credit Companies	Banking, Finance, & Domestic Commerce	Foreign Trade
Insurance	Banking, Finance, & Domestic Commerce	
Real Estate	Banking, Finance, & Domestic Commerce	
Savings & Loans	Banking, Finance, & Domestic Commerce	
Securities & Investment	Banking, Finance, & Domestic Commerce	Foreign Trade
Misc Finance	Banking, Finance, & Domestic Commerce	

**Table C-1: Continued...**

Beer, Wine & Liquor	Banking, Finance, & Domestic Commerce	Foreign Trade
Business Associations	Banking, Finance, & Domestic Commerce	Foreign Trade
Business Services	Banking, Finance, & Domestic Commerce	Foreign Trade
Casinos / Gambling	Banking, Finance, & Domestic Commerce	Foreign Trade
Chemical & Related Manufacturing	Banking, Finance, & Domestic Commerce	Foreign Trade
Food & Beverage	Banking, Finance, & Domestic Commerce	Foreign Trade
Lodging / Tourism	Banking, Finance, & Domestic Commerce	Foreign Trade
Misc. Manufacturing & Distributing	Banking, Finance, & Domestic Commerce	Foreign Trade
Miscellaneous Services	Banking, Finance, & Domestic Commerce	Foreign Trade
Recreation / Live Entertainment	Banking, Finance, & Domestic Commerce	Foreign Trade
Retail Sales	Banking, Finance, & Domestic Commerce	Foreign Trade
Steel Production	Banking, Finance, & Domestic Commerce	Foreign Trade
Textiles	Banking, Finance, & Domestic Commerce	Foreign Trade
Misc. Business	Banking, Finance, & Domestic Commerce	Foreign Trade
Abortion Policy/Pro-Choice	Civil Rights, Minority Issues, & Civil Liberties	
Abortion Policy/Pro-Life	Civil Rights, Minority Issues, & Civil Liberties	
Gun Rights	Civil Rights, Minority Issues, & Civil Liberties	
Women's Issues	Civil Rights, Minority Issues, & Civil Liberties	
Clergy & Religious Organizations	Civil Rights, Minority Issues, & Civil Liberties	
Home Builders	Community Development & Housing Issues	
Defense Aerospace	Defense	
Defense Electronics	Defense	
Miscellaneous Defense	Defense	
Education	Education	
Electric Utilities	Energy	
Fisheries & Wildlife	Energy	Public Lands & Water Management
Mining	Energy	Public Lands & Water Management
Oil & Gas	Energy	
Environmental Svcs/Equipment	Energy	Environment
Waste Management	Energy	

**Table C-1: Continued...**

Misc Energy	Energy	
Environment	Environment	
Civil Servants/Public Officials	Government Operations	
Health Professionals	Health	
Health Services/HMOs	Health	
Hospitals & Nursing Homes	Health	
Pharmaceuticals / Health Products	Health	
Misc. Health	Health	
Foreign & Defense Policy	International Affairs & Foreign Aid	Defense
Pro-Israel	International Affairs & Foreign Aid	
Building Trade Unions	Labor, Employment, & Immigration	
Industrial Unions	Labor, Employment, & Immigration	
Misc. Unions	Labor, Employment, & Immigration	
Public Sector Unions	Labor, Employment, & Immigration	
Teacher's Union	Labor, Employment, & Immigration	Education
Postal Union	Labor, Employment, & Immigration	Government Operations
Transportation Unions	Labor, Employment, & Immigration	Transportation
Gun Control	Law, Crime, and Family Issues	
Computers/Internet	Science, Space, Tech, & Communications	
Printing & Publishing	Science, Space, Tech, & Communications	
Telecom Services & Equipment	Science, Space, Tech, & Communications	
Telephone Utilities	Science, Space, Tech, & Communications	
TV / Movies / Music	Science, Space, Tech, & Communications	
Electronics Mfg & Services	Science, Space, Tech, & Communications	
Misc. Communications/Electronics	Science, Space, Tech, & Communications	
Human Rights	Social Welfare	
Air Transport	Transportation	
Automotive	Transportation	
Railroads	Transportation	
Sea Transport	Transportation	
Trucking	Transportation	International Affairs & Foreign Aid
Misc. Transport	Transportation	
Lawyers / Law Firms	-none-	
Lobbyists	-none-	
Democratic/Liberal	-none-	
Republican/Conservative	-none-	
Misc. Issues	-none-	
Non-Profit Institutions	-none-	
Other	-none-	

## Appendix D – Tests of the Proportional Hazards Assumption

Cox Proportional Hazards models, like the ones presented in Table 4.1 require that the proportional hazards assumption is met. Briefly, this assumption requires that the impact of covariates do not vary over time. Violations of the proportional hazards assumption can result in inaccurate estimates—often in the form of overestimation (Box-Steffensmeier and Jones 2004, 132). There are three primary ways to test this assumption. Here, results of these tests are presented for Model #1 in Table 4.1. The results of the tests for Model #2 are nearly identical and therefore not shown.

The first test is the link test method. This test evaluates the model as a whole. The link test generates the linear prediction from the model (analogous to  $\hat{y}$ ), and then re-estimates the model where the response variable is treated as a function of  $\hat{y}^2$ . If the proportional hazards assumption holds  $\hat{y}^2$  will be equivalent to zero. The results of the test are  $\hat{y}^2 = 0.079$  (0.155);  $p=0.610$ . Because the  $\hat{y}^2$  value is not statistically different from zero, it confirms that the proportional hazards assumption is met.

The second test is the Harrell's  $\rho$  test. Harrell's  $\rho$  regresses the Schoenfeld residuals on  $\log(t)$ . When the proportional hazards assumption holds, the resultant slope of the regression should be equal to zero. Such a slope would indicate that the effect of the covariate is not systematically increasing or decreasing over time. We should expect to see that none of the predicted slopes are statistically different from zero. The Harrell's  $\rho$  for each covariate, as well as a global test, are presented in Table D-1. The results show that none of the variables have a slope that is statistically different from zero. The global test is also equivalent to zero. Altogether these tests also confirm that the proportional hazards assumption is met.

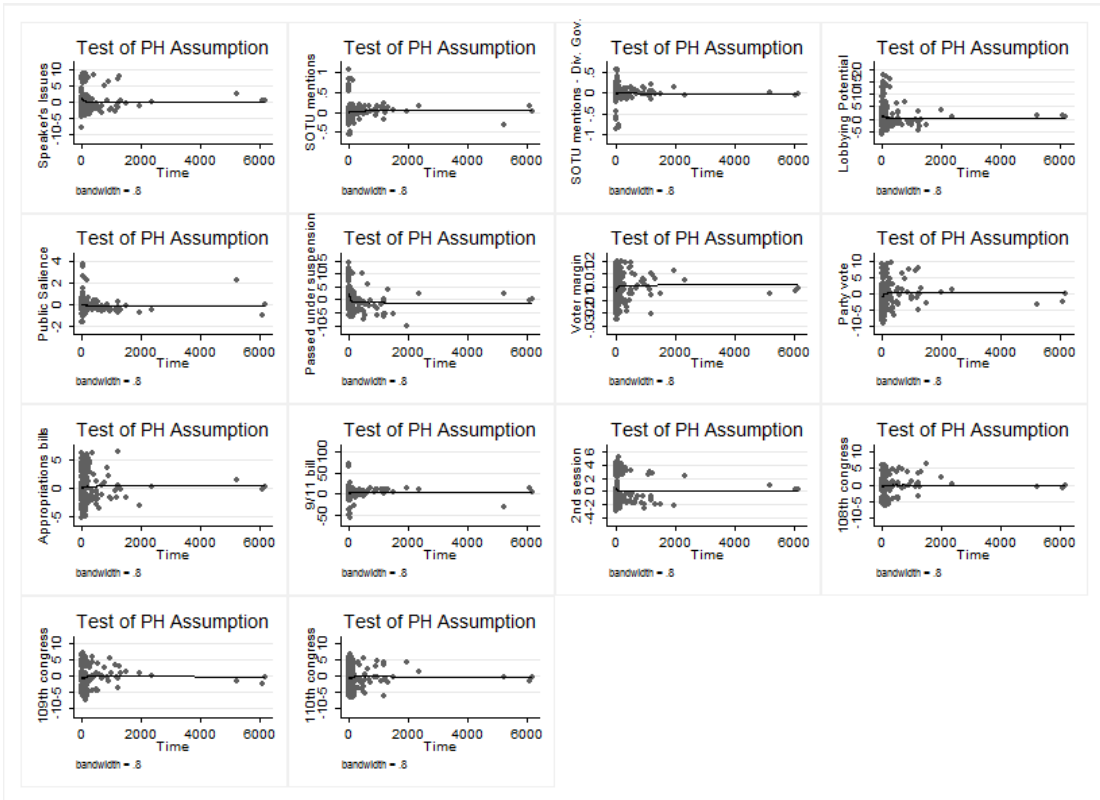
**Table D-1: Harrel's  $\rho$  Test of the Proportional Hazards Assumption**

variable	$\rho$	$\chi^2$	df	p-value
Speaker's Issues	-0.0046	0.01	1	0.9383
Presidential priority - unified gov.	0.0061	0.01	1	0.9152
Presidential priority - divided gov.	0.0155	0.06	1	0.8007
Lobbying potential	-0.0218	0.12	1	0.7267
Public salience	-0.0167	0.08	1	0.7740
Passed under suspension	-0.1087	3.77	1	0.0521
Vote margin	0.0287	0.25	1	0.6194
Party vote	0.0015	0.00	1	0.9794
Appropriations bill	-0.0025	0.00	1	0.9654
Sept. 11 bill	0.0142	0.06	1	0.8120
2nd session	-0.0214	0.13	1	0.7200
108th Congress	0.0376	0.42	1	0.5153
109th Congress	-0.0029	0.00	1	0.9603
110th Congress	0.0118	0.04	1	0.8414
Global test		5.22	14	0.9825

The final way to evaluate the proportional hazards assumption is to visually evaluate plots of the Schoenfeld residuals for each covariate. If the trend over time deviates in a systematic way from zero, we may be concerned that the proportional hazards assumption is violated. Figure D-1 presents the plots for each variable. None of the trends lines appear to deviate in any significant or systematic way from zero. This test, once again confirms that the proportional hazards assumption is not being violated.

Combined these three should provide adequate assurance that the proportional hazards assumption is not being violated, and that the model estimates can be interpreted with confidence.

**Figure D-1: Schoenfeld Residual Plots for Each Covariate**



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