Y
4
Se5/5
P75x

94th Congress
2d Session } COMMITTEE PRINT

GOVERNMENT
Storage

POLICYMAKING ROLE OF LEADERSHIP IN THE SENATE

A COMPILATION OF PAPERS

PREPARED FOR THE

COMMISSION ON THE OPERATION OF THE SENATE

RECEIVED
MAR 8 1977
THE LIBRARY
KANSAS STATE UNIVERSITY

U.S. GOVERNMENT PRINTING OFFICE
80-188 WASHINGTON : 1976

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

COMMISSION ON THE OPERATION OF THE SENATE

HAROLD E. HUGHES, *Chairman;* former Governor of Iowa and former U.S. Senator
ARCHIE R. DYKES, *Vice Chairman;* Chancellor, University of Kansas
WILLARD L. BOYD, President, University of Iowa
ROBERT P. HUEFNER, Director, Institute of Government, University of Utah
JUANITA M. KREPS, Vice President, Duke University
CARL E. SANDERS, former Governor of Georgia
WILLIAM H. SCOTT, partner, Peat, Marwick & Mitchell, Anchorage, Alaska
J. MARK TRICE, former Secretary of the Senate and former Secretary for the Majority and Minority
WILSON W. WYATT, former Mayor of Louisville, Ky., and former Housing Administrator, National Housing Agency

Ex Officio

FRANCIS R. VALEO, Secretary of the Senate
GERALD W. FRANK, Administrative Assistant to Senator Mark Hatfield

STAFF

Vincent P. Rock, *Staff Director*

Laurence D. Atlas
Charles E. Bosley
Janet E. Breslin
Maija A. Brigham
Albert H. Cantril
Basil G. Condos
Eleanor K. Giraldi
Alan M. Hall
Susan Webb Hammond
Susan E. Hegedus
Thomas J. Hitchner
Linda J. Ingram
William D. Keyserling
Richard W. Long
Thomas J. O'Donnell
Barbara J. Puls
Betsy Samuelson
J. Phillip Sawicki
Patricia L. Terpstra

Attached Service:

Samuel V. Merrick, Joint Committee on Congressional Operations
Frank Chlan, U.S. General Accounting Office
Gayle Condon, U.S. General Accounting Office
Samuel L. Walsh, U.S. General Accounting Office

NOTE

The conclusions and recommendations of the Commission on the Operation of the Senate are contained in the report *Toward a Modern Senate* (94th Congress, Sen. Doc. No. 94–278). The views and suggestions contained in the papers in this volume are those of the authors and not necessarily those of the Commission or any member.

PREFACE

In this and companion volumes, the Commission on the Operation of the Senate is publishing studies prepared for the use of its members by a variety of specialists drawn from universities, congressional support agencies, Federal agencies, State governments, and the Senate itself.

We extend thanks to these individual authors for the many contributions they have made to the Commission's work.

In addition, the Commission wishes to thank those members of its own staff who provided special assistance in this endeavor.

Samuel V. Merrick, a professional staff member on loan from the Joint Committee on Congressional Operations, coordinated the work of specialists who looked at policymaking in the Senate.

Basil Condos, former legislative director for Senator Adlai E. Stevenson, wrote the introduction for the present volume.

Charles E. Bosley coordinated copyediting and printing preparation, assisted by Barbara Puls, Alan Hall, and Phillip Sawicki.

HAROLD E. HUGHES, *Chairman.*

CONTRIBUTORS

FREDERICK O'R. HAYES was budget director for the City of New York under Mayor John Lindsay. He also served in the Federal Bureau of the Budget and has taught at the New School for Social Research and the State University of New York at Stony Brook. He is the author of numerous articles and his book, *Managing New York City*, will soon be published by the Urban Institute.

CHARLES O. JONES is Professor of Politics at the University of Pittsburgh, and has also taught at Wellesley College, the University of Wisconsin, the University of Arizona, and the University of Cape Town. The Editor-Elect of the *American Political Science Review*, he has authored several books and articles.

WALTER KRAVITZ is Senior Specialist in American National Government and Public Administration at the Congressional Research Service, Library of Congress. He served as Acting Assistant Director of CRS, 1972–74, and was the first Staff Director of the Committee on the Budget, U.S. House of Representatives. He is currently Senior Research Consultant to the Temporary Select Committee to Study the Committee System.

RANDALL B. RIPLEY is chairman of the Department of Political Science at Ohio State University. He previously served as a research associate at the Brookings Institution in Washington, D.C. He is the author of numerous papers and several books on the Congress, including the most recent, *Congress, the Bureaucracy, and Public Policy*, co-authored with Grace A. Franklin.

DONALD A. ROBINSON is an Associate Professor at Smith College, and previously taught at Mount Holyoke College and at Cornell University. He has authored several articles, reviews and books.

RICHARD ROYCE is a private consultant in Washington, D.C., working largely in the fields of environment and energy. From 1966–71 he served as Chief Clerk and Staff Director of the Senate Public Works Committee.

ALLEN SCHICK is a senior specialist in the Congressional Research Service of the Library of Congress. He has been a senior fellow and research associate at Brookings Institution in Washington, D.C., and taught at Tufts University. He is a member of the editorial board of the political science journal, *PS*.

JACK L. WALKER is a professor in the Department of Political Science and Director of the Institute of Public Policy Studies at the University of Michigan. His previous teaching positions included Boston University and Furman University. He has published several books and articles.

TABLE OF CONTENTS

	Page
Introduction	1
Party Leaders, Policy Committees, and Policy Analysis in the United States Senate, Randall B. Ripley	5
Senate Party Leadership in Public Policy, Charles O. Jones	18
The Senate Minority and Policy Analysis, Charles O. Jones	34
If the Senate Democrats Want Leadership: An Analysis of the History and Prospects of the Majority Policy Committee, Donald Allen Robinson	40
The Uses for Policy Analysis in the United States Senate, Frederick O'R. Hayes	58
The Supply and Demand for Analysis on Capitol Hill, Allen Schick	72
Considerations of Policy Analysis and Formulation in the Senate, Richard Royce	86
Setting the Agenda in the U.S. Senate, Jack L. Walker	96
Relations Between the Senate and the House of Representatives: The Party Leaderships, Walter Kravitz	121

INTRODUCTION

As the Senate takes up more and more complex policy questions, should it make better use of professional policy analysis? What are the roles and responsibilities of Senate leaders and leadership units in this regard? These are the subjects of the studies in this volume.

The Senate is not hierarchical but collegial. Traditionally, it has made policy in small pieces and by negotiation, with major responsibility primarily carried by the standing committees. There is, however, a widespread view that more information of the right kind and at the right time might provide better public policy. The papers address from various perspectives how this might happen—how a demand for better information might be institutionalized within the Senate.

The first paper, by Professor Randall Ripley of Ohio State University, is a description of the nature of Congress and the priorities of its members which militate against strong policy leadership. Despite restraining factors, there are a number of functions which leadership could perform which would tend to create more integrated policy decisions. The policy committees are identified as the most likely and available institutions for this purpose. The paper goes on to explain how the new policy process would work.

First, it should build "on an already existing procedural base" the leadership's scheduling function. Second, it should be partisan, because the leadership is party leadership. Third, it should be selective because the volume of Senate business precludes exhaustive analysis of every issue. It should draw on existing analytic resources rather than trying to do most or all of the analysis itself. It should act as liaison between the standing committees and the support agencies. Finally, it should "be perceived as generally non-threatening to the interests of individual Senators."

The functions to be included in the new role of the policy committees are the following: scheduling of floor business, which should be made more far-reaching so as to include "a rough roadmap" for an entire Congress or at least an entire session; agenda-setting, based on the identification of "problems that were likely to become central and critical over the next five years"; research and analysis—a blend of in-house, off-the-shelf, and contract work; liaison—with party units in the House, the standing committees, the support agencies, and outside groups; development of party positions; and committee management, a "much trickier" function which would, if successfully implemented, "include influence over the scheduling decisions of committees, the agenda-setting decisions of committees, and the nature of subcommittee structure in jurisdictional terms."

In the first of two studies, Professor Charles Jones of the University of Pittsburgh assesses this century's Senate leaders and concludes that in the main they confined themselves to procedural functions such as

the scheduling, leaving substantive questions to the standing committees. The exception was Lyndon Johnson.

Next, Jones turns to the party organizations and finds that they have not often been used "for developing programmatic initiatives or conducting cross-cutting policy analysis," although the Republican Policy Committee has been "slightly more substantive" than its Democratic counterpart. In his view, this is as it should be. "Strong substance-oriented policy leadership by party leaders is neither possible nor desirable in the United States Senate." Nevertheless, some increase in leadership's intervention in the policy formulation process would be beneficial; toward that end Jones lists techniques that might be used. They call for a more active role in problem identification, mobilization of research manpower, and encouragement of joint work on cross-cutting issues by committees.

The second of Jones' papers deals exclusively with the minority party, with special emphasis on its leadership. Criteria for judging the capabilities of a minority leader are enumerated, and the function of the minority is defined as being "constructive and articulate opposition" to the initiatives supported by the majority. Jones concludes with six recommendations, which include a call for organizational changes to enhance the role of the minority leader.

The paper prepared by Professor Donald Robinson of Smith College focuses on the Democratic policy committee. After reviewing the history of the committee's formation in 1946 and its functioning through the next three decades, the paper concludes that it has not played a significant policy-making function to date. At this time, however, the traditional "centrifugal and disintegrative" pattern of Congressional decisionmaking must be altered, for "positive government must be coordinated and controlled." The Senate has made some progress toward that goal through increases in the staffs of the standing committees and support agencies, but it "still lacks . . . responsible political guidance at its own center."

It is Robinson's view that the policy committee could be a force for integrating policy but not unless the Majority Party Senators as well as leadership wanted it. The paper contains an important appendix analyzing the various geographical and political backgrounds of Senators on the policy committee and the need to consider such factors if the policy committee is to provide policy leadership.

The paper by Frederick Hayes, a consultant in public administration, describes with several examples how the legislative process has had to contend with increasingly complex issues and a corresponding increase in shortcomings. The shortcomings derive in part not only from limitations on our ability to predict the future but in some instances on the failure to use projection techniques that are available. Hayes suggests that shortcomings in policy decisionmaking will get worse in the absence of a regular and systematic effort to address costs, benefits and effective alternatives. Identifying the problem does not mean we can do better, but we certainly must try. He suggests several areas where Senate leadership might insure improvement, even if such improvement is incremental. Using examples of health and welfare programs, he asserts that the quality of certain major legislation might have been improved if projection techniques had been applied at the outset. The use of this and other kinds of policy analysis

"will require a stronger, more extensive leadership role and, with this, an expansion of the resources serving the leadership and the Senate as a whole," he concludes.

Allen Shick of the Congressional Research Service, Library of Congress, prepared a paper for *Policy Analysis* in 1975, reprinted here because of its relevance. Schick sets forth the conditions of the legislative process which limit the use of high quality policy analysis by the Congress. He suggests that there are a number of circumstances which appear to be increasing the demand for analysis, particularly in the event that Congress wants to assert its capability for independence (from the executive branch) in the development of policy decisions. The increase in Senate staff is itself a basis for more analytic work. The problems of support agencies as suppliers "in a weak market" of analysis are examined in detail in a context of suggestions that a new agency be established.

Richard Royce, a consultant and former staff director of the Senate Public Works Committee, believes the Senate (and the Congress) will contrive to suffer erosion of authority with a consequent weakening of representative democracy if it fails to develop a capability for better decisions. Royce describes two efforts made by congressional committees to relate policy decisions to the larger world beyond such committee's jurisdiction subject matter. Royce proposes a leadership level committee including committee chairmen to handle functions presently handled by the policy committees plus policy analysis and research management.

The next paper, by Professor Jack L. Walker of the University of Michigan, deals with agenda setting and the role of activist, entrepreneurial Senators in the process. A statistical analysis of legislative initiatives in the post-World War II Senate discloses an increasing tendency throughout this period toward legislative activism among young, liberal Senators from the larger, more politicially competitive states. He describes legislative entrepreneurism, and the factors which determine what gets on the Senate's agenda, and the ebb and flow of Senate attention to various issue areas.

The last paper, by Walter Kravitz of the Congressional Research Service of the Library of Congress, concerns the relationships of the party leaders of the House and Senate and as an element in better policy coordination.

The paper begins with a summary of the views of those who contend that there is significant room for improvement in Senate-House relations. Their position is that greater coordination between the branches would be conducive to development of more coherent policies, increase the efficiency of the legislative process, strengthen the Congress relative to the President, and increase accountability, party responsibility, and credibility. Subsequently, the counterarguments are set forth. The focus is on the arguments for and against more centralized leadership. The paper also contains a detailed description of relations between Senate and House leaders in the postwar era and concludes with a discussion of three possible strategies for change.

PARTY LEADERS, POLICY COMMITTEES, AND POLICY ANALYSIS IN THE UNITED STATES SENATE

By Randall B. Ripley

The argument of this paper can be summarized quite simply:

1. The nature of Congress militates against a strong role for party leaders, especially in terms of using policy analysis to support substantive policy leadership.

2. There are, however, important opportunities to be explored if party leaders want to increase their substantive policy role (including their role in both providing and using policy analysis) despite the constraints created by congressional practices, norms, and incentives.

3. In the Senate the Policy Committees give party leaders an institutional peg on which to hang an expanded role in substantive policymaking for themselves.

4. Careful attention by party leaders to a modest expansion of Policy Committee staff will help give some reality to the possibility of a more substantive policy role by the committees.

The sections that follow flesh out this argument by focusing on the context for a leadership role in policy analysis, the potential role of the policy committees as adjuncts to leadership, and the staffing of the policy committees for an expanded role.

The Context for a Leadership Role in Policy Analysis

In an essay of this kind there is neither room nor inclination to attempt a complete statement of the contextual factors surrounding the possibility of an expanded role for Senate party leaders in the provision and utilization of broad-gauged policy analysis. But the general outlines of the context can be sketched.

What follows will first comment briefly on the major characteristics of Congress as an institution and on the characteristics of members of Congress. These provide the context for anything taking place or proposed for the Senate and House. Then the contexts of two separate phenomena within Congress—party leadership and policy analysis—will be discussed. Finally, it will be argued that within the constraints there is still considerable latitude for an expansion of the leadership role in providing and using policy analysis.

The Nature of Congress and Its Members

Several facets of Congress as an institution are particularly relevant to the role of the party leaders in policy leadership.

First, Congress is, by design, pluralistic. In order to provide access for the many interests in a large and diverse society like ours and to cope with a mammoth agenda, responsibility for action (or inaction) and influence over outcomes is diffused throughout Congress

to a variety of individuals and groups (especially the standing committees and subcommittees). But the exact form of the pluralism at any given time is not fixed. It can take, and has taken, many different shapes.

Second, Congress is a partisan body. Despite blurring of party lines on most votes, despite the lack of party positions on many issues, and despite the functioning of many committees and subcommittees with a minimum of partisanship, there are still many times when the simple fact of formal party identification is critical in determining both a final legislative decision and its details. Partisanship is even more important on procedural matters.

Third, Congress is capable of conscious, self-directed change. Like any institution it changes in part in response to outside forces. But it also has a demonstrated capacity for considering internal institutional change in a rather orderly way and acting—sometimes effectively, sometimes not—to bring it about.

Fourth, Congress is powerful and important in terms of the substantive agenda it handles. It considers virtually everything in which the Federal Government is involved. More important, it need not be a rubber stamp on any issue for any other person or institution in the policymaking process if it does not want to be.

Several characteristics of the individual Members of the Senate and House are also particularly relevant to the position of party leaders as potential policymaking leaders.

First, Members are election-oriented. Most of them want to retain their seats, and a great deal of their activity is aimed at achieving that result. Most of the choices that confront Members are looked at in part from the standpoint of their potential impact on the next election.

Second, Members have created and sustained a set of norms for decisionmaking founded on bargaining and compromise as the normal and preferred way of doing business. Bargaining and compromise takes place not only between Members as individuals but also between Members in special roles (committee chairmen, subcommittee chairmen, whip, majority leader, delegation dean, and so on), and also between Members and persons from outside Congress (bureaucrats, interest group representatives, the President, home state newspaper editor, home state party leader or public official, and so on).

Third, Members do care about policy. This concern may come from a variety of motivations (Fenno, 1973, suggests, for example, that committee assignments may be sought to maximize reelection chances or to influence substantive policy, presumably because of personal interest in the subject matter) but in some ways the motivations do not matter. What matters is that Members care about substantive outcomes. These outcomes are far from being their exclusive concerns, but they are often important concerns and rarely totally absent.

Fourth, Members care about their standing in their parties. This concern varies over time and is stronger among Representatives than among Senators, but it is rarely absent altogether for any Member of either house.

Fifth, despite some grumbling and discontent, most Members are or want to be proud of Congress as an institution. They develop a personal stake in having an institution to which they can be loyal.

Many observers of Congress look at the above factors (and others) and conclude that there are inevitable patterns of behavior in Congress that cannot be overcome. These patterns are often alleged to prevent party leadership from playing much of a substantive role. They are also alleged to lead virtually all Members of the Senate and House to reject serious policy analysis as a meaningful input to their decisionmaking. Oddly enough, what is proclaimed to be "inevitable" also turns out to be identical with whatever exists at any given time; earlier patterns of behavior and institutional arrangements are usually ignored.

To be sure, some of the above characteristics do limit policy analysis and substantive policy leadership by party leaders, but they do not absolutely prevent either from occurring. The characteristics produce tendencies and create a context. What is often forgotten is that tendencies are not inevitabilities and that any context offers opportunities as well as constraints.

The Nature of Party Leadership

Throughout virtually all of the 20th century there has been a constant tension between those wanting a more important role for the party leadership and those wanting more autonomy for standing committees. On balance, more committee autonomy has been achieved, often at the expense of the influence of the leaders.

However, the situation is more complicated than a simple zero-sum balance between leaders and committees. There have also been demands for more influence for individual Members of the Senate and the House and, at the same time, there have been demands for more aggressive and active leaders (often by Members other than the leaders themselves). In some ways the demands for more autonomy for individual Members and more influence for party leaders are not contradictory. Much as those thinkers attempting to weaken feudal controls in 17th and 18th-century France linked the cause of individual freedom to a powerful monarchy acting against the nobility, so a number of persons in Congress have linked an increase in the importance of individual Members to a simultaneous increase in the importance of the leadership. Those from whom power is to be taken are the committee chairmen, the counterparts of the nobles.

There are problems in maximizing the influence of individual Members and party leaders at the same time, but there are also ways in which the two goals can be pursued simultaneously and serve to support each other. Strong leaders are needed if individual autonomy is to be aggregated into important impact on policy. If Members are content with limited influence over relatively small aspects of policy, strong leaders may become irrelevant and perhaps threatening. What is critical is the degree to which large numbers of Members seek to influence policy. Individuals by themselves cannot have much impact on policy. Those who want broader impact must find some method of aggregating their concern while not negating their individual importance. On balance, strong committee chairmen have not proved helpful to this goal.

The other option that some have taken is to look to aggregation through a strong caucus. But a caucus probably cannot operate with much impact without strong leadership of its own. In short, Members of the House and Senate desiring enhanced individual influence on

policy are likely to face the necessity of worrying about institutional influence over policy for the Senate or the House, or Congress as a whole. One major option for providing that institutionalized influence resides with the party leadership.

Many changes in recent years have created a situation in which individual Members of the Senate and House can, in fact, pursue their own policy ends without being hostile to strong leaders. Indeed, in part they look to strong and active leaders for help (see Stewart, 1975, and Jones, 1976).

Strong leadership, however, has yet to emerge. Jones (1976:263) sums up the situation succinctly: "Whereas recent reforms have provided a greater potential for strong party leadership in Congress than at any time since 1910, seldom have leaders been as unassertive as Speaker Carl Albert and Senate Majority Leader Mike Mansfield." For those who think that party leaders have some potential role in policy leadership, Davidson (1976:305) puts the problem very well: "Party leaders, although stronger on paper than in the Rayburn-Johnson days, lack the political resources to induce coordination among the work groups, much less the analytical resources to foster coordination of policies." The question that remains is whether the political and analytical resources that are available can be used to their full potential to change this situation.

Policy Analysis in Congress

One does not need to espouse the view that Congress can and should suddenly become a paragon of analytic capacity and utilization. It is enough to point out that Members of Congress have already shown considerable interest in developing and using analytic capabilities and that the presence of such capabilities could have important impacts on policy choices. (See, for example, Havemann, 1976. For the contrary argument, that meaningful policy analysis of important issues in Congress is impossible, see Dreyfuss, 1976.) Schick (1976:233) reaches a balanced conclusion based on a detailed and persuasive argument: "For Congress, analysis is a sometime thing. The five propositions set forth in this article point to increased receptivity to analysts and their work on Capitol Hill. Yet most of the legislative process continues to be driven by nonanalytic forces. The balance between analysis and other factors will be struck differently for different times and issues. . . . Congress is not likely to become either captured by or alienated from analysis. The argument that Congress will not become a major user of analysis is as untenable as the position that a new analytic era is just over the horizon. The more reasonable conclusion is that the supply and demand for analysis will depend on a number of circumstances."

Leaders and Policy Analysis: Room for Expansion

What conditions generally seem to allow expansion of the leadership role in promoting and using policy analysis? Some of these conditions stem from the nature of Congress outlined earlier. Some of them stem from the central characteristics of the Members outlined earlier. And some stem from current circumstances.

A. The Nature of Congress

1. The pluralistic character of Congress means, among other things, that policy analysis comes from many sources. (See Schick, 1976:229)

This creates limits on what the leaders can reasonably be expected to do in providing authoritative analysis, but it also creates opportunities. Congressional leaders can be both clients for analysis done by a variety of agents and a source of analysis for others, that is, by passing along the results of studies they have commissioned.

2. The partisan character of Congress helps give legitimacy to the efforts of party leaders in any field of endeavor and would also legitimize any attempts of theirs to provide useful policy analysis.

3. The fact that Congress is capable of conscious and directed institutional change, coupled with the obvious interest in providing greater analytic capability, suggests that modest institutional changes sponsored by the leaders in the direction of more analytic capability would have a good chance of winning support.

4. The fact that Congress is important and powerful in a substantive policy sense means that there are good reasons for Members to worry about how to increase the analytic capacity of Congress. Additional expertise could, in fact, result in at least incremental policy changes.

B. Characteristics of the Members

1. The fact that many Members care about the substance of policy means that they will be receptive to policy analysis. It does not mean that they will act on the basis of analysis alone (an unrealistic expectation, given both the dedication to reelection and bargaining style that are the hallmarks of congressional decisionmaking), but it does lead a large number of Members to take analysis seriously.

2. The fact that individual members care about their standing in the parties gives some extra legitimacy to the efforts of party leaders to communicate information to Members. If that information contained some policy analysis there would be a tendency to see analysis as worthy of attention too. (Since concern for party standing is stronger in the House than in the Senate, however, this may not provide much support for Senate leaders' efforts to improve policy analysis.)

3. Having an improved capacity to analyze policy could become an additional source of pride in Congress for some Members, many of whom appear to have a genuine interest in strengthening the institution.

C. Special Current Conditions

1. Party leaders, particularly those of the majority party, have a universally recognized and at least partially authoritative role to play in the scheduling of business for floor action. This means that they have a natural entry point into the broader task of agenda-setting. The leaders could begin to develop their scheduling power into more of an agenda-setting function and could combine some provision for policy analysis with setting the agenda. Naturally, if the leaders restrict their scheduling and agenda-setting to the floor (instead of extending these activities to committees) these functions will always be attenuated, but they are still a natural entry point for more policy analysis.

2. In the last few years Congress as a whole and key Members of both houses have demonstrated increasing interest in reducing their dependence on the executive branch. If this desire continues, party leaders can help create the conditions under which less dependence is possible. One of these conditions would certainly be to provide a greater degree of independent policy analysis. (The desire for such independ-

ence becomes more problemmatic when a Democratic President is elected with a Democratic Congress, but it need not automatically vanish.)

The Potential Role for Senate Policy Committees as Adjuncts to Policy Leadership

Thus far it has been argued that it is not unrealistic to think about expanding the substantive policymaking role of congressional party leaders. The rest of this paper focuses on a single question: what role can the Policy Committees, and particularly their staffs, play in assisting the leaders in increasing their substantive policymaking role, in part through an improved analytic capability? In large part the Policy Committees and their staffs have been chosen as a focus because they exist and because they seem so underutilized, despite their name and the hopes of their designers. They also seem admirably suited to perform a number of policy-related functions that can enhance the leaders' impact and, given their closeness to the leaders already (particularly in the case of the Democrats), a move by the leaders to use them to obtain greater analytic input would not be seen as an unnatural expansion of leadership activity by most Senators.

In the discussion that follows the nature of an expanded policy analysis function for the leaders will be considered in general terms. There is also a discussion of some specific functions that the leadership, working with the Policy Committees and their staffs, might perform,

Nature of an Expanded Policy Analysis Role for Leaders

I have already suggested that considerably more policymaking activity by party leaders in the Senate is feasible. I also hold it to be desirable. But there is not much use in considering the desirable if it is not feasible. Fortunately, in this case, I think that in large measure the attributes of both a desirable and feasible policy analysis role for party leaders coincide. Specifically, I would argue that a desirable and feasible role should possess six major attributes:

1. It should be built on the already existing procedural base. The simple fact that the Democratic leader and Democratic Policy Committee already have the floor-scheduling function should be viewed as an asset. Substantive aspects of policy analysis can be added to this essentially procedural task. Even in the leanest of times the power of party leaders over the scheduling function has remained virtually unquestioned. The procedural aspects of party leadership will always remain at its core; the leaders, therefore, should judiciously weave substantive, policy-related functions into their procedural ones.

2. It should be explicitly partisan in the sense of being tied to party machinery. This does not mean that all analysis should be partisan in the narrow sense of pitting Democratic against Republican alternatives. But it does mean that it makes much more sense to tie expanded policy analysis to partisan machinery. The leaders, after all, are chosen by and responsible to their respective parties. Partisanship and policy analysis are not incompatible. Analysis is rarely neutral, and there is no reason why its inherent nonneutrality should not be placed in the service of a political party as well as in the service of interests defined in any other way.

3. The leaders' policy analysis role must be selective. There is little point in pretending that they can do everything. A remark by Schick (1976: 229) in another context is appropriate here: "As the most pluralist of institutions, Congress must draw analytic sustenance from many sources * * *." That will continue to be true. This means on the one hand that it would be foolish and unprofitable for the leaders or anyone else to imagine that they can establish a monopoly on the analysis being provided to Congress. But it also means that there is no reason why the leaders themselves cannot select some important aspects of policy analysis and get into the game of providing "analytic sustenance."

4. The policy analysis role of the leaders should be synthetic. That is, not only should they not pretend to be able to provide all or most of the useful analysis but also that they should use existing analytical resources and synthesize the output of those resources as well as attempting to provide some new increments of analysis.

5. The leaders' role should also be coordinative. That is, the leaders need to focus both on disseminating information to other important actors in the senatorial environment and collecting relevant information (including analysis performed) from them. This requires constant leadership relations with the standing committees and subcommittees. It also suggests that close relations should be developed with the policy support agencies for Congress (Congressional Budget Office, Congressional Research Service, General Accounting Office, and Office of Technology Assessment) and with support agencies outside Congress.

6. Finally, the leaders' role should be expanded in such a way as to be perceived as generally nonthreatening to the interests of individual Senators. Ideally, in fact, the expanded role should be seen as supportive of some individual aspirations. For example, it might be argued that when party leaders provide good policy analysis they help individual Senators to function more intelligently in their legislative activities, which may mean increasingly favorable notice by the media. Such notice is flattering to senatorial egos and can be presumed to make renomination and reelection somewhat easier.

Given this list of desirable characteristics for an expanded leadership role in policy analysis, it seems to me that placing the Policy Committees and their staffs at the core of such a role makes good sense. First, in the case of the Democrats the Policy Committee already performs in the key procedural area of floor scheduling. To the extent that the minority party gets involved in floor scheduling it would seem easy to assign the activity to the Republican Policy Committee. Second, both Policy Committees are by definition partisan. Third, the Policy Committees necessarily will have to be selective about what they do in providing policy analysis since they are small committees with small staffs and many competitors. Fourth, they seem ideally suited—as both extensions of the leadership and at the core of their respective parties—to be both synthetic and coordinative. Finally, given their history of nonthreatening (some would say somnolent) existence, they would probably start out with some reservoir of tolerance among individual Senators. If they expand their activities carefully in support of a greater policy analysis role for the leadership they need not become threatening. By the same token, they should be

able to devise ways of being of use to individual Senators without abandoning the cause of more active and aggressive policy leadership by the party leaders.

Functions To Be Performed

What should expanded Policy Committees (and expanded staffs) do? Thus far I have tried to point out the environmental constraints on the committees and their staffs, but I have also tried to suggest that there is considerable latitude within the constraints. If that is the case and the Policy Committees and party leaders are not living in a deterministic world (and I see almost no evidence that they are), how should that latitude be used?

There are many ways of conceptualizing the functions that might be performed. Rather than listing a large number of functions I have identified six major areas of activity in which the Policy Committees and their staffs might engage. They are currently involved in only two of these in any significant way. Five of these areas seem open to almost immediate expansion of Policy Committee activity, since expansion would not be particularly threatening to the normal way of doing Senate business. The sixth is a trickier area in which actual or perceived threats to the interests of a variety of Senators are no doubt greater.

1. Scheduling of Floor Business.—The Democratic Policy Committee is already performing part of this function. Scheduling will, no doubt, always be more important for the Policy Committee of the majority party, which bears the major responsibility for Senate scheduling. But this function can also be expanded. Instead of focusing exclusively on short-range questions, such as "what shall the Senate do next week?" the Policy Committee could develop a schedule for an entire Congress or an entire session. No doubt the realities of business in the Senate would necessitate a considerable number of adjustments during the course of a 1-year or 2-year period but at least a rough road map could be issued at the outset. This would serve to articulate the leaders' views on which issues were ready for decisionmaking and would help develop support for those views within the party because of the Policy Committee's endorsement.

2. Agenda-setting.—The broader version of scheduling is a form of agenda-setting. However, there are also other aspects to an agenda-setting function for the leadership and the Policy Committees. One primary aspect would be to identify problems that need attention of a serious kind—probably by engaging in research on them—even if they were not ready for floor action. This would require some modest forecasting on the part of the leadership in terms of being able to see problems likely to become central and critical over the next five years, not just in the immediate future. Different items would be at different stages on the agenda. Some might be nearing committee action and therefore would need to be scheduled for floor action. Some might be in the beginning stages of identification. Some might be in the middle of the research and analysis phase.

To the extent that Presidential programs seek to identify issues likely to become important in the next few years the Policy Committees also could serve as mechanisms through which party leaders responded to the President's vision of the intermediate future. The committees could underscore his identification of some issues, put their

own stamp on others, suggest that some issues he had identified were not likely to become important, and identify other issues they thought he had missed altogether. This would allow them to begin to order their own priorities, whether in agreement or disagreement with presidential priorities, at an earlier and less frenzied stage than is usually the case now.

Policy Committee staff could play an important role in this agenda-setting. In addition to their work in responding to the requests of the leadership committee members, staff members might take part in such experiments as chairing staff task forces from several agencies in agenda-setting exercises. Such ad hoc staff task forces might include individuals from the Office of Technology Assessment, the Congressional Research Service, the Congressional Budget Office, and nongovernmental research institutions, such as the Brookings Institution and various universities. OTA, CRS, and CBO personnel would, of course, have to be available to the Policy Committees of both parties and could not make partisan judgments. But the products of such ad hoc task forces would be transmitted to partisan leaders and Policy Committees for them to cast in their own terms, which would be at least partially partisan.

3. Research and Analysis.—The research and analysis function would be closely related to the agenda-setting function. Research and analysis could help identify issues that ought to be put on the agenda; items already on the agenda would become prospective candidates for research and analysis.

Research and analysis could focus on both the beginning and the end of the policymaking process. Thus a considerable amount of research and analysis would focus on investigating the shape of a problem area and the nature and consequences of different options. Research and analysis would also focus on the description of trends suggesting the emergence of a problem area at some time in the future and the possible solutions that might be investigated. At the other end of the policymaking process, solutions (programs) already being tried would be evaluated and appraised.

Research and analysis could be carried out in four different ways simultaneously:

First, the staff could prepare syntheses of existing research findings applicable to a given problem area. The staff also could perform the political intelligence function of preparing syntheses of views held by important individuals on the seriousness of the problem and the best solutions. In undertaking this type of effort staff members might experiment with the cross-institutional task force arrangement described above. One result of this type of endeavor would be identification of areas requiring more research.

Second, the staff itself could engage in some limited research efforts of its own, or take the lead in working with ad hoc task forces engaged in research. The independent policy research and analysis capability of the staff would, properly, be limited. But it would be useful and important for such capability to exist. The leadership and the Policy Committee might want a different perspective on a problem. Or there might be situations in which the need to meld together the research and analysis of many outside individuals would be particularly difficult or could not be started in timely fashion, necessitating independ-

ent research and analysis capability, at least for short periods of time. Furthermore, staff members should have their own analytic credentials in order to maintain the respect of the outside research and consulting community. What is frequently found now are cavalier attitudes among outside consultants when dealing with either legislative or executive branch research facilitators.

Third, Policy Committees could be given sufficient funds to allow them to contract out a modest amount of high-priority research in cases in which they felt they needed either another viewpoint or skills that were unavailable within the congressional setting.

Fourth, all of the above activities would give the committees and the leadership some capacity for making suggestions about how the whole congressional research and analysis apparatus ought to proceed in terms of priorities. A feudal-like autonomy now dilutes the impact of the total congressional research operation.

4. Liaison.—The Policy Committees and staffs could link Senate scheduling, agenda-setting, and research and analysis activities to the activities, preferences, and interests of other important persons and institutions with which the Senate must, or should, interact. Various types of liaison activity would be useful to the Senate in developing its capacity to handle policy questions with improved analytical input.

First, the Senate Policy Committees should effect liaison with their partisan counterparts in the House. Such liaison would be profitable particularly if the House Policy Committees also undertook to expand their analytical capacities. But even without parallel developments in the House, liaison efforts could provide another link between leaders in the two chambers that would help to circumvent the delays and frustrations of bicameralism.

Second, liaison activities of several different kinds should be effected with the congressional support agencies—GAO, CRS, CBO, and OTA.

Third, liaison could be effected with groups outside of Congress (other than the executive branch) with research capabilities. This could include liaison with specific organizations, such as research institutions and university-based centers. It could also include greater interaction between Policy Committee staff and members of the research community at professional meetings and conferences.

Fourth, liaison could be effected with the staffs of the standing and special committees and subcommittees of the Senate. There is considerable talent on these staffs, and ideally Policy Committee staffs should both draw knowledge from and contribute knowledge to them. Obviously, a kind of territorial protectionism may surface in liaison attempts of this kind, making progress slow and sporadic. But links can be forged and mutually profitable relationships can be developed if the preliminary liaison work is done carefully.

Liaison with staff members in the executive branch has been purposely omitted up until now. Given executive branch aggressiveness, this kind of liaison will not have to be fostered by the Policy Committees. If the Policy Committees become more important the executive branch will certainly initiate interaction. Although no moat need be dug between the Policy Committees and the executive branch it would seem prudent for the committees to take a restrained attitude toward interacting with executive branch staff members, no matter how expert. Executive branch experts constantly make their views known to

the standing and special committees and subcommittees and, presumably, are also behind the President's publicly articulated visions of broad policy priorities and solutions.

Liaison in a different sense could link the committees with the news media. This liaison would be aimed at getting media coverage of important congressional work on policy matters, now reported only spottily.

5. Party Position Development.—Party positions can be discussed and developed at any point in the policy process and, in fact, should probably be explicitly developed at several different points so there is a constant chance for further shaping of those positions. Some discussion and development will come in connection with agenda-setting, some may come in connection with specific scheduling decisions, some will come before research has been synthesized or taken place, and some may come in response to research findings.

The discussions of Policy Committee Members with each other, with the leaders, and with staff members leaves both Members and leaders better informed about conditions, facts, and options and also about each other's interests and intentions. Indirectly, Senators on the Policy Committee can then educate other Senators about the same conditions, facts, and options by talking with them (the Republicans already promote these ties by inviting all Republican Senators to Policy Committee luncheons).

The involvement of Members and staff in discussing possible party positions on various matters identifies for the leaders the areas in which further action is likely, those in which it would be possible only after considerable missionary work, and those in which the effort required may be too great to warrant it. Jones (1964: 139) reported that in the case of the House Republican Policy Committee, "the principal policy function is to discover a basis (both substantive and procedural) for consensus, or to discover that there is no such basis." This, hopefully, would not turn out to be the committees' principal function, but it would certainly be an important one.

6. Committee Management.—I would argue that aggressive but sensible leaders could move very swiftly toward using the Policy Committees in helping them perform most of the above functions. This sixth function is much trickier and would require much longer to implement. But relations between the leadership and the standing committees are also critical to what party leaders can hope to achieve in terms of substantive policy input (see Jones, 1975; and Ripley, 1974). Management of the standing committees by the leadership is not meant to imply control, but it is meant to imply selective points of influence over committee functioning. This would include influence over the scheduling decisions of committees, the agenda-setting decisions of committees, and the nature of subcommittee structure in jurisdictional terms. Management of the committee system (as opposed to management of committees separately) would also suggest that the leadership should have considerable influence in arranging ad hoc committees (composed of the members of several different standing committees with overlapping interests and jurisdictions) to consider broad problems.

Staffing the Policy Committees for an Expanded Role

The job of the Policy Committees' staffs will, of course, be defined by the functions performed by the committees. In the section that follows it is assumed that the committees will perform at least the first five functions discussed previously and will at least have the capacity for moving into the sixth function on a gradual and selective basis. I have five specific prescriptions that seem sensible to me at this point.

1. The Policy Committees should not have large staffs. I have no magic number to prescribe but I would not conceive of these staffs as large new parts of the congressional bureaucracy. The quality of the staff members and their skills would be far more important than numbers.

2. Staff members should be appointed by party leaders on the basis of professional norms, not on the basis of either the formal or informal patronage of individual senators. Naturally, the leadership will consider personal recommendations from Senators, but the norm used in making final choices must be a professional norm that works against loading the staffs with political hacks and glorified clerks who turn out to be drones. In a policy sense the staff should be especially responsive to the priorities of the party leaders personally and of the committee collectively. Individual Members of the committees should not be free to use the time of staff to pursue their own private visions of policy priorities.

3. There should be a permanent core staff composed neither of technical experts nor lawyers. Permanent staff should be broad-gauged and experienced in several senses. They should have a mix of policy experiences and familiarities. They should also have a mix of political (in the broad sense) experiences and political-diplomatic skills. Both analytic and diplomatic skills are required if the committees and the leadership are going to be successful in expanding their analytic roles in ways that have any importance to individual Senators and to the Senate decisionmaking process. These permanent staff members need to be sophisticated about personal relations in general, and some of them should know a good deal about the Senate as an institution from personal experience. They also need to have broad perspectives on policy problems facing the country.

4. The permanent staff could be temporarily expanded for special studies in given substantive fields. This would mean bringing specialists onto the staff for periods of time ranging from a few months to several years. These specialists would not be as numerous as the technical experts in other congressional or executive institutions but they could serve as conduits in dealing with other experts and could also serve to check on the substance of information received from other sources.

5. The recruiting net should be cast wide for both permanent and temporary staff members. Sources would include Senate personal staffs, Senate committee staffs, executive agencies, interest group staff, universities, independent policy analysis institutions, and other congressional support institutions. Permanent staff would probably have to come from the first two sources and probably should not come from the congressional support institutions, which do not have an oversupply of analytical and research personnel. Temporary staff could come from all of the above sources.

Final Thoughts

Despite constraints interpreted by some to be fatal to a policy analysis role for congressional leaders and Policy Committees, I would argue that the confusion and pluralism of Congress creates opportunities for the leadership and the Policy Committees to contribute incrementally—but importantly—to the total policy analysis capability of Congress. Ideally, the expansion of the Policy Committees would be tied to other changes in the position of the leaders that would put them in a stronger position. (For some specific suggestions related to what is contained in this paper see Jones, 1975; Ripley, 1974; and Ripley, 1975). But it is also feasible and I think useful to pursue expansion of the Policy Committees' role in the Senate (and to increase staff support for that expanded role) regardless of whether or not the other changes are made.

The party leaders in the Senate are undoubtedly legitimate as purveyors of some semblance of procedural order. By building on this procedural base they can help provide a greater semblance of substantive order too.

August, 1976.

References

Davidson, R. H. "Congressional Committees: The Toughest Customers." *Policy Analysis 2* (Spring, 1976) : 299–323.

Dreyfus, D. A. "The Limitation of Policy Research in Congressional Decision-making." *Policy Studies Journal 4* (Spring, 1976) : 269–274.

Fenno, R. F. *Congressmen in Committees.* Boston: Little, Brown, 1973.

Havemann, J. "Congress Tries to Break Ground Zero in Evaluating Federal Programs," *National Journal* May 22, 1976 : 706–713.

Jones, C. O. "Why Congress Can't Do Policy Analysis (or words to that effect)." *Policy Analysis 2,* Spring 1976, 251–264.

———. "Somebody Must be Trusted: An Essay on Leadership of the U.S. Congress," in N. J. Ornstein (ed.), *Congress in Change: Evolution and Reform.* New York: Praeger, 1975.

———. *Party and Policy-Making: The House Republican Policy Committee.* New Brunswick: Rutgers University Press, 1964.

Ripley, R. B. "Congressional Party Leadership and the Impact of Congress on Foreign Policy," in vol. 5 of Appendices to Report of the Commission on the Organization of the Government for the Conduct of Foreign Policy. Washington: Government Printing Office, 1975.

———. "Congressional Party Leaders and Standing Committees." *Review of Politics* 36, July, 1974, 394–409.

Schick, A. "The Supply and Demand for Analysis on Capitol Hill." *Policy Analysis 2* Spring, 1976, 215–234.

Stewart, J. G. "Central Policy Organs in Congress," in H. C. Mansfield (ed.), *Congress against the President.* New York: Academy of Political Science, 1975.

SENATE PARTY LEADERSHIP IN PUBLIC POLICY

By Charles O. Jones

Analysis of the policy role of Senate party leaders must begin with a consideration of the nature and limits of leadership in a democracy. Every tenet and reasonable definition of democracy complicates the task of leadership. Liberty encourages assertiveness on the part of the citizenry. Equality forces recognition of all legitimate groups in the society. Fraternity asks for a reaching out even to those whom one opposes. Majority rule has been developed as a means to overcome these complexities of democratic government. The founders of this Republic also feared the tyranny of the majority, however, and incorporated in the governmental structure many checks against it.

John Dewey expressed the democratic idea as that of "community life itself";

> Wherever there is conjoint activity whose consequences are appreciated as good by all singular persons who take part in it, and where the realization of the good is such as to effect an energetic desire and effort to sustain it in being just because it is a good shared by all, there is in so far a community. The clear consciousness of a communal life, in all its implications, constitutes the idea of democracy.[1]

To project the notion of community—with its emphasis on awareness, knowledge, communication, understanding, justice—on a national scale over a large land mass is indeed a noble experiment. However worthy the effort might be judged, it must be acknowledged that it creates very special leadership problems. How simple by comparison is the challenge facing leaders in authoritarian political systems. Alexis de Tocqueville drew an interesting comparison during his visits in the 1830's that remains valid today (and particularly in this bicentennial year of high politics) :

> On passing from a free country into one which is not free the traveler is struck by the change; in the former all is bustle and activity; in the latter everything seems calm and motionless. . . .
>
> It is not impossible to conceive the surprising liberty that Americans enjoy; some idea may likewise be formed of their extreme equality; but the political activity that pervades the United States must be seen in order to be understood. No sooner do you set foot upon American ground than you are stunned by a kind of tumult; a confused clamor is heard on every side, and a thousand simultaneous voices demand the satisfaction of their social wants.[2]

---

[1] John Dewey, *The Public and Its Problems* (New York : Holt, 1927), p. 149.
[2] Alexis de Tocqueville, *Democracy in America* (New York : Knopf, 1945), p. 249.

Seeking to create a national community is obviously neither a calm nor a tidy adventure.

Clearly leadership under these circumstances must be justified on grounds other than divine right, aristocratic heritage, or some other concept. By definition leadership in this communal setting of free political activity is highly dependent on what goes on within, not outside, the community. In his brilliant essay on democratic leadership, T.V. Smith observed that, among other things, science went on inside the American democratic community. (John Dewey would have said that it must, for a community to exist.) And science prevented a cult of leadership from emerging.

> Science has discredited this type of [absolute] leadership by the simple process of revealing that nature is too tough to be subdued by phraseology and of showing that it is impossible for any one man to know as much about the natural conditions of human welfare as these spectacular leaders of the past ought to have known in order to fulfill their promise.[3]

How fitting for democracy as community. As Smith concluded, "the crucial test of democracy is the health of science under its patronage. . . ." [4] But science also suggests a different style of democratic leadership—"a leadership of knowledge based on facts."

> It is of the specialistic piecemeal type. In order to know enough to lead here, I must choose to be relatively ignorant there. That means that the choice that makes me a leader here requires me to be a follower there. But I must demand of him whom I follow, even as he demands of me, that he shall not put either his prestige or his interests between me and the facts. This clearly means that in a civilized society, every man must be a follower in many fields. For he who today thinks to speak with authority upon things in general remains a fool at home.[5]

One may justifiably ask why a paper for a Commission with very practical goals should begin with a theoretical discussion of democratic leadership. The answer is simply that too many prescriptions for legislative reform are based on inapposite assumptions about what can be achieved. Having initially outlined certain fundamental characteristics of the democratic order, we can now state a number of limiting conditions which are likely to influence any reforms which are enacted.

1. Democracy as community does not countenance absolutist leadership.
2. Democratic leadership is, and must remain, pluralistic.
3. Democratic leadership must facilitate those processes likely to complicate decisionmaking—e.g., public education, growth of expertise, group access to government.

As a consequence of these conditions, one expects democratic political leaders to be oriented more to such process functions as creating organizations and procedures, facilitating communication, supporting research and inquiry, scheduling work, estimating majorities, deter-

---

[3] T. V. Smith, *The Democratic Way of Life* (Chicago : University of Chicago Press, 1926), p. 185.
[4] T. V. Smith, *op. cit.*, p. 191.
[5] T. V. Smith, *op. cit.*, pp. 189–190.

mining when conclusions have been reached. Accepting this proposition confines this discussion—particularly in terms of the recommendations likely to emerge. So let me say right now: I conclude that strong substance-oriented policy leadership by party leaders is neither possible nor desirable in the United States Senate.

The remainder of the paper will treat the nature of the Senate as a legislative body; the traditions of Senate party leadership; the relationship of Senate party leaders to party organizational, policy research, and analytic units; a set of process-oriented options for party leader involvement in policy development and implementation; and some recommendations which are hopefully consistent with the overall perspective offered here.

The United States Senate as a Legislature

First one must observe that the United States Senate is an extraordinary legislative body. Nothing quite like it exists anywhere in the world. Along with the presidency, this powerful upper chamber represents a unique American contribution to the art of self-government.

However, one cannot really analyze the functions of the Senate apart from those of the House of Representatives. For however different the two chambers, they form one Congress and function in response to, and in anticipation of, each other. If we think of Congress overall as the institutionalized comunity, i.e., the citizenry in state, so to speak, then it serves to inventory problems, discover acceptable solutions, and monitor their effective implementation.

As a practical matter there must be some means by which those with problems can be heard, proposals can be developed, the alternatives debated, conclusions reached, and oversight achieved. As it happens, both chambers have established procedures for accomplishing these ends but they differ in style and emphasis. In general, the Senate tends toward a more integrative, less parochial perspective. Debate and oversight are stressed somewhat more than in the House. But, of course, it is because of the specialized nature of House representation, policy development, and limited debate that the Senate is free to take the broader view. As Lindsay Rogers pointed out many years ago:

> The undemocratic, usurping Senate is the indispensable check and balance in the American system, and only complete freedom of debate permits it to play this role. Its power comes, in large part, from the guillotine to which the House of Representatives submits.[6]

But there is more to consider. The less well-defined channels and debate closures in the Senate encourage a special creativity which contributes mightily to American democracy. Nelson W. Polsby describes it thus:

> The essence of the Senate is that it is a great forum, an echo chamber, a publicity machine. Thus "passing bills," which is central to the life of the House, is peripheral to the Senate. In the Senate the three central activities are (1) cul-

---

[6] Lindsay Rogers, *The American Senate* (New York: Knopf, 1926), p. ix.

> tivating national constituencies; (2) formulating questions for debate and discussion on a national scale (especially in opposition to the President); and (3) incubating new policy proposals that may at some future time find their way into legislation.[7]

Clearly these functions must be preserved. They are presently nurtured in the Senate by norms which are seemingly undemocratic in character and thus tempting targets. T. V. Smith argues persuasively in *The Legislative Way of Life* that a major obstacle to be surmounted in legislatures is "the self with its natural egoism and its utopia-building reveries." The legislature must rise "as a triumph over selfishness." "It exists to serve selves, to be sure, but by their own enlargement."[8] The United States Senate has overcome this obstacle by subsuming it. Elsewhere I have described the Senate as "an institution based on 'functional self-indulgence'—a sort of adult Summerhill" characterized by self-promotion and permissive egocentrism. I concluded that such characteristics encourage imaginative policy searches and random innovation, and create a potential for intellectual debate of a high order.[9] Apparently little has changed over the years, for Lindsay Rogers in 1926 concluded that:

> A Member of the House of Representatives is a private in the ranks . . . Each Senator, on the other hand, is a staff officer—even a prima donna. He looks upon himself not as *primus inter pares* but as *inter stellas luna minores*.[10]

And very much as I judged the results as worth the peacockery involved, Rogers determined that, "Senators, perhaps, should not be taken too seriously, but the importance of the Senate must not be underestimated."[11]

The creation of an institution which capitalizes on egoism to serve the people was, in its own right, a most fascinating development in democratic government. But our interest here is in its effect on leadership. And it does not take much imagination to see that Senators are unlikely to accept strong leadership. Writing in the 1880's, Woodrow Wilson observed that political life in Congress lacked a "prize at its end" in the form of party leadership. The Speakership developed into such a prize with the Reed Rules, only to be cut in authority with the 1910–1911 rules changes. Recent reforms have restored much of the earlier authority and the office has once more become more of a prize "to attract great competitors." But there is no direct counterpart to the Speaker in the Senate. With a few exceptions (discussed below), Wilson's comments on the Senate remain descriptive today:

> Some Senators are, indeed, seen to be of larger mental stature and built of stauncher moral stuff than their fellow members, and it is not uncommon for individual members to become conspicuous figures in every great event in the Senate's deliberations. The public now and again picks out here and

---

[7] Nelson W. Polsby, "Strengthening Congress in National Policymaking," in Nelson W. Polsby, ed., *Congressional Behavior* (New York: Random House, 1971), p. 7.
[8] T. V. Smith, *The Legislative Way of Life* (Chicago: University of Chicago Press, 1940), p. 16.
[9] "Will Reform Change Congress," in *The Role of Congress II* (New York: Time, Inc., 1975).
[10] Lindsay Rogers, *op. cit.*, p. 254.
[11] Lindsay Rogers, *op. cit.*, p. 255.

there a Senator who seems to act and to speak with true instinct of statesmanship and who unmistakably merits the confidence of colleagues and of people. But such a man, however eminent, is never more than *a* Senator. No one is the Senator. No one may speak for his party as well as for himself; no one exercises the special trust of acknowledged leadership. The Senate is merely a body of individual critics, representing most of the not very diversified types of society substantially homogeneous; and the weight of every criticism uttered in its chamber depends upon the weight of the critic who utters it, deriving little if any attention to its specific gravity from connection with the designs of a purposeful party organization.[12]

Reforms directed to a stronger policy role for Senate party leaders must accommodate these conditions or fail.

Senate Party Leaders

Formal party leadership in the Senate is a relatively recent phenomenon—essentially a 20th century development—and thus is still being institutionalized. The most important position is, of course, the floor leadership post, though there are conditions under which the assistant leader or whip may also have significant influence. The potential for centralized party leadership is somewhat greater in the Democratic Party, given the fact that the Democratic floor leader chairs the major party committees and the caucus. Different individuals serve as heads of the various party units for the Republicans.

Professor Randall B. Ripley lists the following six major functions for Senate party leaders.

1. Help organize the party
2. Schedule the business
3. Get Senators on the floor for voting
4. Distribute information
5. Persuade Senators to follow their lead
6. Maintain liaison with the White House [13]

He properly observes that party leaders vary in how aggressive and consistent they are in performing these functions. Thus, for example, they may view these functions as primarily procedural in nature, i.e., the leader does little more than permit the party majority to realize itself. By this view, the party is organized to facilitate individual member expression, business is scheduled as the members want, Senators are kept informed of what others think, persuasion follows the emergence of a majority, the White House is kept informed of all these developments.

A more aggressive view would also be more programmatic or substantive in purpose. In this stance, these various functions are exercised toward accomplishing goals set by the leadership. The party is organized to suit their policy preferences, business is scheduled to facilitate movement of preferred legislation, information is developed and distributed to support leadership positions, persuasion is very

---

[12] Woodrow Wilson, *Congressional Government* (Boston: Houghton Mifflin, 1885), pp. 213–214.

[13] Randall B. Ripley, *Power in the Senate* (New York: St. Martin's Press), p. 24.

purposive, etc. We have already discussed whether the political and institutional context in the Senate would permit this more aggressive approach to prevail very often.

It might be helpful in thinking about the boundaries of Senate leadership to illustrate with cases from both ends of the spectrum just introduced. I emphasize that this spectrum does not necessarily represent degrees of strength and weakness in leadership. To speak of strong and weak leaders requires criteria for effectiveness in achieving some political or policy goals and I am not prepared to offer any such criteria here. Rather I am proposing to identify differences in style which are characteristic of specific leaders.

Among the Democrats, the spectrum is most dramatically illustrated by the last two floor leaders—Lyndon B. Johnson (1953–1961) as the more aggressive; Mike Mansfield (1961–1977) as the more quiescent. Of others, John Kern (1913–1917) and Joseph Robinson (1923–1937) tended to be more Johnsonian in approach (with emphasis on the "tended") and Thomas Martin (1911–1913; 1917–1919), Scott Lucas (1949–1951), and Ernest McFarland (1951–1953) more like Mansfield in style, with Oscar Underwood (1919–1923) and Alban Barkley (1937–1949) somewhere in between.

On the Republican side, the Mansfield side of the scale is over-loaded. Only Robert Taft (1953) and Everett M. Dirksen (1959–1969) begin to approach the middle of the scale. The other 10 who have held the formal post of floor leader in this century fall on the less active side. One really has to go back to Nelson W. Aldrich to find a Republican Senator as impressively active as Lyndon B. Johnson. However, Aldrich led the Senate from his position as Chairman of the Committee on Finance, not as floor leader.

Thus, it would appear that, in Johnson and Mansfield, we have represented the opposite extremes in floor leadership styles. What are the differences? How did the two leaders function? In comparing them, Robert L. Peabody begins by observing that "the primary role of the majority leader remains similar to that at its inception, namely, to program and to expedite the flow of his party's legislation." [14] So, in Peabody's judgment, the principal functions are procedural in nature, i.e., to keep business moving. But as was emphasized earlier, one may come at these tasks with programmatic purposes—and these may be derived from a number of sources, e.g., the standing committees, the President, the floor leader's own preferences, or possibly some party committee.

One major difference between Johnson and Mansfield was that the former aggressively pursued programmatic purposes. They were not necessarily his own, but at some strategic point he would make it clear where he thought the Senate should be moving on an issue. Peabody identifies several other specific differences in approach between the two men, as summarized below.

	Johnson	Mansfield
Policy Committee Operations	Actively controlled	Expanded and democratized.
Committee assignments	Involved and influential	Involved but permissive.
Leadership selection	Involved and influential	Neutral.
Staff	Expanded	Limited—a "tight staff."
Relations with Senators	Aggressive—the "Johnson treatment."	Permissive.

[14] Robert L. Peabody, *Leadership in Congress* (Boston : Little, Brown, 1976), p. 336.

These observations characterize how the two men carried out many of the functions listed by Ripley. However, it is difficult to develop a meaningful comparison on one very important function, that of maintaining liaison with the White House. For Johnson did not serve with a Democratic President and Mansfield did—indeed, with the forceful Johnson for five years. It has always been interesting to speculate as to how Johnson would have acted under an aggressive Democratic president.

What can be concluded from this brief review? First, party leadership can perform its traditional procedural functions in such a way that it has considerable impact on the substance of legislation. This suggests that there are openings for leadership to initiate, encourage, and facilitate more systematic policy analysis and evaluation. Second, historical evidence on Senate party leaders suggests that a Lyndon B. Johnson and a Nelson W. Aldrich are clearly exceptional. Put another way, it may be dangerous to draw too many conclusions about what is possible or likely from a study of the leadership style of Majority Leader Johnson. We may never see his like again. And that calls to mind the earlier discussion of the nature of the Senate and its constraining influences on independently active leadership.

Finally, as a concluding exercise, it might be useful to think of legislative party leaders in two dimensions: (1) the extent to which they depend on the party or president for determining programmatic initiatives and proposals—dependent, independent; and (2) the extent to which they attempt to pressure legislators into supporting proposals which emerge—aggressive, permissive. Four types would then emerge:

1. *Independent, aggressive*: The leader independently forms his own programs and aggressively pursues support within the Senate. As noted, one would seldom expect such a leader to emerge in the Senate (Nelson W. Aldrich may have fit this pattern).
2. *Independent, permissive*: While independently forming his own preferences and proposals, this type of leader permits a consensus or majority to emerge on its own (*e.g.* Mike Mansfield on many foreign policy issues).
3. *Dependent, aggressive*: While dependent on what the system produces, this leader is aggressive in pressing it into action and insuring output (Lyndon B. Johnson is the classic case).
4. *Dependent, permissive*: Again dependent on the system, this leader is permissive as to whether, when, and how the Senate acts (*e.g.* Mike Mansfield, on many issues, and most other Senate floor leaders in history).

Senate Party Organization

On paper, party organizational units of the Senate would appear to offer potential for policy direction and coordination. Each party has a policy committee, a committee on committees, and a caucus or conference. If we didn't know better, we could conceive of the party actually directing policy activities rather than awaiting the initiative of the standing committees and their chairmen. In this model, the policy committees would develop a specific program, the caucus would modify and endorse it, and the committee on committees (perhaps even the campaign committees) would be used as an effective force to punish

recalcitrant standing committee members and chairmen. Standing committees would serve party purposes.

The Democrats appear to have moved in this direction by having the floor leader serve as chairman of these various party units (except for the campaign committee). The Republicans, on the other hand, distribute these posts among different Senators. In fact, however, Democratic centralization versus Republican collegiality in leadership posts has not resulted in any great differences in policy direction and coordination. Neither set of units has been used frequently for developing programmatic initiatives or conducting cross-cutting policy analysis.

If the policy committees don't make policy, and the steering committees don't steer, and the conferences don't confer and consult, what do they do? Can they ever do these things? Are there conditions under which they are more likely to do them? It may be useful to consider each of the units in turn.

The Democratic Policy Committee has a membership of 10, including the floor leader, the whip, the President pro tempore, secretary of the conference, and six members appointed by the floor leader. The Committee itself serves in an advisory capacity to the floor leader for scheduling legislation. The Committee does not block bills from going to the floor, only advises on scheduling. The final decision rests with the floor leader in consultation with his counterpart in the minority. Quite naturally, then, the small Policy Committee staff serves primarily to keep track of legislation and develop the schedules. Scheduling is unquestionably a significant leadership function and can be used by an aggressive party leader for specific policy purposes. But at present scheduling is designed primarily to accommodate the needs of the standing committees, and is not employed as a means for achieving comprehensive policy review. It is questionable whether any such review is even possible to arrange at such a late point in the legislative process. If little or no direction is offered at earlier stages, then legislation arrives at the scheduling point as it will, not necessarily in a sequence facilitating cross-policy analysis or integrated policy development.

What if the Policy Committee were to influence when and what the standing committees take up? The seemingly simple task of scheduling business so as to facilitate floor consideration of related legislation is, in fact, highly complex and demanding. And if the Committee were to assume the even more challenging responsibility of developing a Democratic Party program, its staff would have to be enlarged exponentially. Given the fact that the Committee would then be assuming functions presently exercised by the standing committees, perhaps portions of their staffs could be transferred. The Policy Committee would be performing possibly the most important functions of any unit in the Senate and would require a highly specialized staff.

Are there any conditions under which either of these impressive functions (i.e., scheduling for committee consideration and coordinated floor debate and developing a party program) is likely to be realized? The most likely political conditions would seem to be (1) an aggressive Republican President challenging a Democratic majority in the Senate, or (2) an extraordinary crisis to which the President is judged unable or incapable of responding (possibly

because he is a Republican!). In fact, the Democratic Policy Committee and conference have played a more important policy role under Presidents Nixon and Ford than previously. For example, an ad hoc committee led by Senator John Pastore was set up in 1975 to develop an alternative economic and energy plan to present to the Democratic Policy Committee and conference. The Pastore Committee was served by the Policy Committee staff. While this was an interesting development, the work of this unit did not result in anything like party-directed policy development. The committee's recommendations were accepted by the relevant standing committees as input, not policy direction.

The Republican Policy Committee has demonstrated a slightly more substantive policy role than its Democratic counterpart. Members meet every Tuesday for lunch, with all Republican Senators invited. They do not issue policy statements, however, nor make specific attempts to develop Republican positions on issues. Staff is used for tracking legislation, providing research and reports at the request of individual Senators, and speech-writing or other political work. While these are policy-related activities, they do not represent anything close to the functions discussed above. Nor is the potential presently there, either in leadership or in staff experience and capabilities.

Little need be said about the committees on committees. While they theoretically offer considerable potential for building support for an integrated party program, (particularly for the chairman of the Democratic committee), in fact there is little practical possibility that they will be used in this way. Such measures as the Johnson Rule, while laudable on other grounds, have made it even more difficult in recent years to employ the committee assignment process for party policy purposes. All Senators are guaranteed major committee assignments regardless of their policy stands.

What of the recent changes in committee chairmanships in the House? Might these not presage a move toward establishing policy criteria for chairmanships in the Senate? First one must note that the shifts in the House did not seem to be primarily related to policy. Chairmen were ousted more for reasons of age, personality, or indiscretion.

Second, given the staggered terms in the Senate, the body is unlikely to encounter the kind of "freshman fervor" that dominated the House Democratic organizational caucuses of the 94th Congress. The point is that the leadership must rely on resources other than the committees on committees if it is to attempt any very imaginative and comprehensive policy drives.

What then of the conferences? Functioning as the debating and legitimating body for a truly policy-oriented Policy Committee, the conference could play a major role. It has not done so in either party since the binding caucuses of the first Woodrow Wilson administration, however. The Democratic conference was somewhat more active in regard to energy policy in 1975 but it remains an essentially unused resource for policy development. Not even the important 1976 Budget Committee report was debated there.

In summary, one finds little in the existing party apparatus which might serve the leadership in developing cross-cutting policy analysis and/or an integrated policy program. The Policy Committee has some potential for service in this direction because of its critical work on

scheduling. This task could logically be extended to other important functions associated with the development of an integrated policy program. But any such move would require support within the party and an enlarged staff.

Senate Policy Analysis

Are there other sources which might provide the leadership with policy analysis? The large staffs of the standing committees are not easily available, nor are they all necessarily experienced in the kind of cross-cutting review and judgment being probed here. (Appropriations, Finance, Government Operations, and Budget Committee staffs would be the most likely to have a somewhat broader policy view). Short of the revolutionary change mentioned above (i.e., standing committee staffs coordinated under the direction of the Policy Committees), party leaders must assume that standing committee staffs will serve the chairmen and individual members of their committees.

Other possibilities are worthy of mention, however. Congress has available a number of supportive analytic units—the Congressional Budget Office, the Congressional Research Service, the Office of Technology Assessment, and the General Accounting Office. To what extent are these units susceptible to leadership direction for producing cross-cutting policy analysis (leading to or supportive of integrated policy within the Senate)? To answer that question it is necessary first to review the formal ties between these units and Senate party leaders, if any, and then assess the potential for greater access, control, and use of the units by party leaders.

As one might expect, the Congressional Budget Office was created primarily to serve the committees and not the leadership. It is to make itself available to all committees and members, but with special priority given to the work of the Budget Committees. The Director is appointed by the Speaker and the President pro tempore. Thus, there is no direct tie between this office and the party leadership.

Despite this lack of direct influence, there is ample time between the receipt of the Current Services Budget in November and the President's Budget in January for the leadership to formulate priorities. The Congressional Budget Office could be used by the leadership to identify and prepare such a set of priorities. While there is no special provision for this exercise, it would seem to be a reasonable course of action for party leaders in conjunction with the chairman of the Budget Committee. Policy integration is a natural and expected outcome of budgetary analysis. Party leader identification with this process would, in all likelihood, enhance the probability of a kind of coordinated action—that is, that which results when individual members respond to an integrated budget supported by the leadership.

Ties with the Congressional Research Service of the Library of Congress are no closer for leaders than for any other Senator. In fact, the administrative responsibility of the Library is a bit of a curiosity. The Librarian is nominated by the President for approval by Congress. The Joint Committee on the Library oversees the operation of the Library, with special attention to the Congressional Research Service. The six Senate members on the committee are appointed by the President pro tempore, not the majority and the minority leaders. Two must be drawn from the Committee on Rules and Administration and there must be equal representation of the two parties.

While the Congressional Research Service is a part of the Library, the Librarian of Congress is directed by the Legislative Reorganization Act of 1970 to "grant and accord to the Congressional Research Service complete research independence and the maximum practicable administrative independence consistent with these objectives [i.e., those designed to provide services for Congress]." The Librarian appoints the Director of CRS after consultation with the Joint Committee on the Library. The 1970 Act emphasizes the research and policy analysis functions of CRS, consistently identifying committees as the principal clientele. There is almost nothing in the CRS mandate that specifically encourages cross-cutting policy analysis or contributions to the development of integrated policy packages.

In summary, there do not appear to be any special openings for leadership use of CRS, apart from those available to all Senators. That is not to say CRS is not responsive to special requests from the leadership. It is to say that CRS is already overloaded with work and is presently structured to meet the needs of a committee-oriented policy development process in the Senate. Should this process change, CRS no doubt would adapt. There is also the legal injunction that CRS shall discharge its duties "without partisan bias."

Very much the same conclusions apply to the Office of Technology Assessment and the General Accounting Office. OTA is governed by a Technology Assessment Board of thirteen members—six Senators appointed by the President pro tempore (three from each party), six House Members, and the Director (who does not have a vote). In addition a Technology Assessment Advisory Council of twelve (ten public members, the Comptroller General, and the Director of CRS) is appointed by the Board. As expected, the instigation of studies by OTA occurs primarily as a result of committee requests—though in this case there is control of requests by committee chairmen.

And finally the General Accounting Office is directed by the Legislative Reorganization Act of 1970 to conduct evaluations of government programs when requested to do so by either house, a committee, or on its own initiative. Obviously an important policy analysis function, an evaluation of this kind could only be requested by party leaders as a result of a Senate resolution passed by a majority. Further, and quite understandably given its important auditing functions, every effort is made to separate GAO from partisan politics. The Comptroller General is appointed by the President and confirmed by the Senate for a 15-year term.

This review does not provide much encouragement for an active role for party leaders in substantive policy development. The principal analytical support units of Congress are adapted to the predominant mode of policymaking in that institution. And that mode is essentially decentralized and highly segmented in the committee structure. If party leaders find authority to direct the affairs of the committees, then they will be in a good position to control and coordinate requests to these various support units. Short of any such development, however, these agencies have no choice but to contribute to the disjointed and piecemeal policy development characteristic of committee-centered decisionmaking.

Options for Senate Party Leadership in Policy

The principal purpose of this paper has been to examine the role of Senate party leaders. So far we have seen that their activities are limited to facilitating a committee-centered decision-making process. Seldom have the floor leaders had the inclination or the supporting structure to intervene in this process.

Why would they wish to intervene? Or why would others want them to do so? Most rationales for change are based on the reformer's sense of how decisions ought to be made and how the product of decision-making suits his or her preferences. One frequent complaint has been that congressional decisions are based on inadequate policy analysis. A significant variant on that theme is that whereas the committee system provides specialization, it fails to produce cross-cutting policy analysis. The assumption that underlies this type of complaint is that an integrated policy program is a definite good. It is implied that a major advantage will be realized if legislators consider the effects of their decisions on associated issues and policies. And, so the argument goes, better decisions will result from this cross-issue approach.

Party leaders would appear to have two major options in acting to insure that cross-cutting analysis does in fact occur. First, they might seek to direct the whole decision-making apparatus by developing a set of integrated policy proposals, presumably relying on the party structure. Of course, this would require the emergence of a party-centered policy process in which the Policy Committee and conference act *before* standing committees consider legislation. In this scheme, party leaders are in a strong position to direct the legislative process toward producing an integrated policy program (assuming such an outcome is necessary and desirable). One might rightly question whether this is in fact a realistic option since it calls for conditions which have seldom, if ever, characterized the legislative process in the Senate.

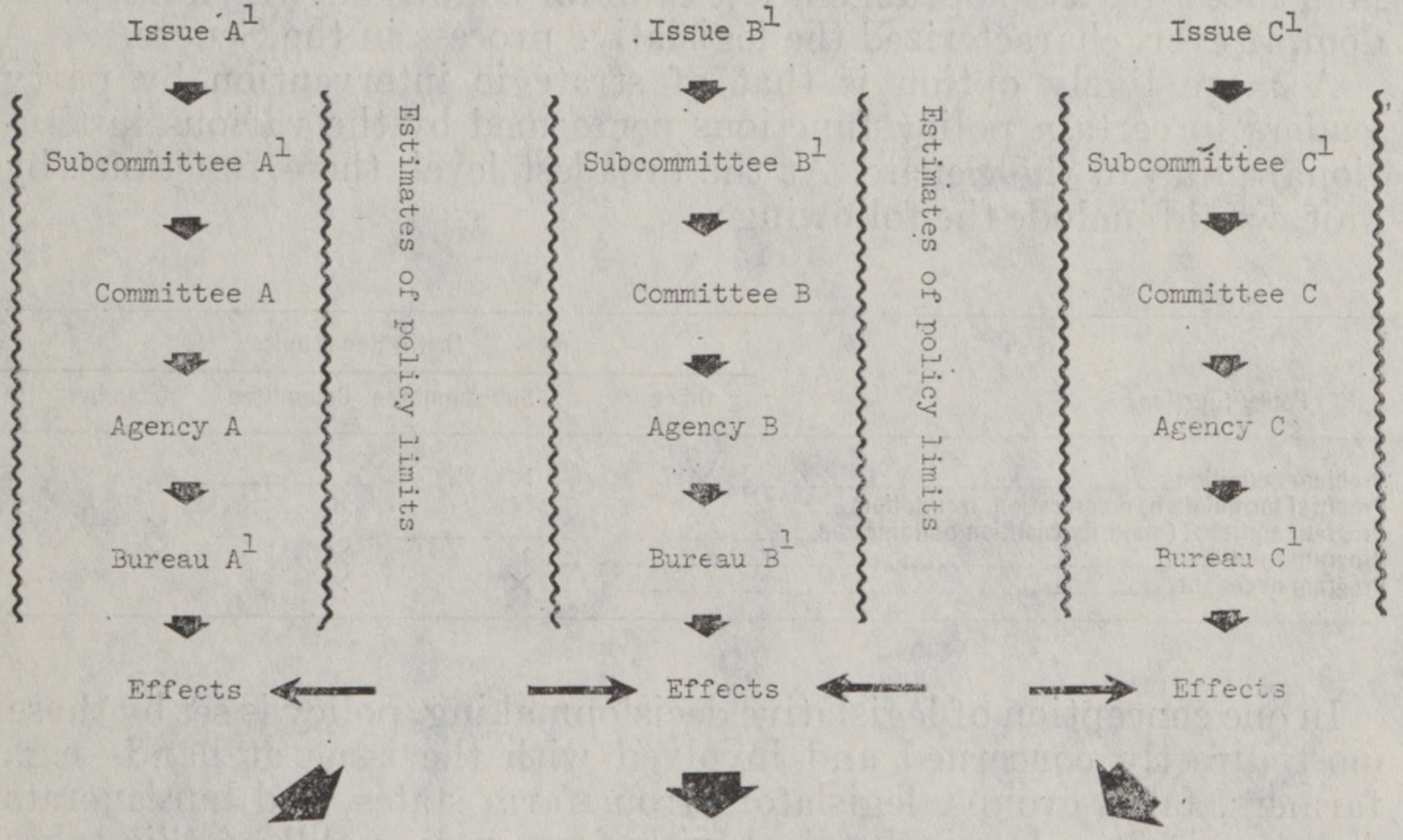
A more likely option is that of strategic intervention by party leaders in certain policy functions performed by the various institutional units in the Senate. At the broadest level, these functions, by unit, would include the following:

Policy functions	Institutional units			
	Office	Subcommittee	Committee	Chamber
Problem definition	X	X		
Proposal formulation, modification, facilitation	X	X	X	
Program approval (majority coalition building)			X	X
Program funding		X	X	X
Program oversight		X	X	

In one conception of legislative decisionmaking, policy is set by those most directly concerned and involved with the issue at hand—e.g., farmers, farm groups, legislators from farm states, and bureaucrats from agricultural agencies deal with farm policy. All of this takes place in a highly pluralistic fashion, with virtually silent bargaining (i.e., quid pro quos assumed) and mutual adjustment within estimated limits. This practice is the basis for generalizing about the so-called "sub-governments" or "policy sub-systems" or "cozy triangles" within

government.[15] While lacking formal integrative mechanisms along the way, this process does not necessarily fail to estimate or reflect effects. Some estimates are made by those in each decisionmaking fraternity as they seek to develop realistic policies. These estimates are likely to involve a brand of cross-cutting analysis since they represent attempts to judge the limits of policy for a particular issue. Further, those supporting this type of subgovernment decisionmaking might also argue that effects are revealed through the emergence of new issues, and that such a process is likely to provide a more satisfactory, perhaps more democratic, method.

Though obviously oversimplified, Chart 1 may help to clarify this discussion. As shown here, specific issues are primarily treated by units intentionally organized to reflect the principal interests or groups affected (e.g., wheat subsidies by an appropriate subcommittee in Agriculture and Forestry and by an appropriate bureau in the Department of Agriculture). As observed above, estimates of the range of policy opportunities are typically made by those active in decisionmaking. In time effects are both measured and responded to in the system if high access is maintained. That is, when specialized programs produce adverse effects on groups not represented in the policy fraternity, these groups presumably react by making demands on government, and thus a new issue emerges. The point is that a kind of policy correction process does exist in a system characterized by a high degree of democracy. But specific coordinating efforts are lacking even where means may have been developed to achieve them. For example, one might argue that floor debates can serve to review and analyze program effects but, in fact, are usually dominated by the very participants who have formulated the policy proposal under consideration.

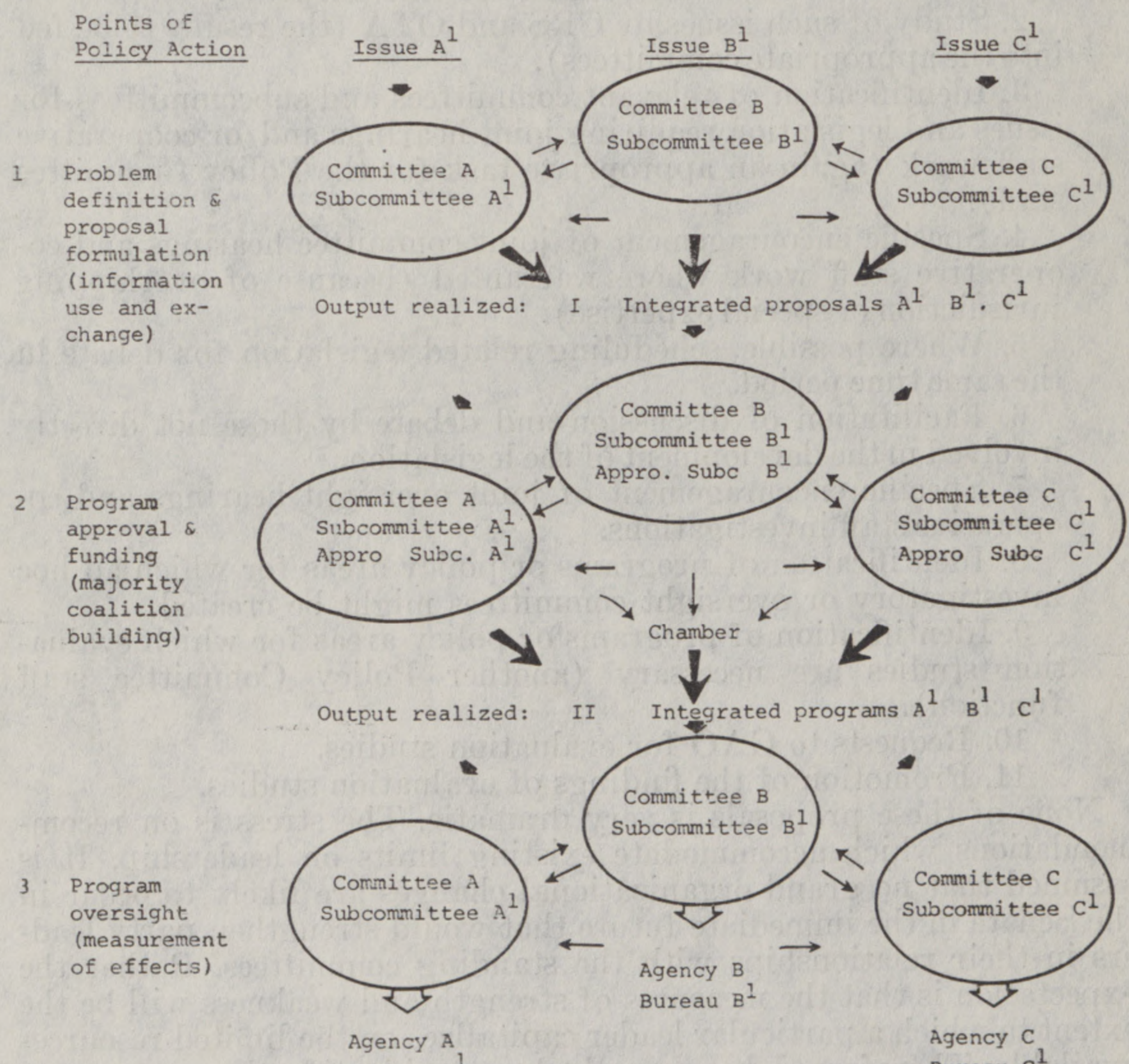


[15] See Douglas Cater, *Power in Washington* (New York: Random House, 1964); and more recently, Roger Davidson, "Breaking Up Those 'Cozy Triangles': An Impossible Dream?" paper presented at the Conference on "Legislative Reform and Public Policy," University of Nebraska, Lincoln, Nebraska, March 11–12, 1976.

This method of doing business is imprecise since it operates on the basis of mutual estimations and a series of approximations. However, it is not an uncommon procedure in our democratic policy process.

It is not enough simply to propose that party leaders intervene in this set of cozy relationships. Thought must be given to where they should intervene and with what purpose. Three major stages are suggested by the list of policy functions noted earlier—i.e., (1) problem definition and proposal formulation; (2) program approval and funding; (3) program oversight. Intervention might occur at each stage, or it might be effected at one strategic point on the assumption that integration will follow. Again a chart may be useful for further explication. (See Chart 2).

As indicated in Chart 2, at each of three major points of policy action, efforts can be made to force a more horizontal or cross-cutting type of analysis. The first is in the use and exchange of information about the issue. Problem definition and proposal development are not left only to those most directly involved. Techniques are developed



for considering secondary effects of both the issue and proposals to resolve it. Likewise, the majority coalition-building so essential for program approval and funding is no longer characterized by silent bargaining and mutual adjustment. Rather, efforts are made to force open discussion and debate so as to identify the probable effects of programs and to clarify the nature of program support in the legislature. And finally, program oversight is not left only to those immediately affected and involved. Rather, techniques are developed for more comprehensive measurement of effects.

Intervention Techniques

What techniques of intervention might be employed by party leaders to increase the probability of getting integrated proposals, programs, and oversight? Bearing in mind the limiting conditions under which party leaders operate in the Senate (see above), the following procedural techniques would appear to be realistic.

1. Identification of issues of cross-cutting analysis (the Policy Committee staff could be used for this purpose).
2. Study of such issues by CRS and OTA (the results to be fed into the appropriate committees).
3. Identification of relevant committees and subcommittees for issues and legislation requiring joint hearings and/or cooperative staff work (again an appropriate task for the Policy Committee staff).
4. Specific encouragement of joint committee hearings and cooperative staff work where warranted (because of overlapping jurisdiction or special expertise).
5. Where possible, scheduling related legislation for debate in the same time period.
6. Facilitation of discussion and debate by those not directly involved in the development of the legislation.
7. Specific encouragement of joint oversight hearings and cooperative staff investigations.
8. Identification of programs or policy areas for which ad hoc investigatory or oversight committees might be created.
9. Identification of programs or policy areas for which evaluation studies are necessary (another Policy Committee staff function).
10. Requests to GAO for evaluation studies.
11. Promotion of the findings of evaluation studies.

None of these proposals is very dramatic. The stress is on recommendations which accommodate existing limits on leadership. It is assumed that no grand organizational changes are likely to occur in the Senate in the immediate future that would strengthen party leaders in their relationships with the standing committees. Rather the expectation is that the measures of strength and weakness will be the extent to which a particular leader capitalizes on the limited resources available. Therefore, I have sought here to identify those resources, and to propose methods by which party leaders might contribute to the probability of realizing more integrated legislative action in the Senate. Rejecting the possibility of an integrated party program, I have emphasized instead a set of procedural moves which appear to be

within the present authority of Senate party leaders. Finally, it bears repeating that whether any of the above takes place depends very much on who leads the Senate. The institution has shown itself adaptable to differing leadership styles. Whether or not it is ready and willing to accommodate leaders anxious to encourage and promote cross-cutting policy analysis and more integrated legislative programs is uncertain.

SEPTEMBER, 1976.

THE SENATE MINORITY AND POLICY ANALYSIS

By Charles O. Jones

The Senate minority has a special role to play in the American political system. Located in an institution intentionally designed to provide considered judgments about public problems, the minority bears the responsibility of insuring that alternative views and proposals are developed and assessed. Seldom can we be certain that the majority has comprehensively analyzed an issue or identified all possible solutions to a public problem. The minority in the Senate can, and should, provide means by which a constructive opposition formulates policy views and makes itself heard through research, reports, and debate. This view assumes that however objective policy analysis may be, its results enter an arena in which partisan forces use whatever resources are available to bolster their position.[1]

It is true, of course, that when issues are decided in the Senate the majorities are seldom gathered entirely from one party. On many policy issues bipartisan forces make up both the support and the opposition. Nevertheless, the Senate minority is the most logical unit for assuming the institutional responsibility referred to earlier. However cooperative a minority floor leader may be in facilitating the development of a majority on an issue, he should be particularly sensitive to minority views, making it his special business to insure that these views are expressed in the course of the legislative process. (As a practical matter, we can only expect this responsibility to be met when the source of these minority views is within the Senate minority itself.)

It must be recognized that Senate minority leaders face a variety of conditions that are influential in prescribing the roles they play in the policymaking process. Particularly important in this connection is whether the President is of the same party. If he is (as has been the case in 14 of the last 22 years), the minority leader is in the anomalous position of having to exercise responsibilities associated with enacting the President's program—i.e., building majorities—while at the same time insuring that minority views are expressed.

If the President belongs to the majority party the minority leader's responsibility is more clear-cut, though no less difficult to exercise effectively. When faced with the commanding resources of the White House and the Senate majority, the minority leader must show special talents and personal dedication if alternative policy analysis is to thrive and contribute to decisionmaking.

Also significant is the number of minority party senators. Again, while the minority leader's special responsibility for insuring the effective expression of alternative views remains, his ability to carry out this assignment will vary. Minority Leader Charles McNary worked

---

[1] For an expanded discussion of this point see Charles O. Jones, "Why Congress Can't Do Policy Analysis," *Policy Analysis,* Vol. 2 (Spring, 1976), 251–264.

with only 16 colleagues in 1937 in seeking to provide opposition to the commanding majority of 79 Democrats, and his unaggressive strategy was dictated by these conditions. On the other hand, Minority Leader William Knowland had the advantage of the "ultimate" minority in 1955 when the Democrats held 48 seats, the Republicans 47, and there was one Independent.[2]

It is generally useful to consider the full context of the policymaking process within which the minority leader exercises his responsibilities. For regardless of the political conditions under which he does his work, the minority leader's activities contribute to the process of policy development and implementation. Table 1 presents a classification of some of the more obvious points of policy action (problem identification and definition, formulation of proposals, etc.) and the functional activities characterizing each point. One can see that the traditional functions of floor leaders, and other legislative leaders, can be assigned to the various points. For example the following activities might be the responsibility of party leaders or a party leadership committee:

(1) Scheduling of floor action.
(2) Identification of major policy problems in the current Congress and in future proceedings.
(3) Programming Senate work.
(4) Management of committees—plans for legislation and oversight, validity of the creation of new subcommittees, integration of subjects overlapping committee lines.
(5) Undertaking responsibility for studies of major policy problems.
(6) Preparation of policy syntheses for leadership use.
(7) Response to the program of the President.
(8) Supervision and protection of support agencies—identifying gaps.
(9) Shaping long-range direction and use of research and development activity.
(10) Review of decisions by budget committee at request of authorization committee.
(11) Review and interpretation of trends, etc.
(12) Liaison with academia and research community generally.
(13) Relations with House leadership.
(14) Contract and administrative capability for research.
(15) Institutionalization generally of functions rather than ad hoc approach.

These are subsumed under the categories in Table 1. For example, "Scheduling of floor action" is a priority-setting and management function, primarily at the point of program approval and funding. "Management of committees," as spelled out in the listing, fits at several points of policy action. "Preparation of syntheses for leadership use" would appear to be primarily an intelligence function at several stages of the policymaking process.

---

[2] I have examined these and other conditions in some detail in *The Minority Party in Congress* (Boston: Little, Brown, 1970). See also, Randall B. Ripley, *Majority Party Leadership in Congress* (Boston: Little, Brown, 1969).

TABLE 1.—POLICY PROCESS AND ASSOCIATED FUNCTIONAL ACTIVITIES

Points of policy action	Functional activities associated with each action point			
	Intelligence	Communication	Priority setting	Management
1. Problem identification and definition	2, 4, 5, 6, 11, 12[1]	11, 12	5	12, 14, 15.
2. Formulation of proposals	4, 6, 12	4, 12	1	3, 4, 8, 10, 15.
3. Program approval and funding	6	4, 13	1	1, 3, 4, 8, 10, 13, 15.
4. Program oversight	6, 7	4, 7, 9	7, 9	3, 4, 8, 14, 15.
5. General policy posturing	6, 7, 11	7, 11	7	12, 15.

[1] See listing of leadership responsibilities.

Setting these responsibilities in the broader context of the policy-making process brings perspective to an analysis of legislative leadership. Too seldom do we think of leadership tasks in terms of their objectives or in relation to the actions of others. I stated earlier that a minority perspective should be represented, even facilitated, in the legislative process in the Senate and that the minority floor leader should bear the responsibility for insuring this outcome. Table 1 graphically shows the scope of this responsibility and the sizeable resources necessary to do the job.

What resources are available to the minority leader to insure that policy analysis is not dominated by the majority? First, and probably foremost, are the personal resources of the person holding this position, including such factors as:

(1) Support in the party. What was the nature of his selection? Unanimous choice? Bitter party battle? Compromise candidate?

(2) Nature of relationship with the President. Are they of the same party? Does he hold the President's trust?

(3) Familiarity with the House of Representatives. Has he had experience in the House? What is his relationship with House leaders?

(4) Familiarity with the bureaucracy. Has he had broad standing committee experience? Service on one of the broad-gauged committees (e.g., Appropriations, Finance)? Has he had service in an executive capacity (e.g., as a governor or cabinet member)?

(5) Standing outside the Senate. How is he viewed by the various worlds which may be important for defining problems, formulating proposals, etc. (e.g., the academic, business, labor communities)? Does he have professional standing outside government?

(6) Nature of relationship with the press. How has he been treated by the press, and vice versa?

(7) Quality and use of immediate staff. Does he hire capable people? Does he know how to use staff effectively?

One could employ these various criteria to develop a profile of the personal resources of minority leaders. It is a logical first step in analyzing whether and how the minority leader can serve to facilitate the mission identified here. If he measures low by these criteria it is unlikely that any amount of organizational tinkering will accomplish the goal of reflecting minority perspectives in policy analysis. What does it mean if he scores high? It suggests that he has both the personal capacity and support necessary to compel Senate decision-making to take minority perspectives into account.

It should also be noted that this list of qualities might well serve as a checklist for assessing candidates for minority leader. One implication of the argument being made here is that the stakes in the selection of the minority leader are not inconsiderable. Like the minority party, the general public also has a definite interest in the outcome of the selection process, both generally, for effects on the political system, and specifically, for the importance of insuring strong minority representation in a policymaking process not ordinarily well-designed to receive and act on so-called objective policy analysis.

However important the personal resources of a minority leader, he requires additional support for realizing the full range of influence implied by Table 1. What are the possible sources of this support?

1. *The Standing Committees.*—Minority party representation on each of the committees is a major source of intelligence for the minority leader. While one cannot expect committee minority members to see themselves as serving the minority leader, an active leader can tap them for information regarding minority views and counterproposals. This outcome is facilitated by having all ranking minority members on standing committees serve on the Policy Committee—an arrangement that reflects policymaking realities in the Senate (see proposal below).

2. *The Party Apparatus.*—It is common knowledge that Senate Republicans have highly decentralized leadership. Where the Senate Democrats have just one person who serves as floor leader and also chairs their Caucus, Policy Committee, and Steering Committee (Committee on Committees), Senate Republicans select different individuals for each of these posts. However much this diffusion of responsibility assists in reducing party friction by permitting all factions to hold a leadership post, it makes difficult the tasks identified above. For the fact is that the minority leader is hardly more than first among equals. Perhaps this is the only way to do it—that no degree of unity could be achieved otherwise. But since one of the functions of this paper is to propose alternatives for discussion, a proposal for making the Policy Committee a more effective resource for the minority leader (especially for the present minority) is in order. It is therefore proposed here that the minority leader become the chairman of the Policy Committee at the next opportunity (presumably with his election in the next Congress), and that ranking minority members of standing committee serve on the Policy Committee. If so constituted in the 94th Congress the committee would have looked like this:

Hugh Scott, Pa., Chairman

Barry Goldwater, Ariz.	Clifford Case, N.J.
Robert Dole, Kans.	Charles Percy, Ill.
Milton Young, N.D.	Paul Fannin, Ariz.
Strom Thurmond, S.C.	Roman Hruska, Nebr.
John Tower, Tex.	Jacob Javits, N.Y.
Henry Bellmon, Okla.	Hiram Fong, Hawaii
James Pearson, Kan.	Howard Baker, Tenn.
Charles Mathias, Md.	Mark Hatfield, Oreg.

Surely no one would argue that this committee was not reflective of the ideological, geographical, or even age distribution among Republicans in the Senate. And with the changes in the seniority system (the

ranking minority member is now selected by the Republicans on each committee) one might easily rationalize this mode of appointment as well as any other.

The Policy Committee staff is also a potential resource for the minority leader. At present, however, the staff tends to serve as an extension of individual senators' staffs, only occasionally serving the leadership in the fashion outlined here. To bring the staff under the direction of the minority leader as chairman of a Policy Committee composed of the ranking minority members of the standing committees would seem to be an appropriate and logical reordering that would achieve a more vital, policy-oriented minority.

One possible objection to this change might well be that minority leaders on the standing committees may not reflect minority views within their committees, thus defeating the purposes outlined here as significant. While this may be true, it is equally true that the Republicans have a tradition of inviting all members to Tuesday luncheons where minority views can be expressed, and that, in any event, the Senate minority even at optimum size (50 members, with the Vice President as the majority party tie-breaker) is not an unmanageable group for insuring communication of minority views. Again, much depends on the personal resources of the minority leader.

If the minority leader were to chair the Policy Committee and direct its staff he would be in a much better position to accomplish the kinds of functions listed above and to take the kinds of initiative outlined in the conclusions of my more general paper (see "Senate Party Leadership in Public Policy").

3. *Other Resource Units.*—The several policy analysis support units (Congressional Research Service, Congressional Budget Office, Office of Technology Assessment, and General Accounting Office) may be slightly less available for the minority than for the majority, but normally they will seek to provide whatever is asked of them. The same is true of Federal agencies, private research organizations, and universities. The problem is not so much whether these organizations will respond to requests, but rather whether the minority party is sufficiently well directed and organized so as to determine what would be useful, why, and when.

This paper has directed attention specifically to the Senate minority—concentrating on the question of whether it has special responsibilities in policy analysis and development. I have answered affirmatively, stressing the significance of identification, analysis, and expression of minority views and positions on questions of public policy. In a sense, of course, truly effective and objective policy analysis will not overlook these views. It is in part because of the reality that policy analysis feeds into a highly political, and often partisan, decision-making process that one is led to insist on special protections for minority policy analysis.

In his interesting and provocative book, *The Futile System*, House Minority Leader John J. Rhodes points out that: "Members of the minority grow tired of being constantly against proposed bills and of never being able to enact anything of their own . . . I fully understand the futility that comes from being locked into the minority. During my 22 years in Congress, all but two of these years . . . have been spent in the minority. Twenty years of having to be against things . . . Unless there is a significant change in Republican fortunes in the near

future, my continued service in Congress is something I intend to review with great care." [3]

While one can sympathize with Congressman Rhodes, it has been demonstrated many times in history that constructive and articulate opposition plays a vital role in a democratic society. It is with continuing belief in this proposition that I have sought to outline means by which the Senate minority might improve its contributions. The principal conclusions, in the form of proposals for thought and discussion among Senate Republicans, are as follows:

(1) The minority leadership should attend to the wide range of functions and activities as they occur at the several points of policy action. Minority analysis and expression of views should not be limited to a few points in the policymaking process. A more systematic effort to inject coherent and integrated opposition proposals into the Senate's deliberations should be made.

(2) Selection of persons for minority leadership posts should take account of their personal resources for actively and aggressively accomplishing the above goals. Special attention should be directed to the selection of the minority leader.

(3) The party apparatus should be reorganized to give greater support to the leadership. In particular, it is proposed that Senate Republicans centralize their leadership in the minority leader. By definition, a minority leader needs all the resources available to make an impact on the policymaking process. Ironically, the Senate Republican leadership structure has evolved in a way that provides him with minimal resources. He should certainly be made chairman of the Policy Committee, and a strong case can be made for his serving as chairman of the Republican Conference and Committee on Committees as well.

(4) The Policy Committee has a greater probability of serving real policy functions if its membership is composed of persons in the most visible positions of influence. Therefore it is recommended that the ranking minority members of the standing committees serve on the Policy Committee. Modifications in the seniority system and other changes of the past decade would seem to obviate earlier arguments against such a move.

(5) The Policy Committee staff should be under the direction of the minority leader. That proposal sounds so sensible on its face that one wonders why it was not done long ago. It follows from the changes suggested above. It also flows from the general principle of centralizing responsibility so as to make leaders accountable. The present diffusion of leadership and staff justifies public frustration over the lack of accountability and leads to a cynicism about Congress.

(6) The minority party should make a more systematic effort to use the public and private resources available for policy research and analysis. Once again, this is a difficult goal to accomplish under the present structure. Hopefully, it is an outcome which would flow from the changes suggested above.

The Senate minority does have special and separate responsibilities in public policymaking. It is unlikely to exercise them effectively as it is presently organized and led, however. This is no reflection on the existing leaders. They are the result of, and are confined by, the minority's responses to earlier conflicts. An important opportunity for change exists in 1977, however.

---

[3] John J. Rhodes, *The Futile System* (McLean, Va.: EPM Publications, 1976), p. 4.

IF THE SENATE DEMOCRATS WANT LEADERSHIP: AN ANALYSIS OF THE HISTORY AND PROSPECTS OF THE MAJORITY POLICY COMMITTEE

By Donald Allen Robinson

Introduction

In thinking about the Majority Policy Committee of the United States Senate, three questions are central:

(1) Is there need for integrating leadership in the Senate, and if so, is there anything new or urgent about it?

(2) In comparison with other candidates for this integrating role, especially the Budget Committees, what advantages does the Majority Policy Committee have?

(3) If the Majority Policy Committee is to assume a larger role in providing overall direction to the Senate, what changes in its composition and staffing are needed? In the final analysis, only members of the majority party in the Senate, and especially its majority leader, can answer these questions.

In the following pages discussion of these questions is in four parts. The first section presents, by way of background, a summary of the Majority Policy Committee under Lyndon Johnson and Mike Mansfield; the second considers the argument that modernity has sharpened the need for party leadership in the Senate capable of addressing the nation's situation in its totality; the third lists the choices confronting the new Majority Leader in January 1977. Finally, an appendix analyzes the membership of the Democratic Policy Committee since 1951, in an attempt to determine its representativeness.

I. The Majority Policy Committee Under Johnson and Mansfield

In 1947, the Senate of the United States created policy committees for both the majority and minority parties. Because the House of Representatives wanted no part of the innovation at that time, provision for these committees was contained, not in the enabling Legislative Reorganization Act of 1946, but only in the legislative branch appropriation act. Funds were provided to establish committees charged, in broad terms, with "the formulation of overall legislative policy of the respective parties." The appropriation enabled each

---

In preparing to write this paper, I had the benefit of conversations with four current members of the Majority Policy Committee, Senators Moss, Pastore, Hart (Mich.) and Talmadge; with Senator Humphrey, who has been sitting with the Committee this year; and with several Senate staff members, most notably, Francis Valeo, Secretary of the Senate, and Charles Ferris, staff director and general counsel of the Policy Committee. I thank these generous people, but I hasten to add that none of them is responsible for interpretations, conclusions, or errors of fact in what I have written. I also acknowledge, with great gratitude, the assistance of Maureen Brett Esborn, who helped to gather and analyze the data in the Appendix.

committee to hire a staff "to assist in study, analysis, and research on problems involved in policy determination." [1] George Galloway, writing in 1953, summed up the intention of the framers: to provide each party in the Senate with a leadership committee "to plan the legislative program, coordinate and guide committee activity, focus party leadership, and strengthen party responsibility and accountability." [2]

The rationale for establishing such committees had been set forth in the Report of the Joint Committee on the Organization of Congress (the so-called "LaFollette-Monroney Committee"). The committee's report, issued in March, 1946, said that "strong recommendations" had been made, during its hearings, "concerning the need for the formal expression within the Congress of the main policies of the majority and minority parties." The committee recognized the right of an individual member to vote against the announced policy of his party. But in order for the mapority party in particular to "formulate the overall legislative policy" and to expedite the "consideration and passage of matters pledged to the people by their party," the committee argued that stronger and more formal mechanisms of party government were needed within the Senate.[3]

The argument for reform was further articulated in a report written by Robert Heller and published in 1945 by the National Planning Association. The Heller Report, entitled "Strengthening the Congress," spoke eloquently about the new burdens that modernity was placing on the constitutional system of government, and argued that only strong party government could contribute order and discipline to the legislative process in these circumstances. Among his recommendations, Heller called for the establishment, in both houses of Congress, of partisan policy committees, composed of the chairmen, or ranking minority members, of the major standing committees. (In another section of his report, Heller had recommended modification of the seniority rule.) The committees would be "formalized . . . and hence publicly accountable for their decisions." Their functions would be to synthesize the work of standing committees, coordinate fiscal and monetary policy-making, and establish "partnership" with the corresponding leadership group in the House of Representatives and with the policy councils of the executive branch.[4]

---

[1] 60 Stat. 911, 79th Congress, 2nd Session.

[2] *The Legislative Process in Congress* (New York: Thomas Y. Crowell Company, 1953), p. 602. Galloway goes on to report that during the first six years in operation, "With the aid of their staffs, the Senate policy committees have performed a variety of useful functions. They have surveyed legislation pending before the standing committees and on the Senate calendar and, when in the majority, have scheduled business for floor consideration. They have met with the chairmen of standing committees to coordinate committee work. They have heard individual Senators present their views on matters of personal and party interest and have tried to reconcile divergent opinions in order to achieve party unity on legislative questions. They have considered and recommended with regard to presidential nominations of national and party importance, advised on the institution of certain committee investigations, considered questions of parliamentary procedure, recommended the calling of party conferences and prepared broad statements of party policy" (p. 603).

Galloway goes on to say that the policy committees "have thus far failed to achieve their full potential." He adds: "Their limited achievements to date can be attributed, presumably, to their composition, to the fragmentation of power in Congress, and to the deep internal divisions within both of our major political parties . . . The result is that many things are left undone or—what is just as bad—are done in a dictatorial manner by individual party leaders" (p. 604).

[3] Joint Committee on the Organization of Congress, "Organization of the Congress," Report No. 1011, U.S. Senate, 79th Congress, 2nd Session, March 4, 1946. The best accounts of the early history of the Policy Committee are by Hugh Bone ("An Introduction to the Senate Policy Committees," American Political Science Review, vol. 50, June, 1956, pp. 339–359) and Ralph Huitt (with Robert Peabody, *Congress: Two Decades of Analysis* (New York: Harper & Row, 1969), Chapter Three.

[4] Robert Heller, *Strengthening the Congress* (Washington: National Planning Association, 1945), pp. 14–17. For further examples of the thinking of the party government school in the late 1940s, see the items listed by Huitt and Peabody, *op. cit.*, p. 137n.

Thirty years later the policy committees still exist, although, in their present form and operation—particularly on the Majority side—they bear little resemblance to the groups envisioned by the LaFallette-Monroney Committee in 1946. Instead, the character of each has been shaped by the pressures of the legislative process, and by the styles and preferences of succeeding Senate party leaders.

Two men have served as majority party leaders during most of this period—Lyndon Johnson and Mike Mansfield. Under Johnson, the Democratic Policy Committee served primarily as a forum for discussing the tactics of legislative scheduling. It rarely held formal meetings and almost never voted. Its small staff, headed by George Reedy, gathered intelligence about the attitudes of Senators toward pending legislation. Johnson used this information in preparing the legislative agenda. But the committee itself was not used as a forum for thrashing out party policy nor as a mechanism to build loyalty for the party program.[5]

Johnson's approach was severely criticized in a series of speeches delivered on the Senate floor in the spring of 1959 by Senators Proxmire, Clark, Morse, McNamara and Douglas.[6] The critics argued that the policy committee should express the party position on issues, and take the lead in redeeming pledges made in the party platform. The revolt came to a head at a Senate party conference in early 1960, when Senator Gore moved that the policy committee be made into "an organization for evolving a coherent party policy on legislation." But Gore's motion, which included the provision that members of the committee be elected by the conference, was defeated, 51–12. Johnson thus survived the challenge to his stewardship.[7]

By the time Mansfield took over as majority leader in 1961, the Democratic Policy Committee had become a far different instrument than its framers had intended. It was markedly informal. It was in no way an agent of party discipline, nor even of party accountability, inasmuch as its activities usually were not publicized. It accepted no responsibility for the party platform, nor for regular contact with other centers of authority in the party. Insofar as there was any demand for partisan presence in the Senate in the 1950's, it was met personally, by the dominating figure of the majority leader. As a separate institution, the Majority Policy Committee had virtually no identity. It did not make policy. It did not coordinate the work of standing committees. It functioned primarily as one of many channels through which the majority leader took soundings in preparation for scheduling floor activity.

Mansfield's approach as leader has often been contrasted with Johnson's.[8] Observers write of Mansfield's self-effacement, his elaborate respect for even the least of his brethren, and especially his reluctance to resort to tricks or maneuvers to circumvent established procedures

---

[5] Ralph Huitt (*op. cit.*) analyzes Johnson's skills as a party leader, but notes that he abhorred formal councils, which in his opinion were more likely to expose and exacerbate differences than to nurture consensus. On Johnson's methods of party leadership and his uses of the Policy Committee, see also Rowland Evans and Robert Novak. *Lyndon Johnson: The Exercise of Power* (New York: New American Library, 1966), chs. 4 and 6; and Doris Kearns, *Lyndon Johnson and the American Dream* (New York: Harper and Row, 1976), pp. 114–116.

[6] *Congressional Record,* vol. 105, pp. 2814–20, 3559–78, 5956–59.

[7] *Congressional Quarterly Weekly Report,* January 8, 1960, p. 43.

[8] The best comparison of Johnson and Mansfield as Majority Leaders is John Stewart's unpublished doctoral dissertation, submitted to the University of Chicago, Department of Political Science, in 1966.

or to snatch a victory that could not be won openly and directly. These qualities are said to be in striking contrast to Johnson's more assertive style and his bold and often brilliant exploration of the limits of senatorial courtesy and accommodation, which seemed always to stop just short of provoking rebellion.

But despite their differences in personal style, their use of the Majority Policy Committee was at first remarkably similar. Johnson resisted the delegation and diffusing of leadership functions. Mansfield was wary of giving even the appearance of imposing discipline. Thus, under neither regime did the policy committee function as a leadership council, developing the party's legislative policy goals, devising strategy and tactics, and coordinating and stimulating the work of committees and supporting agencies in service of these goals.

Nevertheless, under Mansfield's gentle guidance, the committee has developed certain distinctive patterns of activity. It meets, usually for lunch on Tuesdays, about twice a month (more often at the beginning of each session). Its meetings are closed; one or two of Mansfield's aides are the only non-Senators who attend regularly. In addition to the ten full-fledged members, Mansfield has regularly invited the four members of the Legislative Review Committee, as well as Senators Humphrey and McGovern, past standard-bearers of the national party. This rather expansive manner of operating contributes to the informal character of the committee under Mansfield.

Minutes of the committee's meetings are kept by Charles Ferris, the staff director, but they are confidential, available only to committee members. Occasionally guests are invited: officials of the administration (Henry Kissinger, Frank Zarb), economists (Arthur Okun, Walter Heller, Charles Schultze), or other specialists, who serve as resources on particular subjects (Stanley Surrey, to speak on taxes; Alfred Hays, president of the Federal Reserve Bank of New York, invited, at Senator Symington's suggestion, to balance the committee's other presentations on the economy).

More typically, however, the meetings are devoted to discussion of pending legislation and matters of scheduling. Mansfield and Ferris prepare an agenda (which is distributed at the meeting, not before, to the annoyance of at least two current members). Mansfield usually begins the meeting by reading a brief statement of his own. Discussion ensues, and it flows freely, due in part to the tradition of confidentiality which, following Mansfield's example, is strictly honored.

Occasionally (on the average of six or eight times a year, but as few as three times, in 1972, and as many as thirteen, in 1973), Mansfield will present a resolution. If, after discussion and modification, it gains the approval of two-thirds of the committee, it becomes the policy of the committee, and is usually presented as such to the Democratic conference for further debate and ratification. (Mansfield discourages amendment or rewriting of policy committee resolutions on the floor of the conference.)[9]

The two-thirds rule established around 1970 was Mansfield's innovation. Prior to that, the policy committee proceeded by consensus, like a Quakers' meeting. The patient quest for common ground still goes on. But in 1969, following the accession of the Republican Administration, and with House Democrats under weak leadership and the

[9] *Congressional Record,* February 2, 1973, pp. 3137–8.

Democratic National Committee destitute and in disarray, Mansfield judged it incumbent on himself and the Senate Democrats to take a stronger partisan lead. An example of the new approach adopted was the policy statement on Vietnam withdrawal approved in 1971 by a vote of 6–1 (Senator Byrd of West Virginia was the dissenter). The resolution was subsequently adopted by the conference as a party position, by a vote of 37–13, over the negative votes of such influential Democratic Senators as Jackson and Stennis.[10]

The committee's decisions and resolutions are disseminated by Mansfield in various ways: through Senate speeches, by statements to the press, in private letters to particular Senators, in announcements to the conference, and in personal chats with committee chairmen. However, many of the decisions are not announced at all, because, as Secretary of the Senate Francis Valeo has said, Mansfield prefers in many cases "to work in the background with committee chairmen. . . ." [11]

A search through the indices of the Congressional Quarterly Almanac since 1961 reveals only four occasions on which activity by the Majority Policy Committee is explicitly cited; in support of Mansfield's fight for troop cuts in Europe (1966); in opposition to the further development of ABM (1970); in opposition to Senator Bayh's strategy on the Constitutional amendment to replace the Electoral College (also in 1970); and to sponsor Senator Pastore's 1975 effort to develop a Democratic policy on energy. The first and last of these episodes bear further comment, because they represent significant departures from the normal preoccupation of the Committee with legislative scheduling.

In July and August, 1966, Mansfield convened seven meetings of the Democratic Policy Committee to consider his proposal for a substantial reduction of United States troop strength in Europe. The committee heard testimony from Secretaries Rusk, McNamara and Fowler, who presented the administration's view that such cuts would "not be a helpful step at this time." Nevertheless, on August 31, Mansfield announced, that, on behalf of 12 members of the policy committee (presumably including Senator Fulbright, chairman of the Foreign Relations Committee and a member of the policy committee at that time), he was introducing Senate Resolution 300, an amendment to a 1951 sense-of-the-Senate resolution that had supported the doubling of American military presence in Europe.

In a whirlwind week of reaction, the stand of the policy committee was opposed, not only by the administration and Minority Leader Dirksen, but by Democratic Senators Clark, Jackson, McCarthy, and Gore. When Fulbright, reacting to the furor, joined those who argued that the resolution should be referred for hearings to both the Foreign Relations and Armed Services Committees (since both committees had considered the original resolution in 1951), Mansfield on September 7 withdrew his resolution.

This episode illustrates how difficult it is, even for a popular majority leader and a nearly unanimous policy committee, to frontally oppose fellow partisans in the executive branch, especially on national security. It also shows how hazardous it is for the policy committee

---

[10] Andrew Glass, "Mansfield Reforms Spark Quiet Revolution in Senate," *National Journal*, March 6, 1971, reprinted in John Manley, ed., *American Government and Public Policy* (New York: Macmillan, 1976), p. 259.

[11] *Ibid.*, p. 265.

to operate without the support of powerful Senators who are not on the committee. It may be that a more determined or less sensitive leader could have prevailed on this issue. At least one current member of the policy committee thinks so. But it would have been an expensive victory, in terms of partisan unity, and such action could not have been taken very often.

The outstanding recent case of leadership through the policy committee came in 1975, on the energy issue. Ferris calls the circumstances "unique," and indeed they were: virtual neglect by the executive branch; a sense of great urgency; an issue that belonged to no one standing committee, but spanned the concerns of several. To take the lead in the Senate, Mansfield asked Senator Pastore, a member of the policy committee, to chair an ad hoc committee composed of Senators Bumpers, Muskie, Hollings, Byrd (W. Va.), and Hart. Pastore's group developed a systemic model of energy in the economy, and used it to develop a complex package of Democratic policies on energy.

In December, 1975, Mansfield published a remarkable document entitled "The Congressional Program of Economic Recovery and Energy Sufficiency." The booklet is 38 pages long, and contains nine splendid, multicolored graphs and six sophisticated tables. It sets forth a program on energy (as adopted by the Democratic conference in February), argues that the program "provided the detailed framework for Congressional action on . . . the economy and energy," and contends that Congress, having enacted most of the program, "can be justly proud of its record in establishing a sound and well-considered economic and energy policy for this Nation." Most of the document is devoted to a listing of specific proposals. After each one is a term indicating the disposition of the recommendation, such as "Passed," or "Achieved in Part," or "Passed and Vetoed." All in all, it is a striking and, for Mansfield, rather uncharacteristic document, making large claims for Congressional leadership on energy policy.

However, it is not clear that the policy committee as such had much to do with the work of Pastore's committee, or with the work of building support for its package of recommendations. In the opinion of Senators I interviewed, the leadership did not press its initiative throughout the session, with the result that a promising effort came to a disappointing end.

One great limitation is that the policy committee staff is so small. Given the normal work of the committee—legislative scheduling based primarily on intelligence about committee work and amendments or objections that dissenting Senators plan to offer on the floor—the present staff is probably adequate. Headed by a staff director who is a discreet man and a shrewd listener, the staff contains two or three other male professionals in the same image, two women who keep and analyze the voting records of Democratic Senators, and one or two clerical assistants. To fund this staff, less than half of the money appropriated each year for the Majority Policy Committee is spent. The rest—about $150,000–$200,000 annually—is returned to the Treasury. The Republican Policy Committee, by contrast, uses all of its available money, most of it to support research.

The staff director explains that Mansfield abhors managing a bureaucratic staff and thinks such a staff has no place in the leadership office. Expertise on legislative issues is normally available from the

staffs of legislative committees or individual Senators, and if not, can usually be obtained from outside experts on a pro bono basis, according to the director.

Interviews with members of the policy committee reveal some difference of opinion on this point. Some Senators (the leading spokesman for this view was the conservative chairman of an important enabling committee) argue that staff experts tend to be ambitious and contentious, provoking unnecessary fights among committees over questions of jurisdiction. In this view, it is best when Senators themselves can retain control and deal with one another directly.

On the other hand, there are other Senators (Adlai Stevenson and Frank Moss, among others) who have urged that the committee's full appropriation should be used. If it were, it would be possible to assemble a staff capable of helping the committee 1) to put together a legislative agenda at the beginning of each session; 2) to obtain assistance from organizations and individuals outside the Senate who could help the majority party refine its program; 3) to coordinate the work of standing committees and, if need be, to jog them to complete hearings and report bills; and 4) to develop arguments in support of the party's policy and prepare responses to criticism. Such a staff would not have to be large, and it would be composed of generalists rather than specialists, and persons with a "passion for anonymity." [12]

In passing, it should be noted that Mansfield's policy committee *staff* has occasionally played a strategic role in the legislative process. Perhaps the most significant example occurred in 1964 during the struggle for the Civil Rights Act. Having by-passed the Judiciary Committee, the bill faced a massive filibuster by Southern opponents on the floor. The bill's advocates had to maintain pressure by mustering quorums and to work out compromises to obtain support for cloture. The policy committee staff assumed responsibility for the quorum calls, and helped arrange the crucial compromises that made cloture possible, thus paving the way to passage. Owing to the presence of Senators Russell, Hill, and Smathers, who opposed the bill, the Policy Committee itself was not able to take leadership on this issue. But the committee staff did fill a crucial role, in the absence of action by the Judiciary Committee.

It is not easy to summarize the role that the policy committee has played under Mansfield. It is inaccurate to say that Mansfield has offered no substantive leadership. He has, especially since the Republicans moved into the White House in 1969. His strong statement in 1973 at the beginning of the 93d Congress, for example, called for vigorous assertion by the Democratic Party in the Senate, and laid out a complete program of legislative action for the session ahead. A British Prime Minister could not have offered a stronger lead in defining a partisan program.

Nor did Mansfield's efforts end with that statement. He asked the policy committee, as the "executive committee" of the party conference, to develop a series of resolutions detailing the broad points in his

---

[12] The quoted phrase is from the Brownlow Commission Report of 1939, which laid out the rationale for the Executive Report of the President. I would borrow another phrase from that report and argue that, like the President in the 1930s, when the implications of modernity threatened to swamp the executive branch of government, the Majority Leader of the 1970s "needs help."

opening speech. These resolutions were then presented to the conference, and approved.[13]

What Mansfield had done was to rally a party demoralized by Nixon's landslide and provide it with a bold, comprehensive and coherent program. But at that point, he eased up, because it was his powerful conviction that the Senate's legislative decisions must reflect the free will of a majority of Members.

An eloquent statement of Mansfield's philosophy of leadership had come a decade earlier, in November, 1963, in response to a sharp attack by Senator Thomas Dodd, who called Mansfield "kind" and "gentle," but an ineffective leader. Among other things, Dodd complained that the Senate was not in session long enough each day, and he warned that the nation was growing impatient with the lack of legislative output.

Mansfield replied the next day, with characteristic grace. He pleaded guilty to the charge of being "dull and dreary," but he offered no apologies for the Senate's output. The calendar, he said, was clear. All legislation reported by committees had been brought to the floor and voted on. Senator Wayne Morse, among many others, leaped to Mansfield's defense, arguing that, "if anything is wrong in regard to the legislative record of the present session of Congress, I suggest that we look to the committees, where there are some major pieces of proposed legislation that have not yet been reported. . . ." Morse concluded that the log jam was "not the fault of the majority leader."[14]

Over the years, especially since 1969, the Majority Policy Committee has been a mechanism for Mansfield's leadership. He has used it to gather information on the status and prospects of pending legislation, and as an educational forum for Senate leaders. Occasionally he has used it to test the viability of his own policy ideas (such as reducing troops in Europe). On at least one major occasion (in 1964), he used committee staff to perform legislative functions left unattended by the responsible standing committee. On the energy issue, in 1975, he used the committee to develop policy in an area that might otherwise have been neglected, or fragmented by different committees. Occasionally, he has used it to promote contact between the party in the Senate, its counterpart in the House, the Democratic National Committee, and Democratic Governors, as in 1973, when he, House Speaker Albert, DNC Chairman Strauss, and then-Governor Dale Bumpers joined in the creation of the Democratic Advisory Council of Elected Officials. What he has not done is to use it to sustain pressure for a partisan legislative program, or to act in concert with other centers of authority in the party.

Nevertheless, Mansfield's actions suggest what the policy committee of the majority party can become. A new leader, moving to develop the committee into a true forum for partisan leadership, would not be engaging in a radical departure, but building on precedents established by a modest, patient, creative, and respected predecessor.

The Need for Political Guidance

In analyzing the role of the policy committee, it helps to bear in mind that the Senate did not have even a majority leader until the

---

[13] The episode is described by Mansfield himself in the *Congressional Record*, February 2, 1973, pp. 3131–3141.

[14] *Congressional Quarterly Almanac*, 1963, pp. 26–27.

third decade of the 20th century. In fact, until the fourth decade of this century, committee chairmen sometimes introduced bills on the floor of the Senate without even consulting the leaders.

Now, however, it is difficult to imagine the Senate operating without the order and direction provided by the majority and minority leaders. The change that has occurred in this century is explained not by numbers of bills introduced or laws enacted, but by government's assumption of new functions, the proliferation of Federal agencies and bureaus, and the rise in per capita expenditures by the Federal Government.

In short, it is the rise of positive government, especially at the national level, which has created the need for stronger mechanisms of control. That need is met in part by the executive branch, but its mastery over public policy is more apparent than real; and the legislative branch, quite rightly, has not been willing to rely on Presidents and their aides to provide the sole perspective on public policy.

Modern conditions pose a dilemma for Congress. By constitutional design, men and women in Congress owe their places, and thus their primary political loyalties, to diverse constituencies. The legislative process itself dispenses power by relying on specialized committees to develop proposed legislation; and these committees, their chairmen, and their staffs are influential. Congress has no other good way to refine the items on its lengthy agenda than by the proper use of these enabling and appropriating committees.

Our legislative process is thus, by design and tradition, centrifugal and disintegrative. Yet modern conditions require positive government, and positive government is government that is coordinated and controlled. The resulting tension in the Congress is inescapable.

Yet, without sacrificing its own unique contribution to our political process, the Senate has shown that it can adjust to the demands of lawmaking in a mature political economy. The majority party has empowered its caucus to review the selection of committee chairmen, with an eye to encouraging greater responsiveness to the program of the party as a whole. Contacts with leaders of the party in the House and elsewhere in the political system have been increased. These efforts have been tentative and ad hoc, but they evince a desire for coherence and coordination on the part of organized political authority.[15]

In many ways, the development of policy-making competence in Congress has parallelled that in the executive branch. Just as the executive departments and agencies have acquired expertise, legislative committees have built staffs of specialized personnel. The integrating role of the Office of Management and Budget has recently been matched by the work of the Congressional Budget Office and the two budget committees. The upgrading of the Congressional Research Service, the creation of an Office of Technology Assessment, and the continuing activity of the General Accounting Office have provided more technical assistance of a high order. In addition, in-

---

[15] A recent summary of developments along these lines is by John Stewart, in an article entitled "Central Policy Organs in Congress," *Proceedings of the Academy of Political Science*, vol. 32, 1975, pp. 20–33. For a report by Mansfield on contacts with the Speaker of the House (Carl Albert), the Chairman of the Democratic Governors (Dale Bumpers), and the Chairman of the Democratic National Committee (Robert Strauss), see *Congressional Record*, February 2, 1973, pp. 3136–3137.

dividuals and institutions in the private sector offer critical and independent guidance to Congress, similar to that available to policy makers in the executive branch.

In addition, in recent years, Majority Leader Mansfield has undertaken to lay out a legislative platform. The most notable example, as we have seen, occurred in 1973 at a time when the electorate gave mandates both to a conservative Republican President and to a progressive Democratic Congress. His response to this challenge produced a set of resolutions, which was adopted as party policy by the policy committee and conference.[16]

Almost immediately, however, came Watergate, the collapse of the economy, and the energy crisis, and the leadership was unable to pursue Mansfield's program. Thus it may be argued that Mansfield's initiative in 1973 was more important for the precedent it established than for the results it has produced.

What Congress, and especially the Senate, still lacks is responsible political guidance at its own center. The Majority Party in the Senate has developed nothing equivalent to the State of the Union address to command attention to the welfare of the nation. As a result, it is often dependent on the President for priorities and program direction—whatever his party may be.

Before looking for possible candidates for the job of integrating and guiding the Senate's work, it is important to state the problem as precisely as possible. As presently structured, the Senate is magnificently equipped to give detailed consideration to legislative proposals, and even to generate legislative programs in areas that fall within the jurisdiction of existing legislative committees. However, the Senate lacks sufficient capacity for synthesizing. This can be demonstrated in at least four ways.

First, specific proposals are not placed in the context of an overall Senate program. Priorities are not assigned and pressed. Recent efforts by Senator Mansfield in this direction have not succeeded in giving clear and orderly purpose to the deliberations of the body as a whole, either in the eyes of Senators themselves or in the view of outsiders.

Second, issues that lie in the jurisdiction of more than one committee are often handled awkwardly, or ignored until they become crises. The contemporary political agenda seems crowded with such issues: energy, urban policy, income maintenance and welfare reforms, juvenile delinquency, governmental reorganization, and a host of others. Occasionally, such issues are handled by brilliant improvisation. The recent energy conservation act is an example. It was produced by collaboration between the Commerce, Interior and Finance Committees whose joint deliberations were coordinated by a subcommittee of the Joint Economic Committee. And there are other cases of legislative programs produced by ad hoc cooperation between committees. But despite these isolated instances, there remains a need for leadership that can quietly and gracefully help committees work together on issues that span their several jurisdictions.

Third, there is little effort to anticipate problems that are not currently burning issues or are just beginning to emerge as such. The executive branch has recognized the need for anticipation. Policy planning staffs exist now in most major departments. If Congress is to

---

[16] *Congressional Record,* February 2, 1973, pp. 3132–3136.

remain a separate, independent and equal branch, it must equip itself with the capacity to look ahead.

Fourth, contacts between the Senate leadership and other centers of action and responsibility in our political system are not regular and institutionalized. There are breakfasts at the White House, and conferences galore. And Majority Leader Mansfield in 1973 joined in establishing a Democratic Advisory Council of Elected Officials. But the leadership of the Senate, particularly as it involves more than one or two Senators, has no mode or habit of contact with responsible leaders elsewhere in the system.

Assuming that the needs listed here are felt, not just by analysts, but by Democratic Senators themselves, the next question is how they can be met. The answer depends in part on which needs are felt most keenly.

The need for placing specific proposals in the context of an overall program, for example, is met in part by the new legislative budgetary process. But for many items on the nation's political agenda fiscal considerations are secondary; these issues are distorted when considered primarily in their fiscal dimension. Stationing troops abroad, strategies for desegregating schools, governmental reorganization, and environmental protection are all problems with financial aspects, but they ought not to be decided exclusively or primarily on those grounds. Moreover, in terms of long-range planning, if budgetary considerations prevail, opportunities that challenge current budgetary assumptions might be missed, to our detriment. Finally, the bipartisan character of the Budget Committees, particularly in the Senate, may be a strength on its own right, but it can inhibit the development and enactment of a legislative program for the nation. The relationship between the Budget Committee and a strengthened Majority Policy Committee might be problematical at times, but the majority party ought not to defer to the bipartisan Budget Committee on overall legislative leadership and management.

The argument, then, comes down to this: If Senate leadership is to be collective, and if the Senate is not going to depend on outside elements for its direction, the Majority Policy Committee is the one formal unit in the senatorial system that can supply political guidance and synthesis. If the committee were perceived by Senators to be representative of the major components of the party, if it were to have sufficient staff to supervise the work of supporting agencies that serves the majority program, if its members were bold and strong in asserting the prerogatives of the legislative branch, if they were imaginative and energetic in anticipating problems about which there was not yet a public clamor, if they were graceful in inducing separate standing committees to work together on problems that overlap their jurisdictions, and if they were successful in developing modes of contact with fellow partisans outside the Senate, the result would be to achieve a major adaptation of our constitutional system to the demands of a maturing political economy.

Choices for January 1977

The Democratic Party in the Senate is at a critical point. In January 1977, it will choose a new leader, and he, in turn, will choose at least three new, regular members of the policy committee.

The new leader and the renewed policy committee will then confront a series of crucial questions.

(1) Will Mansfield's precedent of 1973 be followed? Will a Democratic legislative program be set forth? Or will the Senate majority be content to let the President set the political agenda for the nation?

(2) Will the majority leader and the policy committee get out front and strive to keep the nation's attention fixed on the Senate majority's agenda?

(3) Will the committee's full staff appropriation be used? Will the staff continue to focus on the tactics of scheduling? Or will the majority leader gather a staff capable of assisting the committee to achieve strategic objectives?

(4) Will the committee's work be publicized? Will its agenda be distributed in advance? Will its votes be announced?

(5) Will it function as the executive committee of the party conference? Will its resolutions be regularly presented to the party conference for approval? Will the decisions of the policy committee and conference be set forth, and received as the authoritative standard of party loyalty in the Senate?

These choices cannot be avoided, though the response can of course be ambiguous. Upon the answers given by the new majority leader will depend the prospects for a strong, independent, and progressive Senate, as the American political system gears up to regain momentum after the suspended animation of the Watergate years.

Appendix—Analysis of Membership

The Democratic Policy Committee has been the Majority Policy Committee since the 81st Congress convened in 1949, except for the 83rd Congress, in 1953–54. It has been composed of the party's elected leaders (majority leader, assistant majority leader or whip, and secretary of the conference), plus six other members appointed by the majority leader. (Lately the majority leader's choices have been subject to ratification by the party conference, but that has been no more than a formality under Mansfield.) In addition, since 1971, the President pro tempore (the senior Democrat) has served ex officio, bringing the regular membership to ten. And, since 1959, the members (originally three, now four) of the legislative review committee have also sat as members of the policy committee, and have been so listed in the *Congressional Directory* and on the committee's stationery since the early 1970s.

In selecting the appointed members, majority leaders are said to be guided primarily by considerations of ideological and geographic balance. As Ralph Huitt has written:

> When Senator Johnson chose new members of the policy committee he tried to balance considerations of geography, seniority, ideology, and influence in the Senate. He wanted men he could work with, but each also should represent a power group in the legislative party. . . . A policy committee meeting . . . was like a conference of chieftains. Each man had independent power; each unofficially represented a group. He brought more than intelligence on Senate attitudes; he

brought influence also, since other votes were almost sure to go with his.[17]

Mansfield seems generally to have followed similar criteria.

In 1977, there will be five new members of the policy committee, including a new majority leader and new secretary of the Democratic conference. Is that a record number of new members?

Twice before, since 1951, there have been four new members of the committee at the beginning of a session: in 1953 and 1961, there were two new elected leaders and two new appointed members. And in 1969, there were three new members, two of them appointed. But 1977 is the first time since 1947 that there will be as many as three new members appointed by the majority leader (to replace Symington, Pastore and Hart). Thus the choice of new majority leader, and conference secretary, and the leader's choices for the policy committee, will have an unprecedented effect on the leadership of the Democratic Party in the Senate.

The *Congressional Directory* has presented an official list of the committee's membership since 1951. By analyzing the evolving membership, one can answer certain important questions relating to the committee's representativeness—a key factor, if the committee is to lead the Senate majority.

(1) Is the committee a council of Senate elders?

The data suggests that this has become increasingly true over the years. The trend began under Johnson's leadership. The average number of years of continuous service in the Senate for members of the policy committee was nine when Johnson assumed the leadership. It grew gradually during the 1950's, and when Johnson left in 1961 to assume the Vice Presidency, the average tenure was 17 years.

TABLE.—AVERAGE TENURE OF DEMOCRATIC POLICY COMMITTEE MEMBERS

[In number of years]

	Total committee	Elected members	Appointed members
1951	9.0	6	10
1953	11.0	3	15
1955	14.0	5	19
1957	16.0	6	21
1959	18.0	8	23
1961	17.0	10	21
1963	19.0	12	22
1965	21.0	14	24
1967	22.0	14	26
1969	18.0	11	22
1971	19.5	14	20
1973	17.0	16	22
1975	18.0	18	20

The average tenure continued to grow under Mansfield, and by 1967, it had reached 22 years. Thereafter it tapered off somewhat, maintaining an average of 18 years or three full senatorial terms.

For purposes of comparison, the following table sets forth the average tenure of all Democratic Senators during four sessions of the past quarter-century.

Average tenure of Democratic Senators

	Years		Years
1951	8.16	1971	11.91
1961	8.51	1975	11.58

[17] Huitt and Peabody, *op. cit.*, p. 155.

Note that the influx of new Senators in recent elections (notably 1958 and 1974) did not stem the tide of advancing seniority in the senatorial party as a whole. But note also that the gap between the tenure of policy committee members and that of the senatorial party as a whole increased markedly over these years.

Until fairly recently, the overall averages concealed a sharp difference in tenure between the two components of the policy committee's membership: the party's elected leadership and the members appointed by the majority leader. When Johnson assumed the leadership in 1953 (Democrats were in the minority at that time), the three elected party leaders averaged three years in the Senate. Johnson, with four years of Senatorial experience, was the senior leader, followed by Earle Clements with three and Thomas Hennings with two.

The six appointed members, by contrast, averaged 15 years in the Senate. Richard Russell's 20 years made him the committee's senior member. Robert Kerr was most junior, with four years. Every one of the appointed members except Kerr (who had been appointed by McFarland in 1950) had at least 15 years of Senate service behind him, including the two new members appointed by Johnson—James Murray, who had been in the Senate for 19 years, and Edwin Johnson, a veteran of 16 years.

In 1955, Johnson, now the majority leader, appointed Carl Hayden to replace Edwin Johnson, and the average tenure of appointed members took another jump upward. Ever since then, the average among appointed members has been well over three full terms in the Senate.

While the average tenure of appointed members has held steady, the tenure of the elected members has been creeping upward. By the end of the current 94th Congress, Mansfield, Byrd, and Moss will all have served 20 or more years in the Senate—a far cry from the levels of experience that prevailed among party leaders in the early 1950's.

Certain facts should be cited that mitigate these trends. Both Johnson and Mansfield have used various devices to include younger members at committee meetings. Johnson, sensing the pressures and opportunities generated by dramatic Democratic victories in 1958, created something called the legislative review committee. It was a group of three freshmen Senators (Bartlett, Engle and Hart), whose function ostensibly was to monitor the flow of business from the calendar and register objections on behalf of any Senate Democrat when attempts were made to pass bills by unanimous consent. Johnson invited these new Senators to attend the meetings of the policy committee. Whether or not they were to be voting members was never determined, however, as the committee under Johnson was never used in a formal way.[18]

The practice of including the members of the legislative review committee has continued under Mansfield,[19] and eventually it has come to be accepted that these members have a full voice and vote on the policy committee. The leavening effect was mitigated, however, as the members appointed in 1958 grew in seniority. Muskie, appointed in the early 1960's by Mansfield, is still a member of the legislative review committee. Mansfield has usually made a practice of appointing freshmen to vacancies, although the naming of Hartke to replace Hughes in 1975 was an exception. By 1975 the average tenure of the four current members of this group was 11 years.

---

[18] Glass, op. cit., pp. 258, 279. See also Huitt and Peabody, op. cit., p. 154.
[19] *Congressional Record,* January 8, 1965, p. 468.

Mansfield has adopted other means of introducing the views of younger members to the policy committee. In 1973, he announced that, "under the new doctrine of 'juniority,' " he had invited Senators Biden and Haskell to attend one meeting of the policy committee, and would continue the practice "until all members have had an opportunity to participate . . . and to give the committee the benefit of their insights and observations." [20]

Despite these accommodations, the Majority Policy Committee has indeed become a council of party elders, a circumstance made tolerable, perhaps, by the personal responsiveness of Mansfield toward new members. However, as regards the representativeness of the policy committee—a critical factor in its usefulness as an instrument of party leadership—it may be desirable for the party conference and the new majority leader to consider ways of insuring that the membership of the policy committee reflects the range of tenure in the party as a whole.

Perhaps the easiest way to correct this situation would be to restore Johnson's precedent of reserving legislative review committe membership for Senators serving their first term. The only other way would be to expand the number of members or develop the practice of rotating membership.

(2) Is the policy committee a council of committee chairmen?

Some of the most powerful committee chairmen of recent years—Stennis, Randolph, McClellan—have never served on the policy committee. But the chairmen have always had powerful representation. Under Lyndon Johnson, there were always five or six chairmen among the policy committee's nine members. Under Mansfield, there have been fewer, but always at least three or four. Currently there are four among the regular members: Moss, chairman of Aeronautical and Space Sciences; Eastland, chairman of Judiciary; Magnuson, chairman of Commerce; and Talmadge, chairman of Agriculture. Muskie, chairman of Budget, and Hartke, chairman of Veterans Affairs, also attend as members of the legislative review group.

Mansfield has been careful to maintain comity between the chairmen and the policy committee. In 1969, when the policy committee announced its intention to set forth "party positions on major issues on which substantial agreement might exist among Democrats," Mansfield took pains to have its revised procedures approved, "unanimously," by the legislative committee chairmen, as well as by the party conference.[21]

As noted earlier, Robert Heller proposed that the policy committee should be composed of committee chairmen, and there are obvious reasons for his suggestion. Especially if the committee deals primarily with scheduling, chairmen are probably in the best position to know how bills are ripening.

But chairmen are also the most senior members. If the committee is to assume a stronger policy leadership role, it must be more representative than it would be if it were composed exclusively of committee chairmen.

(3) Once on the policy committee, do Senators ever leave it?

The answer is, never voluntarily.

Since 1951, 12 appointed members have left the committee. All of them have either died in office, retired from the Senate, or been defeated

---

[20] *Congressional Record*, February 2, 1973, p. 3139.
[21] *Congressional Record*, February 2, 1973, p. 3131.

in campaigns for reelection. The conclusion is clear: once a Senator is appointed, he serves in perpetuity.

Among the members who serve ex officio, by virtue of their positions as elected leaders of the Senate Democrats, eight have left the committee since 1951. One (Hennings) died in office, and one (Smathers) retired from the Senate. But two (Clements and McFarland) were defeated for reelection, two (Johnson and Humphrey) were elected Vice President, and two (Russell Long and Edward Kennedy) lost their leadership posts. Thus six of the eight elected leaders who left the committee did so because of events in their own political careers.

There are apparently two ways to heighten the sensitivity of the policy committee to the shifting currents of political life. One is to increase the ratio of elected members to appointed members. The other is to rotate appointed members automatically.[22] The argument for perpetual service on standing committees is that a member gathers knowledge about a particular subject over the years and thereby becomes more expert in that area. But the work of the policy committee is broader, demanding less particular knowledge and more openness to new issues and willingness to seize upon new opportunities.

The policy committee ought not to be dominated by eager new members drawn from where there is vigorous competition between parties. Tempered wisdom and balance are as important in the Senate's leadership as elsewhere in the political system. Furthermore, the committee must be wary of alienating the chairmen of standing committees, who will normally be the most senior Senators. But there are dangers on the other side, too. Mansfield's integrity, skill and ironic temperament have kept them submerged, but if the policy committee under the new majority leader is truly going to represent the sentiments of the whole party in the Senate and command respect for its initiatives, Mansfield's ad hoc accommodation of younger members may somehow have to be institutionalized.

(4) What about geographical balance? Have the regions been represented on the policy committee in proportion to their weight in the Senate Democratic Party as a whole?

The analysis shows that one region, the South, is increasingly over-represented, and one region, the Midwest, is consistently, and increasingly, under-represented. During the last quarter-century, the share of the 11 Southern States in the Senate Democratic Party as a whole has fallen from 45 percent (22 out of 49) in 1951 to 25 percent (15 out of 60) in 1975. But there are still three southerners (Talmadge, Eastland and Hollings) on the Majority Policy Committee, just as there were in 1951. Meanwhile, the Midwestern share of the Democratic Party in the Senate, which stoood at 6 percent (3 out of 49) in 1951, has risen to 23 percent (14 out of 60) in 1975. But there is still only one midwesterner (Hart) on the policy committee. (For purposes of this analysis, 11 states are counted in Midwest: the six Great Lakes states, plus North and South Dakota, Iowa, Nebraska and Kansas.)

In passing, it may be noted that the five Border states (Maryland, West Virginia, Kentucky, Oklahoma, and Missouri) are currently

[22] Galloway (*op. cit.*, p. 603) noted in 1953 that members of the Republican Policy Committee were chosen for two year terms and limited to two consecutive terms. Democrats would probably not want to go to this extreme, but some modification of the principle of permanency may well be in order.

overrepresented, contributing 10 percent of the Senate Democrats, but two (Byrd and Symington) of the ten policy committee members. Similarly, the eight Mountain states (Montana, Idaho, Utah, Wyoming, Colorado, Nevada, Arizona, and New Mexico) are slightly overrepresented, with two policy committee members (Mansfield and Moss) standing for a group that contributes 15 percent of the Senate Democrats.

Finally, the regional breakdown shows that the four mid-Atlantic states (New York, New Jersey, Pennsylvania, and Delaware) have had only one or two Democratic Senators at a time since 1951 (currently two: Williams and Biden), and have never had a policy committee member.

It is sometimes said that regional differences are less sharp, less significant than they used to be. Perhaps the cleavage between southern and other Democrats is softening somewhat, although an analysis of roll call votes in recent sessions suggests continuities that are masked by the reputations of such Senators as Bumpers, Hollings and perhaps one or two others.

Whatever one makes of the cleavage between north and south, however, it is clear that the energy issue, to take one leading example, has a regional dimension. In making legislative policy for the Senate Democrats, and for the nation, the policy committee needs to be sensitive to the concerns of all regions. The best way to insure sensitivity is to have balanced representation of all the regions.

(5) Finally, what about philosophical balance? Has the policy committee represented the political leanings of the Senate Democrats as a whole?

Philosophical orientation is notoriously difficult to measure. Senators themselves have a pretty good feeling for the relative liberalism or conservatism of their colleagues, but when it comes to making an objective determination, there are two problems: what kind of activity should be measured and what standard should be established?

One approach is to compare the roll-call voting record of Senators on the policy committee with that of Senate Democrats as a whole, using as a standard the *Congressional Quarterly's* analysis of support for the so-called "conservative coalition" of Republicans and Southern Democrats. The standard is not precise, and the results are not adjusted for absences. (Thus, Senator Hart, who was ill in 1975, obtained a score of 61 for his votes in opposition to the conservative coalition, 25 to 30 points below his usual score. And Senator Eastland, who votes with the coalition 95 percent of the time, had a score of only 72 in 1975, due to absences during roll-call votes.) Still, the comparison does provide a rough basis for comparison.

The analysis shows that the Majority Policy Committee members have a voting record that is slightly more conservative, on the average, than that of their Democratic colleagues as a whole. In 1975, for example, Democrats as a whole had an average score of 32 in support of the position taken by the coalition. Policy committee members averaged 38. Of the ten committee members, four (Talmadge, Eastland, Byrd and Hollings) were more supportive of the conservative position than Democrats as a whole, while the other six were less so.[23] CQ

[23] The scores are presented in the 1975 CQ Almanac (Washington, 1975), pp. 972–975.

has presented a similar breakdown of voting records since 1957, and for that period at least, it appears that the comparison for 1975 is typical.

One additional fact is worth noting. Since 1970, four of the policy committee members (Talmadge, Hollings, Byrd, and Presidents pro tempore Ellender and Eastland) have consistently voted with the "conservative coalition," while their six colleagues have not. Of the six more liberal members, one (Magnuson) will return to the 95th Congress, but the other five (Mansfield, Moss, Hart, Symington and Pastore) will not. Thus, if the correlation between the Democratic conference and its "executive committee" is to remain close, the replacements for all five of these departing members will have to be drawn from the moderate-to-liberal elements of the party.

SEPTEMBER, 1976.

THE USES FOR POLICY ANALYSIS IN THE UNITED STATES SENATE

By Frederick O'R. Hayes

Introduction

This paper is addressed to the standards for supporting information and analyses that the leadership of the Senate might reasonably expect from the committees of the Senate when they review and report on legislation. These standards, in turn, influence the demands placed by Senate committees upon the Executive Branch for information to support legislative proposals.

During the past 15 years, the legislative process has had to contend with issues and programs of an increasingly difficult and complex character. Evidence of problems and shortcomings in the legislative process has substantially increased. These problems and shortcomings are of several kinds:

(1) Some programs and other legislation have failed to produce the expected results;

(2) Programs and other legislative actions have had major adverse secondary effects that were not anticipated;

(3) Divided responsibilities among Senate committees and between the Congress and the executive branch have hampered integrated consideration of important issues;

(4) Major emerging issues have not been anticipated.

Most of these failures and shortcomings have their origins not in the Congress but in the executive branch which proposes much of the legislation and provides a large part of the supporting data and analyeses which are the raw material for House and Senate deliberations.

The basic problem is the increasing difficulty of dealing with the future. Part of the problem rests in uncertainty with respect to key external factors, such as future changes in the state of the national economy. Part is the lack of present knowledge of the means-ends relationships that link programs and the results they are intended to achieve. Still another part of the problem is the limited advance attention we have given to long-term problems.

The existence of the problem does not, in itself, indicate that it is possible to do better. The scope of legislation has been progressively extended to deal with more and more of the major concerns of the nation. In this broadened area of legislative concern, there are fewer problems that can be solved easily, even fewer that can be resolved within the short term, and some that simply may be not soluble by government. In some sectors of the economy and the society, the sheer size of the expanded government commitment makes adverse secondary impacts difficult to avoid. Lastly, we must recognize that our ability, under the best of circumstances, to predict future conditions is lim-

ited; the greater the precision we require and the farther into the future we need to predict, the more likely we are to be off target.

These limitations are real and important. Yet, they do not preclude a substantial improvement in overall performance on major legislation. It is the argument of this paper that such an improvement is possible, and that it can accelerate as experience increases our sophistication in dealing with the problems of the future.

Forecast and Prediction

For a quarter of a century after the successful post-World War II economic adjustment, the Federal Government devoted little attention to long-term problems. Earlier, the depression and the war had engendered some serious concern for long-term issues. The creation of the National Resources Planning Board and its successor agencies; the work of the Temporary National Economic Commission, the establishment of the National Stockpile and the Truman Administration's Paley Commission investigation of material supply problems, these were all of this future-probing character.

The stockpile was the only manifestation of a cautionary attitude toward the future to survive the transition from Truman to Eisenhower in 1953. The Eisenhower Administration accepted the notion of short-term economic policy (then still disputed by many in the right wing of the Republican party) and the use of the procedures and mechanisms established by the Employment Act of 1946, but it rejected any involvement in longer term planning.

In the subsequent decade, the Federal Government seemed to learn much about short-term economic planning and policy. Successes were particularly marked in the extraordinary effectiveness of both analytic techniques and policy achieved by the Kennedy-Johnson Councils of Economic Advisors in the 1961–1965 period. The dominant attitude, certainly through 1965 and perhaps through the end of the decade, was that if we could manage to achieve short-term economic policy objectives the long-term would take care of itself. This may seem to some shortsighted and wrong-headed but, in fact, the post-war experience provided impressive evidence supporting this perspective.

The concern for long-term issues tends to be dormant so long as the present is satisfactory. Current interest in the longer perspective has developed only with the increasing problems of the last decade. Ten years of inflation and the more recent prolonged recession have begun to raise questions about the future of the economy. The changing position of America in the world economy has had similar impact. The pressure of economic development of land use, air and water quality and, more broadly, on the overall quality of life has made the longer term environmental perspective a major factor in government decisionmaking. The social trends of the 1960's, especially the huge increases in welfare programs and in crime, have dampened our optimistic confidence in the future. The issue most important of all in advancing a longer term perspective, however, was the energy crisis following the 1973 Israeli-Arab war.

The Energy Crisis

More than any other phenomenon or problem, the energy crisis seemed to reveal an appalling lack of foresight by American society and government. The declining ability of the nation to meet its oil needs from domestic or safe foreign sources was clearly predictable—in fact, long before, it had been predicted by the Paley Commission in its 1952 report. The Mobil Oil Company has rerun its public interest advertisments of a dozen and more years ago to readvance its earlier argument for action on the problem.

Indeed, the government posture on energy seems to have been perverse as well as negligent. The Federal Power Commission, in regulating natural gas prices, adopted a low-price consumerist position, suggesting a casual Commission view that expansion of supply required no special economic stimulus. Legislation to control air pollution placed requirements on automobile manufacturers that substantially reduced gas economy on 1973 model cars. Environmental concerns were, at the same time, slowing the development of Alaskan North Slope oil as well as new nuclear power installations. Throughout recent history, it is difficult to find any indication that the Government viewed oil and energy supply as a significant problem.

The oil crisis is seemingly a classic illustration of the need for future planning. Yet, it is not at all certain that even clairvoyance would have prevented the problem. If the United States in the early 1950's had foreseen the events that began with the Yom Kippur War of 1973, it is by no means certain that a program could have been developed and carried out to make us capable of meeting our energy needs with little or no Arab oil in 1973.

Unfortunately, long-range economic forecasting is rarely clairvoyant. Forecasting would have given us supply and demand projections showing a rising dependence upon foreign oil, and, perhaps, could have resulted in a long-term program for the expansion of energy resources. We might, in addition, have had influential voices prepared to argue that the FPC's low natural gas price was contrary to long-term national policy. Perhaps the arguments could have persuaded the Congress against high energy solutions to the pollution problem. These actions are not of negligible importance and probably would have made our energy situation better than it was in 1973. We would, moreover, have had a staff with some experience and expertise in energy analysis and planning—which we did not have in the fall of 1973. But it is doubtful that the 1973 crisis would thus have been averted.

To solve the problems, the forecasters would have had to make a case for urgent action on the grounds, not merely that we were increasingly vulnerable to foreign action on oil supplies, but also that action to exploit our vulnerability was highly probable. It is doubtful that they could have either made such a case or sold it to the country's political leaders.

The Arab oil boycott is a very special case, but it is at the same time a reminder that, at best, we cannot forecast all of the future. We are always the victims or beneficiaries of uncertainty. In a people more

psychologically inclined to believe in disaster, the same forecast might produce a more radical and energetic response than among Americans. So it is not simply a matter of what we see in the future; it is also a matter of how seriously we take it.

Forecasting Needs

In our current climate of dampened optimism, the future is becoming much more a matter of real concern. The idea of a national effort in planning and/or forecasting has acquired a coterie of distinguished supporters. Banker Robert V. Roosa, in his testimony before the Joint Economic Committee on the Humphrey-Javits planning bill, set out a limited statement of needs: "* * * we need an early warning service, capable of locating some if not all of the emerging problems within the structure of the economy and focusing appropriate attention upon them. Government and business in the most advanced economy of the world should be able to rise above the continuing pattern of crisis responses to the unexpected; of emergency legislation, prepared in a hurry as some long smouldering problem breaks out into flames. Foresight will never be 20–20, but we ought to have some built-in facility, at the highest level of the Government, for looking ahead and alerting the President (and, through him, the Congress) to evolving changes that signal future problems."

In fact, we do have a significant, albeit limited, capability to meet Roosa's prescription for forecasts of future needs and problems.

The surest and most important element of this capability is demography. Much of the future will be determined by the demographic characteristics of our current population. With no data aside from the age distribution of our 1975 population and current age-related mortality trends, we can develop fair population estimates for the aged through the year 2040. From these projections we can derive preliminary estimates of needs for hospital, nursing home and domiciliary facilities for that population. At the other end of the age spectrum, we know the size of the age cohorts from which will come every college graduating class through 1996 and every entering first grade class through 1981 or 1982. We can predict from population data alone, under alternative assumptions, the probable 1990 demand or need for hospital beds, high school seats and many other services.

Despite the extensive use of demographic projections, there is evidence that they have not always been utilized in program decisions. One suspects that the current and expensive surplus of hospital beds in many parts of the country was avoidable. It seems probable that a careful examination would disclose scores of new school buildings that opened only a short time before declines in enrollment made them unnecessary.

There are more sophisticated and perhaps more speculative uses of demographic projections. Robin Williams, the Cornell sociologist, predicted as early as the late 1940's the discontent, rebellion and militance that would result when the large age cohorts of the baby boom reached college age in the late 1960's. One might add that the most rudimentary application of age-adjusted crime rates would have projected a substantial increase in crime (although less than actually occurred) as the population in the 14–24 age bracket increased.

Longer term economic forecasts are built upon demographic data. using alternative assumptions as to increases in productivity, changes in the character of consumer demand, and other probabilities. The purpose is not to predict business cycle behavior but rather to estimate the impact of longer term trends upon the economy. Long term forecasting models have been constructed at various levels of detail. Such a model permits an examination of such characteristics as the changes in demand that result from rising average personal incomes. Energy use per person or per family tends to rise with income; hence, we would expect, other things being equal, that household energy demand would rise more rapidly than population. Similarly, trends in production technology can be reflected to determine the effect of these changes upon input demands. A long-term economic model also provides an opportunity to test the effect of assumed policies or constraints upon the economy.

The value of a continuing effort in national forecasting and prediction can be great. However, it is clear that our current capacities are less than our needs. Donald Michael, professor of Psychology and Program Director at the Institute for Social Research, the University of Michigan, has commented in his book, *The Unprepared Society: Planning for a Precarious Future:* ". . . In general, we don't have enough data about society to know what, in detail, is happening to us, much less what will happen to us, especially as a function of technological change."

Robert V. Roosa, in his previously cited testimony before the Joint Economic Committee, similarly emphasizes, as the first of our needs, "better data—more accurate, more comprehensive, and more usable."

Significant limitations in our present capabilities can almost certainly be relieved by systematic and serious attention to this problem. The computer's capacity for data manipulation permits the inexpensive and rapid introduction of variations in assumptions or policies as well as newly collected data. Measuring predictions against actual developments as they occur provides the most effective test of techniques, but this can also be done to some extent by retrospective analysis, which attempts to forecast the present from past data. At the same time, it should be possible to move from matters of relatively large scale, e.g., overall energy needs, to problems of finer dimensions.

Estimating Program Results and Repercussions

A capacity for forecast and prediction would help substantially to improve estimates of the results and repercussions likely to flow from major legislative proposals. However, repercussions analysis needs its own discipline for the examination of prospects and problems.

As a beginning, let us list the kinds of factors that affect program outcomes. I have assumed a grant-in-aid program format since so many of the Federal Government's domestic programs function through grants to State and local government. In considering other types of programs, State and local factors in the listing would, of course, be ignored.

Program structure:

- Statute
- Federal agency regulations
- State and/or local regulations (for grant-in-aid programs)

Administrative structure and behavior:
- Federal
- State
- Local

Behavior of intermediaries and providers
Behavior and characteristics of users and clients
External factors:
- Economy
- Other

The listing itself provides some indication of the range of problems to be considered in determining outcomes.

The listing suggests, in general, the dispersion of program authority among a wide variety of participants who, within the constraints of the statute, will do what comes naturally—whether following established practice, current professional doctrine or the dictates of self-interest.

The Medicaid Cost Issue

Medicaid (supplemented in important respects by Medicare) is an interesting case example. Almost from its inception, Medicaid has been characterized by the enormous overrun of initial and even subsequent cost estimates and its parallel impact upon medical costs generally. Despite lowering of income ceilings for those eligible for Medicaid, expenditures now exceed those for cash benefits to the public assistance recipients who make up the vast majority of Medical eligibles.

Medicaid is an open-ended program. Title XIX, which was added to the Social Security Act in 1965, provided for grants to the States for medical care for the medically indigent. The States were free, within broad limits, to establish eligibility standards and to specify service eligibility. The beneficiary was guaranteed his own choice of physician. Fees were to be set to accord with customary and usual practice and hospitals were to be reimbursed on a cost basis.

Kenneth Arrow, Professor of Economics at Harvard, has cited Medicaid as a case fitting the logic of the neo-classical model of economic behavior. An increase in funded demand in a sector with inelastic supply (of doctors and hospitals) was certain to increase costs and prices. By the same token, of course, the higher demand would also increase expenditures for the more elastic components of medical care—X-rays, laboratory tests, drugs and special therapy. In time, the program would also increase the supply of resources that were inelastic in the short run, provided there were no special constraints on supply. This, in fact, happened, particularly with respect to nursing homes. In addition, it was certain that Medicaid would displant a large part of various other free physician and hospital services to the indigent, as well as a share of State and local expenditures for free public clinics and hospitals.

The results obtaining were predictable *in general*. A bright and perceptive undergraduate student of economics probably would have concluded that under Medicaid medical care prices would increase significantly faster than consumer prices on the average. He or she certainly would have estimated program expenditures in amounts much higher than the HEW figures submitted to the Congress. Whether the effect of Medicaid financing upon unionization and the resulting

impact on wage levels in health care institutions would have been correctly quantified may be subject to question. He might also have underestimated the extent of service enrichment and expansion in the typical patient visit or disease episode.

There were some special factors. For example, Herbert Klarman, professor of economics at the graduate school of public adminstration, New York University, has pointed out (with respect to Medicare, although it applies to both Medicare and Medicaid) that what was not anticipated was the change in hospital administrators' behavior when cost-based reimbursement increased from 20–30 percent to 75–90 percent of patient days. With that change, the administrator could no longer deny demands for higher wages, more staff or more supplies on grounds of insufficient funds. Our undergraduate economist might have missed this, but it should not have escaped a more sophisticated analyst. In addition, the aggregate expenditure level was influenced more by costs in a handful of larger States with highly developed health systems than by the experience in more typical States.

With all of the complications, our undergraduate economist would have fallen significantly short of the target only by virtue of failure to predict the very large upward changes that occurred in two external factors—the general price level and the number of public assistance recipients. If he had, however, put his calculation "on wheels" to provide cost estimates that varied with assumptions with respect to these two external variables, his model would, in rough terms, have described the actual situation.

This suggests that a more careful approach would have produced better forward estimates and an identification of the important factors external to Medicaid that would impact expenditures. Moreover, it would produce a crude model of Medicaid expenditure determinants needed to relate estimated and actual experience. Someone still would have had to find the wit to ask what would happen if the consumer price index increased by six percent a year and the welfare rolls doubled in five years. And, if those developments were viewed seriously, it would have been necessary to determine what changes in the program were needed to better control costs. Even after the fact, there has been a notable lack of effective solutions for the Medicaid cost problem.

Remedial Education

A second case is another of the Great Society programs of 1965. Title I of the Elémentary and Secondary Education Act (ESEA) has provided billions of dollars for compensatory and remedial education for deprived children. The enactment of the bill represented a recognition of a serious national problem and the hope that more resources would help. There was no surefire method of improving educational performance among these children and, even if there had been, Congress might very well have done just as it did and left the choice of program up to the local school boards.

The program has been widely regarded as a failure—perhaps unfairly. Ralph W. Tyler, Director Emeritus, Center for Advanced Study in the Behavioral Sciences in Stanford, California, points out that it took time to make it work but that positive results were eventually being reported by about a third of the school districts. He also argues that funding was insufficient to do the job and that more might

have been accomplished by concentrating resources on only a portion of the eligible children rather than spreading it among them all as most school districts did.

There are several lessons to be derived from the Title I experience. The first is that Congress will, perhaps must, commit funds to important problems even where the prospective results are very uncertain. The second lesson is that with a nearly infinite number of possible program choices by thousands of school districts of varying competence, there will, under the best of circumstances, be losers as well as winners. In this case, is it a success or a failure to have "winners" in one out of three school districts? There is no answer because there was no norm or expectation against which to calibrate the results. Finally, rational legislative action demands an effort to understand why one-third succeeded and the other two-thirds failed. Are there legislative changes that would create winners among the lagging two-thirds? For example, should the use of federal financing for a "losing" program be limited to some specified number of years, after which the recipient school board would be required to try something else?

Government rhetoric used for program justification tends to avoid the subject of possible failure. But failure is there. In some areas, governments, like people, can learn only through trial and error. The basic question in government is how to institutionalize the learning, correction and improvement processes. We ought to be able to learn from experience and progressively increase the ratio of success as programs mature.

The ESEA Title I program is not an isolated case. There have been a wide variety of programs enacted into legislation with great uncertainty as to the results that would obtain. Usually, they involve, like the ESEA Title I program, a lack of known and reliable relationships between the means provided by the legislation and the ends it intends to achieve. With no certain program logic, the legislation typically and properly provides for an unusual amount of discretion in programing.

Success depends, not only upon good (or lucky) program choices, but upon unusually capable and innovative program administrators and managers. The latter point is critical. There was clearly no way under current practice to assure in a program such as community action, for example, that competent program directors would be recruited for the 1,500 local agencies established in the first eight months of the program. In cities of 100,000 or less, as well as many larger ones, the typical first urban renewal project was probably the most complex, most difficult, and largest land development enterprise ever undertaken in the community; it usually demanded managerial capacities far greater than any other job, public or private, in the community. This indicated a significantly high rate of probable failure.

Obviously, an estimate of probable program outcomes in such cases is difficult and subject to rather high error. Yet, it is a valuable exercise. The routine recognition of probable failures prompts examination of program costs and benefits in a far more realistic manner than has been customary practice. If the prospect of a significant number of failures is recognized, it suggests that consideration should be given to administrative measures or changes in the legislation that might improve the proportion of acceptable performers. It means that appropriate attention might also be given to the quality of administration

and leadership in the operating agencies. An estimate of outcomes creates the presumption that actual results will be compared to estimates and reported back to legislative and executive policymakers.

Science and Technology

One of the newer problems in estimating program outcomes is the variation in scientific opinion on supposedly objective matters of applied science and technology. On some issues today, both proponents and opponents seem able to invoke scientific expertise of some distinction to support their arguments.

The hazards of nuclear power plants, the carcinogenic effects of certain food additives, the effect of various detergent components on algae growth in water courses, and the most effective means of controlling auto pollution are only a few of the areas of controversy.

Nearly all of the cases are demonstrations of our limited knowledge in certain areas and of the probability of results. They indicate that much of science and technology, to which we tend to ascribe a high degree of certainty, is as subject to uncertainty as social and economic phenomena.

This suggests a need, first, for explicit logical exposition—the exposure of assumptions and the basis for knowledge in a framework that reveals the questionable areas. Ultimately, some issues will require vehicles such as the committees of the National Academy of Sciences to establish consensus opinions or statements of a problem. Here, as in the case of compensatory and remedial education, the most valuable beginning is the open recognition of uncertainty.

The Need for an Integrated Conservation of Issues

The design of a committee structure for a legislative body poses the same "insoluble" problem as the design of a filing system: there is simply no way in which areas of overlapping concern can be avoided. Thus some means by which the leadership can resolve at least the more serious problems of coordination is necessary in any legislative body with a large number of committees.

The basic problem is almost certainly becoming worse. This is partially the result of trends in the society and economy that are reducing the political and economic slack in the system. The impact of legislation on the consumption or supply of energy, for example, was not a matter of concern until a few years ago. Balance of payments impacts have become important in the last decade or so. There are more and more areas that demand explicit consideration and cannot be simply left to the adjustment processes of the market.

At the same time, more aggressive citizen groups are asking more questions about legislative proposals. There is the increase in sheer numbers of practically everything. With more people, more government programs, more government expenditures, and more legislation, interactions and interrelations tend to increase.

It should be emphasized that problems in integrating issues are aggravated by basic conflicts in objectives. For example, those concerned with expanding energy supply are likely to be in direct conflict on a broad range of issues with those who regard protection of

the environment as more important. When the facts are disputed by aggressive proponents with very different perspectives the Senate needs a method of resolution that not only satisfies requirement for rationally integrated decisions, but also satisfies its many constituencies that all related concerns have been carefully and fairly examined.

The problem of inter-related problem solving is even better illustrated by the tax structure which has broad impact upon business and individual behavior. The accelerated depreciation provisions of the Internal Revenue Act of 1954 have probably had as much effect upon the construction of rental housing as all of the housing acts of the last twenty years. These provisions, together with the allowance for the deduction of mortgage interest and real property taxes, have literally led to the spread of condominiums. The growth in home ownership over a longer period of time has, of course, been closely related to the interest and tax deductions. With dominant thinking in tax law increasingly oriented towards greater equity in taxation, we may well find that tax amendments generate more and more questions about their impact upon substantive program objectives.

Costs, Benefits and Effectiveness

Discussions of improvements in executive branch decisionmaking have tended to emphasize cost-benefit and cost-effectiveness analysis. These techniques have not been given the same weight in this paper because they seem secondary in both importance and logical sequence to the problem of determining probable results and repercussions; yet some mention is warranted.

The costs and benefits of major water resource projects, for example, have for a number of years been estimated and compared as a means of establishing priorities among projects and of determining whether a particular project should even be considered. The technique has been a useful one, especially for inter-project comparisons, although it depends upon relatively soft estimates of some benefits such as the value of recreational use. Applications of cost-benefit analysis are more common in public works projects, partially because there are typically many more problems in valuing outputs of other kinds of programs.

Cost-effectiveness analysis is concerned primarily with questions of a managerial nature. It assumes that a decision has been made on what needs to be done and that the problem is to find the most efficient and/or effective way of doing it. Cost-effectiveness analysis has broad potential applicability to government programs, but it is most easily used in analyzing direct operations with clear-cut objectives, such as refuse collection or postal service.

Far less elaborate is the simple use of estimates of the cost per unit of output produced, say, the cost of manpower training for every candidate completing training or for every trainee placed in a job. This provides the reviewer with the opportunity to compare unit cost with his own sense of what it ought to cost or what it is worth. Simple as they are, unit cost data are often surprisingly revealing. Sometimes, of course, an easy measure of units of output—upon which the technique depends—is not self-evident.

Setting aside the virtues and limitations of particular approaches, I will emphasize the value of a perspective that seeks to identify costs and benefits and potentially more effective alternatives. Even an itemization of pluses and minuses without numbers may be useful in decisionmaking.

One of the most important areas for routine application of cost analysis is in regulatory legislation. Even if, for example, one regards safety and anti-pollution requirements for automobiles as absolutes to be pursued regardless of costs, an analysis of the probable impact upon automobile prices is of basic importance to citizens. More important, it may suggest more effective, or cheaper ways to achieve the same objective.

In the public sector, we seem to be particularly ill equipped by custom and attitude to introduce marginal questions of cost and advantage, especially as they bear on matters of standards. In the case of water pollution control, the argument was made that the last increment in pollution control and water purity standards in the Water Pollution Control Act would involve costs vastly in excess of its benefits. Whether or not this judgment is valid, it is indisputably true that, in a large family of functions of this kind, the cost-benefit ratio tends to become progressively less favorable as the standard of performance is increased.

Such issues are by no means neglected in all Senate committee work on legislation. The problem is that they are not regularly and systematically pursued.

Implications for the Operation of the Senate

The job of the Senate and the Congress is vastly more complex today than it was only two decades ago. More legislation dealing with our most difficult and important social problems, an increasing concern for environmental and other external program effects, and more contentious constituencies have all contributed to the change. There are no indications that these causal factors are likely to reverse course and return us to simpler and easier times. If our newer problems are to be better handled, changes in the operation of the Congress and the Senate are implied.

The most difficult problem to handle within the context of the Senate is the new need to deal explicitly with longer term issues that have hitherto been given comparatively little attention. This has become a Congressional problem and a Senate problem chiefly because of the slow response or inaction of the executive branch in this regard. The analysis of the longer term, moreover, is not a function that fits easily within the organization and operations of either house.

An organization devoted to forecasting, longer term analysis of issues, and identification of emerging and future problems might be set up as a new agency or entity to serve the Congress or as a component of one of the agencies already in existence. The Congressional Budget Office, possibly the Congressional Research Service, or a new independent institute are all workable possibilities. Alternatively, an executive branch unit with comparable responsibilities might be established. Another possibility is to have the service performed by an

existing non-profit research organization, such as the Rand Corporation, or to establish a new such organization for the purpose.

The advantages and disadvantages of the various alternatives are fairly obvious. One special problem is probably worth mention. An organization for longer term analysis and forecasting requires personnel with high technical and professional credentials and indisputable objectivity. The traditional approach of placing the function within the executive branch—and especially within the Executive Office of the President—may be suspect because it may not assure the needed objectivity or provide the necessary credibility.

What would such an organization do? How would it help? I believe it could make an important immediate contribution by providing a more systematic approach and a better ordering of some of our longer term problems, such as energy needs and environmental degradation. Over a longer period, practice and experience should advance the state of the art, permitting improvements in the quality of forecasting and its extension to problems of less widespread impact. There are no prospects for miracles, but, within a decade or less, this approach should result in formidable capabilities for longer term analysis.

I have treated separately the problem of determining the probable repercussions of proposed programs and legislation. In fact, some significant program repercussions analyses could probably best be done by an organization concerned with the shape of the future. The Medicaid cost analysis and the impact of various possible energy policies and programs are excellent examples.

On the other hand, the futurist or analyst of the longer term has less to contribute to those problems not resting upon the demographic and economic dynamics of the nation. Determining the probable impact of compensatory and remedial education programs is a case of this kind.

To assure adequate analysis of major program proposals when there is significant uncertainty as to results, a more demanding discipline should be applied to justification by executive agencies and to review by the functional committees of the Senate. It is not difficult to develop a general statement of requirements for legislative analysis despite the great heterogeneity of the legislative agenda. It could provide a useful guide to be applied to legislation of high significance. Selectivity is essential. We have learned the hard way over the past decade that the *bête noir* of analytic applications has been comprehensiveness. Credibility has been lost and enormous effort dissipated by attempts to deal comprehensively with the inconsequential, and with problems and programs that were poor targets for analysis.

The analysis of probable legislative repercussions must be recognized as a speculative game, even when it is conducted in the most scientific and objective manner. There are few if any conclusions with respect to the scientific future that are not subject to dispute. In the 1970's, it seems clear beyond cavil that disputable points will be disputed. What the careful analysis of prospective program futures will do is, not eliminate such disputes, but rather provide a framework wherein they may be addressed. This is no small advantage. In some cases of contested fact and outcome, it may well be necessary to seek from panels of experts the "last word" or the nearest approximation to the last word.

From the perspective of Senate leadership, there are two problems, neither of which is simple or easy. One is quality control—making sure that all major pieces of legislation come to the floor with the necessary analysis. The second is the task of integration—assuring that programs with implications extending across committee jurisdictions receive the review necessary to fully explore all of the relevant questions.

A third problem, of a different character, is the need to improve the process by which the Members of the Senate not on the reporting committee are fully informed on complex legislation.

One general conclusion follows: solutions will require a stronger, more extensive leadership role and, with this, an expansion of the resources serving the leadership and the Senate as a whole. This is much in accord with the trend that in the last several years has created three new organizations to serve the Congress.

The Senate leadership should have at its direct command the analytic resources to carry out a thorough exploration of prospective outcomes, possible alternatives, and costs and benefits on a relatively small number of important legislative issues each year. In a typical legislative year, there are probably no more than ten or fifteen such issues or proposals, some of which will remain under consideration for a number of years before enactment. Such analysis should, among other results, reflect the different perspectives of various Senate committees in cases where issues cross committee lines. For legislation of lesser concern, quality standards will require more active leadership oversight, the provision of resources for the committees to do the job, and requirements of the executive branch for better legislative justification.

Much of the work in analyzing, justifying and developing legislation has historically been performed by the executive branch. There is little reason to modify this practice, unless there is no other way to obtain what is needed. The capacity of the executive branch to perform program and legislative analysis has been substantially expanded and upgraded over the past decade. There is little doubt that performance is much above that of 1965, the period from which many of the examples cited earlier are drawn. But there remain problems of several kinds. The analytic abilities of some agencies are still very inadequate. More important, executive branch agencies are proponents, with more interest in supporting their proposals than in supplying detached and objective analysis of issues. These limitations underline the need for an independent analytic capacity for use in a variety of cases where the executive branch response is less than satisfactory; it would be a means, in effect, of keeping the executive branch honest.

Realistic expectations are crucial. Systematic and analytical approaches usually produce better results than more intuitive, judgmental thinking—but not in every instance. Some finite incidence of significant error is inevitable under either method. Particular events, such as the oil embargo, may be beyond our capacity to predict. We are still not well advanced on the learning curve.

I am very much aware of the seeming conflict between systematically organized approaches to problem-solving, on the one hand, and the style and method of operation of the Senate. The two, it is argued,

are incompatible and proposals like those in the paper, however right they may be in theory, are simply unrealistic.

This is a legitimate and respectable argument but, in my view, overstates the case. First, it ignores history. Once, perhaps, the Senate satisfied the 18th century idea of a deliberate body reaching rational conclusions on no other basis than judgments arising from the experience and education of its Members. That has long ceased to be feasible, and the use of supporting expertise has expanded many fold. Changes in this respect, even over the last two decades, have been of major proportions. To have done otherwise in our changing world would have been to concede a monopoly on expert knowledge and, with it, power, to the executive branch.

Second, analysis of issues and legislative proposals does not produce decisions but information. It is not a substitute for politics or debate. Rather, it merely improves the quality of the information that serves these deliberations.

Last, the argument against analysis—and rationality—suffers from the fallacy of premature realism. The introduction of new devices and methods into established organizations is always difficult. But one never knows what can be done and how it might best be done until the effort is made to do it. The Congressional Budget Office and the Office of Technology Assessment both represent ideas that were unrealistic almost up to the moment they were implemented.

JULY, 1976.

80-188—77——6

THE SUPPLY AND DEMAND FOR ANALYSIS ON CAPITOL HILL*

By Allen Schick

Anyone exposed to the ways and foibles of Capitol Hill might easily conclude that Congress and policy analysis are not made for each other. What hope there is for analysis seems to reside in the executive branch, where there is time for thinking and looking ahead, where the search for alternatives is comparatively broad and open, and where reason and information have some prospect of influencing decisions. If this executive bias is not explicitly embraced by the analytic professions, it is surely implied by their actions and interests. Until recently, the attention and work of analysts were oriented almost exclusively to the executive agencies. More than one critic has remarked that PPB—the Planning, Programming, Budgeting system launched in the 1960s to institutionalize planning and analysis in the federal budget process—was silent about the role of Congress.[1]

Congress displays little on the surface to challenge the notion that the surer path to analytic success is through the administrative process rather than the legislative thicket. Consider the steps ordinarily required for a bill to become a law. The process begins with the introduction of a bill, one of thousands offered in the same year. At this first step, statutory language is already rigidly in place; it would seem that the conclusion has already been reached. Then on to hearings, but only for the comparatively few bills that advance beyond the introductory stage. More often than not, most of the committee members are absent from the hearings, and those who are there pursue a disjointed line of questioning that yields a tangle of loose and dead ends. The session often opens with a prepared statement setting forth findings and conclusions, before any testimony has been received. Having arrived with his mind made up, the congressman often has also arranged a lineup of witnesses stacked in favor of his position.

As the measure advances through the legislative process, the inattention to analysis persists. At committee markups, congressmen wrangle over words but rarely over larger purposes of future outcomes. In reconciling their differences, they often opt for a compromise that is inferior to their original positions. The garnering of votes, not the quality of the "pork," seems uppermost in the legislative process. If the legislation makes it to the floor, its fate usually has been predetermined by the private exchange of commitments. By the time floor consideration begins, there are likely to be more

*Copyright 1976, by The Regents of the University of California. Reprinted from *Policy Analysis*, Volume 2, Number 2, Spring, 1976, pp. 215–234, by permission of The Regents.

[1] On the neglect of Congress, see U.S., Congress, Senate, Committee on Government Operations, *Planning-Programming-Budgeting: Interim Observations*, 90th Cong., 2d sess., 1968.

indifferent than undecided members. Both types take their cues from colleagues, not from reasoned debate.[2]

Legislating to a Different Drummer

The foregoing is part caricature laced with a big dose of reality. Congress is not a natural habitat for policy analysis. The temptation, then, is for analysts to concentrate on the executive branch, where the opportunities for making an impact on public policy are more favorable. Although an accurate count is impossible, there are probably few analysts who regard themselves as working for Congress. The problem is not primarily one of staffing: although there are some critical gaps in its resources, Congress still has many thousands of employees on personal and committee staffs, plus thousands more in adjunct agencies—the General Accounting Office, the Congressional Research Service, the Office of Technology Assessment, and the new Congressional Budget Office. Nor does the problem hinge on a shortage of data—although analytic information often is in short supply, either because no one has it or because executive agencies tend to be reticent about searching out alternatives to their preferred course of action.

The problem is rooted in the institutional character of Congress as a representative, law-producing body. Propelled by pervasive political impulses of "Who gets what," Congress seems more concerned about the distributive effects of public policies than about *pro bono publico* benefit-cost ratios. Unlike the analyst who seeks to maximize aggregate national welfare, the legislator knows that it is *someone's* welfare that is to be benefited. This does not mean that congressmen are never concerned about the total public interest or that analysts are always insensitive to distributive effects; it means only that the legislative and analytic processes are not natural or easy partners.[3]

The beginning of wisdom about Congress is to recognize what Mayhew describes as "the electoral connection," the motivation of congressmen to pursue politics that enhance their prospects for reelection.[4] This connection is strongest when distributive policies are at issue—when, for example, Congress is allocating discrete benefits to particular areas or target groups. It is ironic but not surprising that cost-benefit analysis made its first legislative appearance in connection with water resource policies, an arena in which the distributive ethic is particularly dominant. As Ferejohn demonstrates in his recent study of the Army Corps of Engineers, the costs of rivers and harbors often exceed the benefits.[5] Congressmen cannot be expected to renounce their political aims for the sake of efficiency; nor can they be expected to support analysis that conflicts with their assessment of political reality.

In consonance with its distributive ethic, Congress is an institution in which power is widely shared, in which there are multiple points of

---

[2] There is a vast and growing literature on the role and behavior of Congress, including classics such as Richard F. Fenno's *The Power of the Purse* (Boston: Little, Brown & Co., 1966); and Donald Matthews's *U.S. Senators and Their World* (Chapel Hill: University of North Carolina Press, 1960). Analysts who would serve Congress would do well to dip into this literature, which, despite occasional addiction to political science jargon, presents an accurate portrayal of Congress at work.

[3] The difference between analytic and legislative modes of choice is akin to the distinction between economic and political rationality in Paul Diesing, *Reason in Society* (Urbana, Ill.: University of Illinois Press, 1962).

[4] David R. Mayhew, *Congress: The Electoral Connection* (New Haven, Conn.: Yale University Press, 1974).

[5] John A. Ferejohn, *Pork Barrel Politics: Rivers and Harbors Legislation, 1947–1968* (Stanford, Calif.: Stanford University Press, 1974).

access, and in which many interests have an opportunity to be heard. This diffusion of legislative power—accompanied by what political scientists have become accustomed to salute as patterns of reciprocity and specialization—accommodates the particularistic pressures impinging upon Congress. No one controls. In order to build a winning coalition on Capitol Hill, it is necessary to attract support from disparate interests. Not all congressmen who support a bill do so for the same reasons, and not always for reasons that would satisfy analytic standards. The political process of putting together a majority not only produces inconsistencies in legislation but also obscures legislative intent and complicates the task of evaluating program results.

Analysis in the Service of Legislation

Congress and the executive branch are different. The executive has the comparative advantage of putting things together, coordinating a variety of actors and problems, concentrating power in a few hands. The comparative advantage of a legislature is in the sharing of power, in the necessity that many wills be satisfied in order for one law to pass. Viewed from this perspective, the fragmentation and disarray of the legislative process are functional; they certainly are not aberrations that must be remedied away if Congress is to become an effective policymaking institution. A legislature is not just a multimember executive, nor does it exist only for the purpose of separating governmental power into two compartments. Its larger purpose is to diffuse power where the other branch concentrates it. The prospect, therefore, is for Congress to continue in its peculiar fashion.

Accordingly, a disposition toward policy analysis is more apt to be found in the executive branch than in Congress. So, reasons the analyst, why bother with 535 members when timely access to the right decision maker can bring analytic success? Why endure the frustrations of Congress when the unification of power and knowledge in the executive branch can enhance the quality of public choice?

There are a number of compelling reasons why the issue should be resolved in favor of closer ties between the legislative branch and the analytic world. An obvious one is that it takes action by both branches to enact major changes in policy. If the legislative process were off limits to analysts, executive proposals based on analytic evidence probably would not survive intact. While Congress is not going to transfer legislative power to cadres of analysts, it can be swayed by analytic thinking, at least to the extent of rejecting the worst alternatives.

Moreover, Congress can play a useful role in stimulating agencies to conduct and utilize analysis. The disappointing career of PPB demonstrated that it is not easy to incorporate analysis into the decisional processes of government agencies. The budget process, in particular, can be very inhospitable to analytic penetration, even when support is forthcoming from the top. The evidence from the PPB years also is that executive agencies do not readily open their analytic books to legislative inspection. Agencies generally are willing to disclose the end products of their analytic work—the recommended course of action—but not the data that might justify other alternatives. Agencies also

can be constrained in the range of alternatives they open to analytic examination, ignoring some possibilities that might be attractive from a congressional point of view.

The integrative tendencies of the executive branch reduce the number of points at which analysis can be injected into the decision-making process. Although this limited access might be a blessing to the analyst working for top officials who appreciate and use analysis, the situation can change overnight with a shift in executive positions. The agency that welcomes analysis today may be indifferent or hostile tomorrow; the planner or analyst who is in the center of things now may soon be pushed aside by a change in the palace guard. During the past decade, the status of analytic staffs has been quite unstable; there have been frequent reorganizations and shifts in fortune, and perhaps no analytic group has consistently enjoyed the limelight and top support. Unlike the budget maker who supplies essential services to executive authorities, the analyst often can be ignored without any immediate crisis.

The very fragmentation of Congress offers the analyst multiple points of access. While not all members hold equal power, the skillful use of evidence by even a junior congressman can have an impact on the legislative outcome. Within the committee structure, jurisdictions are not so narrow as to allow for only one avenue of influence. In the case of federal spending, for example, there are literally dozens of pressure points, with power spread among the appropriations subcommittees in each house as well as among the various authorizing committees.

The diffusion of legislative power is often regarded as an obstacle to the realization of analytic purposes, but it can be turned into an advantage. As Lindblom and Wildavsky have long argued, the free competition of partisan interests can enhance rational choice by increasing the probability that relevant concerns will not be neglected.[6] One way to generate a broad range of alternatives and to test them against various assumptions and values is to open the decisional process to partisans who have no claim to objectivity but vigorously advocate their particular interests. This is the manner of Congress, and it yields as abundant a crop of options as are seriously considered in the executive branch. There is hardly an important piece of legislation for which alternatives are not offered. The analyst who wants to assure that preconceived biases do not rule out important possibilities would do well to exploit the multisidedness of the legislative process.

Good analysis encourages the reconsideration of initial assumptions and objectives as the analysis progresses. While this iterative ideal is not always attained in practice, at least it encourages analysts to be open to new data and insights and to be aware of new constraints. In the political world, this type of reconsideration is apt to be found more in the legislative than the executive branch, if only because congressmen often must revise their initial positions in order to garner peer support. Although the language of a bill conveys a sense of finality, most important legislation goes through a number of mutations as various interests press their views. The political iteration allowed by the legislative process frequently works to assure that early assumptions will not go unchallenged and that sponsors will be able to modify their initial positions.

---

[6] Charles E. Lindblom, *The Intelligence of Democracy* (New York: The Free Press, 1965); Aaron Wildavsky, *The Politics of the Budgetary Process* (Boston: Little, Brown & Co., 1964).

The fact that advocacy and analysis are different crafts does not mean that they cannot be united in a common cause. Some of the keenest exponents of PPB have argued that a prime objective of analysis is to improve the outcomes of political bargaining by introducing a new set of participants—"partisan efficiency advocates" [7]—into the decision-making process. This concept of analysis, initially formulated for the executive branch, has even greater relevance for Congress, where many sides sit at the bargaining table and hammer out legislative products. The analyst who serves this table can contribute to the enrichment of advocacy only if he is willing to tolerate the fragmentation that is the essence of a legislature.

The place of analysis in the legislative process does not depend solely on its quality or availability. Many analyses are done but not used, and over the long run the supply will be determined as much by the demands of consumers as by the industriousness of the producers. Rarely are analysts able to write their own tickets in deciding the uses to which their work will be put. Like seedling, analyses take root only when conditions are favorable, and the crop is harvested only when someone is motivated to reap its benefits.

National Defense: An Illustrative Case

There is a legislative market for analysis, and its conditions vary over time and policy area. This has been the case with national defense, an area in which Congress once was regarded as dormant but has been quite active in recent years. Each year the defense authorization bill occasions a "great debate" on defense policy that takes days and even weeks of floor time. Far more time is allotted to this measure than to most important legislation. During one year the focus was on U.S. forces in Europe; in another it was on the ABM system; a third concentrated on our policy in Indochina, and a fourth on strategic offensive forces. Whatever the focus, as the debate proceeds, analytic evidence of high quality is marshaled in behalf of one or another of the positions. Many floor amendments are put forth as congressmen seek support for alternatives to the official position. The caliber of debate—in terms of the utilization of data and analysis—is extraordinary by congressional standards.

In recent years, the analytic quality of legislative debate has been consistently higher in national defense than in any other policy area. Yet, by some conventional measures, the preparedness of the Congress for an analytic posture would appear to be quite unfavorable. By comparison with other congressional committees, the two armed services committees are very inadequately staffed. In the 94th Congress, the House Armed Services Committee ranked 16th in staff size out of 22 standing committees of the House and was exceeded in size by "minor" committees such as Internal Security, District of Columbia, and Post Office and Civil Service.[8] It outranked only the committees with limited or specialized jurisdiction, such as Rules, Science and Astronautics, and Standards of Official Conduct.

---

[7] The term is taken from Charles L. Schultze, *The Politics and Economics of Public Spending* (Washington, D.C.: The Brookings Institution, 1968).

[8] These data are taken from U.S. House, Select Committee on Committees, 93d Cong., 2d sess., *Committee Reform Amendments of 1974, Report to Accompany H. Res. 988*, H. Rept. 93–916, Part II (21 March 1974), p. 358.

A comparable situation prevails in the Senate, where the Armed Services Committee is surpassed in staff size by 12 of the 18 standing committees.[9] With less than two dozen professional staff members each, the House and Senate armed services committees do not appear to have sufficient analytic resources for their jurisdiction over defense legislation.

If analysis flourishes in the defense area, it is because a number of conditions favor it. In the following pages, I spell out five propositions relating to the supply and demand for analysis. These propositions rest on four relevant conditions: congressional independence, abundant and dispersed staff resources, the conduct of analysis outside of Congress, and the openness of the legislative process to diverse interests and participants. Where these conditions prevail—as in defense policy—the legislative demand for and use of analysis is likely to be high.

Conditions Favoring Congressional Use of Analysis

1. *Legislative demand for analysis is a function of congressional independence from the executive branch.* Congress can be a productive law-making body if it (*a*) follows the initiatives of the executive branch or (*b*) develops its own legislative programs. The first condition prevailed during the harvest years of the Great Society, when Congress enacted scores of important measures at the command of a strong president. Congress did not base its actions on analytic findings, because it was willing to go along with the administration's preferences. But when Congress wishes to exercise its own judgment, its receptivity to analysis is likely to increase, if only because analysis opens up alternatives to the president's position. This is exactly what happened in defense policy. As Congress asserted its independence from executive wishes, its utilization of analysis markedly increased.

One measure of independence is the extent to which Congress deviates from the president's budget requests, in particular the extent to which less money is appropriated than the president wants. Table 1 shows the dramatic turnaround that took place in congressional attitudes during the period between 1961 and 1977. In five of the seven fiscal years prior to peak Vietnam involvement, Congress voted more money than was requested by the president; since then, however, it has consistently appropriated amounts below the president's budget.[10] The cuts have been as high as seven percent, and for controversial programs such as procurement or research and development, they have sometimes been 10 percent or higher.

The disposition to be independent can be whetted by access to ample analytic resources. The very process of analysis will generate alternatives to the president's preferences, and these can encourage congressmen to mark out their own positions. This also applies to the relationship between individual members and congressional leaders. An independent supply of analysis can stimulate members to diverge from the policies of their leaders, which is precisely what has happened

---

[9] Charles B. Brownson, ed., *1975 Congressional Staff Directory* (Alexandria, Va.: The Congressional Staff Directory, 1975).

[10] For documentation of the congressional role in defense policy, see Arnold Kanter, "Congress and the Defense Budget: 1960–1970," *American Political Science Review* 66 (March 1972): 129–43.

TABLE 1.—DEFENSE APPROPRIATION BILL

Year	Requested	Appropriated	Increase (decrease)
1961	39,335,000,000	39,996,608,000	661,608,000
1962	42,942,345,000	46,662,556,000	3,720,211,000
1963	47,907,000,000	48,136,247,000	229,247,000
1964	49,014,237,000	47,220,010,000	(1,794,227,000)
1965	47,471,000,000	46,752,051,000	(718,949,000)
1966	45,272,844,000	46,887,163,000	1,614,319,000
1967	57,664,353,000	58,067,472,000	403,119,000
1968	71,584,000,000	69,936,620,000	(1,647,380,000)
1969	77,074,000,000	71,869,828,000	(5,204,172,000)
1970	75,278,200,000	69,640,568,000	(5,637,632,000)
1971	68,745,666,000	66,595,937,000	(2.149,729,000)
1972	73,543,829,000	70,518,463,000	(3,035,366,000)
1973	79,594,184,000	74,372,976,000	(5,221,208,000)
1974	77,250,723,000	73,714,930,000	(3,535,793,000)
1975	87,057,497,000	82,096,297,000	(4,961,200,000)
1976	97,858,000,000	90,466,961,000	(7.391.039.000)
1977	107,964,472,000	104,343,835,000	(3, 620, 637, 000)

Source: U.S., Congress, Senate, Committee on Appropriations, Appropriations, Budget Estimates, etc., annual volumes, 1961–75 (Washington, D.C., U.S. Government Printing Office).

in congressional action on defense legislation. Access to analysis has bolstered the independence of dissident members of the armed services committees and, particularly in the Senate, has enabled congressmen not serving on these committees to participate effectively in the annual debate on the defense authorization bill. Thus, it is not necessary that Congress as a whole demand analysis. This seldom happens, and it is not consistent with the dispersion of power within Congress. It suffices that individual committees or members want analysis for a particular program or measure.

However, the supply of analysis is not likely to be sustained unless there is a continuing demand for it from Capitol Hill. This was the dismal fate of PPB-spawned analysis in the late 1960s, when a lack of interest on the part of users resulted in a reduction of supply. The relationship between analytic supply and demand is bilateral: demand begets supply; supply stimulates independence; independence stimulates demand.

Understandably, congressional independence tends to wane when both the legislative and executive branches are controlled by the same political party, just as it tends to be spurred by a party split between Congress and the White House. The resurgence of congressional independence during the post-Watergate era has been due to a weakening of presidential leadership and to structural upheavals within Congress, especially in the House of Representatives. The former has made it safer for legislators to deviate from the White House lead; the latter has fractured the power structure within Congress and has encouraged members to seek influence through independence. While congressional independence has been much applauded recently, it remains to be seen whether this new vigor can withstand a restoration of presidential leadership or a reconcentration of legislative power in the House or Senate. There are national and state precedents for a return from legislative to executive supremacy, but Congress never before possessed the analytic capacity to maintain its independence in the face of the traditional presidential advantages in information, public opinion, and policy formulation. The present situation is distinctive in that Congress is moving to match its political independence with analytic independence from the executive branch. As for the distribution of

power within Congress, although there have been periodic swings from fragmentation to cohesion, the vesting of members and committees with substantial analytic resources will make it difficult to return to a more disciplined legislative process in which members take their cues from leaders.

2. Legislative demand for analysis is a function of staff resources, primarily because more resources facilitate independence from executive and legislative leadership. The effects of staff resources on congressional operations are frequently misunderstood, because they are viewed in terms of relationships with the executive branch. A favorite theme of legislative reform is that Congress needs more staff in order to compete against the superior resources of the executive. When justifying more resources for itself, Congress typically points to the thousands of computers in executive agencies, to the tens of thousands at work in the Pentagon, to the sprawling bureaucracy in the Executive Office of the President. As the disadvantaged branch, Congress obviously has much to gain in arguing for more staff in terms of the discrepancy between executive and legislative resources.

The analytic justification for more staff seems to be: more staff for Congress means more analysts at work; more analysts means more analysis. One trouble with this formulation is its expectation that analysts will be hired for the new positions and, once employed, will continue to ply their analytic crafts. If staff numbers were the key factor, Congress should already have entered the analytic age. Table 2 traces the growth in House and Senate staffs over the past 20 years. Since 1954, Congress has tripled its personal and committee staffs, with the steepest increases coming since the Republican presidential victory in 1969. The totals in table 2 do not include any of the congressional service agencies. When these are added to the count, congressional staff numbers exceed 23,000.[11]

TABLE 2.—FEDERAL CIVILIAN EMPLOYMENT IN CONGRESS, OCTOBER 1954–OCTOBER 1974

October	Congress summary	Senate	House
1954	5,635	2,061	3,574
1955	5,585	1,962	3,623
1956	6,307	2342	3,965
1957	6,383	2,378	4,005
1958	6,598	2,516	4,082
1959	6,917	2,700	4,217
1960	6,791	2,643	4,148
1961	7,487	2,713	4,774
1962	7,857	2,889	4,968
1963	7,934	2,982	4,952
1964	8,091	3,071	5,020
1965	8,891	3,219	5,672
1966	9,484	3,294	6,190
1967	9,952	3,587	6,365
1968	10,078	3,632	6,446
1969	10,721	3,847	6,874
1970	11,274	4,140	7,134
1971	12,793	4,624	8,169
1972	13,602	4,626	8,976
1973	14,609	5,078	9,531
1974	17,728	5,284	12,444
1975	17,008	6,207	10,801
1976	18,295	7,009	11,286

Source: U.S. Civil Service Commission, unpublished reports.

[11] It is hard to determine precisely how many persons in the congressional staff agencies are employed in behalf of Congress. Most employees of the General Accounting Office probably fit this category, but in the Library of Congress only the Congressional Research Service functions full time as a service agency for Congress.

Staff makes a big difference in the functioning of Congress, but not necessarily in the advertised manner. Staff buys independence. Access to staff enables a member to participate more independently in committee and on the floor. A member might campaign for more staff of his own in order to free himself from a committee staff beholden to the chairman or to expand his legislative range beyond his committee assignments. Conversely, a committee chairman might prefer a small staff in order to restrict its scope to matters under his control and to thwart the independence of certain members.

Congressional activity in defense policy is instructive here. The staffs of the armed services committees have purposefully been kept small in order to curb committee independence from the Pentagon. Some members have been able to insert themselves into the defense policymaking process by detailing staff aides to full-time work on defense matters or by skillfully using the resources of congressional staff agencies.

Although proposals to augment congressional staff tend to be framed in terms of executive-legislative relations, the outcome is bound to affect the distribution of power within Congress, and legislative controversy over staff will be sensitive to who is to benefit or lose from the enlargement. Thus, an early version of the legislation to establish the Congressional Budget Office (CBO) would have restricted that office to serving the new House and Senate budget committee. A competing version would have entitled all committees and members to CBO assistance. The enacted compromise sets up four categories of assistance, ranging from highest priority (to the budget committees) to limited assistance (to members).[12]

The impact of staffing on the distribution of power flared into open dispute at the start of the 94th Congress when 57 senators sponsored a resolution to increase the staff entitlements of Senators on the basis of their committee assignments. In bitter debate on the Senate floor, the issue was explicitly drawn between the "haves" (mostly committee chairmen and ranking minority members) and the "have nots" (mostly junior Senators) :

> What we are asking for, those of us who are junior Senators, those of us who have been here only a few years, is an equal shot with the senior Senators to committee staff that . . . we have the same access that the Senior Senators do to professional staff assistance.[13]

After several days of unusually acrimonious debate and seesawing roll calls, the Senate established staff entitlements based on committee membership. The effect of this change will be to increase the independence of previously disadvantaged Senators and therefore stimulate their demand for analysis.

3. *The use of analysis by Congress is a function of the analytic resources available in executive agencies and private organizations.* Congress cannot be an oasis of analytic brilliance overcoming deficiencies in other branches of government. The extent to which Congress uses analysis depends at least as much on external capabilities as on what it does to bolster its own analytic resources. If very little analytic work is being done outside Congress, the prospect is dismal for much of it inside. On the other hand, if government agencies or

---

[12] The priorities for assistance are spelled out in section 202 of the *Congressional Budget and Impoundment Control Act of 1974*, P.L. 93–344, 88 Stat. 304.

[13] Remarks of Senator Packwood, 121 *Congressional Record* (daily edition, 10 June 1975), S10281.

private organizations are analytically active, Congress will be able to tap and exploit their findings for its own use.

For ample demonstration of this proposition, we can turn again to congressional action on defense policy in recent years. The level of legislative competence has been high primarily because analytic research has been quite advanced in the Department of Defense (DOD) and elsewhere. Especially in the major weapon area, DOD has a well-defined process for developing and appraising program proposals and for assembling analytic justification in support of its budget preferences. Outside of government, the Brookings Institution and various "peace" groups annually prepare alternatives to the president's budget. By utilizing these private resources, congressmen who disagree with the Pentagon's viewpoint have been able to introduce "counteranalyses" into the debate.

There are two primary, related reasons why the caliber of legislative discussion has not been as high in other policy areas. First, the conduct of analysis is not as advanced in other Federal agencies as it is in DOD; and, second, private research organizations have not been as attentive to other policy issues as they have been to defense.

Congress can more easily exploit work done by others than carry the main burden for analysis by itself. The problem is not merely one of staffing levels or of the availability of analytic talent in Congress. No foreseeable augmentation of resources would be able to satisfy all the informational and research needs of Congress. Even thousands of professionals added to the congressional rolls would not be enough. In its use of analysis, Congress must function as a massive scanning machine, sucking in data and arguments from many sources and refining them into legislative material. In this role, Congress treats analysis much as it treats gossip, news, constituency mail, the local newspaper, etc. Everything is grist for the congressional mill, and analysis enjoys no preferred position by virtue of its esteem in intellectual circles. The legislative product will be a compound of analysis and countless other types of input. Some of that input will be of analytic caliber; much will not. All of it is potentially relevant to the legislative process. When it has a window to the outside, Congress best fulfills its representative role. And when the outside is rich in analytic resources, Congress, too, can enrich itself. If Congress were blessed with a sufficiency of analytic resources, it might be tempted to close the window and live by its own wits and data.

The case for more indigenous legislative resources should not be grounded on aspirations for self-sufficiency. This status is neither necessary nor desirable. Rather, Congress should give itself enough resources to keep in touch with developments outside. It takes large numbers to monitor and convert to legislative use the burgeoning analytic work of others, and this is ample justification for more staff. This does not preclude Congress from conducting its own analyses, either to counter the preferences of the executive or to compensate for gaps elsewhere, but the main workload will be that of milling the analyses of others into a legislative product.

4. *The supply of analysis would be only marginally augmented by establishing a specialized congressional analysis agency.* Some reformers harbor the hope that the creation of a Rand-type organization (such as an Institute for the Congress) would transform Congress

into a vigorous, self-sufficient, organizing branch. In line with the arguments made in support of the third proposition, I doubt that the establishment of a single center of analytic excellence would make more than a marginal difference in the overall performance of Congress. Nowadays, policy research is much too fragmented to allow any single organization to have the sort of commanding position that Rand enjoyed in its prime. As the most pluralist of institutions, Congress must draw analytic sustenance from many sources, most of which will continue to be nonlegislative. Moreover, it is doubtful that a new organization would be able to maintain both analytic purity and relevance for legislative policymaking.

One of the reasons for the persistent interest in creating an analytic institute for Congress is that none of the existing congressional institutions devotes itself exclusively to research. With one exception, each must allocate a substantial portion of its resources to the everyday interests of Congress and to recurring functions assigned to it by law. As service agencies, these institutions are not free to develop their own work agendas, and each has experienced the chronic problem of routine activities preempting analytic interests.

A congressional agency able to attend exclusively to analytic matters would have to be beyond the reach of individual members and committees and would have to be quarantined from the legislative process, but the *quid pro quo* for its organizational freedom would be less opportunity to have an impact on legislative policies except when Congress happened to be involved in matters directly related to its primary research interests. This type of organization would have to be independent of Congress in order to be able to serve Congress in the manner it deemed appropriate.

On a limited scale and for very specialized activities, Congress might tolerate some measure of organizational independence. Of the four congressional staff agencies, the Office of Technology Assessment (OTA) conforms most closely to this model. Established in 1972, OTA has a staff of approximately 50, an annual budget of $5 million, and a governing board consisting of the OTA director and 12 members of Congress. Most of OTA's work is contracted out, and while it is highly specialized, little of it differs from what might be done (or is already being done) under executive sponsorship. OTA might develop a counteranalytic role and its research might have a bearing on some congressional activities, but the overall impact would still be marginal in terms of the analytical supply available to Congress.

The General Accounting Office (GAO) is the largest of the service organizations, although it is difficult to estimate how many of its more than 5,000 employees are engaged in legislative work. GAO is assigned a large number of audit and accounting functions under law, but during the past decade it has sought to expand the scope of its audits and to provide a broader range of services to Congress. By dint of its accounting origins, GAO has been active in budget-related work, and it has lead responsibility for the design of budget and program information systems for the Federal Government. Legislation in 1974 gave GAO responsibility for augmenting the program evaluation capabilities of Congress, but this function is likely to blossom into a major activity only if Congress becomes more committed to program

evaluation.[14] Despite its enlarged role, GAO still applies only a fraction of its total resources to analytic work.

The Congressional Research Service (CRS) is the oldest of the service organizations, and its staff and scope have grown significantly since the enactment of the Legislative Reorganization Act of 1970. CRS operates as a general research organization, processing more than 200,000 inquiries each year on virtually anything of interest to Congress. Most of its work is undertaken in response to congressional initiative, and any committee or member has a free claim on its resources.[15] CRS suffers a persistent tension between its research and reference missions, between providing short-order responses and in-depth analysis of major policy issues. Although the amount and quality of its research tend to be underestimated, the bulk of the CRS research effort is devoted to the translation of research by others into congressionally useful form. In view of the proposition that most congressional analysis will originate from outside sources, this CRS service is essential for Congress, although it is not likely to win many accolades in the analytic world.

The Congressional Budget Office (CBO) is the newest staff agency, having begun operations in early 1975. CBO does not have a track record yet, and judgments about its future role would be premature. But within CBO there have already emerged tensions between the everyday routines of budgeting and long-term policy research.

Congressional service organizations face a dilemma similar to that of the analytic staffs of Federal agencies in the 1960s. Wanting to be useful, the analysts found it necessary to trade away their research interests in order to participate in agency policymaking. In the congressional context, the problem is being muddled through by the organizations performing both analytic and service functions for Congress. The mixture of these sometimes competing orientations has created tensions within each of the organizations (with the possible exception of OTA) and has compromised their commitment to analytic research. But straddling the issue enables the agencies to promote their analytic role to the extent compatible with other congressional demands for assistance.

Congressional analysts are removed from the centers of legislative power in the same manner that executive analysts tend to be distant from policymaking in their own organizations. The perennial problem of a weak market for analytic wares is compounded by the tendency of congressional committees to call for outside assistance primarily when they can't take care of a matter themselves or don't want to. Each of the service organizations gets work that the committees want done, not necessarily because it is important research but because they need it for some current activity. When a committee feels competent in a matter or doesn't want outsiders involved in its work, it will solicit little analytic research from the staff organizations. Analysis thus becomes a residual function—perhaps practiced more in one of the service organizations than in another—but nowhere is it the predominant, preemptive mission.

---

[14] See Title VII of the *Congressional Budget and Impoundment Control Act of 1974* for GAO's program evaluation duties, and Title VIII for its role in information systems.

[15] However, CRS researchers operate under a number of "don'ts" proscribing certain types of assistance. Congressional access is also constrained by the availability of CRS time and staff.

5. The demand for and use of analysis is a function of the openness of the legislative process to a multiplicity of interests and participants. Because it sanctions the search for alternatives to established policies, analysis is not a policy-neutral process. Analysis will be most welcomed, therefore, when alternatives are wanted, when decision making is open to a diversity of views and interests. Once again, the defense example is germane; the rise in the use of analysis has coincided with congressional interests in alternatives to the official policy.

On Capitol Hill, there is a push to open up the legislative process to a much wider band of participants than once was permitted. The signs of the times include open committee meetings, joint referral of bills to two or more committees, and the expansion of personal staffs. Perhaps nowhere has the opening been more pronounced than in congressional action on the president's budget, an area that once was the nearly exclusive domain of the appropriations committees. If Congress has an annual debate on defense spending, it is because participation is much more open than it used to be. Among the factors making for an open process have been increased congressional access to previously privileged executive budget information, the trend toward annual and short-term authorizations, and establishment of the congressional budget process. The last of these brings into the arena a new set of congressional participants, the House and Senate budget committees; moreover, it vests the various legislative committees with a formal role in determining the congressional budget.[16]

In the past, the closure of the budget process to outside scrutiny was abetted by the inherent complexity of the process itself, the obscurantism of budget documents and tax codes, and the unwillingness of affected interests to invest in budget research and the gathering of data. There is much truth in the observation that the appropriations committees gained budgetary power by dint of long hours of hard work. On the tax side, the House Ways and Means Committee gained its advantaged status through a monolithic committee structure (no subcommittees), an insistence on closed rules for floor consideration of tax measures, and exclusive access to expert staff.

Much of this has been changed by the recent publication of readable and intelligent analyses of the Federal budget and by the public offering of alternatives to the official requests. One milestone was the publication of *Counterbudget* by the National Urban Coalition in 1971; another has been the annual *Setting National Priorities* series of the Brookings Institution. These have inspired numerous interest organizations to issue their own budget studies and alternatives each year.

Change has been most dramatic on the tax side of the budget. With expansion of the membership of the House Ways and Means Committee, its establishment of subcommittees, and relaxation of the closed rule, wider participation has begun to emerge.

On the expenditure side, it is vital that a nonbudgetary forum be available for policy analysis, because the routines and pressures of the budget process make it very difficult to inject analysis into the debate. It is not surprising that analytic debate on defense policy is centered on the authorizations rather than the appropriations stage.

---

[16] Under the Congressional Budget Act, each standing committee of the House and Senate prepares its views and estimates on budget matters within its jurisdiction. Each year these recommendations go to the House and Senate budget committees by March 15, before the adoption of a congressional budget resolution.

An Uncertain Conclusion

For Congress, analysis is a sometime thing. The five propositions set forth in this article point to increased receptivity to analysts and their work on Capitol Hill. Yet most of the legislative process continues to be driven by nonanalytic forces. The balance between analysis and other factors will be struck differently for different times and issues. Hence, the conclusion can only be uncertain.

But in this paper I have tried to suggest that Congress is not likely to become either captured by or alienated from analysis. The argument that Congress will not become a major user of analysis is as untenable as the position that a new analytic era is just over the horizon. The more reasonable conclusion is that the supply and demand for analysis will depend on a number of circumstances. Congress will be attuned to analysis more in some policy areas than in others—more when the issues are highly technical and are not perceived primarily as distributional in character, less when the issues demand comparatively little technical expertise and the distribution of costs and benefits among identifiable interests is foremost. However, in no major instance is it likely that the legislative decision will be grounded exclusively on analytic evidence. Analysis will always have to compete with other inputs to the legislative process.

July, 1976.

CONSIDERATIONS OF POLICY ANALYSIS AND FORMULATION IN THE SENATE

By Richard Royce

INTRODUCTION

Any discussion of policy analysis and formulation in the Senate must distinguish between two fundamentally distinct aspects of policy. The first is the control and enactment of policy. The concern for this aspect during the past decade has led to the varied and sometimes dramatic activities included under the general rubric of "reform." These activities have been characterized by a dispersion of traditional congressional authority and an increase in the authority of party caucuses. The second aspect of policy is the exploration and articulation of new policy options. This process involves a different dynamism and requires a different mechanism. The concern for this aspect of policy leads to "reorganization" of the Congress to make it a more effective institution vis-a-vis the executive branch. The disparate efforts to realize these two goals have often been—but are not inherently—at cross-purposes. Failure to distinguish between these two policy aspects is perhaps the source of much of the confusion and misapprehension regarding the policy capabilities of the Congress.

The distinction will be pursued in greater detail later in this discussion, but first it might be useful to examine briefly the congressional response to the institutional shift in authority which has been occurring during the last four decades or more.

Congressional Response to Institutional Shift in Authority

The growing congressional awareness of this shift, and the consequent need to strengthen congressional capabilities, became apparent in the mid-to-late 1960's with the expansion and increased professionalization of committee and personal staffs. This process was augmented by the strengthening of the two traditional institutional resources of the Congress—the General Accounting Office and the Congressional Research Service, formerly the Legislative Reference Service. And in 1972 and 1975 the direction was extended with the creation of the Office of Technology Assessment and the Congressional Budget Office, respectively.

However, for most of the decade from 1965 to 1975, the changes in the Congress and the augmentation of its external resources occurred without *explicit* attention to the institutional power shift and the concomitant loss of congressional policy initiative to the presidency. It was not until an aloof and by then unpopular President Nixon overreached himself that the Congress finally started to think in terms of the loss of its authority and policymaking powers. Perhaps the most

productive results of the new awareness, to date, have been the War Powers Act of 1973 and the Congressional Budget and Impoundment Act of 1974. Yet, it is worth noting that both of these measures were essentially defensive and reactive in relation to the presidency. For this growing congressional awareness of the shift in power has still not resulted in any systematic effort by the Congress to reassert its authority and develop its capability for initiating policy.

However, the Senate did advance one effort in the 93rd Congress and the first session of the 94th to develop policy in a major area and on an inter-committee basis. In response to the Arab oil embargo, the Senate initiated its first significant inter-committee effort to report legislation of overlapping jurisdiction. Under the chairmanship of Senator Pastore, ranking member of the Commerce Committee and second ranking member of the Democratic Policy Committee, the staffs of the Commerce, Interior and Public Works Committees, with members of the Democratic Policy Committee staff, met often during 1974 and 1975 with outside consultants to develop major legislation in the energy field, covering R & D, conservation and supply. The legislation was reported to the Senate with the concurrence of all three committees. The relative effectiveness and harmony of the Senate effort was in marked contrast to that of the House, where the Speaker appointed an ad hoc task force from the Democratic Steering and Policy Committee. This body did not involve the chairmen or staffs of the standing committees, and its efforts were soon challenged by the Ways and Means Committee.

Two aspects of the Senate effort are worthy of particular attention. First, the three committees involved also share the bulk of committee jurisdiction in environmental legislation; hence for several years there had been staff and committee leadership intercourse on environmental legislation. Secondly, the seed for the inter-committee effort on energy was planted in 1970–71 by an energy policy study resolution (S. Res. 45) introduced by Senator Jennings Randolph, chairman of the Public Works Committee. This was referred to the Interior Committee, and, by agreement among the committee chairmen, the chairmen and ranking Members of the Commerce Committee and the Public Works Committee became ex officio members of the Interior Commitee for purposes of the study. Key staff members from each of these committees were assigned to work with the Interior Committee staff. Thus, the committees had approximately three years of previous cooperative effort in energy legislation prior to the 1974–75 legislative activity.

Ironically, conventional wisdom today holds that the Congress is incapable of developing policy on the difficult issues confronting our society. Yet the only semblance of national policy that exists in the fields of environment and energy is that which has been initiated and formulated by the Congress—usually over the active opposition or passive resistance of the executive branch.

Reform and Reorganization

This popular misapprehension that the Congress can only react to policy initiatives from the executive branch, rather than assume the initiative itself, is due in part to the failure to make the policy dis-

tinctions noted at the outset of this discussion. Members of the Congress themselves are not immune to this confusion, and there are few liberal or moderate members who have thought through the distinction sufficiently to resist the siren call of "reform." Yet, as stated earlier, reform efforts, devoted to the goals of more democratic procedure and greater individual participation in the control of policy, generally enhance the centrifugal forces at work, and strengthen the power of caucus rule on the principle of one-man-one-vote.

The purpose of reorganization, on the other hand, is to enable the Senate or the House to function more effectively as an *institution*. This almost necessarily implies an enhancement of the centripetal forces toward greater centralization of authority and a more clearly articulated leadership structure.

Thus, the Democratic conference in the Senate is probably a good mechanism for expressing, on a one-man-one-vote basis, the public sentiment or the prevailing party view in a choice between two policy options already developed and articulated. But the conference is not a good mechanism for the exploration and development of new, as yet undiscovered or unstated, policy options.

Many, if not most, of the incremental policy decisions addressed by the Congress—amendments to existing legislation and modifications of existing programs—are already stated and the options defined when they come to the Congress. They can thus be resolved in an adversary context on the basis of a Yes or No vote. There are a number of vital long-term policy questions, however, that cannot be so resolved. It is perhaps not an overstatement to say that the quality of representative democracy in the Federal Government will be determined to the extent that the Congress is able to assume the policy initiatives in those long-term areas.

Energy policy is a preeminent example, not only because it is in the forefront of American consciousness, but because the decisions in this area will be woven into the fabric of American life for decades to come. And though substantial legislation has been enacted in recent years, it can hardly be claimed that we have a coherent comprehensive national energy policy. There still remain nagging questions on reactor safety and a safe technology for nuclear waste disposal. There still has been no consideration of the political or social consequences of the impact of various modes of energy development. Consideration of the environmental consequences has been inadequate. Economic analyses have been dominated by the marketplace assumptions of the heavily subsidized nuclear energy industry.

Equally broad questions arise in policy research and analysis in the fields of economics, health, science, materials, food and fiber production, and the oceans—to name but a few topics that overlay the jurisdictions of the standing committees. In none of these areas can it be realistically stated that we have a national policy. And, in the absence of overall policies, incremental policy decisions are too frequently made in the Congress on an ad hoc basis. On the other hand, such decisions are reached in the executive branch through achieving the lowest common denominator of the vested interests of the agencies and technocrats involved in the decision-making process.

Congressional Use of Specialized Policy Advisory Panels

It was recognition of the inability of the executive branch to develop satisfactory long-term policy options that led to two innovative congressional efforts at policy research and analysis with which the writer was closely associated.

In 1970, as chief clerk and staff director of the Senate Committee on Public Works, the writer, under authority of Chairman Jennings Randolph, established an Environmental Advisory Panel for the committee. The chairman and ranking members of the committee had increasingly recognized the problem of relying on testimony of "experts" from executive agencies when their own agencies' activities were the subject of committee deliberation. This was accompanied by the awareness of the need for truly independent sources of expert knowledge responsive to the legislative needs of policy analysis and development.

Consequently, a panel was formed of some 15 scientists and scholars of national repute, representing a wide array of disciplines, including, among others, forest ecology, bio-medical sciences, physics, chemistry, geology, engineering, environmental law and political science. After several weeks of preparatory discussions between committee staff and panel members, the panel met in early May of 1970 for a weekend of exploratory inquiry over a broad range of environmental issues. At the end of the meeting, five working groups or sub-panels were formed—on eutrophication and phosphates, ocean dumping, consumer products and environmental health, environmental R. & D. analysis and evaluation, and environmental quality criteria.

These sub-panels met during the summer months with fairly close but inadequate staff coordination, and made recommendations to the full advisory panel at a meeting in early December. This became the operational procedure for the panel—the full panel meeting for two days twice a year, with the sub-panels meeting independently two or three times between each full panel meeting. Much of the sub-panel work was conducted by correspondence and telephone in between meetings. (The sub-panels also used additional consultants on an ad hoc basis. For example, the sub-panel on ocean dumping met in California with experts from the Scripps Institute for two or three days. This and other such meetings thus expanded the network of resources available to the committee.)

The panel made such contributions as a critique on the implications of the use of NTA (Nitrilotriacetic Acid) as a phosphate substitute for detergent builders (at a time when the administration and industry were strongly favoring this course), studies and comments on the potential environmental and energy impact of the SST, a critique of the Atomic Energy Commission Environmental Impact Statement for the proposed nuclear waste repository in Lyons, Kansas, and a critique of the Council on Environmental Quality report on ocean dumping. In addition, the work of the panel and of individual members reinforced committee legislation in the fields of air and water pollution abatement and subsequent legislative efforts in the field of toxic substances control. However, one of the most seminal areas of sub-panel activity—the analysis and evaluation of federal R. & D. programs in

the environment—failed realization solely because of the premature termination of the panel.

Indeed, none of the work of the panel came to full fruition; as a working group it operated for only about a year and a half, lapsing into disuse when the writer retired from the committee. In retrospect, it is evident that the chief limitation of the panel was its continuing function as a working entity depending too heavily on the presence and coordination of the writer. Though Senator Randolph gave his full approval and support to its operation, and other committee members were interested in and peripherally involved with panel activities, there was not the commitment at the top staff level to maintain the staff support necessary to its continuing operation. However, individual members of the panel have continued to be consulted by the committee staff from time to time on an ad hoc basis.

After several preliminary discussions, in early 1973, Chairman John Blatnik of the House Public Works Committee (now the Committee on Public Works and Transportation) asked the writer to serve as a consultant to his committee. A principal assignment was to organize and direct a Science Advisory Panel for the committee. (Representative Blatnik had previously attended meetings of the Senate panel, and he, Senator Randolph and the writer had hoped that the panel could become a joint Senate-House operation. We anticipated it as a sort of educational bridge between the two committees, mitigating somewhat the adversary relationship which so often develops—sometimes chronically—between analogous committees of the two bodies. However, this view was shared by neither the ranking majority member nor ranking minority member of the Senate committee, so Chairman Randolph chose not to press the issue.)

Representative Blatnik had held a long-standing concern for the incongruity of population distribution patterns of the United States and the potential role of the programs authorized by the Public Works Committee to ameliorate or improve these patterns. The Congress had twice mandated the President to develop a national population distribution policy, but with no results. (Of course, if either body had in place the kind of leadership mechanism for policy integration, like that proposed later in this discussion, the Congress would have had no need to mandate the President to develop such a policy.)

The Public Works Committee had jurisdiction over all water resources development programs of the Corps of Engineers, river basin authorities, major watershed projects, water pollution control legislation, highway construction and regional economic development—activities that greatly affect land-use and population distribution. Chairman Blatnik therefore believed that the committee should explore the prospect of developing a coherent approach to resources and transportation development in relation to population distribution. Consequently, the Science Advisory Panel of the House committee was organized around the related issues of developing a national public works investment policy and a national population distribution policy.

After several months of preliminary staff work, the House panel, composed of some 20 scientists, scholars and administrative experts, met with members of the committee and staff in May, 1974. At the end of the meeting the panel was divided into four task force groups.

Task Force I was assigned the responsibility of exploring the issues of a national population distribution policy in relation to the ecologically-derived concept of "carrying capacity." Task Force II concentrated on the institutional mechanisms—regional government units at the sub-state, state, and multi-state levels—that would be required for comprehensive and multi-functional planning and implementation. Task Force III addressed the role of transportation in relation to population distribution and regional economic development. And Task Force IV concentrated on examining the assumptions and implications of alternate policy objectives; it also functioned for the panel as a whole in monitoring the assumptions generated by the other task forces.

Close liaison was maintained between the task forces, not only through staff participation and coordination, but also by overlapping membership among them. In addition, the chairmen of the four task forces met twice with the committee staff between the spring and fall meetings of the full panel.

Two additional areas of resource capability were developed in relation to the panel activities. The panel and committee staff worked in close cooperation with the Academy For Contemporary Problems (of the Battelle Memorial Institute) whose Diretcor, Mr. Ralph Widner, was also a task force chairman. At the request of the committee, the Academy conducted three significant studies of areas under consideration by the panel. These were closely coordinated with the inquiries of the panel and incorporated with the panel report and recommendations to the House Public Works Committee in November, 1974. (Published as committee prints by the Committee on Public Works—"A National Public Works Investment Policy—Background Papers," November, 1974, and "A National Public Works Investment Policy—Task Force Reports of the Science Advisory Panel," December, 1974.)

Also, several members of the panel, including the writer, were contemporaneously involved in a five-day critique of the Hudson Basin Project, a Rockefeller Foundation study embracing an area of 25,000 square miles and a population of 20,000,000. This multi-disciplinary experimental effort examined environmental issues in an integrated manner in a regional context. It provided the committee panel members with a considerable cross-fertilization of ideas and additional resource capabilities.

Unfortunately, the Science Advisory Panel of the House committee was also terminated before it could demonstrate its full capabilities as a policy research tool, although for a different reason than the one that ended the Senate Environmental Advisory Panel. The "personality dependent" aspect of the Senate panel was not operative with respect to the House panel. After initial resistance to the concept, the House Public Works Committee staff eventually gave full support to the panel activities. Several key staff members of both the majority and minority became closely and continuously involved with the work of the panel. By the end of 1974 the panel and staff had developed a direction and momentum that would have carried the work forward.

However, the panel effort fell victim to the retirement of Chairman Blatnik at the end of the 93rd Congress and to the "reform" of the House during the early part of the 94th Congress. In addition to the

committee chairmen who were relieved of their posts, virtually all of the remaining chairmen were severely restricted in their authority by the development of rule by caucus, which applied to committees as well as to the majority as a whole. Consequently, the new chairman of the House Committee on Public Works and Transportation, having been advised of some opposition to the expense of the panel (approximately $50,000), chose not to have a caucus fight at the outset of his tenure as chairman. He therefore did not ask for extension of the panel.

Three general conclusions can be drawn from these two advisory panel experiences:

First, the panel mechanism can be a useful and effective tool for policy analysis and innovation. In the process it provides a basis for continuing communication—not currently afforded through any other structure or mechanism—between the scientific/academic community and the legislative community.

Second, despite the value of such an approach, the full potential of the advisory panel mechanism cannot be realized when its inquiries are limited to the jurisdiction of a single committee. In the instances of both committees, the respective panels continually bumped into the walls of committee jurisdiction, thus confirming the need for such inquiries to be founded on a broader and more integrative basis.

Third, it is doubtful that the panel mechanism can become an integral part of the legislative process unless it is broadened in its function to serve the Senate leadership activities as well as the committee process.

Leadership Committee: A Proposal

Those who assert that the Congress is not capable of conducting policy analysis and formulation seem to confuse the requirements of information gathering and retrieval as well as the research which precedes policy analysis with the policy determination process itself. However, Senate establishment of the structure and mechanisms for policy development will not necessarily require any major superstructure for research or production and retrieval of information. The Congress is quite adequately supplied with information in most fields—from both private and public interest groups, and from foundations such as the Brookings Institution. The Congress has its own informational agencies—the Government Accounting Office, the Congressional Research Service, and, increasingly called into use, the Office of Technology Assessment and the Congressional Budget Office. And, of course, other sources are municipal and state organizations, and the executive branch. (Indeed, one of the more effective techniques of a recalcitrant executive agency in resisting congressional oversight or control is to inundate an oversight committee with a flood of information.)

The question of congressional capability for policy analysis and formulation is thus not one of information retrieval, but of winnowing and selecting and integrating the precise information needed for policy analysis in the Congress. Policy development requires an articulation of political and social values, an application of an informed political judgment, and an exercise of political will. The problem

for the Senate is thus to create the most appropriate and effective mechanism for harnessing and harmonizing these processes.

Currently, Senate policy decisions are made in the standing committees. Whether the policies are actually created in the committee process, as in those committees with strong and innovative leadership, or whether the committee merely sanctions policies created in the executive branch, the standing committee is the principal conduit for the flow of policy into the legislative process.

Therefore, any structure for policy analysis and formulation for the Senate as a whole must be intimately related to the committee process. It is for this reason that the writer proposes the creation of a leadership committee to be composed of the chairman of each of the standing committees or his surrogate and the majority leader and whip.

The leadership committee could perform 15 functions which I would place under four general categories of activities. Though the first nine of the functions cited fall largely outside the scope of this discussion, I will briefly outline my perception of them and their attendant staff needs, in order to place the Senate policy considerations of this paper in the larger context.

Under what might be termed the housekeeping functions category of the leadership committee (which would include all the functions of the present Democratic Policy Committee as well as additional ones) are:

(1) Scheduling of floor action;

(2) Maintaining the program of Senate work;

(3) Management of committees—plans for legislation and oversight; evaluating the institution of new subcommittees and integration of subjects reaching across committee lines;

(4) Maintenance of relations with the House leadership; and

(5) Institutionalization generally of functions rather than an ad hoc approach.

Under the category of current policy enactment are:

(1) Identification of major policy problems in the current Congress and future proceedings;

(2) Preparation of syntheses for leadership use;

(3) Response to the program of the President; and

(4) Review of decisions by the Budget Committee at the request of an authorizing committee.

The other two categories of functions bear more directly on the policy considerations of this paper and on the use of advisory panels as mechanisms for policy analysis and development. Under the general category of policy analysis and innovation are:

(1) Responsibility for studies of major policy problems;

(2) Review and interpretation of trends, and longer-term forecasting of policy issues; and

(3) Liaison with the academic and research community generally.

The final category, which might be termed research management, comprises:

(1) Coordination and protection of support agencies and the identification of gaps in research;

(2) Shaping long-range direction and use of R & D activity; and

(3) Maintenance of contract and administrative capability for research.

One would envisage three component staff groups to serve the leadership committee—one for each of the first two categories and one for the last two. The housekeeping staff activities could probably be performed by eight to ten professionals with an equivalent supporting staff.

Current policy enactment would probably require a staff of approximately the same size. One would expect both of these professional staffs to be composed not of specialists but generalists knowledgeable in policy matters, politics, and the procedures and processes of the standing committees and the Senate and House.

The third staff group—dealing with policy analysis and innovation, and research management—would be a multi-disciplinary staff composed of specialists in the natural and behavioral sciences, economics and management, and in the integrative disciplines. This would mean a professional staff of perhaps 25 or 30, including administrative personnel, and a slightly larger supporting staff.

Working with this third staff would be individual advisory panels, modeled somewhat after the panels previously described in this study. They would function in such areas as energy R & D and supply, environmental policy, health policy, priorities in scientific research, etc. The individual members of the panels could be retained on a consultant basis, or, after the panels' effectiveness was proved, a nucleus of a dozen or so advisors could be retained for two and three-year rotating terms. Such assignments could well become prestigious appointments in the scientific and academic communities, as were the appointments to the President's Council of Economic Advisors in earlier administrations.

The function of the advisory panels, under the general direction and coordination of the committee staff, would be to integrate and present the knowledge in their areas of expertise in such ways as to make it relevant to the policy analysis and formulation needs of the Senate leadership. This would be done through close and continuing communication with the staff, by presentation of papers in specific areas, and by periodic "seminars" with the leadership committee and staff.

The writer is aware of certain objections which might be raised to such a proposed leadership committee, and he has heard some of them from some members of the Senate. Perhaps foremost would be the argument, advanced by some of the junior members, to the effect that the committee would become a means of solidifying control by the "barons" of the Senate. This objection would have a superficial and reflexive appeal for some, especially at a time when seniority is under fire and the call for "reform" is so popular. However, here we must return to the earlier distinction between the control of policy and the exploration and development of new policy options. The proposed leadership committee would not negate the continuing development of the role of the Democratic caucus in its overview of party policies or voice in what policies are ultimately brought to the floor.

It might also be asserted that the leadership committee activities would be but another drain on the time of already overburdened chairmen. However, the writer assumes that the Senate is serious about improving its operations, as evidenced by formation of the Commission on the Operation of the Senate and the Select Committee on Com-

mittees. And, though it is not within the mandate of the Commission nor of this writer to consider committee jurisdictions, it is to be hoped that the Select Committee will recommend, and the Senate approve, organizing the committee jurisdictions along functional lines. This would reduce the number of standing committees and significantly reduce the number of subcommittees. With the adoption of other recommendations of the Commission, much of the needless drain on the time and energies of the chairmen as well as other members should be eliminated, and the rampant operation of Parkinson's Law curtailed.

The proposed leadership committee structure and staff might seem, on first appraisal, to be an overly ambitious and burdensome enterprise. It does not seem so to this writer, however, when considering the critical importance of developing a coherent policy process in the Senate. The proposed staff would be comparable in size to that of some of the standing committees and sub-committees, and smaller than some of the largest. And most of this staff could be drawn from personnel now employed in supernumerary subcommittees.

Conclusions

An effective reorganization of the Senate will require the forgoing of some prerogatives for virtually all the members; it will entail the elimination of multiple subcommittee staffs for the more senior members. But, if this is not achieved in the interest of a strengthened and augmented leadership structure along lines such as those proposed here, the writer foresees one of two upcoming alternatives, both undesirable, for the Senate vis-a-vis the presidency: with a Republican president we shall continue to have government by veto; the majority leadership will continue usually to lack the strength to override. Or, with a Democratic president adept at using mass communications, we shall move again toward a "plebiscitary democracy"; the President will simply go over the heads of the people's representatives directly to the citizenry. In either event, the Senate will continue to suffer erosion of authority, and representative democracy will continue to languish.

August 1976.

SETTING THE AGENDA IN THE U.S. SENATE*

By Jack L. Walker

Introduction

The past 15 years of American public life have been among the most turbulent in the nation's history. It has been a period marked by intense and bitter controversy, but also a time in which the Congress enacted some of the most far-reaching domestic social legislation in the country's history. The public sector has expanded steadily and the government has begun to intervene in many new areas of social and economic life. Besides the enactment of new programs, we have seen the beginning of serious public debate over many highly controversial issues—such as population control or national land use planning—long excluded from the legislative agenda of the Congress.

Many observers of the Congress have recognized the crucial importance of agenda setting. Bauer, Pool and Dexter concluded that "the most important part of the legislative decision process was the decision about which decision to consider." The representative's major problem was "not how to vote, but what to do with his time, how to allocate his resources, and where to put his energy." [1]

Although the choice of issues for debate clearly has an important impact on the outcome of the legislative process, not much is known about how agenda items are chosen. A small number of thoughtful essays exist on the subject, but there have been few large-scale empirical studies.[2] Some of the work done on this subject has been insightful,

---

*Thanks are due to Louis Cornelius, Gregory Dow, Valerie Bunce Echols, Charles Honeyman, Richard Poole, and Judith Shribman who collected data for this project; to John Echols who helped to construct measures and interpret findings; to Douglas B. Neal who managed the data set, drew the figures and did essential bits of programming; to my colleagues Joel Aberbach, George Downs, Edie Goldenberg, John Kingdon, Lawrence Mohr, Robert Putnam, Robert Rich, Everett Rogers, Kenneth Warner and Sidney Winter who attended the Institute of Public Policy Studies faculty seminar on policy formation.

[1] Raymond A. Bauer, Ithiel de Sola Pool, and Lewis Anthony Dexter, *American Business and Public Policy: The Politics of Foreign Trade* (New York: Atherton Press, 1963), p. 405.

[2] Recent writing by political scientists about the political agenda begins with two articles by Peter Bachrach and Morton Baratz, "Two Faces of Power," *American Political Science Review* (December, 1962), pp. 947–952; and "Decisions and Nondecisions: An Analytical Framework," *American Political Science Review* (September, 1963), pp. 632–642. For a contrary review see: Raymond E. Wolfinger, "Nondecisions and the Study of Local Politics," *American Political Science Review* (December, 1971), pp. 1063–1080, 1102–1111. For a review of the controversy see: Frederick W. Frey, "Comment: On Issues and Non-Issues in the Study of Power," *American Political Science Review* (December, 1971), pp. 1081–1101. More recent books and papers include: Roger W. Cobb and Charles D. Elder, *Participation in American Politics: The Dynamics of Agenda Building* (Baltimore: The Johns Hopkins Press, 1975); Matthew A. Crenson, *The Unpolitics of Air Pollution* (Baltimore; The Johns Hopkins Press, 1971); Donald A. Schon, *Beyond the Stable State: Public and Private Learning in a Changing Society* (London: Maurice Temple Smith, 1971); David Braybrooke, *Traffic Congestion Goes Through the Issue-Machine* (London: Routledge and Kegan Paul, 1974); Anthony Downs, "Up and Down with Ecology—the 'Issue-Attention Cycle'," *The Public Interest* (summer, 1973), pp. 38–50; J. Clarence Davies, III, "How Does the Agenda Get Set?" (Resources for the Future Conference Paper, Washington, D.C., January 22, 1974); Stuart H. Rakoff and Guenther F. Schaefer, "Politics, Policy, and Political Science," *Politics and Society* (November, 1970); Raymond A. Bauer and Kenneth J. Gergen (eds.), *The Study of Policy Formation* (New York: The Free Press, 1968); Nelson W. Polsby, "Policy Initiation in the American Political System," in Irving Louis Horowitz (ed.), *The Use and Abuse of Social Science* (New Brunswick, N.J.: Transaction, Inc., 1971); and William Solesbury, "Issues and Innovations in Environmental Policy in Britain, West Germany, and California," *Policy Analysis* (Winter, 1976), pp. 1–38.

but there remain many unanswered questions. Are most issues forced upon the legislature by forces beyond their control, or can representatives determine for themselves which questions to debate? Is agenda setting the sole province of the leadership, or can junior members make an impact on the process? What kinds of information are employed by those who set the agenda? Are agenda items chosen because of their relevance to certain social problems, their cost, their appeal to powerful constituents, their potential to bestow prestige or recognition on their sponsors, or some other criteria known only to Senate insiders?

A Typology of Items on the Senate's Agenda

The Senate's capacity to shape its own agenda definitely is increasing, but members still are able to exercise very little discretion over the scheduling of items for debate. Much of the business transacted by the Senate either is mandated by the Constitution or required for the daily maintenance of the vast Federal establishment. Each year a budget must be created, innumerable amendments must be made to existing statutes, and Presidential appointees must be confirmed or rejected. The daily schedules of individual Senators also are jammed with activities—subcommittee hearings, talks with constituents, lobbyists or reporters, roll calls on the Senate floor, consultations with staff members. These matters originate with other people and are virtually unavoidable.[3] Little time and energy remain for reflection or the promotion of bold new legislative departures.

With so many duties and responsibilities thrust upon them, it is no surprise that most Senators spend little time promoting legislative change. There is more than enough to do without creating new problems. In Figure 1 the Senate's agenda is portrayed as a collection of items ranging from those with which the Senate is required to deal, toward another, smaller set of issues that Senators may take up at their own discretion.

The budgetary cycle produces a huge volume of periodically recurring agenda items that can be placed at the left hand side of Figure 1. Action on appropriations, for example, is required each year along with decisions about a flood of requests from executive agencies and relevant interest groups for minor amendments or modifications of existing statutes. As the Federal Government's responsibilities increase, the care and maintenance of the existing operations of the government take large amounts of time and attention.

Moving from left to right in Figure 1, one encounters portions of the agenda that the Senators are increasingly able to control. To begin with, there is a large class of items—labeled the sporadically recurring problems—that do not appear every year but, nevertheless. once they arise, are virtually forced upon the Senate's agenda. In these cases, major legislation already has been passed. agencies have been established, and grants have been made available or regulations have been drawn up. Those directly involved in these programs have organized themselves to shape and influence the government's activities in the

[3] For a good description of the demanding pressures of life in the Senate see: James Boyd, "A Senator's Day," in Charles Peters and Timothy Adams (eds.), *Inside the System* (New York: Praeger, 1970).

A TYPOLOGY OF SENATE AGENDA ITEMS

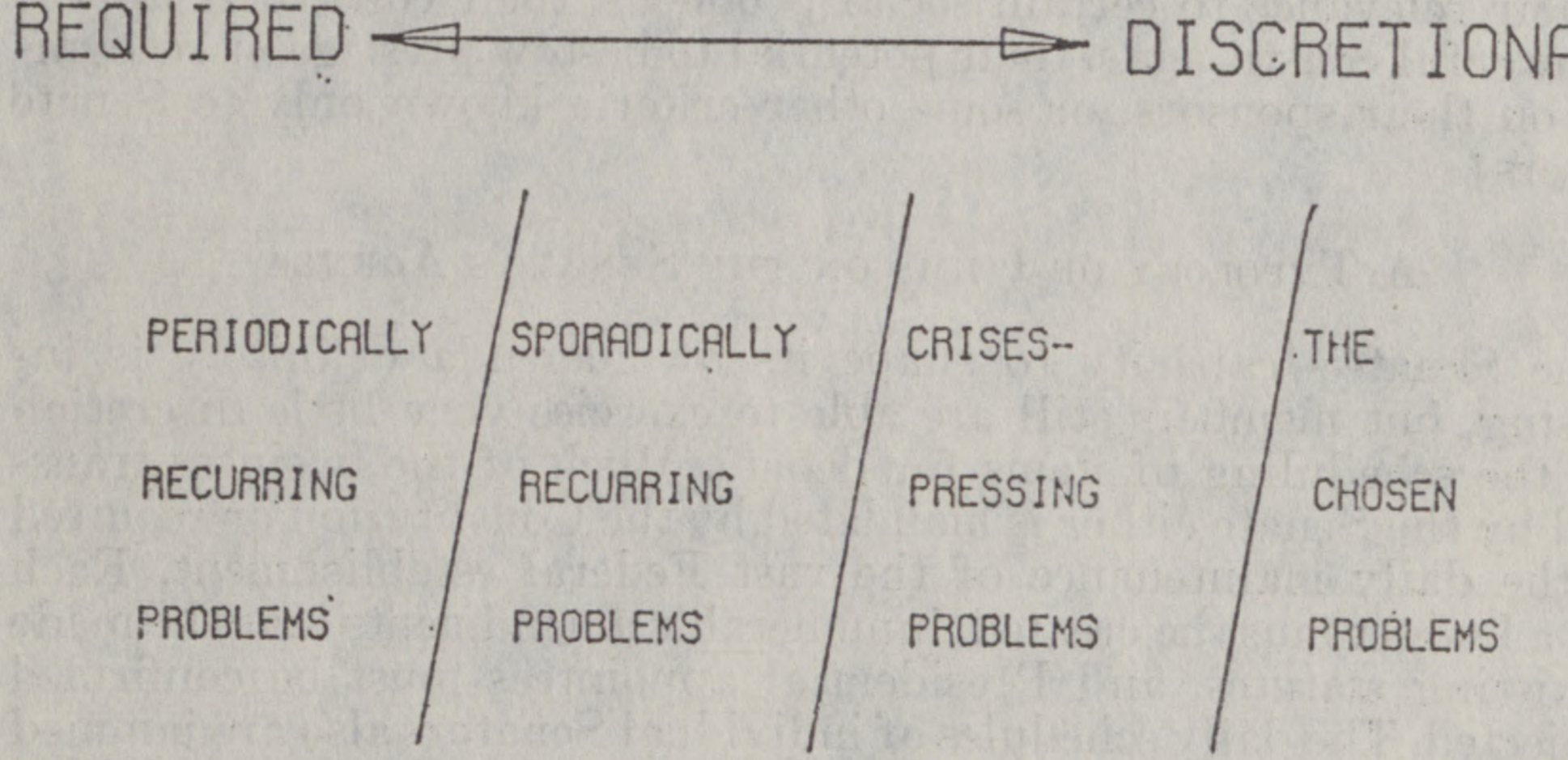


FIGURE 1

area. Small political systems have been established, revolving around executive agencies, professional groups, suppliers and clients, all of whom operate according to customary rules and understandings that have developed as the programs have evolved. The vocational educational field, labor relations, the merchant marine, highway construction, soil conservation and hundreds of other specialized policy areas have become established as sub-governments whose immediate access to the Senate's agenda is assured.[4]

Once major disagreements arise within these systems as a result of social changes or shifts in political influence they exercise a compelling claim on the attention of key Senators who control the committees and subcommittees that oversee their activities. The Senate provides the natural forum in which disputes are settled and new legislative compromises created. The history of any policy area usually can be traced through a series of legislative landmarks—from the Wagner Act, to Taft-Hartley, to Landrum-Griffin, for example—which represent points in the evolution of the area when fundamental changes in prevailing social or political balances have required major revisions of government policies. When dislocations arise in established program areas, the pressure to consider them is nearly irresistible. Since important Senators often play key roles in these active policy systems, they are able to place the concerns of these established areas at the top of the Senate's agenda.

Most of the Senate's agenda items appear each year at about the same time with great predictability. Yearly appropriations or the routine aspects of oversight sometimes create unforeseen difficulties, but knowledgeable observers of the legislative process can describe with

[4] For descriptions of the interlocking system of sub-governments that guide the formulation of policy in Washington, see: J. Leiper Freeman, *The Political Process* (New York: Random House, 1965); Grant McConnell, *Private Power and American Democracy* (New York: Knopf, 1966); and Douglas Cater, *Power in Washington* (Random House, 1964).

fair accuracy exactly how much progress the Senate will have made on these problems a year in the future. The need for comprehensive revisions of welfare policies, Federal aid to higher education, or industrial and labor relations also usually arise slowly over the course of several years. When the Senate finally begins serious debate over concrete proposals for change, there has been ample time to collect evidence and prepare for the discussion. Once again, knowledgeable observers would be aware of the emergence of such issues and could make good predictions about when they would appear on the Senate's agenda.

Not all issues, however, arise with such predictability. The violent civil disorders of the 1960's or the OPEC oil boycott blow up like summer thunderstorms and burst upon the country in magnified form via the mass media. A great national crisis suddenly is proclaimed by commentators and citizens alike and Senators are expected to take immediate action to solve it. Pressing problems of this kind force their way immediately onto the Senate's agenda, whether or not feasible solutions are in sight. Action of some kind, even if it is merely symbolic, must be taken as quickly as possible. Problems of this type have arisen frequently in the past few decades, catching most Senators by surprise. They occur almost randomly and when they arise they displace all other agenda items that can be delayed or pushed aside.

In some years the Senate's agenda is jammed to overflowing by its extensive budgetary and housekeeping responsibilities, by fundamental revisions of established policies and by pressing problems arising from national crises. During such periods Senators are engaged mainly in reacting to the demands of outside political forces; they are able to exercise little choice in the establishment of the legislative agenda. In most years, however, several items appear on the Senate's agenda for debate that have been spawned and incubated principally within the Senate. These issues—the Senate's chosen problems—are the handiwork of the activist minority, the culmination of their promotional efforts. They are selected from the numerous possibilities offered up by the Senate's legislative activists who compete against each other and against all other forms of problems for this limited space on the agenda. Aspiring activists strive to guide their problems past the many obstacles in their path into the charmed circle of national concern, where there is room for only a few issues at a time. Once the problem begins to attract attention and is debated seriously by other Senators, it takes on a heightened significance in the mass media. Its activist sponsors, beyond the satisfaction of advancing the public interest as they see it, also receive important political rewards that come from greatly increased national exposure.

Three Factors Determining the Discretionary Agenda

How does an aspiring problem make its way into the charmed circle of serious national attention? Is the process of agenda setting in the Senate entirely fortuitous, each issue's emergence the result of some unique combination of events? Can any generalizations be made about the final process of issue selection? Caution certainly is in order when an explanation is offered of such a subtle process of persuasion and influence. But even in the face of extreme complexity, it is possible to offer a general explanation of the conditions that usually allow

issues successfully to claim a place on the discretionary portion of the Senate's agenda.

The appeal of legislative proposals concerning issues that have not received serious attention in the recent past is determined mainly by three prominent features or conditions. First, an item's attractiveness increases if it has an impact on large numbers of people; Senators must believe that the proposed legislation will have broad political appeal.[5] Second, convicing evidence must exist that the proposed legislation is addressed to a serious and real problem. The more graphic and easily understood the evidence of trouble, the more creditable the sources of information upon which the case is based, the more appealing the aspiring agenda item becomes. Third, the case for inclusion on the agenda will be greatly strengthened if an easily understood solution exists for the problem being addressed. Again, the more comprehensible the solution and the more honorable or prestigious its origins, the more likely that an item will claim a place on the discretionary agenda. If proposed legislation has all three of these desirable characteristics, its chances of appearing on the Senate's agenda are greatly enhanced. These conditions are not sufficient in themselves to ensure success, but they certainly increase an issue's attractiveness and lower any barriers in its path.

When establishing the discretionary agenda, Senators create alliances that appear, disappear, and recombine as problems and solutions rise and fall in prominence. Often, solutions may become known before appropriate problems can be found to which they can be applied, or before a convincing case can be made for the seriousness of the problems they are meant to address. Activist senators or special interest groups dedicated to the value of a given solution—such as income grants in lieu of services or administrative decentralization—frequently are out looking for social problems to which their nostrum can be applied. Or they are anxious to define problems in such a way that their pet solutions will be singularly applicable. There also are many problems—such as decay of central city housing—that can be documented easily, but they have attracted little serious debate for years because no politically or economically feasible solution seems to exist.

Careful observers of the Senate, studying its daily struggles and monitoring the informal conversations of its members, usually are able to make accurate forecasts of the attractiveness of any proposed legislation. Based on their intimate knowledge of the political affinities of the membership and the patterns of influence prevailing at the time, insiders can estimate whether a proposal (e.g., for the national chartering of corporations or the provision of subsidies to cities for the construction of mass transit lines) is likely to draw any interest or support. By offering a stream of new proposals, however, activist Senators constantly challenge the received wisdom concerning the political composition of the Senate, hoping that their initiative will lead to some unprecedented combination of support and a dramatic political breakthrough. At any time there are many possible combinations of votes that might be forged into a winning coalition if the right kind of issue can be found as a catalyst. The number of feasible possibilities for coalition building certainly is not infinite, but definitely ex-

---

[5] For insightful commentary on the importance of this factor in encouraging Members of Congress to engage in promotional activity see: David E. Price, "Policy-Making in Congressional Committees: The Impact of Environmental Factors," *op. cit.*

ceeds those that actually have appeared. Activist Senators continually search for these potential new voting combinations and, in periods of intellectual and political ferment, often find them in policy areas never anticipated by Senate insiders.[6]

Once a breakthrough occurs in a policy area formerly ignored by the Senate, a surge of legislative activity often occurs, lasting over several years. Activist senators are joined by lobbyists, ambitious agency chiefs, crusading journalists and policy professionals of all kinds in a rush to exploit the newly discovered political pay dirt.

The sometimes frantic burst of activity that follows an initial political breakthrough may bring proposals on to the Senate's discretionary agenda that do not necessarily have broad appeal, where little evidence of a problem exists and where no feasible solutions are anywhere in sight. Legislation of this kind may not only be debated but often passes into law because the pressure on the Senate to act in such circumstances is nearly overwhelming. Once a topic such as pollution control or mass transit has achieved the status of a chosen problem and it becomes clear that the votes are there for passage of bills on the subject, powerful forces are unleashed that press for action. As the surge progresses, the relative importance of succeeding legislative proposals on the same topic tends to decline and the case for their passage becomes weaker. Although efforts are made to sustain the momentum created by initial legislative successes, the vein of interest and support is rapidly played out. Competition mounts for space on the discretionary agenda from other aspiring problems and the legislative surge comes to an end, leading eventually to new cycles of debate and legislation.

Auto Safety Legislation: 1966. A Case Study of Agenda Setting

One of the best examples in recent years of agenda development that exhibits the characteristics described here began in 1962 with the election in Connecticut to the Senate of Abraham Ribicoff.[7] Coming to the Senate with experience as a State Governor, House Member and former Secretary of HEW, Ribicoff adopted the promotional style of a legislative activist. His policy interests were broad and his assignment to the Government Operations Committee allowed him wide scope. Within two years he acquired a subcommittee chairmanship and almost immediately began an investigation of the Federal government's efforts in the area of traffic safety—a subject to which he had devoted much time and attention while Governor of Connecticut. In order to prepare for this investigation he hired as a consultant to his subcommittee a young attorney from Hartford, Ralph Nader, who had come to Washington to devote himself full-time to the cause of safety and consumer protection. In 1965 Nader published his book *Unsafe At Any Speed*[8] and the Ribicoff subcommittee's hearings were in full swing.

---

[6] For a similar description of the way information is collected in the Senate see: Allen Schick, "The Supply and Demand for Analysis on Capitol Hill," *Policy Analysis* (Spring, 1976), reprinted in this volume.

[7] The description of the debate and passage of traffic safety legislation in this section draws directly from: David E. Price, "Who Makes the Laws? The Legislative Roles of three Senate Committees" (Ph. D. Dissertation, Yale University, 1969), pp. 82–107; and Elizabeth B. Drew, "The Politics of Auto Safety," *Atlantic Monthly* (October, 1966).

[8] New York: Grossman, 1965.

The time was certainly ripe for the promotion of traffic safety as an agenda item in the Senate. Reports issued annually by the National Safety Council, a highly respected private agency, clearly demonstrated that the country was experiencing an unprecedented increase in deaths on its highways. Traffic deaths per 100,000,000 miles driven had declined almost every year since World War II, but beginning in 1960 the rate turned sharply upward and rose for four of the next five years—the longest and worst surge since yearly records had been kept. For those not moved by such abstractions as statistical rates there was clear evidence of a serious problem in the total number of deaths recorded. From 1946 to 1961 total yearly deaths, with a declining rate in ratio to an increasing number of cars, had remained within the 30,000 range—33,411 in 1946 to 38,091 in 1961—but with the increase in accidents the numbers climbed into the 40,000 range in 1962 and quickly moved to 53,041 in 1966. When the increase in the death rate hit its peak in 1966 it was still lower than it had been in the early 1950's, but the upward turn had attracted attention, and coupled with the rapid increase in the total number of deaths, it provided stark, unavoidable evidence that a major social problem existed. Since the issue involved almost every American family, the country's largest manufacturing industry, and some of its most powerful unions, it clearly had the potential for broad national appeal. Ribicoff, Nader, and Robert Kennedy, another subcommittee member who began to take an active interest in the problem, realized they were dealing with an issue that had great political potential.

As the Senators and their staff members began searching for solutions to the problem, they discovered that a rather elaborate policy community, including numerous voluntary and governmental agencies, already existed in the field of traffic safety.[9] They also found that this community was becoming increasingly divided over how to define the problem they faced. The majority of professionals in the field was committed to the established policies being pursued all over the country, which affected driver training courses in high schools, improved signs and lighting for highways, and mass media advertising campaigns promoting safe driving. All these programs aimed primarily at improving the performance of the driver.

A small group of traffic engineers, however, some of them in the Federal Highway Administration, backed by results from a mounting volume of empirical research, had begun to advocate reform of the automobile itself. Their studies showed that the impact on the accident rate of all policies meant to reform drivers was negligible. But they found that changes in the design of the auto or the addition of seat belts could significantly reduce the death rate by protecting the occupants of a car, once the accident took place. The political implications of these results also were clear—they pointed directly to the need for safety standards imposed by government on the manufacture of automobiles.

---

[9] For a description, and a slashing attack, on this community, see Nader's chapter on "The Traffic Safety Establishment," in *Unsafe At Any Speed.* Also see: Ronald G. Havelock, *Highway Safety Research Communication: Is There a System?* (Ann Arbor, Mich.: Institute for Social Research, The University of Michigan, 1973).

In Figure 2 both the yearly death rate from traffic accidents and the volume of literature on the subject of traffic safety are depicted for the

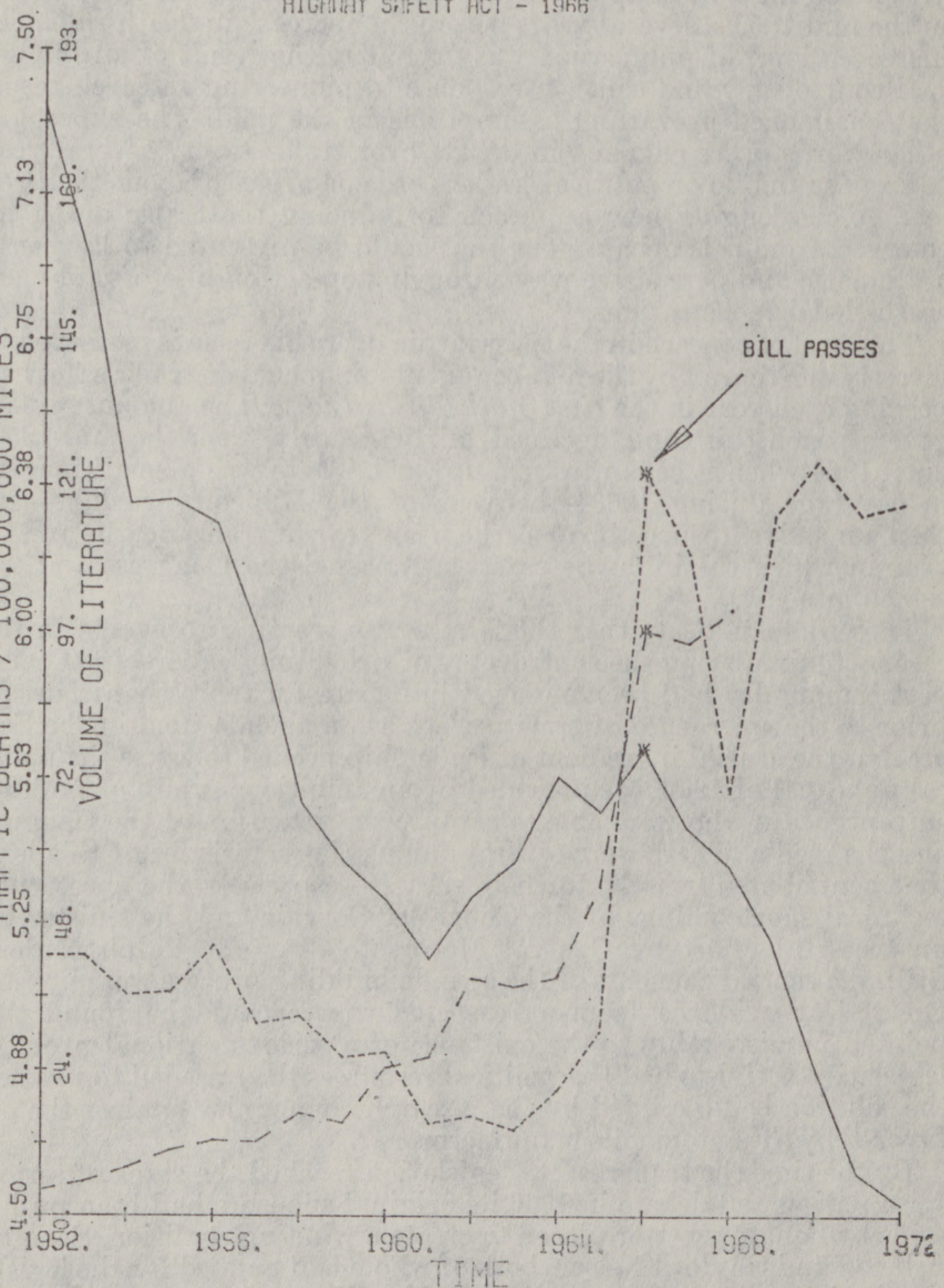


FIGURE 2

years from 1952 to 1972.[10] The data in Figure 2 suggest that the technical literature on traffic safety was developing rapidly during this period, and that the surge of publication, measured by the number of articles on the subject appearing in technical journals each year, began in the mid-1950's, several years before the increase in death rate. This increased level of publication was primarily the result of an intellectual controversy and came in response to pioneering research results that challenged prevailing assumptions in the field. The experts, in other words, were engaged in debate over traffic safety several years before the public or political leaders became aroused about the problem. A challenging new approach to reducing the traffic death toll emerged from this debate—one that could be presented to laymen in a dramatic and persuasive way through stop-action photography and crash-sled demonstrations.

The level of concern in the mass media over this issue is measured indirectly in Figure 2 by the number of column inches on traffic safety appearing each year in the *New York Times Index*. The amount of news generated on this topic declined fairly steadily from the mid-1950's until 1964 when it began to turn upward. There was a small increase in coverage during 1965—the year of the Ribicoff hearings—and then a massive upsurge in 1966, the peak year of traffic deaths and the year in which the highway safety act passed the Congress and was signed into law.

These data indicate that the Times was reacting to events in this case, not stimulating the controversy or providing leadership. The expert community had been engaged in debate for more than a decade prior to the emergence of traffic safety as an agenda item in the Senate, but the crucial ingredient of leadership needed to cause the political upheaval of 1966 was provided by an ambitious group of political entrepreneurs who were able to capture the attention of the Congress and the media. There were several unique characteristics of this issue that contributed greatly to their success—especially the spectacular technical shortcomings of the Chevrolet Corvair and the sinister but unsuccessful effort by General Motors to discredit Ralph Nader.[11] Still, the central elements of the agenda building process were present. Once clear evidence from a respected source could be found that pointed unmistakably to the existence of a serious national problem, legislative activists had the political resources they needed to promote the solution being offered by the research community against the one favored by the automobile manufacturers.

By the time the traffic safety legislation reached the stage of serious formulation and debate in 1966 its original sponsors had been pushed aside by Senators better placed to create a winning coalition. Senators Ribicoff and Gaylord Nelson, both of whom had pressed for the legislation in the early stages, were displaced by Warren Magnuson, the powerful chairman of the Senate Commerce Committee. Under his leadership a legislative victory was achieved against the determined opposition of powerful industrial interests—a result that few Senate insiders

---

[10] Data for the death rate per 100,000,000 miles driven was obtained from the publication *Accident Facts,* published annnally by the National Safety Council. The data for the technical literature—defined as articles, monographs or books intended for experts or professionals in the field rather than the general public—came from *The International Bibliography of Highway Safety Research* (Ann Arbor, Mich.: Highway Safety Research Institute, The University of Michigan, 1973). The data on the *New York Times* is the number of column inches on the subject appearing in *The New York Times Index.*

[11] For an excellent description of these aspects of the controversy see: Thomas Whiteside, *The Investigation of Ralph Nader* (New York: Pocket Books, 1972).

would have predicted when debate began on the issue. As a result of the controversy, a majority coalition was discovered in the Senate for legislating an unprecedented expansion of the Federal Government's efforts to ensure the safety of its citizens. Both proponents and opponents of reform immediately were put on notice that new political opportunities existed in this policy area.

All the elements necessary for successful policy innovation were present in this case. An easily understood, widely respected social indicator pointed to the development of a serious national problem. Prevailing public policies were unable to handle it. A body of research with clear policy implication had emerged, providing justification for new legislation. Established agencies had either ignored or lost touch with the developing knowledge base in the field. They also had thrown their motives into question through illegitimate efforts to discredit their critics. And skillful political entrepreneurs were available who could tie all these elements together in a dramatic proposal for change.

The Safety Movement Is Born

The passage of traffic safety legislation in 1966 was a surprise to many and caused a pronounced shift of political ground throughout the national political system. The Senate's action not only secured the reputation of Ralph Nader as a national crusader for consumer protection and corporate responsibility. It also transmitted powerful cues concerning the nature of the legislative agenda to lobbyists, members of the President's staff, activist legislators, journalists and agency chiefs all over the city of Washington. Traffic safety legislation became a benchmark—a widely acknowledged legislative triumph—which could be cited as an important precedent by advocates of other forms of safety legislation. In 1969 President Nixon introduced his proposal for an occupational safety bill by saying:

"Three years ago, following its study of traffic and highway safety, the Congress noted that modern technology had brought with it new driving hazards, and accordingly it enacted the National Traffic and Motor Vehicle Act and the Highway Safety Act. With the advent of a new workplace technology we must now give similar attention to workplace safety and health." [12]

In the same year, speaking before a meeting of the American Society of Safety Engineers, David A. Swankin, the Director of the Bureau of Labor Standards, explained that:

"An aroused public conscience against needless highway accidents has had, I believe, a spin-off to work accidents, giving the whole safety movement a shot in the arm. . . . The whole area of safety is opened up." [13]

Beyond the halls of Congress, associations of professionals in the safety field—groups like the American Academy of Occupational Medicine, the American Association of Industrial Nurses, the American Public Health Association, the American College of Preventive Medicine, or the American Society of Safety Engineers—began active discussion of the new possibilities for greatly expanded governmental

---

[12] *The Congressional Quarterly Almanac,* 1970, p. 69A.

[13] "Does America Need the Occupational Safety and Health Act?" *Journal of American Society of Safety Engineers* (Feb., 1969), p. 8.

action in the field of safety and accident prevention.[14] Newspapers began to pay greater attention to any events having to do with aspects of individual or industrial safety. The *Congressional Quarterly*, the *Reader's Guide to Periodical Literature*, *Index Medicus* and the *Business Periodicals Index* created in 1967 or 1968 new categories labeled "Safety and Health," "Industrial Safety," or "Traffic Safety."

Lobbyists and activists in the consumer field in 1969, interviewed by Mark Nadel, said that their efforts were being devoted to safety and consumer protection at that particular time because it was a field where movement was taking place, one where large political payoffs were possible.[15] As George C. Guenther, another official of the Bureau of Labor Standards wrote in 1969: "It is said that each subject has its time. We sense a favorable and fair wind blowing for a new high level of safety and health in the American workplace."[16]

Within the Congress, activist Senators were moving quickly to capitalize on the rising interest in safety by proposing new legislation. Senator Magnuson's Commerce Committee staff organized itself as a small factory for producing legislative proposals on safety. The committee began an investigation of meat inspection in 1967—followed in 1968 by a study of poultry inspection and in 1971 by hearings on fish inspection—and also began preparing for hearings in 1968 on the safety of diet pills. Also in 1967, the committee cleared for passage the Toy Safety and Child Protection Act and a set of strengthening amendments to the Flammable Fabrics Standards Act—originally passed in 1953. A year later, in 1968, the Fire Research and Safety Act was passed, a program that led in 1974 to the passage of the Federal Fire Prevention and Control Act, a comprehensive reorganization and expansion of the Federal Government's efforts at fire prevention.

Sensing that legislative breakthroughs were possible in this area, President Johnson proposed in 1968 the creation of a National Commission on Product Safety, a study group whose mission was to collect evidence of problems in the area and propose solutions. Commissions of this kind provide the President with an investigatory tool that may produce important political gains but is unlikely to cause any serious losses. In the short run, knowledge of the extent of household accidents was almost nonexistent at the time. Estimates of the number of accidents caused yearly by faulty products varied by a factor of five. So there was a clear need at least for information on the extent of the product safety problem if any action was to be taken. Merely by proposing the Commission, the President made an important symbolic gesture that lent visibility to the safety movement. And, since concrete proposals for change were several years away, no political enemies would be created immediately. The Commission launched an ambitious program of fact-gathering and through its reports began to add to the national debate over safety. There was little knowledge of solutions for the problems being identified by the Commission. Only a loosely organized network of professional associations were dedicated to working in the area. The Congress had evidence that a

---

[14] For a description of the many professional associations with an interest in the safety field see: Bertram D. Dinman, "IMA is not Alone," *Journal of Occupational Medicine* (April, 1966), pp. 183–187.

[15] Mark V. Nadel, *The Politics of Consumer Protection* (Indianapolis: Bobbs-Merrill, 1971), pp. 36–41.

[16] "Analysis of the 1969 Occupational Safety and Health Bill," *Journal of the American Society of Safety Engineers* (December, 1969), p. 28.

serious problem existed, however, and during this period that was all they needed. In 1972 the Consumer Product Safety Act was passed. This made the commission a permanent regulatory agency with the authority to continue its search for solutions to the problems it had uncovered and to begin setting standards for the production of thousands of items merchandized in all sectors of the American economy.

VI. The Coal Mine Health and Safety Act: 1969

By 1968 it was clear that safety remained a chosen problem on the Senate's agenda, but the ultimate strength of the legislative surge that eventually would follow upon passage of the auto safety bill still was undetermined. A solid majority had appeared during 1967 for the enactment of several pieces of safety legislation. The Study Commission on Product Safety had been approved, but it still was possible that support would evaporate when additional pieces of legislation on the subject were proposed. In situations like this, legislative momentum often is sustained by a dramatic crisis that provides unchallengable proof of the need for action.

During the 1950's, for example, legislation intended to prepare the society against the threat of nuclear war—the Civil Defense Act, National Defense Interstate Highway Act—was slowly making its way through a cautious and skeptical Congress. This leisurely legislative surge was suddenly transformed into a frantic rush—the National Defense Education Act, creation of NASA—immediately after the launching of Sputnik in 1957.

Crises seldom can be manufactured, of course, but when they appear, it is up to political entrepreneurs to make use of them to get the legislation they want. Advocates of safety legislation tried throughout this period to capitalize on disastrous accidents that took many lives in order to build support for their cause. Large disasters take place often in all industrial societies but they seldom produce any legislative reaction. During the period from 1966 until 1972, however, when safety already had claimed a secure place on the Senate's discretionary agenda, any serious accident potentially was useful as a goad to action.

A mid-air collision of two aircraft over New Jersey in 1967 caused a flurry of debate over air safety during consideration of the Federal Aviation Agency's appropriations bill. The accident could not be capitalized upon, however, mainly because no concrete proposal had been developed for reform in this area. A year later, though, when 78 miners were killed in a coal mine in Farmington, West Virginia, legislative activists were fully prepared to move. Coal mine safety had been debated several times in the Congress during the past thirty years and legislation setting some safety standards had been passed in 1952, once again in the wake of several disastrous accidents.[17] Technical literature on the subject was not plentiful, but a professional community did exist in this field, including experts with a continuing interest in mining safety. Medical researchers, in particular, had made

[17] For a good review of recent history in the area see: C. L. Christenson and W. H. Andrews, "Coal Mine Injury Rates in Two Eras of Federal Control," *Journal of Economic Issues* (March, 1973), pp. 61–82.

significant progress during the early 1960's in discovering how to detect and treat pneumoconiosis or "black lung" disease. As a result, some had become crusaders for tougher legislation.[18] Safety equipment was available. Recognized mining procedures—some borrowed from standard practice in Japan, the Soviet Union, England and Germany—were known that would increase the safety of the mines without steep declines in productivity.[19] Once again, it could be said that a solution existed that was in search of a problem.

The circumstances leading up to the debate and passage of the Coal Mine Health and Safety Act in 1969 are depicted in Figure 3.[20] The three variables recorded here are the same as those that appeared in Figure 2, but in this case they display slightly different patterns. Once again, as in the auto safety case, the problem of coal mine safety received little attention in the *New York Times* until it became the center of debate in the Congress. A small increase in coverage accompanied the Farmington mine disaster, but the newspaper seems to have been mainly reacting to Congressional initiatives rather than providing leadership for legislative activists. Technical literature in the area—recorded as the total number of papers and books published each year on the subject—was declining in the decade prior to passage of the bill. The sharp spurts of publication appearing from 1955 to 1957 and in 1972–74 are probably direct results of increases in governmental research funds, included in the new legislation passed in 1952 and 1969. They did not stem from within the professional community in response to research breakthroughs or intellectual controversy.

Legislative action in 1969 seems to have been the direct result of the abrupt increase in the death rate in 1968 caused mainly by the Farmington disaster. The 1952 legislation had established safety standards for coal mines, but limited its enforceability to mines with more than 15 employees. Since the investment necessary to meet the standards led to declines in worker productivity and increased costs, incentives were created to expand production in the industry's smaller mines, not covered by the safety legislation. Declines in the demand for coal throughout this period made these economic incentives even more powerful. Since the smaller mines, however, also were much more hazardous, the 1952 safety legislation ironically contributed to the steady increase in the death rate from 1955 into the early 1960's.[21] The impact of the 1969 safety legislation was delayed both by a dispute within the Nixon administration on how the new standards were to be enforced and by another disaster in Hyden, Kentucky that took 38 lives in December, 1970.[22] Once its provisions began to be enforced,

---

[18] Two excellent articles giving details on coal mine safety are Rand Guffey, "Enforcing of New Law Bogs Down Stirring Uproar in Coalfields," *Wall Street Journal* (June 25, 1970), p. 1; and Bob Harwood, "Bitter Miners Assert the 'Black Lung' Law is Filled with Loopholes," *Wall Street Journal* (September 24, 1971), p. 1.

[19] The state of the art is described in: Thomas Lindley Ehrich, "Broad Research is Launched Into Removing Some of the Deadly Hazards of Coal Mining," *Wall Street Journal* (June 15, 1971), p. 30; John V. Conti, "Coal Mine Study Shows Record Can Be Improved When Firms Really Try," *Wall Street Journal* (Jan. 18, 1973), p. 1; W. H. Andrews and C. L. Christenson, "Some Economic Factors Affecting Safety in Underground Bituminous Coal Mines," *Southern Economic Journal* (January, 1974), pp. 364–376; and "Coal: Where Management and Labor Share the Blame," *Business Week* (Nov. 2, 1974), pp. 76–77.

[20] Data on coverage in *The New York Times* is collected in the same manner as in Figure 2—see footnote 10—but data for the technical literature were collected from *Index Medicus* and *The Engineering Index*, and data for death rates were collected from *The Yearbook of Labor Statistics* (U.S. Dept. of Labor).

[21] See C. L. Christenson and W. H. Andrews, "Coal Mine Injury Rates in Two Eras of Federal Control," *op. cit.*

[22] Data for this figure were collected from the same sources employed for figure 3—see footnote 20.

however, the death rate began to decline rapidly. Solutions were available to meet the problems of coal mining safety. What had been missing for decades was not the technology that would do the job but the right combination of political factors that would set the stage for action.

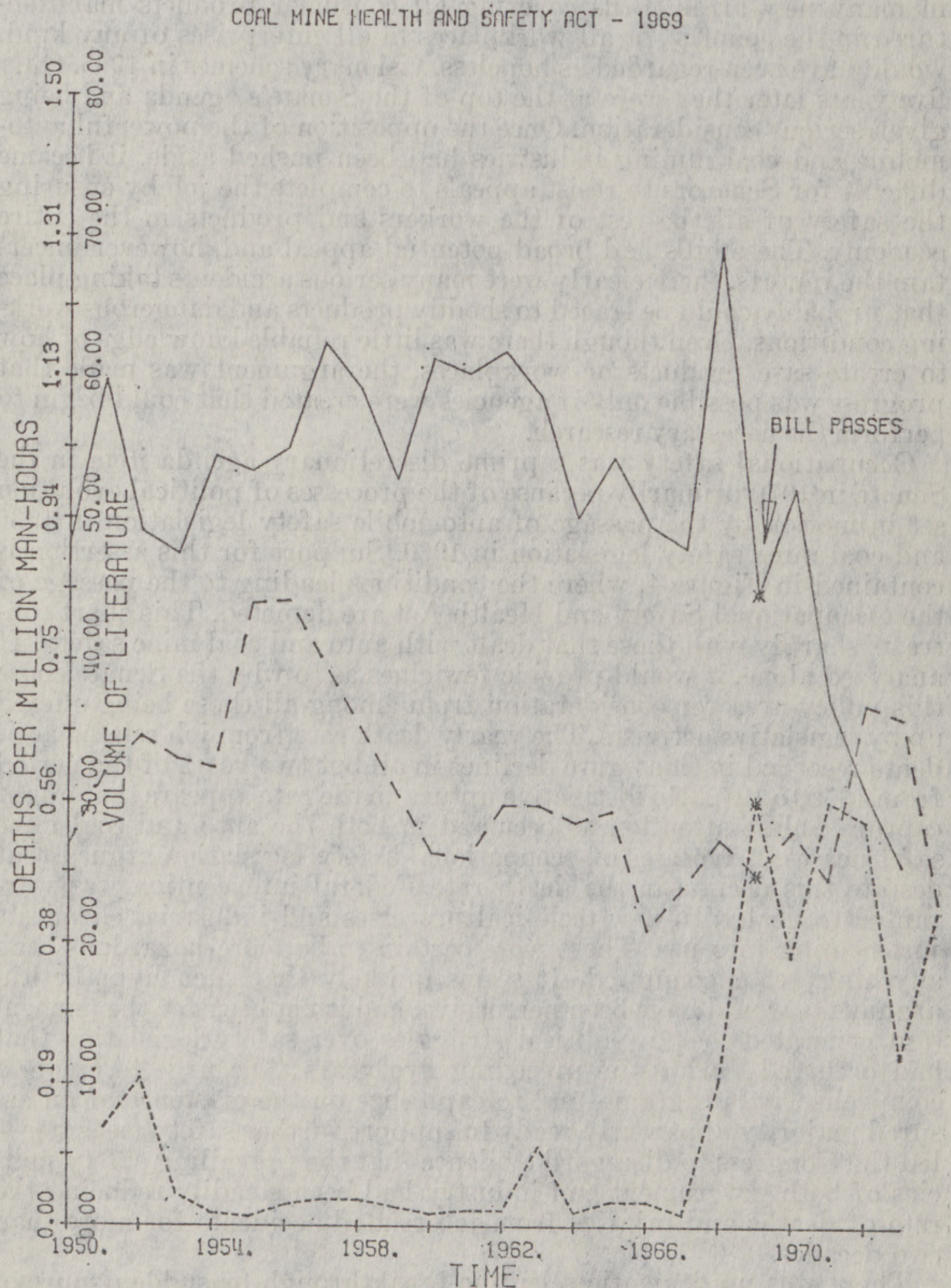


Figure 3

The Occupational Safety and Health Act: 1970

Passage of both the auto safety and coal mine safety bills within only three years was a political earthquake that provided enormous momentum for the safety movement. Legislative activists now had two powerful precedents that could be cited in support of safety legislation in many new areas. Bills covering all consumer products manufactured in the country, or all workplaces in all enterprises of any kind, would have been regarded as hopeless, visionary schemes in 1965. Only five years later they were at the top of the Senate's agenda and being given serious consideration. Once the opposition of the powerful automobile and coal mining industries had been pushed aside, it became difficult for Senators to resist appeals to complete the job by ensuring the safety of all the rest of the workers and products in the entire economy. These bills had broad potential appeal and, however uncertain the reports, there clearly were many serious accidents taking place that probably could be traced to shoddy products and dangerous working conditions. Even though there was little reliable knowledge of how to create safe products or workplaces, the argument was made that progress was possible only if agencies were created that could begin to perform the necessary research.

Occupational safety was a prime discretionary agenda item in the Senate in 1970 primarily because of the processes of political evolution set in motion by the passage of automobile safety legislation in 1966 and coal mine safety legislation in 1969. Support for this assertion is contained in Figure 4, where the conditions leading to the passage of the Occupational Safety and Health Act are depicted. This chart contrasts sharply with those that dealt with auto and coal mine safety. If analyzed alone, it would provide few clues as to why the Senate chose this policy area for consideration from among all those being offered up by legislative activists. The yearly death rate from job related accidents recorded in this figure declines in all but two years of the period from 1950 to 1972. No distinctive upturn in the rate appears that might capture public attention as occurred in both the auto and coal mine safety cases. Advocates of occupational safety legislation argued that despite this decline in the death rate Federal intervention was warranted to deal with new technical processes and industrial chemicals just coming into use. These were certain to be more hazardous than anything yet encountered. It seems unlikely that such hypothetical arguments would have been persuasive, had it not been for the momentum generated by the political struggles over safety legislation that had occurred during the preceding five years. The urge to create a comprehensive program—and to capitalize on the existence of an assured majority apparently ready to support further safety measures—led the Congress to disregard evidence that the prevailing safety policies of both government and industry had been steadily reducing the rate of deaths and injuries from job-related accidents for more than two decades.

There was no dramatic scientific breakthrough or sudden spurt of knowledge about occupational health and safety that would have stimulated the enactment of new legislation. This definitely was not a case where the solution appeared before the problem. Numerous professionals were already at work in the field with long-established inter-

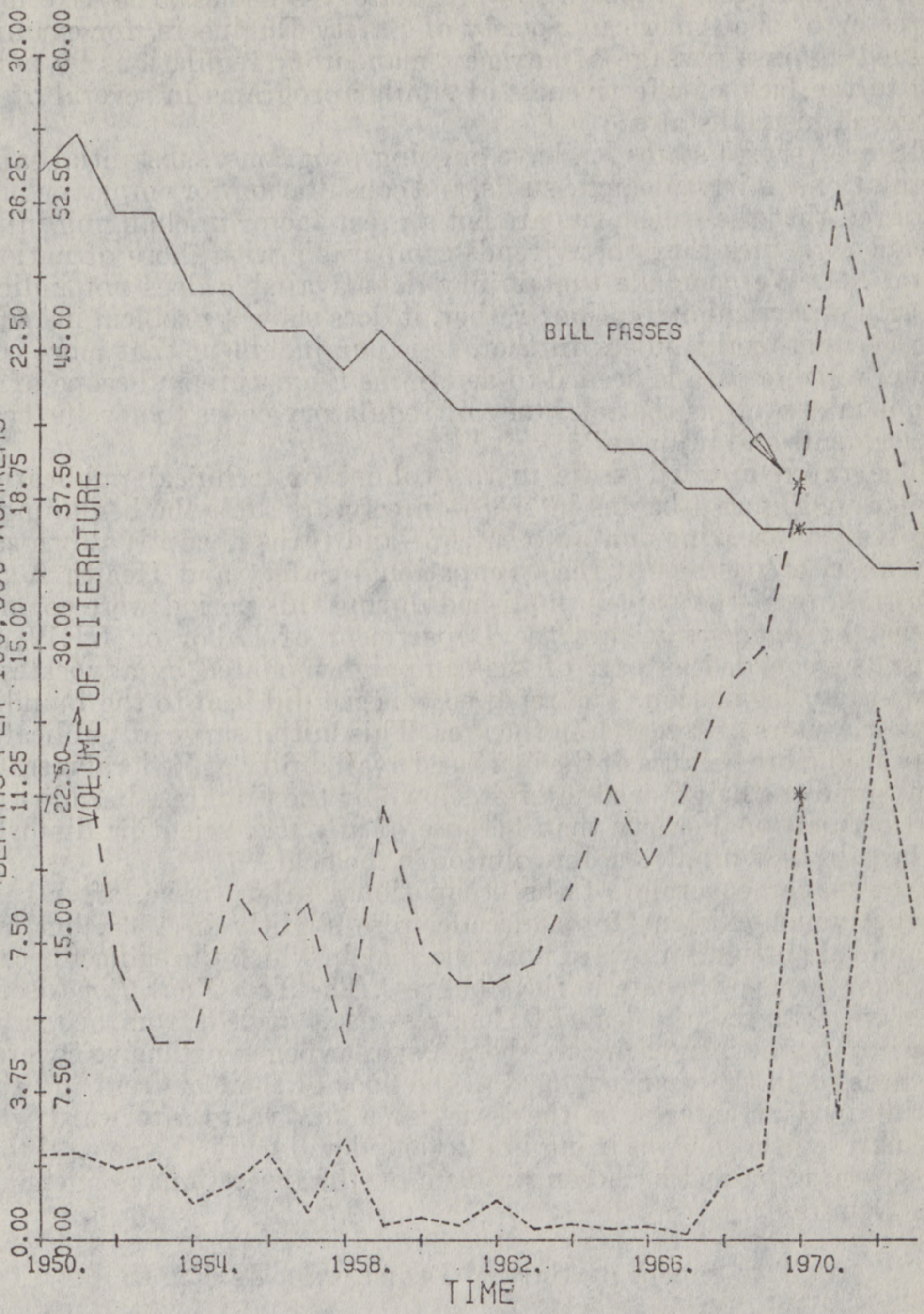


FIGURE 4

ests in occupational diseases or job-related accidents. Most of them had close ties either to insurance companies or public health agencies. When representatives of professional societies in the field were called to testify during 1968 and 1969 Congressional hearings on the occu-

pational safety legislation, many expressed great skepticism about the feasibility of the proposed new regulatory schemes. The Executive Director of the American Society of Safety Engineers, for example, argued against passage of any new mandatory regulations by pointing to the lack of effectiveness of similar programs in several of the larger industrial states:

"Since [these] states . . . have ongoing programs, substantial safety regulations, fairly adequate staffs, and consultation for employers, it is believed that these elements are not a great factor in changing injury frequency, since they show trends comparable with those of national data. . . . We conclude that injury data available does not indicate clearly a particular solution; rather, it does show a problem in reducing occupational injuries further. It is our judgment that more complete, reliable data is needed to determine the nature and scope of the problem as well as the relevancy of regulatory codes to specific types of accidents and injuries." [23]

The rapid upward surge in the volume of technical publications shown in Figure 4 begins in 1968—three years after the beginning of the Ribicoff hearings on auto safety—and turns abruptly downward a year after passage of the Occupational Safety and Health Act in 1970. Many of the papers published during this period were commissioned by agencies within the Department of Labor or HEW and must be regarded as part of the campaign mounted by advocates of new safety legislation. The renewed concern did lead to the founding of new centers of research in the area. This initial surge of publication appeared more because of the increased availability of Federal research funds and the heightened interest shown by the Congress in industrial and occupational safety than because of any new scientific discovery or broad-based intellectual revolution in the field.

Newspaper coverage of the occupational safety issue, after being virtually non-existent for a decade, rose slightly in 1968, but once again did not surge upward until the year in which the subject became a major focus of debate in the Congress. The *New York Times* seems to have followed the lead of Congress as it cycled from one safety issue to another. In each case the newspaper began extensive coverage of an issue in the year it moved to the floor of the Congress and then maintained an interest in the issue for a few years afterward while the new legislation was being implemented and while the general topic of safety remained a chosen problem on the discretionary agenda of the Congress.

The Surge of Safety Legislation Is Ended

By 1972 the surge of safety legislation was coming to an end. Once bills with such broad scope as the Consumer Product Safety Act and the Occupational Safety and Health Act had been passed, there were few matters of consequence left to consider. After the disastrous collapse of a coal slag dam in West Virginia in 1972, a bill was quickly passed entitled the Federal Safety of Dams Act. It granted new

[23] "A Message from the President," *Journal of American Society of Safety Engineers* (April, 1968), p. 9.

powers of inspection and regulation over the construction of dams to the Army Corps of Engineers, showing that the safety majority still existed and could be counted upon to act if given a plausible context.[24] The Senate's concern over safety had not completely evaporated by any means, but other issues arising from the gathering problems facing the nation's economy and the first rumblings of the Watergate affair were beginning to crowd onto the discretionary agenda, pushing safety into the background.

Moods shift rapidly in the Senate. No sooner had a new set of safety agencies with increased regulatory power been created than the economy began to slide into a serious double illness of recession and hyperinflation. Freshly written safety requirements and rules came under fire from those concerned over the increased costs caused by the expansion of Federal regulatory powers. "Deregulation" became the slogan of these counter-attacking forces. Worries over inflation and declining industrial productivity led to general criticisms of any Federal regulation—whether it arose from efforts to ensure safety, prevent racial or sexual discrimination, or reduce pollution—that could be characterized as an obstacle to economic growth. The safety issue had appealed to liberals in 1968 and 1969 because reform in this area did not create huge new financial burdens for the federal budget. However, these new regulations did impose costs on the companies and enterprises that were required to install new equipment or keep records and make reports about activities that never had been monitored before. The agencies receiving the most criticism were those enforcing the safety legislation that was passed toward the end of the legislative surge; the dimensions of the problems often were in dispute and feasibility solutions were not readily at hand.[25]

Even though safety began to give way in the Senate to a new set of "hot" issues—public service employment, national health insurance, and reorganization of the Congress itself, among others—safety issues could not be removed entirely from the agenda. The surge of legislative activity had left in its wake new regulatory agencies such as the Consumer Product Safety Commission and the Occupational Health and Safety Administration and had granted new powers and greater responsibilities to established ones such as the National Bureau of Standards and the Federal Highway Administration. This enlarged administrative complex—with all its newly acquired clients, political allies, interest groups, suppliers, consultants, professional societies, trade associations and research centers—provided a new focus for public attention, the concrete embodiment of governmental concern for the safety of its citizens. Now that this machinery had been put into place, it required annual appropriations, approval of appointments to its top administrative positions, periodic investigations of its operations, and the settlement of disputes over the implementation of the new policies. Safety was not removed from the Senate's attention—its status simply had shifted from that of a chosen problem on the discretionary agenda to a sporadically recurring problem on the required agenda.

---

[24] For a follow-up story on the inadequate—in fact, virtually nonexistent enforcement of the bill see: Ben A. Franklin, "The Dam Builders, Congressional Pets," *The New York Times* (July 4, 1976), D4.

[25] Many examples of this shifting basis for debate can be found in the period from 1974 to the present. A recent one is: James W. Singer, "NEW OSHA Task Force—New Political Payoff or False Alarm," *The National Journal* (July 10, 1976), pp. 973–975.

A Summary of the Argument

There is no single, simple process governing the assembly of the Senate's legislative agenda. Many items appear as part of the annual budgetary cycle—a highly routinized process that follows a clear timetable and employs widely known operating procedures—while others are generated by visionaries and guided past innumerable obstacles by shrewd and energetic political entrepreneurs. Activist legislators, motivated by a desire to promote social change and anxious to gain reputations as reformers, constantly search for issues that might be transformed into new items on the Senate's discretionary agenda. These activists compete with each other as well as the opponents of their proposals, fashioning arguments and justifications for action that will catch the imagination of fellow Senators.

Issues aspiring to be included on the discretionary agenda are more likely to achieve success if they exhibit three prime characteristics: First, a proposal should affect large numbers of people and have the potential for broad political appeal. Second, there should be arresting proof of the existence of the problem—the more graphic and newsworthy the better. Third, an easily understood solution should be available that is both technically and politically feasible.

Aspiring agenda items that have all three of these characteristics, even if they break new policy ground, will, very likely, reach the stage of serious debate in the Senate.

If an issue on the discretionary agenda successfully passes into law—especially if it is in a policy area where little activity has taken place before—a strong impetus is created for further legislation in the same field. Activists inside and outside the Senate sense that legislative progress may be possible in areas that are logically related to the original breakthrough. Word that the policy area is beginning to open up passes quickly through innumerable professional and political contact networks. A surge of legislative activity is launched in which reformers urge that benefits conferred in the original breakthrough be extended to similar areas. Activity continues until the logical possibilities for extension of the reform are exhausted or until the justifications offered for new proposals become so weak and unappealing that more attractive proposals in other policy areas force their way onto the agenda and bring the legislative surge to an end.

A complicated set of political processes produces the Senate's agenda, but the results are not completely random and unpredictable. Even the discretionary agenda usually contains items that are logically compatible. Issues seem to group themselves into clusters that include complementary topics which provoke similar political alignments and impel government to perform similar functions. Proposals to toughen safety regulations, for example, appeared during a period in which many other forms of consumer protection and pollution control legislation were being debated. They began to recede from the agenda when essentially competitive proposals to encourage economic growth or increase worker productivity came into prominence. As Crenson has argued in his book on the politics of air pollution in cities:

> By promoting one political agenda item, civic activists may succeed in driving other issues away. . . . A community that commits itself to the consideration of one

local concern may, in effect, commit itself to a whole chain of rationally related issues and diminish its ability to consider rationally antagonistic issues.[26]

Those who manage to shape the legislative agenda, in other words, are able to magnify their influence many times over by determining the focus of attention and energy in the entire political system. By dictating the issues to come under debate, they indirectly determine the kind of political alliances likely to be formed, and prevent others from gaining a hearing for logically incompatible or competitive issues.[27]

An Evaluation of the Process

This description of the agenda-setting process provides support for Polsby's assertion that the Senate has become one of the best places in the American "political system for the incubation of new policy and the building of national constituencies." [28] The clubby, slow-moving Senate of the 1940's and 1950's was dominated by Southern conservatives engaged in a stubborn holding action against activist, liberal Presidents. The body is described with much clarity by Donald Matthews in his *U.S. Senators and Their World*.[29] The Senate has slowly but steadily been transformed in recent years into a prime launching pad for liberal initiatives and one of the most persistent forces for change in the American governmental system.

Because of the distinctly liberal bias in the highly decentralized process by which the Senate currently sets its agenda, evaluations of the procedure likely will vary according to the observer's own political values. The system will seem admirable to those who believe that government should react quickly to expressions of social need, but it might seem harmful and pernicious to those who feel that the public sector already is too large and that governmental intervention in society has expanded beyond reasonable boundaries. The contemporary Senate could be characterized either as a highly responsive forum for the promotion of needed reforms, or as a hyperactive, governmental busybody, giving recognition to every dramatic or newsworthy appeal, no matter how weak the justification for action might be.

Agreement never could be reached on global assessments of the Senate's role in the American political system, but both conservatives and liberals might agree that the system is markedly haphazard and unsystematic. The open and competitive system of agenda-setting being employed in the Senate encourages members and their staffs to search constantly for information about social problems and possible solutions. Once a general subject, like energy or poverty, becomes a prominent topic on the discretionary agenda, however, proposals begin to appear that either address problems whose dimensions are virtually uncharted or for which no feasible solutions are in sight. Some would argue that the Senate is justified in enacting legislation in situations of this kind, if only to ensure that the problem becomes recognized as a responsibility of government. As Arrow has argued in a recent analysis of organizational problem solving:

---

[26] Matthew A. Crenson, *The Un-Politics of Air Pollution* (Baltimore: Johns Hopkins Press, 1971), p. 172.

[27] For a thoughtful analysis of the importance of different kinds of problems in affecting the political agenda see: Albert O. Hirschman, "Policy-Making and Policy Analysis in Latin America—A Return Journey," *Policy Sciences* (forthcoming).

[28] Nelson J. Polsby, "Goodbye to the Inner Club," in Norman J. Ornstein (ed.), *Congress in Change: Evolution and Reform* (New York: Praeger Publishers, 1975), p. 215.

[29] (New York: Random House, 1960). Matthews' book covers the years 1947–1957, the decade prior to the rapid growth of liberal strength in the elections from 1958 through 1968.

Once an item has arrived on the agenda, it is difficult not to treat it in a somewhat rational manner, if this is at all possible, and almost any considered solution may be better than neglect. I hasten to add that this generalization has its exception; there are problems for which there are no satisfactory solutions; placing such an item on the agenda may create a demand for a solution, which will of necessity be unsatisfactory.

Thus there is some justification for the principle of 'salutary neglect,' but on the whole this exception is not likely to be real. An unsatisfactory solution may be what is needed to provoke the needed information-gathering to produce a better one, while neglect is never productive.[30]

Many Senators undoubtedly would agree with Arrow. They would blame shortcomings in the programs enacted at the end of legislative surges on administrators who do not sympathize with the fundamental purposes of the legislation, or who show too little imagination in working out the details of implementation. Much of the disillusionment felt by the public with social legislation enacted in the 1960's, however, results from unsuccessful efforts to implement poorly conceived or unmanageable human service programs. In selecting new agenda items, political leaders should not ignore the possible costs in damaged governmental credibility and increased public mistrust and cynicism that may result from badly designed programs in areas where the knowledge base is weak or practically non-existent.

The agenda of any legislative body inevitably will include questionable, ill-conceived proposals that do not merit passage. If the legislative process is working efficiently, weak proposals will be discovered and rejected during hearings and floor debates, even though they address problems thought by a majority of the members to be in need of solution by government. The Senate should never allow its agenda to become closed to all controversial new ideas. Junior members should have ample opportunity to promote new departures in policy or to bring new problems to the attention of the leadership.

The major problem facing the Senate in the 1970s, however, is not how to open its agenda to fresh new ideas. The United States Senate now probably is the most accessible and responsive legislative body in the Western World. Individual Senators are more autonomous and have more talented aides than legislators in any other country. After years of debate over the seniority system and loud complaints about the veto power being exercised by conservative Southern Senators, the Senate has slowly been transformed into a sensitive register of social and political change. The period of apprenticeship once required of junior Senators no longer is imposed. Power in the Senate has steadily been decentralized during the past fifteen years. The Senate's current weakness lies not in an unwillingness to take up serious social problems or search for new solutions, but in its seeming inability to set clear policy priorities and to carry out a more coherent form of central legislative clearance.

Critics of the operation of the Senate would point to the aimless emergence of agenda items that become popular because of the chance appearance of an effective advocate, the development of a dramatic crisis, or a newsworthy change in a familiar social indicator. Programs often are debated that would not receive attention if taken entirely on their own merits, but they are brought up mainly because the Senate has become engaged with issues of this general type. Other pro-

---

[30] Kenneth J. Arrow, *The Limits of Organization* (New York: W. W. Norton & Co., 1974), pp. 47–48.

posals on different topics, whose cases for inclusion on the Senate's agenda might be stronger, do not yet have a sponsor who is able to capture the attention of fellow Senators. Items burst onto the discretionary agenda because of the work of individual political entrepreneurs.

No central agency in the Senate currently is engaged in systematically scanning the social horizon in search of emerging social problems that might require legislative scrutiny. The Senate's leadership seldom tries to select important problems that should be studied by several committees, so that informed proposals could be formulated. Agenda items of all types are being promoted by individual Senators and committees, but the majority leadership, acting on behalf of the party that controls the Senate, does not often try to choose issues that should be at the center of national debate. Nor does it encourage the relevant committee staffs and Senate staff support agencies—such as GAO, OTA, CRS, or CBO—to open investigations of them. The Senate is expected to respond to Presidential initiatives, but the majority leadership does little on its own to shape the Senate's agenda.

A Proposal for Reform

If the Senate's leadership wishes to gain greater control over the discretionary portions of its legislative agenda, only a small increase in new staff will be required. The Senate already has access to all the information and analytical capacity needed to do an effective job of agenda setting. In fact, until more coherent direction is given to the deliberations of the Senate, it will be difficult to employ efficiently the extensive staff now available within the Congress and in private, nonprofit policy research agencies in Washington and throughout the country. If policy analysts and staff members were assured that a number of broad program areas—such as income maintenance or energy conservation—had authoritatively been selected as items of prime importance to the Senate for the next few years, the quality of staff work, and the depth of analysis and understanding within the Senate almost inevitably would improve. If it were widely understood that certain issues were going to receive serious attention in the Senate, the energies of hundreds of groups and agencies throughout the governmental system automatically would be channeled in those directions. The Senate's shifting legislative agenda already acts as a principal source of cues for lobbyists, policy researchers, ambitious Senators, agency chiefs and journalists. If the majority party wished to achieve greater coordination among all these elements, it could do so without gaining explicit power over their activities and without creating a huge new bureaucratic structure. All that is required is greater effort by party leaders to establish their own legislative priorities.

Within the Senate the organizational foundations for greater control over the legislative agenda exist already in the party policy committees. These committees have been in place for thirty years, making reform possible without a fundamental change in the Senate's organization. They also are instruments of partisan control. Since the determination of the questions to be debated is one of the most important benefits of gaining majority status, the policy committees are the most appropriate arenas for control of the agenda. The committees are

small and manageable. They also are composed mostly of party leaders and already are charged with formal responsibility for scheduling the issues for consideration on the floor. All these characteristics make the policy committees natural forums for debate over program priorities.

If the policy committees are to be employed more effectively to control the agenda, their precise make-up and the way in which their numbers are selected must carefully be reviewed. If they are to be effective instruments of central legislative clearance, the committees must speak with the authority of extraordinary majorities of their respective party conferences. Policy committee staff members should be engaged mainly in coordinating the activities of substantive committees and the general legislative support agencies. Conflict between policy committee staffs and substantive committee staffs should be avoided, as much as possible. The policy committees should serve as executive committees for the party conferences and should include representatives from all the principal factions in the party coalitions.

The policy committee for the majority party, supplied with a strengthened staff and backed by a clear majority of the party conference, could serve several important functions. Most important, the committee could designate each year a small set of issues or programs as top priority items for Senate debate and action. Only a small number of issues would be chosen in this manner. The discretionary agenda always is crowded in the Senate; room always should remain for issues to emerge that are not included on the list of party priorities. Some of the items chosen for emphasis might be concrete proposals that already had been the subject of hearings and were ready for action on the Senate floor. The list also should include, however, general issues, such as programs of energy conservation or metropolitan planning, that are just beginning to attract interest and are in need of investigation by Senate committees. Several substantive committees might be called upon to begin hearings on these issues and the policy committee might even commission research and analysis from executive departments, legislative support agencies, universities, or private firms outside the Senate.

A list of priorities of this kind emanating from the majority party leadership would attract wide notice and inevitably would stimulate activity and interest throughout the government. Instead of making haphazard responses to pressures from outside the Senate or from individual activists within the Congress, the party leaders could take the initiative and provide comprehensive guidance to policy makers in all sectors of the governmental system, at least in the range of issues where party consensus exists.

The legislative agenda necessarily must be developed on a partisan basis in the Senate, with the majority party setting the pace and selecting the principal topics for debate. The minority party cannot control the committees or manage the sequence of issues arising on the floor, but its influence would be magnified greatly if the minority leadership could obtain agreement from its party members on a limited number of general problems upon which it would seek to develop legislation. Much of what the minority eventually proposed either might be defeated or might appear as amendments to legislation proposed by the majority, but, if staffwork could be concentrated on

a selected group of issues over several years, a ready-made party platform would emerge for use in future elections. Also, debate in the Senate would be much better informed.

Ambitious Senators anxious to build national reputations by promoting new legislative proposals would still have opportunities for maneuver in a more centralized system of agenda setting, but now the policy committees would become additional new objects of their activism. When several proposals were competing for consideration by the Senate, the policy committees would become natural forums for debate among their proponents. Deliberations of this kind might prompt Senators to consider the broad trade-offs among different policy areas that seldom are addressed under the present, more decentralized system. More vigorous intervention by the policy committees might also send back to substantive committees the kind of poorly designed programs with shaky justifications that often appear toward the end of surges of activity in a policy area. No system would be able to stop the Senate from debating a bill that had the support of a large majority of its members, but more active leadership in agenda-setting should make it necessary for proponents of new proposals to make more powerful supporting arguments. Simply by asking more questions, the policy committees could contribute to a significant improvement in the level of policy analysis and debate in the Senate.

Conclusion

The job of creating stronger, more active party leadership in the Senate would not be a simple or uncontroversial task. Opposition undoubtedly would come from many groups and individuals both inside and outside the Congress. More centralized agenda-setting would require the alteration of many informal rules and customs, set up new lines of influence and communication and directly affect the power of many Senators. Organizational changes never come easily, but recent events, such as the early successes of the Congressional budget reform, suggest that the Senate may be prepared to transform itself, especially if procedural changes promise to increase the influence of the legislative branch within the national policymaking system.

Today the Senate seems prepared to make rule changes that were completely unfeasible even a decade ago. The balance of political power has been shifting steadily—especially within the Democratic majority—so that the parties are more ideologically homogenous. During the past twenty-five years Southern politics has been transformed by the enfranchisement of black voters, rapid urbanization and the rise of authentic two-party competition. As the number of conservative Southern Democrats has been reduced, the number of liberal Democrats from states outside the South has been increasing, beginning with the many liberal victories in the 1958 election and the reelection of all of them six years later in the Democratic landslide of 1964. As these new liberals have moved into the Senate, many rules have been changed in order to allow junior members greater influence, more access to sub-committee chairmanships, and increased staff. The period of apprenticeship, formerly expected of first termers, gradually has disappeared, allowing newly elected Senators to plunge immediately into the legislative process. All these tendencies toward a more

decentralized, activist legislative system further were encouraged by the shift in the majority party leadership from the closely held power of Lyndon Johnson to the more consensual leadership of Mike Mansfield.[31]

All signs point to the need at this time in the Senate's history for a reassertion of power by the majority leadership. The mandate for this new legislative system must be founded on the consent of the party conference. Legislative priorities must emerge from open debate that involves all members of the party. Reformers must avoid placing disabling obstacles in the paths of individual Senators bent on promoting new solutions or urging attention to problems that have been ignored by the leadership. Changes in the role of the policy committees and the procedures for agenda-setting should not eliminate all activity by junior Senators or independent committee chairmen. The goal of reform should not be the creation of an all-powerful leadership, but rather to strike a new balance between the Senate's remarkable responsiveness to social problems, complaints and trends and the need for greater programmatic coherence.

The social problems of the next two decades will require more consistent responses from government, more analysis in depth, and greater awareness of the broader implications of governmental programs. The helter-skelter activism of the past decade has served to raise many new issues long blocked from national debate. The Senate has made a major contribution during the past two decades by providing access to newly forming interest groups and steering the government into policy areas never seriously considered in the past. The needs of the next two decades require the Senate's leadership to gain greater control over its agenda and to generate more of its own policy initiatives. This demanding task of institutional reform must be carried out successfully if the legislative branch of American government is to realize its full potential as a modern expression of representative democracy.

OCTOBER, 1976.

---

[31] This interpretation of recent developments in the Senate comes directly from: David W. Rohde, Norman J. Ornstein and Robert L. Peabody, "Political Change and Legislative Norms in the United States Senate," (Delivered at the 1974 Annual Meeting of the American Political Science Association; August, 1974). Also see: Nelson J. Polsby, "Goodbye to the Inner Club," *op. cit.*

RELATIONS BETWEEN THE SENATE AND THE HOUSE OF REPRESENTATIVES: THE PARTY LEADERSHIP

By Walter Kravitz

Critics of the relationship between the Senate and the House of Representatives usually focus on one central theme: the need for closer communication, cooperation, and coordination between the two Houses. Half a century ago Robert Luce, a prodigious student of legislatures as well as a Member of Congress, complained that the lack of "harmonious cooperation for the public welfare [between the House and Senate] . . . is the most serious defect in the machinery of Congress."[1] Other students and observers of Congress have attributed a variety of detrimental consequences to that alleged defect.

They have deplored, for example, the delays that uncoordinated operation of the two Houses has often inflicted on the legislative process, sometimes bringing it to a halt. In 1962 a dispute between the House and Senate Appropriations Committees was allowed to drag on for some seven months, holding up agreement on appropriation bills. There are other examples: the 1949 disagreement over the size of the Air Force, which delayed adjournment of Congress for a considerable period and tied up a defense appropriation bill at a critical period during the Cold War; a 1961 dispute over the Senate's attempt to curb House franking privileges, during which the House adopted a measure continuing those privileges and adjourned for the year, forcing the Senate either to accept the House position or let the bill die and leave some agencies unfunded,[2] and more recently, a feud between the two administration committees that prevented the printing of numerous congressional documents for several months. Incidents of this kind have drawn from David Broder the relatively mild observation that "the country obviously has a stake in seeing that the legislative branch functions; that it does not founder in intramural warfare."[3]

Some critics charge that the lack of closer ties between the two Houses makes reasoned laws more difficult to draft and enact. "Friction is magnified instead of reduced," Warren Weaver has argued. "The ultimate court of the conference committee is confronted with

---

[1] Robert Luce, *Congress; an explanation,* Cambridge: Harvard University Press, 1926, p. 31. If the Constitutional Convention had taken Benjamin Franklin's advice, the nation would have a unicameral national legislature and, therefore, no problems of House-Senate relationships. Although many theorists have agreed with Franklin in that two houses are worse than one, most concede that the country is not likely to accept unicameralism at the national level. In any case, it is even more unlikely that either house would approve the necessary constitutional amendment and, thereby, its own extinction. See: George B. Galloway, *The Legislative Process in Congress,* New York: Crowell, 1953, pp. 249–252; Walter J. Shepard, "Democracy in Transition," *American Political Science Review* (Feb. 1935), p. 16; Senator George W. Norris, "The One House Legislature," *Unicameral Legislatures,* E. C. Buehler, ed., New York: Noble & Noble, 1937, pp. 48–49; J. D. Barnett, "One House of Congress as Two," *American Political Science Review,* (Feb. 1925), pp. 82–83; Ivan W. Parkins, "Let's Disassemble the House, A Proposal for the Reform of Congress," *The South Atlantic Quarterly* (Spring 1960), pp. 226–238.

[2] Jeffery L. Pressman, *House vs. Senate; conflict in the appropriations process,* New Haven; Yale University Press, 1966, pp. 3–8.

[3] David S. Broder, " 'The Other Body'—Not 'the Upper House,' " *New York Times Magazine* (May 20, 1962), p. 23.

broad, difficult, undiscussed issues to compromise instead of smaller, more manageable ones." [4] Implicit in this argument is another. With no instrumentality to coordinate their efforts, the two Houses tend too frequently to develop strikingly different approaches to national problems, and the necessity of compromising differences often results in patchwork policies and legislation.

For some observers the possibility that closer coordination between the House and Senate might produce more cohesive policy development in Congress is a sufficient benefit in itself. But others see additional rewards.

According to one line of thought, cohesiveness in the development of policy would give Congress greater strength in its dealings with the executive branch. Lack of harmony between the two Houses, the argument goes, undermines the efforts of Congress to achieve parity of power with the President. Thus, Arthur N. Holcombe asserted in 1946 that "the pernicious effect of the bicameral system as operated in its traditional form is that it prevents the two Houses of Congress from presenting a united front in the most effective manner in their relations with the Executive," and by a united front, he continued, he meant "a more powerful front." [5] In a more recent summary of the argument, Walter Oleszek noted the importance "for the general welfare that internecine clashes between the House and Senate be kept to a minimum while actions are taken to strengthen the legislative branch in general through intercameral cooperation, particularly in this era of presidential prominence." [6]

Another line of reasoning, however, urges greater congressional policy cohesion not so much to strengthen Congress against the President but rather to promote harmony between them. Disturbed by what Stephen K. Bailey has called "the pullings and haulings in our national government," followers of this line express hope that policy coordination between the two Houses would encourage more policy consensus between the legislative and executive branches and facilitate the processing of major presidential recommendations.[7] They are particularly concerned that disagreement between the two Houses will delay or frustrate a President's "must" legislation, as was the case in 1962, for example, with President Kennedy's Federal aid to education program.[8]

Luce made another complaint. Because of poor communication and coordination, he charged, too often one House will fail even to consider important measures passed by the other. An undiscriminating public then blames the Congress as a whole for its negligence. Moreover, some Members may face serious political consequences when a highly controversial measure, passed in one House by a narrow margin, dies of neglect in the other. As Weaver points out, the result may be that Members "are put on the spot and forced to commit themselves on a politically sensitive issue without any legislation to show

---

[4] Warren Weaver, Jr., *Both your houses; the truth about Congress,* New York: Praeger, 1972, p. 32.

[5] U.S. Congress, Joint Committee on the Organization of Congress, Hearings on the Organization of Congress, 79th Congress, 2nd session, Washington: Govt. Print. Off., 1946, pp. 617–618.

[6] Walter J. Oleszek, "House-Senate Relationships: Comity and Conflict," *Annals of the American Academy of Political and Social Science* (Jan. 1974), p. 84.

[7] Stephen K. Bailey, "The condition of our national political parties." Fund for the Republic, 1959, p. 15. See also the arguments in favor of a joint-legislative executive council in: Joint Committee on the Organization of Congress, Report pursuant to H. Con. Res. 18, S. Report 1011, 79 Cong., 2 sess., Mar. 4, 1946, pp. 13–14.

[8] Broder, *op. cit.*

for their discomfiture. It happened in 1965, when the House barely repealed, 221–203, the 'right to work' provision in the Taft-Hartley Law that permits states to prohibit the union shop. The Senate never acted on the bill at all, and a number of House Democrats from close, relatively conservative districts were beaten on the issue in 1966, hung for a vote that turned out to have been totally unproductive."[9] Instances of this kind, Weaver asserts, have contributed to bitterness between Members of the two Houses.

Some scholars believe that closer cooperation between the House and Senate should be aimed at achieving greater party responsibility and, therefore, accountability to the voter for carrying out party programs and pledges. The 1950 report of the Committee on Political Parties of the American Political Science Association (APSA) lamented that "in neither House of Congress is there a body of party leaders who have the power of managing party affairs in Congress and who therefore can be held accountable for it." The committee urged leadership coordination between the two Houses that "would provide an orderly approach to the broadening of areas of agreement between the two parties and to the identification both of party issues and of issues on which no congressional party policy is needed."[10] Bailey recommended a similar approach that "would demonstrate the differences in program between the parties and also the areas of national agreement."[11]

Other benefits of closer cooperation betwen the two Houses have been suggested by former Senator Mike Monroney and Senator Hubert H. Humphrey. According to Monroney, better liaison and coordination might prevent duplicate investigations and the consequent waste of congressional time and talent.[12] Senator Humphrey has offered a proposal for cooperation intended to increase congressional prestige in the eyes of the public and to make it more aware of the existence of Congress.[13]

To sumarize, advocates of closer ties between the House and Senate foresee or hope for such positive consequences as the development of more coherent and cohesive policies by Congress, the reduction of internal friction and internecine clashes, the removal of some unnecessary delays, duplication, and strains in the legislative process, the strengthening of Congress vis-a-vis the President, the promotion of cooperation and consensus between the legislative and executive branches, the enhancement of party responsibility and accountability, and a greater credibility for Congress in the eyes of the public.

How To Do It

Among the numerous proposals to improve bicameral relations, many emphasize the potentialities of party mechanisms and the party leaders.

Some of the suggestions go no further than to urge closer relationships. Thus, in 1945 then-Representative Monroney declared that there "should be liaison between the leadership of the two Houses . . . and

---

[9] Weaver, *op. cit.*, p. 33.
[10] American Political Science Association, Committee on Political Parties, *Toward a More Responsible Two-party System*, New York; Rinehart, 1950, pp. 59–60.
[11] Bailey, *op. cit.*
[12] Joint Committee on The Organization of Congress, Hearings, 1946, pp. 289, 302.
[13] U.S. Congress, Joint Committee on Congressional Operations, Congress and Mass Communications, Hearings, 93rd Congress, second session, Washington: Govt. Print. Off., 1974, Appendix, pp. 621, 622.

there should be a staff relationship between the two Houses in order that [they] will not duplicate the same line of work [e.g., investigations and studies]," and Holcombe urged "some effective means of coordinating leadership in the initial stages of the legislative process . . ." [14] In 1965 Charles O. Jones proposed greater coordination on the part of existing staffs, and James Pollock urged centralization of leadership for coordinated action and development of policy.[15] More recently, Weaver called for "periodic informal conferences between the party leaders in the two Houses, now infrequent . . ." [16]

Other observers have suggested specific mechanisms without providing any significant detail. Alfred de Grazia proposed long-range planning by the joint leadership working through a central office of both Houses,[17] and Senator Monroney suggested a mediation board "in case we do have disputes between the two Houses . . . that could sit down and talk it out without either House losing face by surrendering." [18]

The more detailed proposals call for structures and procedures that generally aim, as John G. Stewart has described it, at "a routinized, well-staffed process for the long-term coherent development of policy" as contrasted with the prevailing "ad hoc process . . . usually invoked in response to short-term pressures . . . ." [19]

One basic formula envisages frequent joint meetings of the majority party policy (or leadership) committees of the two Houses, with separate joint meetings of the policy committees of the minority party. Senator Estes Kefauver preferred a more formalized joint majority party committee of the Senate and House, while Representative John Brademas has suggested joint Senate-House leadership meetings with committee chairmen.

Whatever the precise structure, these entities would:

Formulate overall legislative policy (1946 Joint Committee on the Organization of Congress), act as a legislative policy committee to work out the legislative program (Kefauver), draw up a list of major issues for the session (Brademas), or discuss common problems of legislative policy (APSA Committee on Political Parties);

Consider their roles in expediting coordination and passage of legislation pledged to the people by their party (1946 Joint Committee), "develop ways and means of enacting into law the platform of their party as adopted at the last national convention" (former Senator Joseph S. Clark), or formulate, implement, and evaluate national party policy and programs (John Saloma and Fredrick Sontag);

Coordinate the work of all committees (Kefauver), or set up joint Senate-House hearings on the designated major issues of the session (Brademas); and

Be supported by a permanent staff for policy purposes (Kefauver), or by larger leadership staffs to aid in interchamber communications (Brademas).

---

[14] Joint Committee on The Organization of Congress, Hearings, 1946, pp. 289, 302, 619.
[15] U.S. Congress, Joint Committee on The Organization of the Congress, Hearings on the Organization of Congress, 89th Congress, first session, Washington: Govt. Print. Off., 1965, pp. 724, 703.
[16] Weaver, *op. cit.*, p. 35.
[17] Alfred de Grazia, *Congress: The First Branch of Government,* Washington, D.C.: American Enterprise Institute for Public Policy Research, 1966, p. 464.
[18] Joint Committee on The Organization of The Congress, Hearings, 1965, p. 41.
[19] John G. Stewart, "Central Policy Organs in Congress," *Congress Against the President,* ed. by Harvey C. Mansfield, Sr., New York: Praeger, 1975, p. 31.

A variant of this formula would expand the structure into a joint legislative-executive council. The joint majority policy committtees would meet regularly with the President to facilitate the formulation and carrying out of national policy and to improve relationships between the two branches (1946 Joint Committee), and to coordinate legislative-executive efforts (Kefauver).[20]

Upon the recommendation of the Joint Committee on the Organization of Congress, the Senate approved the essence of this approach in 1946. It did not appear in the House-passed version of the Legislative Reorganization Act of 1946, however, and the Senate accepted that version without insisting on a conference.

A second basic formula, offered either as an addition or an alternative to the first, would have the four leadership groups—Senate majority and minority policy committees, House majority and minority policy committees—meet jointly early in each session. APSA's Committee on Political Parties suggested that the four groups meet as a Joint Committee on the President's Program. This body would consider the entire program embodied in the President's three principal annual messages. It would identify party issues, issues on which no congressional party policy is needed, and "furnish guidance to the general line of action on the part of the various legislative committees."[21]

In Bailey's version of this approach "the four policy committees [would] meet jointly for two weeks in late January and early February each year to conduct general hearings on the President's State of the Union message. The hearings should be widely covered by press, radio, and television; the leaders in the administration and in the out-party should be heard; and majority and minority reports should be issued for the general guidance of legislators and of the general public. These reports would demonstrate the differences in program between the parties and also the areas of national agreement." The whole process, Bailey argued, would "bring greater cohesion to the handling of major presidential recommendations. . ."[22] Senator Clark suggested that the joint bipartisan leadership of both Houses consult with the President, after the State of the Union message, to prepare a schedule of floor business for the session.[23]

Another variation on this theme would place the responsible leaders of both parties (including, perhaps, the chairmen of key committees) on the Joint Economic Committee. The APSA Committee on Political Parties based this suggestion on the following arguments: (1) the President's proposals are "the starting point of the legislative schedule"; (2) the problem is "how to get these proposals responsibly handled"; (3) the Joint Economic Committee already serves as an instrument for identifying party stances; (4) however, the Joint Com-

---

[20] Joint Committee on The Organization of Congress, Hearings, 1946, pp. 14, 78; Joint Committee on The Organization of The Congress, Hearings, 1965, p. 592, 601, 724; Joint Committee on the Organization of Congress, Report, 1946, pp. 12, 13; APSA, *op. cit.*, p. 60; John Saloma and Fredrick Sontag, *Parties: The Real Opportunity for Collective Citizen Politics*, New York: Vintage, 1973, p. 145; Joseph Clark, *Congressional Reform: Problems and Prospects*, New York: Thomas Crowell Co., 1965, p. 348. See also: Thomas Finletter, "The Means Must Be Strengthened," *Congress and the President*, ed. by Walter Travis, New York: Teachers College Press, 1967, p. 33; U.S. Congress, Senate, Committee on Expenditures in Executive Branch, Hearings on Evaluation of the Effects of Laws Enacted to Reorganize the Legislative Branch, 82nd Congress, 1st session, Washington: Govt. Print. Off., 1951, p. 211.

[21] APSA, *op. cit.*, p. 60.

[22] Bailey, *op. cit.*, p. 15.

[23] Clark, *op. cit.*, p. 348.

mittee has no formal responsibility for party leadership and therefore cannot "coordinate the main policy decisions that arise in the diversified activities distributed over the committee system"; (5) placing the party leaders on the Joint Committee would establish that responsibility.[24]

Senator Humphrey offered a quite different proposal in S. 563 of the 94th Congress. He would establish by legislative mandate an annual "State of the Congress" message by the majority and minority leaderships of both Houses. The leadership would "address the Nation concerning the initiatives, priorities, and shortcomings of the sessions just concluded." The address "would take the form of speeches by both the majority and minority parties, which would designate speakers from each House." In Senator Humphrey's view, "the message by the congressional leadership would make the public more aware of the operation of Congress, and it might have the desirable side-effect of generating more interest in the legislative process." [25]

Before considering criticisms offered by opponents of these arguments and proposals, the following section presents some historical background and a description of the present relationship between the leadership of the two Houses.

Some Recent History

The Democrats established a formal mechanism to foster Senate-House leadership cooperation in 1931. Called the Democratic Joint Policy Committee, it was composed of 10 members from each House presided over by Speaker John N. Garner. The group was "unofficial and advisory only." Its sole object, according to Speaker Garner, was to "coordinate the work" of Democrats on both sides of the Capitol and to "talk over legislative measures and coordinate and harmonize legislative policies." Joint statements to the press on the work of the Joint Policy Committee were released by the Speaker and Senate Majority Leader Joseph T. Robinson. Although very little was known about the committee during its existence, evidently it met only twice: once to deal with a number of economic issues and on another occasion to consider two specific bills. One source reported that there was an "inclination to question the success and value of its work." [26]

During the 1950s the informal interactions between Speaker Sam Rayburn and Senate Majority Leader Lyndon B. Johnson evidently influenced the legislative process significantly. Their close personal relationship was reinforced by day-to-day working contacts, usually at the daily meetings of Rayburn's "board of education," which were informal gatherings of key Members of Congress to discuss legislative and political problems and developments. The two leaders exchanged information about the progress of specific legislation, developed legislative strategies on certain bills, and even formulated their own legislative program on a continuing basis. They often issued joint statements in response to presidential pronouncements, and usually consulted with each other before releasing individual declarations. When the two Houses reached an impasse on important measures, Johnson

---

[24] APSA, *op. cit.*, p. 60.
[25] Joint Committee on Congressional Operations, *op. cit.*, p. 622.
[26] W. H. Humbert, "The Democratic Joint Policy Committee," *The American Political Science Review*, Vol. XXVL, No. 3, June 1932, p. 552–554; *United States Daily*, December 30, 1931, p. 4.

and Rayburn would sometimes intervene to resolve the differences. Senator Johnson and his aides even went so far, on occasion, as to speak with Members of the House on Speaker Rayburn's behalf.[27]

Following the election of 1956, in which the Democrats retained control of both Houses despite President Eisenhower's landslide victory, the Democratic National Committee decided to create an advisory committee to develop a legislative program for the party. The chairman of the National Committee named twenty members to the group, including the seven principal leaders in both Houses. Within seven days all seven had declined to serve.[28]

The Joint Senate-House Republican Leadership of the 1960s was a formal assemblage, unlike the highly personal Rayburn-Johnson arrangement. It was created in 1961, at the suggestion of departing President Eisenhower, to provide a mechanism for Republican Party policy formulation and pronouncements during a Democratic administration. The group was dissolved upon the inauguration of President Richard Nixon in 1969 on the ground that the President would thereafter speak for the Republican Party. Composed of the floor leaders, whips, and other Republican leaders, it provided them an opportunity both to resolve different points of view and to speak with a unified voice.[29]

The group met about once a week while Congress was in session, issued formal statements to the media, and held weekly press conferences conducted by Senate Minority Leader Everett B. Dirksen and House Minority Leader Charles Halleck that became known as the "Ev and Charlie Show." The substantive positions formulated by the Joint Leadership and enunciated by Dirksen and Halleck received considerable publicity, in part because of Senator Dirksen's flair for showmanship. Whether because of the publicity or the unity of the Joint Leadership, some observers believe the process did influence congressional voting.[30] After Representative Gerald Ford replaced Halleck as House Minority Leader that unity was marred by Ford's public disagreements with Dirksen on some major policies, particularly on the Vietnam issue.[31]

---

[27] Rowland Evans and Robert Novak, *Lyndon B. Johnson: The Exercise of Power,* New York: New American Library, 1966, pp. 86, 145, 176, 195, 219; Harry Provence, *Lyndon B. Johnson,* New York: Fleet, 1964; pp. 86, 105. Not all congressional Democrats approved of the Rayburn-Johnson style. See: Doris Kearns, *Lyndon Johnson and the American Dream,* New York: Harper & Row, 1976, p. 114. On one occasion, when Johnson failed to inform Rayburn of a significant policy statement purporting to represent the Democratic congressional position, Rayburn publicly expressed his dissatisfaction. See: David Truman, *The Congressional Party,* New York: Wiley & Sons, 1959, pp. 315–316.

[28] Truman, *op. cit.,* pp. 300–302.

[29] *Congressional Record,* September 26, 1961, pp. 21743, 21372; Jerald F. terHorst, *Gerald Ford and the Future of the Presidency,* New York: The Third Press, 1974, p. 116. Membership was fixed as follows: For the Senate: Leader, Whip, Chairman of Policy Committee, Chairman of the Conference, Chairman of the Republican Senatorial Committee; For the House: Leader, Whip, Chairman of the Conference, Chairman of the Policy Committee, Ranking Member of the Rules Committee, Chairman of the Republican Congressional Committee, Chairman of the Committee on Planning and Research; Presiding: Republican National Chairman.

[30] *Congressional Record,* September 26, 1961, p. 21744; *Washington Daily News,* September 7, 1961; "The Loyal Opposition," *Newsweek,* September 18, 1961; In his biography of Dirksen, Neil MacNeil notes, "The Republican Leadership meetings and the joint news conferences of Dirksen and Halleck had been mocked and ridiculed initially . . . [but] by midsummer, 1962, the ridicule had been forgotten, for Dirksen and Halleck were winning substantial amounts of newspaper space and television time . . ."; Neil MacNeil, *Dirksen: Portrait of a Public Man,* New York: The World Publishing Company, 1970, p. 201.

[31] MacNeil, *op. cit.,* pp. 249, 291–292; terHorst, *op. cit.,* pp. 98–99, 100–101. For a record of press conference statements for selected years, see: Senate Doc. No. 52, 88th Congress, 1st session; Senate Doc. No. 68, 89th Congress, 1st session; Senate Doc. No. 118, 89th Congress, 2nd session.

The Present Situation [32]

Senate and House party leaders currently maintain contact with each other through more or less regular meetings and also on an ad hoc basis.

1. *Meetings:* Democratic leaders (Senate majority leader and whip, House Speaker and majority leader) hold intermittent breakfast meetings, sometimes monthly, sometimes at six-week intervals. There is no formal agenda. They exchange information about bills scheduled or likely to come up in each chamber, the committees handling them, the Members managing or interested in them, and any special problems they may involve. In some cases the leaders also discuss which chamber should act first and the timing for such action. They do not attempt to establish Democratic Party policies or programs. The meetings have been held at least since 1972 or 1973. Senator Majority Leader Mike Mansfield brought them to public attention in a statement before the Senate Democratic Conference at the beginning of the 93rd Congress when he remarked that "the Senate Leadership has met several times with the House Leadership. Together with the Speaker and his associates, we are seeking ways to promote effective unity between the Democrats in the two Houses of Congress." He concluded that these efforts had "already established the basis for better coordination between the House and Senate Democratic majorities." [33]

Senate and House Republican floor leaders have been meeting every Monday afternoon since 1970. Usually a few staff are present. About once a month the Republican whips of both houses sit in on the meetings, and presidential representatives occasionally attend. The leaders meet one week on the Senate side, the next on the House side. There is no formal or structured agenda. The leaders bring each other up to date on the legislative schedules of their respective chambers, exchange information about the committees and individuals who will be handling bills and any special problems involved, and review matters concerning relationships with the White House. According to one leadership staff member, substantive Republican Party policy is not discussed.

Meetings with the President afford another opportunity for communication between Senate and House leaders, although obviously that is not their primary purpose. Sometimes the President holds bipartisan leadership meetings; at other times he meets only with the congressional leaders of his own party. Evidently these gatherings convene at the President's discretion, and their frequency varies. Official documents indicate that President Ford met with the bipartisan group on eight occasions during the last five months of 1974, fourteen times in 1975, and three times during the first seven months of 1976, but in some months he has convened the group as many as three or four times while in other months not at all. According to a Senate staff source, President Ford meets with leaders of his own party about once a week when he is in Washington.[34] Foreign policy briefings and major administration policy and legislative initiatives usually dominate the

---

[32] Unless otherwise cited, the information in this section was obtained at personal interviews with staff of the Senate majority and minority leaders.

[33] *Congressional Record*, (Daily Ed.), January 31, 1973, pp. S1528, S1529.

[34] Not all of these are recorded in published official documents. The published data indicates that President Ford met with Republican leaders of both houses an average of only once every two months in 1974, about once a month in 1975, and about once a month during the first seven months of 1976.

agendas of the meetings at which leaders of both parties are present. Published sources suggest that the conferences with leaders of the President's party tend to concentrate much more on specific legislation.[35]

2. *Ad hoc contacts.*—Apart from these more or less regular meetings, House and Senate leaders and their staffs communicate with each other intermittently as the need arises. Some types of situations recur fairly regularly; others are unique.

Among the recurring situations, arrangements for joint sessions of the two bodies are routinely handled, although problems still crop up occasionally. Recently, for example, House officials set aside an insufficient number of seats for Senators at a joint session; the problem was resolved at the staff level without too much difficulty. The annual recess schedules of the two Houses are also regularly coordinated by informal means, and the leaders keep each other informed about any modifications in those schedules as the year progresses.

A still-evolving example of regularly recurring coordination between the Democratic leaders of both Houses, developed during the last decade, is the so-called Democratic congressional state of the union statement. In the past two years the congressional Democratic leadership has convinced the television networks to allow them equal time to respond to the President's State of the Union address. Although both the format and the designation of the individual or individuals to deliver the congressional reply are still determined ad hoc on each occasion, the basic decisions are made jointly. In 1974 the Senate Democratic Policy Committee and then the joint House-Senate Democratic leadership selected Senator Mansfield to give the televised reply plus an interview in which he outlined major congressional priorities. Both Speaker Carl Albert and Senator Humphrey delivered addresses the following year. Senator Mansfield designated Senator Edmund S. Muskie to make the report for congressional Democrats in January of 1976.[36]

The frequency of inter-House leadership communication always increases precipitously during the last month of a session, especially on the majority side. According to one staff estimate, fully 50 percent of all contacts occur during that month. As the target date for adjournment nears the leaders press hard for swift action on "must" bills, some so designated by the President and appearing to have a reasonable chance of passage, others so designated by the leaders after consultation with key Members. Deadlocked conference committees are prodded to resolve their differences. Bills that have been dawdling their way through the legislative mill come crowding onto the calendars, both Houses process more measures than at any other period, and the scheduling of floor action to accommodate the dozens of bills and conference reports passing back and forth across the Capitol often requires almost minute-to-minute coordination between the two

---

[35] *Weekly Compilation of Presidential Documents,* Washington: Office of the Federal Register, National Archives and Records Service, General Services Administration.

[36] In some earlier years, when equal time and national coverage was still not available, panels of Democrats made the reply in speeches or in question-and-answer formats. Speaker Albert and Senate Democrats chose Senator Mansfield to appear in a conversation with four network correspondents in 1971. Two years later Speaker Albert delivered a radio broadcast reply. See: Shirley Elder, "Mansfield will give rebuttal," *Washington Star-News,* Jan. 30, 1974, p. A9; *Congressional Quarterly Weekly Report,* Jan. 29, 1971, p. 281; *CQ,* Sept. 29, 1973, pp. 2571–2572; *Washington Post,* Jan. 21, 1975, p. A1; *New York Times,* Jan. 21, 1975, p. 16; *CQ,* Jan. 24, 1976, pp. 140–151.

Houses. During the last weeks of a session the leaderships and their staffs are constantly keeping their opposite numbers up to date on progress in their respective chambers, alerting them to bills or conference reports coming over from the other side, to intransigent conferences, and to unforeseen delays on the floor of one House or the other. Last year, "hot line" telephones were installed between the Senate and House cloakrooms of the two parties to facilitate communication of this kind.

Nonrecurring types of problems are handled in a purely ad hoc fashion. Leadership cooperation resolved a serious problem of institutional relationships between the two Houses in 1971 and 1972. A new and stricter House rule on nongermane Senate amendments to House bills was creating serious difficulties in conferences. In some instances House conferees were refusing even to consider Senate amendments on the ground that they would expose the conference report to points of order on the floor of the House. In a series of letters to the Speaker, Senator Mansfield expressed his concern that the dispute might result in the termination of several public programs and policies desired by majorities in both Houses. Later he warned the Speaker that resentful Senators were drafting a retaliatory rule for the Senate that might inflame the situation even more. The Speaker responded by urging the House Committee on Rules to look into the matter. In consultation with Senator Mansfield's leadership staff the staff of the Rules Committee worked out a reasonably satisfactory change for the House rules which the House subsequently adopted.

Another example of close coordination occurred in 1973. Concerned that Congress was unable to reconvene except by call of the President when it adjourns to a date certain or sine die, Senator Mansfield and Speaker Albert worked out an arrangement which permitted Congress to reconvene itself during the summer adjournment of 1973 if action on the economy, energy problems, the bombing of Cambodia, or some other matter was necessary. The adjournment resolution, S. Con. Res. 42, required Congress to reassemble upon joint action either of the President pro tempore and the Speaker, the majority leaders, or the minority leaders.[37]

A more recent instance of ad hoc bicameral leadership cooperation developed in 1975. After working out separate positions in their respective Houses, a House Democratic task force appointed by Speaker Albert and an ad hoc subcommittee of the Senate Democratic Policy Committee appointed by Senator Mansfield met jointly early that year to hammer out a common energy policy. Subsequently, the Senate majority Policy Committee and the House Democratic Steering and Policy Committee agreed upon an energy-economic recovery program, and a meeting between members of these groups and President Ford resulted in postponement of a second tariff on crude oil. Stewart has pointed out the resemblance between this ad hoc process and the recommendation of the 1946 Joint Committee on the Organization of Congress "that the Majority policy committees of the Senate and House serve as a formal council to meet regularly with the Executive, to facilitate the formulation and carrying out of national policy, and to

---

[37] *Congressional Record*, Jan. 4, 1973, p. 3248, and July 30, 1973, (daily ed.), p. H6850; *CQ*, Jan. 28, 1973, p. 2060. Precedents for such activities had been established during Lyndon Johnson's tenure as Senator Majority Leader and Sam Rayburn's tenure as Speaker.

improve relationships between the executive and legislative branches of Government." [38]

Three additional features of current Senate-House leadership relations are worth noting.

First, as a rule neither the Democratic nor the Republican Senate leaders inject themselves into conference negotiations unless asked to do so. When conferences deadlock at the end of a session, the Democratic leader may take some initiative to "get people together to work out something that will sell." At other times during the session, however, the leaders wait for conferees to come to them for help. This happens occasionally, and when it does the leaders may give some substantive advice or, depending upon the circumstances and the individuals involved, the Majority Leader may go to the Speaker to work something out.

Second, the Democratic leadership on both sides of the Capitol evidently have adhered to the practice of dealing exclusively with each other on matters of House-Senate relationships, rather than communicating directly with nonleadership Members on the other side.

Finally, very small numbers of staff are involved in leadership relations between the two Houses: no more than three for Senate Democrats, one or two for Senate Republicans, and about the same number on the House side.

In summary, there is considerable evidence that congressional party leaders have been and are communicating and cooperating with each other and coordinating bicameral relations. The means consist of informal, uninstitutionalized, but more or less regular meetings and ad hoc, problem-oriented contacts. One staff member involved in the process refers to it as the "fireman approach"—meeting problems and crises as they arise. The relationships are uninstitutionalized in the sense that they are not based on rule or law or spelled-out procedures, nor do they employ dedicated structures or support staff. Rather, they consist of informal arrangements, informally evolved and adhered to by the individuals who happen to occupy leadership positions at the moment, and facilitated by the part-time, ad hoc services of staff who deal with bicameral relations as a byproduct of their other functions. Because of their informality, these arrangements clearly will not be binding on the successors of the present leaders.

Rarely do the Democratic or the Republican joint leaderships attempt to agree upon, establish, or articulate joint public policy positions or positions on substantive legislation on behalf of their parties. The overwhelming thrust of their relationship is in the direction of facilitating the bicameral legislative process, in a broad institutional sense, and also in the narrower sense of smoothing procedural contacts between the respective congressional wings of their parties.

Counterarguments to the Criticisms and Proposals

The rebuttal to complaints about Senate-House relations and the role of party leadership in those relations begins by agreeing that communication, cooperation, and coordination between the two Houses are desirable. But it goes on to insist that, given the ineluctable circumstances, reasonably effective realtionships *do* exist, more so than is generally known or acknowledged.

---

[38] Stewart, *op. cit.*, pp. 21–22.

It argues, further, that most of the proposed remedies are based on a misunderstanding of the fundamental nature and values of Congress and bicameralism, the American party system, congressional parties and the role of their leaders, and the practical operations of Congress. And it concludes that changes which ignore fundamental political and institutional realities will be rejected or fail or seriously undermine Congress.

The rebuttal contends that Congress is a decentralized institution by nature. "Instead of having a single head," Nelson Polsby has observed, "Congress looks like the hydra of Greek mythology. Instead of neatly delegating work downward and responsibility upward, Congress is a complex, redundant, not always predictable, and purposely unwieldy network of crisscrossing and overlapping lines of authority and information." [39] According to some students of Congress critics of the existing situation rightly assume that the kind of policy coherence they desire requires top-level coordination, supervision, and control, but they wrongly assume that this executive approach to policy is suitable, feasible, or desirable in an institution like Congress. It is in the nature of our national legislature that policies and programs emerge as a result of successful bargaining and compromise among the various congressional decision centers and interests. Congress, these observers assert, is not amenable to top-level control.

Nor, the rebuttal continues, should it be. As Heinz Eulau put it, "one of the most critical functions of Congress is to represent the diverse interests and tendencies of a pluralistic society." Any program or policy imposed from above "would be clearly in conflict with the representational requirements of a strongly centrifugal system. Whatever programs Congress comes up with, these programs must reflect the great variety of interests and preferences and demands that, like the tributaries of a river system, contribute to the main stream." [40] It is Polsby's view that "on the whole, gains in institutional strength are likely to be had at costs in responsiveness." [41]

One leadership staff member recently argued that the Senate is at its best when it is in apparent chaos; that it was not meant to be, nor should it be, efficient for the sake of efficiency; that it is the Senate's classic role to frustrate and delay action until a real consensus emerges. Reasonable consensus, not efficiency, is the measure of congressional effectiveness in policymaking. Such delays as duplication of effort are not merely costs well worth paying; they are intrinsic to the process.

The bicameral structure of Congress, the rebuttal continues, has positive values. By requiring each House to make its own independent judgment, bicameralism provides a vital check and balance in the Federal Government. "The fault," wrote Luce, "is not that one House may differ in judgment from the other. That is one of the virtues of the bicameral system." [42]

But whether one agrees or disagrees with bicameralism it exists, and its imperatives must not be rashly ignored. Each House rightly cherishes and zealously protects its independence and prerogatives. Any at-

---

[39] Nelson W. Polsby, "Strengthening Congress in National Policy-Making," *Yale Review* (June 1970), p. 481.

[40] Heinz Eulau, "The Committees in a Revitalized Congress." *Congress: The First Branch of Government*, ed. by Alfred de Grazia, Washington, D.C.: American Enterprise Institute for Public Policy Research, 1966, pp. 239–240.

[41] Polsby, *op. cit.*, p. 484.

[42] Luce, *op. cit.*, p. 31.

tempt to create a structure or process that might circumscribe each chamber's freedom of action, or give the appearance of doing so, will probably meet with hostility.[43] It is therefore essential, according to the leadership staff of both parties in the Senate, that the leaders carefully refrain even from the appearance of meddling in the affairs of the other House.

The present occupants of the major leadership positions deeply believe in the bicameral concept. Neither they nor their likely successors, staff members maintain, would support any change that might erode it. So sensitive is this issue that one staff member goes so far as to suggest that formalized meetings of the joint leadership might erode the bicameral concept.

Opponents argue, further, that proposals for joint leadership formulation of party policy and programs ignore the ideologically diverse nature of American political parties and of the congressional parties they spawn. To date, parties have been successful precisely because they have encompassed a broad spectrum of ideological colors. Opponents charge that advocates of leadership-developed and publicly anounced party programs do not face up to the complex reality of American political parties. In real life, according to a leader in one of the Houses, he must contend with a congressional party split into five identifiably different ideological factions. The problem is compounded in the Senate by the traditional and prickly independence of its Members.

Party leaders who are insensitive to these circumstances, the rebuttal continues, are unlikely to exercise leadership for very long. To attempt to commit a congressional party publicly to specific programs and policies on issues that are still in controversy is to court disintegration of any existing party coherence. Moreover, to do so would be to assume "a measure of discipline in the congressional party which the facts rarely justify." [44]

David Truman's analysis, although written almost twenty years ago, is still valid, according to opponents of these proposals. He perceived the congressional party as "a mediate group" which "affords its leaders little opportunity for command, in the strict sense." Moreover, if they can only rarely command, "they also can publicly commit their followers to a given action only after elaborate preparation." [45] That is why, Truman observed, Rayburn and Johnson would have been ill-advised to join the Democratic Advisory Council created by the National Democratic Committee in 1956. "For if its decisions were made public [which they were], the leaders of the Congressional party would have assumed a position of command that they may have by implication and after maneuver and negotiation but that they can rarely announce in open forum." [46] Truman concluded: "Given the mediate character of the legislative party and its attendant factionalism, commitment of the party by the elective leaders normally must

---

[43] To illustrate the point, one highly placed staff recalls the hostility aroused among Ways and Means and Finance committee members when the Joint Committee on Internal Revenue Taxation issued tax recommendations. This despite the fact that the Joint Committee consisted of members from those very committees. The incident occurred some 30 years ago; the Joint Committee has since issued no further recommendations.

[44] Rowland Egger and Joseph Harris, *The President and Congress,* New York: McGraw-Hill, 1963, p. 57.

[45] Truman, *op. cit.,* p. 300.

[46] Truman, *op. cit.,* p. 301.

follow internal negotiation, not precede it, and, if negotiation fails, the leaders will be better off in most cases if they are not too frequently and openly identified with the losing side. Repeated failure of their public initiatives, even if enunciated in the name of the President, is more likely to destroy them entirely." [47]

The staff of the incumbent Senate leaders hold much the same view. They believe that the notion of strong leaders, in programmatic or any other terms, springs from a superficial understanding of the nature of legislative leadership. It ignores Senators' fierce devotion to individuality and independence. Members tend to revolt at any sign of leadership abuse of power, and the more power leaders have, the more there is to abuse. One cannot impose executive styles of leadership in Congress; the Members simply will not accept the dictates of a few men, nor should they. Although the leaders' powers are not miniscule, they are both traditional and conditional. Any attempt by the leaders to substitute their own judgment on policy matters for those of their colleagues would only harm the carefully cultivated positions and prerogatives of the leaders.

Within the Senate Democratic Party, staff members point out, the leadership has persuaded the Policy Committee on several occasions to take public stands on major issues, for example, on ending the Viet Nam war and on tax reform. These have been endorsed by the Democratic Conference and constituted mandates to the appropriate committees, which have invariably responded affirmatively. But the leadership usually tries to limit these initiatives to matters on which there is some reasonably broad consensus already established in the party. Moreover, the positions are usually phrased as broad guidelines, rather than in detail, so as not to usurp the prerogatives of the committees. If this approach had been adopted in the 1950s, one staff member remarked, action on civil rights bills might have been accelerated with far less acrimony.

If achieving policy consensus is a difficult and sensitive affair in one House, how much more difficult must it be between the two Houses. That problem is compounded by what one staff member calls the "ego" of the Senate and the House and also by evidence that the contemporary Senate is more liberal than the House on various issues.[48]

Even if the concept of party responsibility urged by critics of Congress was feasible, some scholars argue, it would lead to "the weakening of Congress vis-a-vis the national parties, and whoever controls them—presumably quite often the President." [49] The contradictory expectations described earlier—that is, that some expect greater policy cohesion between the two Houses to unite Congress against the President, while others insist it will facilitate executive-legislative relations—is relevant here. Opponents of these proposals would argue that the latter expectation is an attempt to mask a clear intent to give the President greater leverage in the Congress.[50]

Whether intended to establish party policy or to facilitate scheduling, the Senate's leadership staff is skeptical about any proposal that the majority party's joint leadership agree upon a legislative agenda for Congress at the beginning of each session. Apart from the political

---

[47] Truman, *op. cit.*, p. 302.
[48] Sam Kernell, "Is the Senate More Liberal Than the House?" *Journal of Politics* (May 1973), pp. 332–363.
[49] Polsby, *op. cit.*, p. 482–483.
[50] Eulau, *op. cit.*, p. 239.

dangers, they argue, any measure inadvertantly left off the list might suffer. Its omission from the agenda might be taken as a sign that the leadership is, at best, indifferent to it, and this might discourage committees from processing useful legislation. Furthermore, they continue, it is virtually impossible to foresee at the beginning of each session all the important legislation that will develop. New crises always arise. Committees are constantly exploring new areas.

What can be announced in advance of a session, staff assert, are the measures all concerned already know about: the President's "must" legislation; measures due to expire during an upcoming session; and measures committees already have in the mill, left over from previous sessions. Under these circumstances, one staff member remarked, public announcement of schedules at the beginning of a Congress is superfluous—a "marketing device," he called it. In contrast, the "must" list announced by the leaders toward the end of a session is based on a knowledge of what bills will actually be available for floor consideration, a pretty clear indication of the presidential items Congress is taking seriously, and how much time remains for dealing with them.

Leadership staff members are also skeptical about proposals for more frequent meetings between the leaders of the two Houses. To meet just for the sake of meeting is a waste of precious time. They maintain, furthermore, that bicameral problems suitable for leadership consultation do not arise very often. But when they do the leaders meet or correspond, and this, according to staff, is as it should be.

Nor do they see much merit in more formalized meetings. One staff believes that more formal and structured meetings would create jealousy and mistrust among those not invited. The observations of Bertram Gross are pertinent here. "Genuine consultation is an intimate affair," he wrote. "If it is formalized there is always a danger that it will be postponed until a very late stage in any proceedings and regarded mainly as the perfunctory performance of a ritual . . . Informal methods have the advantage of allowing greater selectivity in the making of contacts while more formal methods sometimes bring together people who are animated by little or no common purpose." [51]

Proposals to increase the staff of the leadership in the Senate are opposed both by the incumbent leaders and their staff aides. The prevailing view is that present staff resources are sufficient. Democratic staff members remarked that their informational and analytical needs are completely satisfied by the Congressional Research Service and committee staffs.

Leadership staff members in the Senate conclude from their experience that the personal styles of the leaders and how they get along with each other will determine, to a significant degree, the arrangements for communication, cooperation, and coordination; that most problems of bicameral relations must be dealt with on an ad hoc basis; that crises cannot be handled in advance; that the leaders must have the flexibility to react to problems and crises according to the nature of the variables involved, such as diverse personalities, substantive issues, changing political circumstances, previous history, etc.; and that each leader's style will determine when, how, and under what circumstances he will inject himself into a bicameral problem or conflict.

---

[51] Bertram Gross, *The Legislative Struggle,* New York: McGraw-Hill, 1953, p. 128.

Optional Strategies

Some Preliminary Observations: If only half the criticisms of Senate-House relations are valid, the problems are still serious. If only half the counterarguments are valid, the obstacles to solving these problems are formidable. Under these circumstances, the judgment one makes on the credibility of the arguments will, to a large extent, determine how far one might wish to go in recommending changes in the cooperative arrangements between the leaderships of the two Houses.

Before suggesting what some reasonable options might be, we should mention several additional factors referred to only obliquely in the material presented thus far because they are largely outside the ken of the leadership. Senate-House relations are conditioned to a significant degree by the web of historical and institutional differences that foster a continuing atmosphere of suspicion, jealousy, and hostility between the two Houses. Among these are their different powers and functions, their intermittently recurring dispute over initiation of appropriation bills, the different tenure of their Members, the difference in the publicity and press attention their Members receive, their different sizes and staff resources, their different working styles, the profoundly different philosophies of their rules and procedures, and their frequently opposing views on the utility of devices for joint action, such as joint committees. Furthermore, leadership contacts obviously are not the only channels of bicameral communication, cooperation, and coordination. State delegation relationships, sectional organizations, the numerous amicable conference committees, contacts between committee staffs, and cooperation on matters of mutual interest between the administrative staffs of the two chambers play a considerable and continuing role in easing the tensions of bicameral life. It should also be obvious that Senate-House relations are intertwined with executive-legislative relations and other problems of congressional operation and organization.

Finally, one must take into consideration the new conditions of the 95th Congress. This Congress will be the occasion for an unusual changing of the leadership. The Senate will have new majority and minority leaders. A new Speaker will take office in the House and most probably a new Democratic floor leader. Possibly the Senate will have new majority and minority whips and the House a new Democratic whip. For the first time in almost a decade the same party may control the White House and both Houses of Congress. In addition, both Houses will still be adjusting to the impact of the new budget process; the Senate may be operating with a significantly altered committee system; and so-called sunset legislation may be adopted whose consequences for the operation of Congress are not entirely clear but may be profound. Whether one sees any or all of these as dangers or opportunities will also enter into the decisions about possible alternatives.

Three Approaches.—Among the many possible alternative approaches to Senate-House relations, we present here three based on different groups of assumptions.

The first accepts the validity of all or most of the counterarguments described earlier. It assumes, for the foreseeable future, the immutability of a decentralized Congress, of bicameral tensions and limita-

tions, and of largely undisciplined parties based on a broad array of political and legislative positions. It believes these circumstances constrain party leaders to deal with the problems of Senate-House relations in a basically ad hoc fashion, that the relations among the leaders must depend upon the personalities and operating styles of the individuals involved, how well they get along with each other, and what techniques they find most useful to them. It assumes that informal meetings, small leadership staffs, and problem-oriented cooperation are inevitable and desirable concomitants. On the whole, it accepts the present state of leadership relations as best suited to the circumstances.

It would nevertheless agree that new conditions and new leaders may require somewhat different arrangements. It would urge the new leaders, whoever they may be, to consider carefully the time-tested advantages of current methods and procedures before changing them. But it would suggest some modest improvements.

For example, the new congressional budget process has created new problems in scheduling and coordinating floor action on appropriation bills within rather severe deadlines. This approach would recommend that the joint leadership consider closer coordination to deal with these problems. Finally, if the same party controls the presidency and Congress in 1977, this approach would recommend that the new leaders explore the possibility of developing coordinated legislative schedules early in the session in cooperation with the President.

The second approach also accepts the basic validity of most of the counterarguments. It does not assume, however, that they are as immutable or as rigidly limiting as does the first approach. It is based on the judgment that the leaderships have somewhat more room for maneuver and more opportunity for cooperation than they have chosen to exercise, particularly in matters relating to the institutional relationships of the two Houses.

This approach is also based on a judgment that Congress is undertaking larger annual workloads without sufficiently adjusting its working habits to accommodate that workload. The growing number of annual, biennial, and other fixed-year authorizations and the constraints of the new budget process require Congress to move more legislation more quickly each year simply to keep the government going. An added burden may be imposed by adoption of sunset legislation that would require regular reauthorizations of virtually every Federal agency and program. Under the pressure of the growing workload both Houses are sitting longer, holding longer daily sessions, taking more votes, and otherwise modifying their working habits—the Senate's track system, to cite only one example. Since both Houses place the chief responsibility for scheduling floor action on their leaderships, this approach would urge the leaders to explore all means of utilizing floor time more efficiently in both chambers, including closer and more frequent coordination of scheduling between the two Houses.

Toward these same ends, this approach would urge the new leaders to build upon current arrangements for bicameral cooperation and to add the actions recommended in the first approach. It would also recommend a series of additional leadership initiatives. The leaders should prompt the committees of their respective chambers to do more advance planning for each session. Estimates of what bills the committees expect to produce during the session could be generated as a

byproduct of the information committees must submit to the Budget Committees by March 15. No matter how qualified such estimates might be, they would give the leadership an earlier and better grasp of the scheduling problems they face and more useful information to exchange with each other.

This approach would recommend that committee jurisdiction in the two Houses should be reasonably parallel to avoid conference difficulties. It would urge the leaders to keep closer tabs on conferences and to volunteer their good offices in helping conferences to reach agreement within reasonable time periods. It would also urge the leaders to take earlier and more timely initiatives to forestall or resolve any other institutional conflicts that may arise between the two Houses. The leaders should have additional staff support if these duties require it.

To emphasize and give visibility to the importance of improved cooperation between the two Houses, this approach would recommend that the Senate and House adopt a joint rule or concurrent resolution giving recognition to leadership responsibilities in this area and urging the leaders to consult on scheduling and other problems of bicameral relations as often as necessary.

Finally, this approach would not foreclose the possibility that the basic nature of the congressional parties may be changing. It would recommend that the new leaders use their best judgment and, if the White House is controlled by the same party, consult with the President on appropriate structures and processes for improving policy cohesion between the two Houses.

The third approach is based on the assumption that congressional parties are, or very soon will be, cohesive enough to formulate public policy agendas for Congress. It assumes that this will be even more feasible if one party controls both the presidency and the Congress. It looks upon the arrival of new leaders as a golden opportunity to move the congressional parties toward closer policy cohesion with the support of a newly installed, popular President who can unify the majority party. It would argue, with Stewart, that under these new political conditions, "one might expect to see greater development and institutionalization of the ad hoc policy role now played by central party organs." [52]

It would therefore recommend a choice of any of the proposals—described in the first section of this report—that would have the leadership and leadership committees meet early in a session to consider the President's program, issue policy and legislative guidelines to the Congress, and push those guidelines in their respective chambers.

AUGUST, 1976.

---

[52] Stewart, *op. cit.*, p. 32.

KSU LIBRARIES
A11900 833956