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Informational Theory and Chamber Dominance of Congressional Power

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Three theories attempt to explain where the decision-making focal point of Congress lies by examining the interaction among parties, committees, and their parent chambers. The informational (chamber-dominated) theory emphasizes the instrumental characteristic of committees in their effective subdivision of congressional tasks, so that committee- and non-committee members alike can benefit from maximum policy information.¹ Committees in informational theory are subservient to the parent chamber. Unlike distributive theory, informational theory holds that committee composition is determined by the legislature and not by legislators on the basis of self-selection. Likewise, rules determining the consideration of bills, the types and jurisdictions of committees, and committee resources are functions of the legislature's need for better information. This organizational principle arises from the constitutional provision that the *legislature* determines the rules of its proceedings.² Because the parent chamber is dominant over committees, and because committee-chamber relations are structured for informational efficiency, power in Congress is best explained by the informational theory of legislative organization.

The other two dominant contender theories—the distributive committee theory and the party-dominated committee theory—explain congressional decision-making otherwise. The distributive committee theory holds that legislators self-select onto committees where the committee jurisdiction coincides with their constituency preferences. In this way, a legislator's primary interest lies within the issues handled by the committees to which he belongs. Autonomous committees would thus be the focal point of decision making as non-committee members would let their fellow legislators handle legislation in their own jurisdiction.³

The party-dominated committee theory holds that congressional power lies instead with the political parties which inform and constrain committee members' decisions through the party

leadership's control of committee composition, floor scheduling, and similar rules designed to make committee members subservient to their parties.⁴ However; both theories cannot be fully substantiated, because taken to the extreme, they portray Congress as either totally dominated by the committees and their chairs or by the party apparatus.⁵ Thus, the informational (chamber) dominated theory does a better job to explain congressional decision-making.

To identify a pattern in Congress supporting informational organization, Krehbiel devised five hypotheses that would hold true in a legislature which maximized informational efficiency. These can be summed up as such: 1. the preferences of an informative committee will resemble those of the chamber;⁶ 2. an informative committee will contain members from opposite side of the policy spectrum;⁷ 3. if committee member preferences are extreme in comparison to the chamber, the committee can still act informatively if the committee members are experts in the field of the committee's jurisdiction;⁸ 4. restrictive floor procedures allow an informative committee to retain its effectiveness vis-à-vis non-specialists;⁹ and 5. non-codified norms increase informational efficiency.¹⁰

In order to assess committees based on the first two principles, Krehbiel examines median and mean policy preference ratings for various House committees.¹¹ If a committee's median Republican and Democratic members are on opposite sides of the House median, then the committee is heterogeneous. A heterogeneous committee with preferences closer to the legislature median is consistent with informational theory, because the committee then acts as a specialized microcosm of the legislature. On the other hand, a preference outlier committee would be more attuned to the distributive theory, because committee members, due to self-selection to their committee based on constituency preferences, do not represent the median House preferences.¹² The greater the disparity in preferences between the committee and the

floor, the lesser are the informational gains achieved from committee specialization.¹³ Krehbiel's empirical analysis of 22 House committees shows that aside from Armed Services, all ranked as heterogeneous, though Agriculture and Veterans' Affairs appeared much more homogenous than most House committees. Larger prestigious committees such as Budget, Appropriations, and Ways and Means, but not the smaller Rules committee, closely resemble the House.¹⁴ This contrasts starkly with Maltzman's findings which show that prestige and policy committees are more likely to differ from the parent chamber.¹⁵ But Deering and Smith, who display committee member preferences in relation to the chamber and party average based on a measure of conservatism, show that in 1959, 1977, and 1955 Appropriations, Ways and Means, and Budget consistently fall within ten percent of the House chamber average.¹⁶ Yet most striking is the high frequency in which heterogeneous constituent committees (i.e. Interior and Public Works) show up, suggesting that a distributive theory analysis is wrong.¹⁷ Even Agriculture, considered a more conservative committee, does not fall in Krehbiel's reject zone.¹⁸ However, the severity of Krehbiel's test is disputed.¹⁹ Thus, with the exception of Armed Services, Krehbiel's data supports the first two principles of an informational dominated House in the 99th Congress.

Krehbiel's data has come under fire for the validity of interest group ratings in measuring policy preferences.²⁰ Indeed, the committee support scores that Maltzman uses in his analysis are not limited to just a few salient votes, and as a result, he finds strong evidence supporting a party and constituent influenced voting pattern. Maltzman asserts that the majority party uses its committee appointments to bring a committee median closer to the party caucus median. Yet, Maltzman concedes that while there is a high correlation between policy preference and party affiliation, he cannot automatically reject Krehbiel's claim that party voting is merely a function of Democratic and Republican preferences.²¹

Although Krehbiel does not analyze the Senate, Deering and Smith remark that preference patterns are more difficult to analyze in the Senate than in the House.²² Indeed member motivation is more difficult to characterize, because with more media coverage, policy committees become conflated with constituent committees,²³ while prestige committees are virtually nonexistent due to multiple committee assignments.²⁴ Senators show a lack of intensity in their committee preferences, which reflects the greater opportunities afforded Senators in pursuing their goals.²⁵ One might infer that the lack of intensity and uncertainty in the Senate is a result of informational inefficiency. However, the greater ability of senators to challenge parties and committees is consistent with a chamber-dominated system.²⁶

To prove that preference-outliers support informational theory by specializing at a lower cost than moderates, Krehbiel reinterprets self-selection data which favors the distributive committee theory, namely members' occupations. Krehbiel finds that self-selection data of freshmen committee requests to be a poor fit for committees with a particularistic component (i.e. Armed Services). The only data he finds to support self-selection is a member's professional occupation. In this way, a farming background predicts a request for Agriculture, and a legal background for Judiciary.²⁷ Thus, Krehbiel views an informational dominated legislature as one which will effectively use the special talents of its members in maintaining informational efficiency, thus accounting for Armed Services being a policy-outlier.²⁸ Furthermore, Krehbiel emphasizes the fact that although legislators make committee requests, a collective decision determines which legislators are placed on what committees.²⁹ In keeping with the use of special talents, Senate Democrats in the 190th Senate have sought increased committee budgets for staff, so that they can acquire better information than the executive branch.³⁰ Indeed, biased

information frequently comes from the executive branch, trying to push its own policies onto congress.³¹ The quality of information is equally as important.

Restrictive amendments serve as a means for a legislature to achieve informational efficiency by encouraging information sharing between specialized committees and the parent chamber.³² Total lack of germaneness, on the other hand, encourages informational inefficiency, since well researched legislation can be poorly amended. However, in a simple-majoritarian model, if a committee prefers distributional—as was prevalent in the reform era³³—rather than informational benefits, the floor median voter is in a pivotal position to amend a bill to its ideal point by selecting an open rule as an exception to normal procedure, thus allowing the floor to achieve its ideal point.³⁴ Without absolute gatekeeping power, the committee cannot stop the median House member from amending to the optimal chamber point.³⁵ Empirical results for restrictive rules are mixed, but there are some conclusions which Krehbiel draws from his data. First, rules are *not* employed primarily to silence minority party opposition.³⁶ Second, rules are not means for logrolling in and between committees, as is purported by supporters of distributive theory. Instead, rules guarantee informational efficiency in the House.³⁷

In the Senate, where floor debate is unlimited and lacks a germaneness rule, a three-fifths cloture vote is required to end debate. Unanimous consent agreements have been employed on a number of bills to order debate, but they can be overturned by a single vote. In fact, holds can be communicated to floor leaders to prevent floor consideration of a bill.³⁸ In this regard, the Senate appears to have an extreme informational inefficiency. But again, one must consider that because debate is practically unlimited, the floor is the center of decision-making.³⁹

Krehbiel views the seniority norm as an informational enhancement by inducing committee members to stay on a committee—making committee chairs the most knowledgeable

and experienced. A member will be discouraged from transferring due to the opportunity cost of starting over.⁴⁰ This is reflected even in recent changes in the Senate where seniority cannot be reclaimed when transferring back.⁴¹ Thus, the most experienced members are kept in committees where they will be of the most use to the parent chamber.⁴²

Krehbiel reasons that seniority has not been codified, because the legislature cannot commit to a procedure which could be potentially harmful to informational efficiency if a policy outlier were to become a committee chair. Krehbiel mentions four cases of seniority violation to show that inefficient chairs are not tolerated.⁴³ Although the party caucus selects committee chairmen using Steering recommendations, the decision must be approved by the House floor. Even so, seniority remains the most central aspect for picking chairmen.⁴⁴ Yet due to changes in the 104th Congress, six year term limits have been introduced to committee chairs in both the House and the Senate—suggesting a move toward party domination.⁴⁵ Freshman legislators in the 1990s were responsible for seeking to overturn long-standing practices, but soon thereafter, many retired voluntarily.⁴⁶ This demonstrates the wisdom of specialization, for it keeps radical freshman at bay long enough to gain a better appreciation for the institution, lest they give up and retire instead. It is therefore doubtful that term limits will last.

With member preferences on committees clustering closer to the chamber average,⁴⁷ a trend can be seen toward greater informational efficiency. This is consistent with the introduction of restrictive rules and the use of omnibus legislation for regulating House and, to a lesser extent, Senate affairs. Even the logical maintenance of the seniority norm and the increase of committee staff show a dedication to informational efficiency.⁴⁸ Finally, if chamber power is challenged by an autonomous committee, the median chamber member can always amend a bill back to the chamber median through an open rule.⁴⁹

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- ¹ Keith Krehbiel, *Information and Legislative Organization* (Ann Arbor: The University of Michigan Press, 1991), 80.
- ² Krehbiel, 80.
- ³ Christopher J. Deering and Steven S. Smith, *Committees in Congress* (Washington, D.C.: CQ Press, 1997), 2.
- ⁴ Deering and Smith, 3.
- ⁵ Deering and Smith, 4.
- ⁶ Krehbiel, 81.
- ⁷ Krehbiel, 84.
- ⁸ Krehbiel, 88.
- ⁹ Krehbiel, 90.
- ¹⁰ Krehbiel, 93.
- ¹¹ Krehbiel, 126.
- ¹² Krehbiel, 127.
- ¹³ Bruce Bimber, "Information as a Factor in Congressional Politics," *Legislative Studies Quarterly* 16 (November 1991): 598.
- ¹⁴ Krehbiel, 129.
- ¹⁵ Deering and Smith, 109.
- ¹⁶ Deering and Smith note that these three particular committees remain close to their party caucuses and thus the chamber average. Deering and Smith, 110-111.
- ¹⁷ Krehbiel argues the fact that because these constituency-specific committees lack a homogenous character, they cannot possibly marshal support for the distributive theory, which, on the basis of self-selection, would see more strong and uniform support within the committees. Krehbiel, 133.
- ¹⁸ Krehbiel, 134.
- ¹⁹ Deering and Smith, 109.
- ²⁰ Deering and Smith, 109.
- ²¹ Forrest Maltzman, "Maintaining Congressional Committees: Sources of Member Support," *Legislative Studies Quarterly* 23 (May 1998): 212.
- ²² Deering and Smith, 113.
- ²³ Deering and Smith, 78.
- ²⁴ Deering and Smith, 80.
- ²⁵ Deering and Smith mention that nearly all senators sit on at least one top committee. In addition, the number of committee assignments allowed and the broader committee jurisdictions create a situation in which Senators can pursue both personal and policy goals at the same time. Deering and Smith, 78-79.
- ²⁶ Deering and Smith, 6.
- ²⁷ Krehbiel, 135.
- ²⁸ Krehbiel, 136.
- ²⁹ Krehbiel interprets the collective decision making process in determining committee assignments as a function of the chamber, even though it is party made. Krehbiel, 139.
- ³⁰ Roger H. Davidson and Walter J. Oleszek, *Congress & Its Members*, (Washington, D.C.: CQ Press, 2006), 222.
- ³¹ Bimber, 601.
- ³² Krehbiel, 154.
- ³³ Bimber, 600.
- ³⁴ Bimber, 598.
- ³⁵ Keith Krehbiel, "Restrictive Rules Reconsidered," *American Journal of Political Science* 41 (July 1997): 930.
- ³⁶ Krehbiel correlates the number of Republican (then the minority party) cosponsors of a bill with the use of restrictive rules to show that the minority party plays a significant role in the informational process, therefore rejecting the notion that the majority party uses restrictive rules to "steamroll" minority opposition. Krehbiel, 177.
- ³⁷ Specifically Krehbiel notes, "the greater is the distributive component of legislation, the less inclined is the House to grant such legislation procedural protection." Krehbiel, 191.
- ³⁸ Deering and Smith, 214-215.
- ³⁹ Deering and Smith, 6.
- ⁴⁰ Krehbiel, 142.
- ⁴¹ Deering and Smith, 51.
- ⁴² Krehbiel, 142.

⁴³ Although empirical evidence is lacking, Krehbiel cites four cases of seniority violation in the 95th congress which he attributes to extreme outliers or old-fashioned legislators. Krehbiel, 144.

⁴⁴ Davidson and Oleszek, 212.

⁴⁵ Gary C. Jacobson, *The Politics of Congressional Elections*, (New York: Pearson Education Inc., 2004), 230.

⁴⁶ Davidson and Oleszek, 130.

⁴⁷ Deering and Smith, 110, 112.

⁴⁸ Davidson and Oleszek, 232, 212.

⁴⁹ Krehbiel correctly asserts that the “real-world chooser of rules is the 435-member House of Representatives, not the 13-member Rules Committee.” Keith Krehbiel, 177.