Statement of Donald R. Wolfensberger
Before the House Select Committee
On the Modernization of Congress
March 27, 2019*

Executive Summary

Congress has undergone many changes since World War II, most of which have had to do with adapting to the complexities of modern society and the commensurate growth in the Executive Branch bureaucracy and powers of the presidency. The first major post War reform efforts begun in 1945 and 1965 were premised on the belief that any institutional changes should be bicameral and bipartisan. Consequently, joint committees of equal party and chamber representation were formed to conduct a comprehensive study of the organization and operations of Congress with a view to strengthening it as part of our constitutional system of coequal and shared powers. Whereas the 1946 Legislative Reorganization Act dealt primarily with overhauling the House and Senate committee system by reducing the number of panels and increasing the resources available to them to legislate in the national interest, the 1970 Reorganization became more concerned with countering the inordinate powers of committee chairmen and broadening opportunities for more junior members. While the Act did not dismantle the seniority system of elevating the longest serving members to committee chairmanships, subsequent revisions on the rules of both parties' caucuses, in both houses, did succeed in making committees more open, responsive and accountable to the parties' memberships. Others attempts were made during the reform decade of the 1970s to realign committee jurisdictions along more rational and functional lines, but for the most part failed because of members' entrenched relationships with the interests for which their committees legislated. The other factor driving change in the 1970s was the so-called "Imperial Presidency," best epitomized by the Vietnam War and Watergate scandal that forced the retirements of President Lyndon B. Johnson and President Richard M. Nixon. Congress reacted to what it perceived as an overreaching executive by enacting a new congressional budget process and war powers resolution, establishing intelligence committees and abolishing emergency presidential powers. Moreover, Congress began televising its floor debates to counter the president's command of the airwaves and public opinion, and provided for roll call votes on floor amendments that previously were only counted. The consequential proliferation of floor amendments, many of which were offered to score political points, prompted a crackdown on amendments which in turn created a backlash against majority tyranny. The reforms of the 1970s had led to greater party leadership involvement in the legislative process to fill the vacuum left by a diminished committee system. And both parties used the new system to advance their reelection efforts and non-ending quest to obtain and retain majority control of Congress. The lessons of the past six decades of reforms are mixed, with successes in initially opening the system to greater information access, staff support and member participation, but with the countervailing consequence of a diminished deliberative lawmaking and a reduction in the influence of individual members on national policies.

*This document was originally titled, "A Brief History of Congressional Reform Efforts," and was prepared for use by the author for the Bipartisan Policy Center's Commission on Political Reform, February 22, 2013. The findings and views expressed in this paper are solely those of the author and do not necessarily represent the views or opinions of the Bipartisan Policy Center, its founders, board of directors or projects.

Introduction

Congress has undergone many changes since World War II, some as a result of major reform efforts, such as the Legislative Reorganization Acts of 1946 and 1970, and others through more targeted efforts aimed at particular problems such as the 1973 War Powers Act, the 1974 Budget Act, and the 1989 Ethics in Government Act. Still other changes have been accomplished through simple House and Senate rules changes or through party caucus rules changes. In each case the changes have been in response to perceived institutional shortcomings or scandals, either to make Congress a more capable institution in handling its various responsibilities or to address low levels of public confidence and trust in the legislative branch. While not all changes produced the desired results, and some even had unintended consequences, taken together they evidence a willingness, albeit, often a reluctant inclination, to adapt to changing circumstances to keep the institution relevant, dynamic and worthy of public support.

The purpose of this report is to briefly trace the history of those reform efforts over the last 66 years—what precipitated them, what they aimed to accomplish, and how well they succeeded (or failed). Finally the report will discuss some of the current problems Congress is having and how various reform efforts have contributed to them.[1]

The Legislative Reorganization Act of 1946

Coming out of World War II, Congress became the brunt of criticism in the media and elsewhere over the extent to which its powers and capabilities had not kept pace with the mounting complexities of the mid-twentieth century. The birth of the modern social welfare state out of the Great Depression and emergence of the national security state out of World War II greatly enhanced the powers of the presidency, leaving Congress relatively diminished in its powers and capacity. Demands arose both inside and outside the Congress to restore the institution as a coequal branch of government.

Responding to these demands, Congress established a Joint Committee on the Organization of Congress in 1945 to conduct a comprehensive study of the organization and operation of Congress "with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches… and enabling it better to meet its responsibilities under the Constitution."

The bipartisan and bicameral committee of 12 members, co-chaired by Senator Robert M. LaFollette, Jr., (Progressive-Wisc.) and Representative A.S Mike Monroney (D-Okla.) produced a set of recommendations to overhaul the basic structures of Congress. The most dramatic change in what was to become the Legislative Reorganization Act of 1946 was the reduction in the number of committees in the House was from 48 to 19, and in the Senate from 33 to 15. Committee jurisdictions were codified and, for the first time, committees were provided with professional and clerical staff. Staffing at the legislative drafting office and Legislative Reference Service were also increased.

Congress was encouraged to exercise better oversight of the executive branch, and a joint budget committee was established to produce an annual concurrent resolution on the budget by April 15. The Act also bestowed on members a 25 percent pay increase. Finally, lobbyists were required to register with both the House and the Senate.

The 1946 Act was not without its unintended consequences. While the number of committees was substantially reduced, the law did not limit the number of subcommittees, and they began to proliferate

beyond reasonable limits. The codification of committee jurisdictions did not necessarily untangle overlaps (10 of the 19 House committees' jurisdictions were untouched). Moreover, the stabilization and consolidation of committees and staff increases, while strengthening committees as intended, also heightened the importance of seniority in elevating members to committee and subcommittee chairmanships.

Finally, the Act's attempt to reclaim Congress's powers over the purse strings by creating an annual budget resolution with enforceable spending caps, was abandoned after three years before being fully implemented, mainly due to resistance from appropriators. (A consolidated appropriations bill approach was tried in 1950 but soon abandoned as being too unwieldy.) While the intent of the 1945-46 reform effort was to increase Congress's esteem in the eyes of the public, the majority Democrats were turned out of power in both houses in the 1946 elections.[2]

The Legislative Reorganization Act of 1970

Notwithstanding the mixed results of the 1946 joint committee reform effort, Congress established a nearly identical committee in 1965 with a similar mandate to study the institution and recommend changes to simplify its operations and improve its relations with the other branches. The 12 member committee was headed this time by Senator Mike Monroney and Representative Ray Madden (D-Ind.).

The motivating factors for creation of another congressional reform committee were similar in many ways to that of the 1945 effort. Congress was again seen as falling behind the executive branch in its powers and performance and was again held in low public esteem.

However, a more sub-rosa agenda was in play among liberal reformers in supporting creation of the joint committee, and that was to address one of the unintended consequences of the 1946 act—the empowerment of so many southern conservative committee chairmen by virtue of the seniority system. Thus many of the reforms eventually adopted as part of the Legislative Reorganization Act of 1970 were aimed at opening up the committee system to greater transparency and inclusion. At the heart of these was the so-called "committee bill of rights."

While the final Act did not tamper with the seniority system it did require committees to adopt rules setting regular meeting days, allowing a majority of committee members to add items to the agenda, authorizing the broadcasting of House committee hearings and public availability of committee votes and meeting transcripts, permitting the filing of minority and additional views to committee reports, and enhancing minority party members' powers on committees (e.g., the right to call witnesses and appoint minority staff).

Perhaps the most significant change was adopted by a House floor amendment: it permitted the calling of recorded votes in the committee of the whole where most floor amending activity takes place. (Previously this was done by teller votes --simply counting then number of votes for and against an amendment without taking names.)

The most disappointing omission of the 1970 Act for the reformers was its failure to address the seniority system (a floor amendment to permit other factors in selecting committee chairmen was

defeated). However, the 1970 Legislative Reorganization Act laid the predicate for what was to become a very fertile decade for congressional reform with both intended and unintended consequences.[3]

Committee and Subcommittee Reforms of the 1970s

The attack on the seniority system continued the year after the enactment of the Legislative Reorganization Act when both party caucuses in the House adopted resolutions stating that seniority need not be the only criterion in appointing committee chairmen and ranking minority members. By 1973 both caucuses had adopted rules permitting separate votes on the top committee slots by secret ballot. And by 1975, the new class of Watergate Babies put the rule to good use by rejecting three sitting chairmen and putting the rest on notice that they were no longer independent of caucus control. Moreover, in 1973 the Democratic Caucus adopted a set of rules known as the "subcommittee bill of rights" that took away the authority of committee chairmen to create subcommittees, appoint their chairs and members, and determine their jurisdictions. The rules also required all legislation referred to a committee to be referred to a subcommittee within two weeks unless the full committee voted otherwise. Taken together, these changes diminished considerably the authority of committee chairmen and in its place erected a system of semi-autonomous subcommittees that that could set their own agendas, appoint staff, set their own budgets and meet and act when they wanted.

One of the areas left relatively untouched by the 1970 reorganization act was committee jurisdictions. To address this, the House created a bipartisan, 10-member Select Committee on Committees in 1973 chaired by Rep. Richard Bolling (D-Mo.). The effort to realign committee jurisdictions was spurred by recognition of how overlapping and duplicative the system had become. However, when the select committee reported a substantial jurisdictional reorganizational proposal in March 1974, it was referred to the Democratic Caucus's Committee on Organization and Review for further study. When it finally emerged late in the session, a Caucus substitute was made in order that eliminated most of the proposed changes. Some of the consolidations retained related to transportation, science, and foreign affairs. However, energy jurisdiction remained scattered among multiple committees. One procedural proposal that survived allowed the Speaker for the first time to refer legislation to more than one committee. However, without a more rational jurisdictional structure, multiple-referrals only guaranteed more duplication of effort in considering legislation.[4]

Another effort at overhauling House operations occurred in 1976 with the creation of the Commission on Administrative Review under Rep. David R. Obey (D-Wisc.). It came up with 42 recommendations, many relating to the administrative services of the House, but some with committee staff and operations. The House did adopt the committee's recommended ethics reforms, but refused to take up its other bill making administrative changes in how the House is run.

One final swipe at committee jurisdictional reform was made in 1979 with the establishment of a second Select Committee on Committees under Rep. Jerry Patterson (D-Calif.). Rather than attempt a comprehensive realignment of committees, the select committee focused on energy alone and proposed a new House energy committee. However, the modest proposal was again trumped by a substitute that simply clarified existing energy jurisdictions.

Senate Reform Efforts

Meantime, the Senate was not moribund when it came to reforming itself. By 1975, both party caucuses had adopted rules providing that committee chairmen and ranking members would be chosen without regard to seniority. Moreover, beginning in mid-decade the Senate undertook a series of special reform efforts to examine various aspects of its internal operations.

The Commission on the Operation of the Senate in 1975-76, was the brainchild of Sen. John Culver (D-Iowa), but was composed entirely of non-Senators, including its chairman, former Sen. Harold Hughes (D-Iowa) and vice-chair Archie Dykes, chancellor of the University of Kansas. The Commission was concerned primarily with the administrative and support mechanisms for senators and did not address committee jurisdictions. While the Commission made a number of recommendations, most were not acted on. The exception was a strengthened code of ethics for the body. Additionally, the Senate amended its filibuster rule in 1975 to reduce from two-thirds of those present and voting to three-fifth of those sworn (60 senators) the votes needed to invoke cloture (shut-off debate).

In 1976-77, the Senate created a 12-member, bipartisan Temporary Select Committee to Study the Senate Committee System under the chairmanship of Sen. Adlai E. Stevenson III (D-Ill.). After eight months of hearings and deliberations, the select committee issued a report recommending a major overhaul of the Senate committee system. Its recommendations were introduced in the first session of the following Congress, reported by the Rules and Administration Committee, and adopted by an 89 to 1 vote in February 1977. The revamp succeeded where the House Bolling Committee had failed in achieving a more rational realignment and consolidation of committee jurisdictions along more rational and functional lines to reflect the realities of contemporary policymaking. Additionally, three standing committees, one select committee and three joint committees were abolished. The committee's proposals also reduced the number of committee and subcommittee assignments per senator, reduced committee scheduling conflicts, and provided committee minorities with one-third of a committee's budget for staffing purposes.

While a two-member Senate Study Group on Senate Practices and Procedures in 1982-83 attempted to address ongoing inefficiencies in Senate operations, its recommendations died in the Senate Rules Committee after a single hearing. In 1984 a new 12-member bipartisan Temporary Select Committee to Study the Senate Committee System under the chairmanship of Sen. Dan Quayle (R-Ind.) was formed to reexamine the structure, size, jurisdictions, staffing and rules and procedures of Senate committees. The committee was also charged with looking at the allocation of senators' time and oversight of the executive branch.

The broad set of recommendations by the Quayle Committee got a hearing before Rules and Administration Committee in January 1985, but was never reported. Further temporary changes were made in 2005 when a bipartisan gang-of-14 forged an agreement on allowing certain judicial nominations to be taken-up in the face of Majority Leader Bill Frist's threat to use the "nuclear" or "constitutional" option to change the rules to permit a majority cloture vote on such nominations. In 2011 and 2013 leadership agreements were again struck for the 112th and 113th Congresses to reduce the number of possible filibusters in exchange for greater fairness in allowing minority party amendments. Attached is a chronology of Senate debate rule changes over time and recent data on cloture motions and the majority leader's practice of filling the amendment tree to block partisan amendments (Appendix).

Battling the Imperial Presidency in the 1970s

As has already been indicated, the decade of the seventies was a time of great reform ferment in Congress, even if some of those efforts went for naught. Those reforms that didn't get adopted were simply recycled at the next iteration of a reform committee. Three major changes in Congress that were adopted can all be attributed at least in part to a reaction against the Vietnam War, the Watergate scandal and other manifestations of what came to be known as "the imperial presidency." Those changes were the War Powers Resolution of 1973, the 1974 Budget Act, and the broadcasting of House floor proceedings beginning in 1979.

As far back as the Joint Committee on the Organization of Congress in 1945-46, proposals were put forward to allow for televising committee hearings and House and Senate floor proceedings. The Senate had long allowed for committee television coverage, but Speaker Sam Rayburn stood athwart the practice in the House as a result of some of the dramatic circus hearings of the House Un-American Activities Committee in the 1950s. As has already been pointed out, the House finally allowed broadcasting committee hearings as part of the 1970 Legislative Reorganization Act.

One of the offshoots of that act was the creation of an ongoing Joint Committee on Congressional Operations in 1971 to conduct a continuing study of the operation of the legislative branch with a view to keeping it modern and adaptable to changing situations. In 1972 the chairman of the joint committee commissioned a study by the Congressional Research Service on how Congress might better communicate with the American people. The study was contracted out to John G. Stewart, a former aide to Vice President Hubert Humphrey and more recently communications director for the Democratic National Committee. The 1974 report, "Congress and Mass Communications: An Institutional Perspective," emphasized the extent to which the president had captured the airwaves in modern times while Congress was virtually ignored.

The other thing the report highlighted was waning public trust in Congress. The report cited Harris polls showing positive assessments of Congress dipping from 64 percent positive in 1965 to just 26 percent positive and 63 percent negative in 1971. Especially irksome to Democrats in Congress was the ability of President Richard Nixon to commandeer the networks for talks to the nation on Vietnam while Congress had no right of response. In addition to recommending finding ways to assure Congress equal time to respond to presidential addresses, the report discussed the pros and cons of broadcasting House and Senate floor proceedings.

The temporary boost in Congress' approval ratings with the televised broadcasting of the Senate Watergate hearings in 1973 and House impeachment proceedings in 1974 gave further impetus to giving Congress greater exposure through the broadcast media. By 1975, the Joint Committee was urging a carefully conceived test of broadcasting House and Senate floor proceedings. The House Rules Committee created an Ad Hoc Subcommittee on Broadcasting to explore the possibility, and numerous resolutions were introduced to implement broadcast coverage. Despite initial resistance from House Majority Leader Tip O'Neill (D-Mass.) to broadcasting floor debates, the House Rules subcommittee reported a resolution calling for a network pool to cover the floor. A competing panel (the House members on the Joint Committee) called for a House-owned and operated broadcast system. The Rules Committee resolution was recommitted to the subcommittee.

In the next Congress a different Rules Committee subcommittee was appointed in 1977, to ensure the majority leadership's wishes were more carefully followed. That coincided with the election of O'Neill as Speaker and a change in course. Bowing to pressures from his young, more media savvy Democratic Caucus colleagues, O'Neil agreed to move forward with a 90-day test of a House broadcast system. Two years later, after more debate and votes on broadcast resolutions, the House-owned and operated broadcast system went public in March 1979. O'Neill's major condition was guaranteed in the new rules: the Speaker would control the cameras which could only focus on the person speaking and not show reaction shots of other members.

The Senate would not follow suit until seven years later when the one-man resistance squad, Sen. Russell Long (D-La.) finally relented to allowing the cameras in the Chamber shortly before his retirement in 1986. There is no evidence to indicate that the opening of either chamber to the cameras eyes either enhanced or detracted from Congress's image. Some would argue it only hurt because networks tended to use only the clips that showed Congress in the most unfavorable, i.e., nasty light. But at least the simultaneous emergence of the public affairs cable network C-SPAN in 1979 allowed gavel-to-gavel coverage of House floor proceeding for those inclined to watch.[5]

Just as President Nixon's successful use of the airwaves in defending his war policies prodded Congress into demanding more airtime and eventually televising its own proceedings, Nixon's criticisms of Congress's spending habits and his subsequent impoundment of appropriated funds spurred the Congress into establishing its own budget process. The $3.4 billion surplus in fiscal 1969 had turned into a $2.8 billion deficit the following year and soared to $23 billion by mid-1972. President Nixon responded by vetoing spending bills, impounding funds and demanding that Congress set a spending ceiling and grant him authority to cut any funds in excel of the cap. The House originally went along with Nixon's request (over objections of the Democratic leadership), but the Senate balked at even a modified version.

As a compromise, a joint study committee on budget control was created to recommend ways in which Congress could get a better handle on spending. Meantime, late in 1972, Nixon impounded funds for a water pollution control bill after Congress overrode his veto on it. Congress struck back by passing legislation to curb the president's impoundment authority. An attempt had been made in the House Rules Committee to attach to the impoundment control bill recommendations from the joint study committee to establish a congressional budget resolution and House and Senate budget committees. While the amendment was rejected, the effort did prompt further hearings on the proposal.

When the House and Senate-passed impoundment control bills became snagged in a conference committee over how best to deal with presidential impoundments (two-house approval or single house disapproval), the House Rules Committee proceeded to consider the joint study committee's proposal for a congressional budget process. The upshot was eventually merging the budget process bill with the impoundment control bill into what would become the Congressional Budget and Impoundment Control Act of 1974—ushering in the birth of the modern budget process. Nixon signed the measure on his way out the door as president because, as he indicated in his signing statement, it would not only give Congress greater discipline over its own spending but allow the president to better focus Congress on the president's budget ceilings and priorities.[6]

The other legislative legacy of the imperial presidency was the War Powers Resolution of 1973. Congress had come to regret is adoption of the 1964 Gulf of Tonkin Resolution that authorized the president to respond to North Vietnamese attacks on U.S. gunboats. Johnson had used the authority to escalate American military presence in South Vietnam to massive levels until President Richard Nixon began to draw down the troops shortly after his inauguration in 1969. However, Nixon's subsequent military incursions into Laos and Cambodia in 1971 to clean-out suspected North Vietnamese sanctuaries infuriated Congress further and prompted a new assessment of the balance of war powers between the president and Congress. The resulting war powers law, while enacted over President Nixon's veto, attempted to put time limits on any unilateral presidential commitment of troops into hostilities or imminent hostilities.

While every president since Nixon has supported his argument that the act constituted a violation of the commander-in-chief's prerogatives, they have all usually supported its reporting requirements when troops were committed to new combat areas. Congress has been less than forceful in enforcing the Act's requirements, and the courts have generally steered clear of resolving political disputes between the branches.

Related institutional legacies of the era of conflict over foreign policy differences included the creation of Senate and House intelligence committees in 1976 and 1977, respectively, and enactment of the National Emergencies Act in 1976 abolishing scores of presidential emergency powers. Despite all of the congressional muscle flexing in the 1970s in response to the imperial presidency, close observers have argued that Congress is just as deferential and acquiescent to the president today on foreign policy matters as it was pre-Nixon.[7]

Ethics Reforms

There's nothing like a good scandal to get Congress's reform juices flowing. Just as generals tend to plan for the last war, Congress tends to react to the last scandal and plug whatever loophole or personal foible was exposed. The latter half of the twentieth century was an especially fruitful period for scandals and reforms to address them. The scandal surrounding Senate Democratic Majority Secretary Bobby Baker in 1964 led to the creation of the first standing committee on ethics. In 1967 the House followed suit with its own Committee on Standards of Official Conduct in response to alleged misconduct by Representative Adam Clayton Powell, Jr. (D-N.Y.). Both houses adopted their own codes of official conduct which held members to higher standards than mere compliance with the law. As the House code put it, they were charged with conducting themselves "at all times in a manner that shall reflect creditably on the House."[8]

The creation of ethics committees and codes of conduct did not stop the parade of scandals that would follow: Koreagate, ABSCAM, the House bank and post office scandals, the page scandals, the Keating Five, the Abramoff lobbying scandal, and on and on. Each time a new scandal erupted, a new rule or law would be concocted to prevent repeats and restore public confidence in Congress. While there is little evidence that the remedial rule or legislation had the effect of boosting public respect for Congress the disruptions emanating from these institutional embarrassments probably served as useful reminders to members to behave or risk the opprobrium of their colleagues and constituents, not to mention possible jail sentences or election defeats. Moreover, the reward for adopting tough new ethics rules (or other reforms like the Legislative Reorganization Acts) has often been a pay raise for members.

That was especially true for the Ethics in Government Act of 1989 which provided government-wide pay raises for high ranking officials in return for abolishing honoraria. The recent creation Office of Congressional Ethics in the House of Representatives, consisting of non-members, to screen ethics complaints and call the meritorious ones to the attention of the House Ethics Committee was a major step in addressing the complaint that members are lax in policing themselves. While some tension initially existed between the two entities, in the last couple of years they seem to have arrived at a modus operandi that is mutually beneficial.

Another Joint Committee on Organization

It seems that every 20 years or so Congress makes a sincere effort to reorganize if not reinvent itself, regardless of the perils and pitfalls of attempting to do so. Such was the case in 1992 when both houses voted in July to create another Joint Committee on the Organization of Congress patterned after the 1945 and 1965 committees. Although House Speaker Tom Foley had long resisted the creation of a reform committee as an anti-dote to the House post office and bank scandals, he finally relented with the understanding it would not begin its work until after the 1992 elections. While the House had adopted a provision permitting the House members of the joint committee to make reform recommendations to their respective caucuses by Nov. 6 (in time for the early organizational meeting for the next Congress), the Senate dropped the provision and substituted one prohibiting the Joint Committee from beginning any work until Nov. 15.

House Republicans rolled-out a major set of House reforms on the opening day of the 103rd Congress (a preview of what would become the reform plank of the Contract with America in 1994), but majority Democrats prevailed with a modest set of rules changes.

The 28-member joint committee, equally divided between the parties and chambers, began its work shortly thereafter in January 1993. Co-chaired by Sen. David Boren (D-Okla.) and Rep. Lee Hamilton (D-Ind.), the panel followed the examples of its predecessor joint committees by conducting extensive hearings over the next six months as well as the first ever survey of members and staff ever taken by a joint entity.

However, when the time came to deliberate over proposed changes in Congress, the joint committee split between the two houses over House committee Democrats' demands that the Senate address filibuster reform and non-germane amendments in their recommendations as price for cooperation from the House. Consequently, the two houses proceeded with their own markups and separate reports containing recommendations. They did issue a shared final background report containing historical materials as well as factual analyses of the contemporary Congress and its perceived problems.

The House half of the joint committee managed to report the bill in Nov. 1993 despite defections by four Republicans who were disappointed the reform package did not go far enough. Even though the joint committee had looked at 12 possible options for reforming committee jurisdictions, none were included in the final report—a clear indication of Foley's pressure (he had reminded members there was still blood on the cloakroom floor from the 1974 reform effort to overhaul committee charters).

Only the House chairman, Lee Hamilton, sponsored the bill when it was introduced. The bill was the subject of eight House Rules Committee hearings in Feb. through April, and then languished in committee for the next three months. It finally began to markup the bill in August for a day, and then resumed consideration in late September. Chairman Moakley abruptly recessed the committee in the middle of debate on a Republican amendment to abolish proxy voting in committees. Because that amendment and another one dealing with some jurisdictional reforms had some support among Democrats, the Speaker directed Moakley to pull the plug on the entire process. The Senate counterpart bill fared no better, and the Congress adjourned, reform-less.

The Contract with America and Beyond

Most Congress watchers attribute the Democratic loss of both houses in the ensuing elections of 1994 to the failure of the Clinton health care reform effort, the economy and residual public bitterness over the scandals that had rocked Congress just two years earlier. However, House Republicans' "Contract with America" played off all of the above factors, and the party was ready to roll with their congressional reform plank of the Contract on the opening day of the 104th Congress. These included banning proxy voting in committees, opening all committee meetings to broadcast coverage, cutting committee staff by one-third, imposing three-term limits on committee and subcommittee chairmen and the Speaker, and guaranteeing the minority party a final amendment to bills in the motion to recommit.

The rules resolution also abolished three House committees and made minor changes in the jurisdictions and names of the remaining panels. Republicans also brought to a vote on opening day a separate vote on the Congressional Accountability Act to apply to Congress the same workplace laws and rules that apply to the private sector—something Foley had taken away from the Joint Committee the year before and passed separately as a House rule rather than a bill.[9]

House Democrats followed the Republicans' 1994 model in 2006 by running against a corrupt majority and by putting forward their proposals for changing Congress which they adopted on opening day of the 110th Congress in 2007. Likewise, House Republicans put forward another reform package in 2010 and put it into effect of the 112th Congress in 2011. Little thought was given to attempting any more grand, bipartisan joint committees.

The 1993-94 joint committee's effort was a clear indication of how far things had come since enactment of the 1970 Legislative Reorganization Act. The majority party would now take full responsibility for shaping the rules and procedures of the House and running it. It alone would be solely accountable for its successes or failures. In the transition to majority rule, the minority party's reform zeal would soon congeal into the majority's governing pragmatism, often neutralizing any long-term gains or changes intended by the reforms adopted. This was true regardless of which party made the transition from minority to majority status.

Conclusions

Congressional reform is a difficult thing to define and even more difficult to successfully implement with any long-term lasting effect. Presumably it is about improving the capabilities and operations of the institution of Congress in carrying out its basic lawmaking, budgeting, representational and oversight functions. As history has shown, though, even the best of intentions can lead to unexpected consequences. The congressional reform revolution of the 1970s managed to overthrow committee government, briefly install in its place an unworkable and sprawling subcommittee government, and eventually settle on party governance with elected party leaders calling most of the shots, usually after taking the pulse of party caucus members.

A confluence of reforms in the 1970s helped spur the hyper-partisanship prevalent today. Providing for roll call votes in the committee of the whole led to a proliferation of floor amendments, many of which were used by the minority party to embarrass the majority and score political points. That in turn led to a crackdown by the leadership through the House Rules Committee by limiting (or prohibiting) floor amendments. That in turn sparked a minority party backlash against perceived abuses of power by the majority.

The televising of chamber debates provided an enhanced venue for members on both sides to present their political arguments to a broader public, quite often through highly partisan one-minute and special order speeches. Party leaders harnessed some of this extra energy by forming "theme teams" of members to take the party's message of the day to the floor at the beginning of each day. In short, greater transparency and openness --the top priorities of congressional reformers --eventually led to legislating behind closed doors by party and committee leaders, and less participation by rank-and-file members. Committee deliberations took on less importance as leadership legislating increased, even to the point of eliminating House-Senate conference committees to resolve differences between the bodies. It was replaced by amendment ping-pong between the houses, with party leaders wielding the paddles.

The underlying lessons that emerge from most congressional reform efforts is that members and their leaders will resist being led by procedural changes to places they don't want to go, namely political and electoral cul de sacs. For every rule change there is an exception, and those exceptions have a way of growing and becoming the new normal. Most congressional reforms, despite being touted as quick fixes for public disapproval, do not produce the new respect promised, and therefore are eventually abandoned, modified or waived. Only genuine public outrage, broadly and forcefully expressed, can prod Congress into action on policy issues or internal self-improvements.

Endnotes

[1] A lengthier discussion of current problems and proposed solutions can be found in the report, "Getting Back to Legislating: Reflections of a Congressional Working Group," prepared by this author for use by the Bipartisan Policy Center and Woodrow Wilson Center, November 27, 2013.]

[2] See *Organization of the Congress, Final Report of the Joint Committee on the Organization of Congress*, "The Congressional Committee System, Historical Overview," for background on this and the following two sections. Also see, Roger H. Davidson, The Advent of the Modern Congress: The Legislative Reorganization Act of 1946," *Legislative Studies Quarterly*, Vol. 15, No. 3 (Aug., 1990), 357-373.

[3] See Walter Kravitz, "The Advent of the Modern Congress: The Legislative Reorganization Act of 1970," *Legislative Studies Quarterly*, Vol. 15, No. 3 (Aug., 1990), 375-99.

[4] For an excellent account of the work of the Bolling Committee see, *Congress Against Itself* , Roger H. Davidson and Walter J. Oleszek (Bloomington: Indiana University Press, 1977).

[5] For a fuller account of the fight to televise Congress see Donald R. Wolfensberger, *Congress and the People: Deliberative Democracy ion Trial* (Baltimore: Johns Hopkins University Press, 2000), Chapter 8, "A Window on the House: Televising Floor Debates," 103-128.

[6] See Don Wolfensberger, "Deficit Politics and the Process Problem: Some Personal Reflections," Congress Project Seminar, Woodrow Wilson Center, Sept. 22, 2003, accessed at: http://www.wilsoncenter.org/event/congress-and-the-politics-deficits#field_files on Fe. 20, 2013. While the original budget act was neutral on deficits and surpluses, in 1985 Congress amended the act with the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act to establish a five-year glide-path to a balanced budget using specific deficit targets each year. If the targets were not met, a process called sequestration (across-the-board cuts) would be used to achieve them. When the targets proved unrealistic given larger than anticipated entitlement spending growth, they were adjusted. Eventually the deficit reduction approach was abandoned in the 1990 Budget Enforcement Act in favor of specified discretionary spending caps and a "pay-as-you-go" approach for new entitlement spending or tax cuts to ensure they were deficit neutral using offsets. The process fell by the wayside at the turn of the century when surpluses briefly emerged, and was not reinstated until 2007 when Democrats regained control of Congress. The spending ceilings were restored in the 2011 Budget Control Act as part of the debt ceiling extensions, but the "pay-as-you-go" process was not given the House Republican majority's reluctance to use tax increases to offset other tax cuts or entitlement increases.

[7] See Donald R. Wolfensberger, "The Return of the Imperial Presidency?" *Wilson Quarterly* (Spring 2002), 36-41.

[8] See Don Wolfensberger, "Punishing Disorderly Behavior in Congress," Congress Project essay, Woodrow Wilson Center, Jan. 16, 2006, accessed at http://www.wilsoncenter.org/sites/default/files/ethics-essay-drw.pdf, Feb. 20, 2013.

[9] For more on the 1993 joint committee and subsequent Contract with America reforms, see Wolfensberger, *Congress and the People*, chapters 10 and 11, and C. Lawrence Evans and Walter J. Oleszek, *Congress Under Fire: Reform Politics and the Republican Majority* (Boston: Houghton Mifflin, 1997). All three authors worked with the staff of the 1993 joint committee and Wolfensberger had long assisted House Republicans in drafting their rules reforms, dating back to the 1970s.