PART THREE

THE IMPACT ON THE FUTURE

In concluding this study our desire is not only to summarize the character of institutional development in the House from 1789 to 1829 and to discuss the significance of Jeffersonian attitudes for this development, but also to place this experience in perspective. To do less would be to ignore the significance of the events we have spent so much time tracing and analyzing. In approaching this task, however, we have chosen not to focus simply on the emergence of a standing committee system and then to repeat the traditional Wilsonian nostrums regarding the significance of committees for the operation of the House. This indeed would be the easiest course to follow, but such an approach would not do justice to the full impact of developments in either theory or practice during the decades from 1789 to 1829. What we need instead is a theoretical framework in terms of which we can both organize this experience and give it meaning.

Framework of Analysis

In delineating such a framework we shall adopt the perspectives of systems analysis. Thus, we shall assume that the House exists as a subsystem in a wider system of units that together constitute the national political system, that the national political system functions to make and implement authoritative decisions on goals for the national society, that the subsystem relationships and dependencies that comprise and define the national political system are subject to change and breakdown, and that each subsystem of the national political system must satisfy certain functional needs to continue to survive as a unit in the suprasystem. Given these assumptions, our approach will be to identify the key functional needs of the House and then to analyze the experience of the Jeffersonian period in terms of these needs. In doing so, however, we shall for purposes of brevity and manageability limit the dimensions of the theoretical task we have set for ourselves by restricting our focus to the political system as it exists on the federal or national level, by treating the legislature alone as the legislative subsystem and the House as the legislature, and by giving legislative-executive relations primary attention.

What key functional needs may we then define? First, the House requires
a decision-making structure that confers a capacity for autonomous, effective, and efficient decision making on it. This need, to be sure, is one that all subsystems primarily concerned with decision making must satisfy to avoid dissolution or absorption. Nonetheless, as is generally true of functional needs, it assumes distinct and concrete meaning depending on the particular subsystem and suprasystem involved.

In the case of the House we are concerned with political decision making, a democratic system with a number of distinctive features, and the role of the legislative subsystem within that system. We have argued that the function of the political system is to make and implement authoritative decisions on goals on behalf of the society, to define and implement that special category of ends which are so vital to public order and/or the general welfare that their attainment is sought on a common or communal basis and backed by the ability to commit collective resources and collective instruments of physical coercion. In approaching this task the American political system as a democratic system is strongly biased in favor of basing authoritative goal decisions on consent, on citizen preferences or determinations regarding these goals. As a consequence, the prime subsystems of the system seek in various ways appropriate to the level and type of decision making involved both to base action on agreement and to balance the need for action with the need for consent. The legislative subsystem is one of these subsystems and one which the American political system in response to both its shared and distinct needs as a democratic political system assigns a critical role. It is charged with functioning as the official source of the authority and funds upon which executive action is contingent. Moreover, in contrast to some other democratic systems, it is expected in fact as well as in form to serve as the basic determiner of the concrete policies implemented by executive officers, to use its powers to make the basic or guiding policy decisions in the system on the basis of its own volition. Indeed, so intent is the American political system on securing this role for the legislature that it embodies checks and balances, separate constituency bases, and decentralized parties as well as a mere division of function between the branches.

In the American political system it is therefore not mere legalism that assigns the “lawmaking, power” to the legislature and accords its decisions the status of “laws.” To be sure, in the United States as in other democratic systems the legislature cannot monopolize policy making or policy discretion. Even in the process of lawmaking its relationships with and dependencies on other subsystems subject it to external influence and thereby force it to share and even cede its discretion. In addition, it cannot hope to decide all policy questions in the lawmaking process, but rather must allow considerable discretion to be exercised by the men who actually implement the laws. Nonetheless, if the legislature cannot monopolize discretion, it
can both preserve a meaningful capacity to make its own decisions and exercise its discretion in ways that have decisive policy impact. And this is what the American political system expects of the legislature. It expects the legislature to serve as the basic determiner of the concrete policies upon which executive action proceeds, to function as basic policy maker determining the substance of policy to the extent that best harmonizes its need for control with its limitations of time and the executive's need for flexibility. Moreover, as such, the legislature's role is not and cannot be limited simply to providing administrators with instructions or directions in an a priori manner. On the contrary, its role includes and must include continuing review of administrative decision making and action to further instruct or alter it. Both because administrators may abuse their authority and because policy making is a continuing task in which much discretion must be delegated, the legislature cannot shun concern with the course, results, or even manner of administrative performance. It cannot be narrowly "legislative" if it is to serve as the primary source of policy instruction or direction in the system.

However, if the American political system assigns the legislature the role of basic policy maker and establishes certain environmental conditions favorable to its exercise by the legislature, it cannot guarantee this role to the legislature. The maintenance or continued performance of this role rather depends on the character of the legislature's relationships with other subsystems and the maintenance of a complex of input-output exchanges with these subsystems. There is, of course, a large, open range of variability in the character of these relationships and exchanges. Particular changes can simply modify the dimensions of the legislature's role as policy determiner without vitiating or destroying it. Nonetheless, a minimal threshold does exist that cannot be crossed without leading either to the breakdown of the legislature per se or to its transformation into a subsystem whose outputs are primarily or wholly non-decisional in character.

On the input side the legislature's dependence on other subsystems is a source of danger. In the case of the electoral subsystem it must be sufficiently tied to the various units of the subsystem that citizen dissatisfactions and demands are treated as prime inputs, but yet not so tied to particular units that it loses its freedom of action as an organization. As regards the executive subsystem, the legislature requires the assistance of executive officers in a variety of ways: information, advice, technical services, and even political resources or influence. These inputs, however, threaten to turn the legislature into a mere spokesman or ratifier of executive desires. This is especially so to the degree that elements of the electoral and executive subsystems combine to establish close relations and dependencies with one another. If this threshold is crossed, the suprasystem may still remain democratic. The legislature need not disappear or become a mere ceremonial institution.
It can endure as a forum for educating the populace and/or pressuring decision makers. Still, its role as policy determiner either disappears or is circumscribed to such grand issues, e.g., toppling governments, that it seldom serves as a source of decisions that control the day to day essentials of policy.

On the output side the difficulty of maintaining dependence on legislative policy outputs is a source of danger. The problem has both an effectiveness and efficiency dimension to it. In particular areas the legislature as basic policy maker must produce and oversee the implementation of policies that do in fact relieve sources of stress in the national society and maintain allegiance and support for the suprasystem. Insofar as it fails to do this, pressure builds over time to relieve the legislature of its policy role either by forcing it to assume more deferential relationships to the executive or, if unrelieved dissatisfactions are sufficiently grievous, by altering the basic character of the suprasystem itself. In addition, there is an efficiency dimension to the problem as well. The legislature must not only define and oversee effective policies, it must do so in a large number of areas to maintain its overall position as basic policy maker. Deficiencies in output capacity lead inevitably to the cessation of authority and discretion to the executive either implicitly or explicitly. Thus, the sheer quantity of the legislature's output is a variable of importance.

Now given a legislature charged with the role of basic policy maker and the problems associated with maintaining this role, one of its key functional needs is a decision-making structure that endows it with capacity to cope with the continuing threats to its position. Such a legislature, in short, needs a decision-making structure that can provide it with an organizational base for autonomous or independent decision making as well as effective and efficient decision making. Admittedly, even with such a base, the maintenance of the role of policy maker within its critical limits may not prove possible. The legislative subsystem's relation to other subsystems may be disrupted by external forces it cannot control. Nonetheless, it remains true that legislative operation as basic policy maker will fall simply by its own weight if organizational structure and resources do not provide the forms of support this role requires.

A second prime functional need of the House concerns another type or category of decision-making need. Apart from other considerations, the House requires a decision-making structure that sustains belief in the legitimacy of its output. To a significant degree the acceptability of its output rests on more than its inherent effectiveness as rational goal achieving action. Rather, the willingness of other subsystems to render themselves dependent on this output and the continued existence of a patterned relationship based on it rest in part on broader systemic values and norms which legitimize the legislative subsystem, its operations, and its output. The ability of the
House to maintain its role therefore depends on articulation between its operating norms and structures and broader suprasystem values and norms. As a result, the House must not only produce a rational or effective output in an efficient manner, it must do so through decision-making structures and processes that are in accord with suprasystem values and norms. This need, of course, applies to all subsystems of social systems. But once again it assumes distinct and concrete meaning in the case of the House since we are dealing with the political system as opposed to other types of systems, a particular type of political system, and a particular subsystem within that system.

We have noted that the political system functions to make authoritative decisions on goals. However, the political system is itself part of a society or wider social system. It thus must embody or institutionalize core societal values and norms that have significance for politics. In fact, if a wide divergence develops between values and norms of the society that are critical to politics and the values and norms actually institutionalized in the political system, then either the political system must be altered or the political system must remake the society in its image. The reasons for this relate to the basic necessities of political systems. Assuming that a political system, a source of authoritative decision making, is necessary for social life, this broad harmony between critical societal values and norms and the values and norms institutionalized by the political system is also indispensable. It underpins the ability of the political system to function or make authoritative decisions and to persist.

Consider a political system that bases the authoritative or binding quality of its decisions preponderantly or wholly on force or the threat of force. The capacity of such systems to make binding decisions is seriously restricted both quantitatively and qualitatively by the need to make heavy investments of coercion to secure even limited forms of obedience or acquiescence. Indeed, over time if conditions do not change, such systems are prone to lose this capacity entirely, i.e., to breakdown, both because of the limits placed on their ability to act effectively to relieve dissatisfactions and because of the resentments stirred by reliance on unlegitimized or raw force.

As a consequence, what political systems need to maintain adequate capacity for authoritative decision making in addition to the ability to apply force, and even in the stabllest systems force as a means of assuring universal obedience remains a continuing necessity, is the ability to elicit obedience on moral grounds. Indeed, the reason the concept of authoritative decision making has a moral connotation to it is that in a basic sense the binding or authoritative quality of decisions rests on citizen acknowledgment of the rightness of obedience. Now in order for a political system to possess adequate capacity in this regard its mechanisms and processes must be
relatable to and justifiable in terms of broader societal values and norms. These mechanisms and processes must, in short, translate these values into their own realm of action; they must embody and be based on broad principles of operation derived from them. Then and only then is the authoritative or binding quality of decisions adequately established through the obligations that citizens feel to the values and norms institutionalized by the system and the habitual patterns of obedience that develop around these obligations once publicly or formally acknowledged. Of course, in the long run the substance of decisions also becomes important. The cumulative results or lack of results of many decisions can shake faith in the underlying values of the system, shatter habitual patterns of obedience, and add to system stress by requiring compensatory increases in the use of force. Still, all this only highlights our point concerning the significance of obligation based on shared values as a foundation for authoritative decision making and the need for harmony between core societal values and norms and the values and norms institutionalized by the political system.

In the United States as in other democratic nations the political system exists within a society where the values that are critical to politics establish individual liberty and equality as primary concerns. The political system accordingly is and must be oriented toward basing decisions on authoritative goals on consent, on citizen determinations or preferences regarding these goals. This in turn means that the various subsystems of the political system must be shaped by the exigencies of institutionalizing a system of decision making based on citizen preferences. For they all must contribute, though in ways appropriate to the level and type of decision making involved, to satisfying certain basic needs upon which democratic decision making is contingent. These needs can be sketched under three broad headings. One relates to articulation. If citizen preferences are to be relied upon as critical pieces of information regarding desirable changes or additions to authoritative goals, the various subsystems must be designed to stimulate and foster the articulation of demands among all elements of the population. Another relates to access and responsiveness. If the substance of decisions is to reflect the character of citizen preferences, the various subsystems must be designed to provide citizen demands with ample and equitable access to official structures and to insure a high degree of responsiveness to them. A final need relates to accommodation and aggregation. If the decisions that emerge are to have a high degree of acceptability in terms of citizen desires or preferences and at the same time to be effective in relieving dissatisfaction, the various subsystems must be designed to promote and encourage the accommodation and aggregation of demands without at the same time setting the requirements for reconciliation and agreement so high as to vitiate the capacity for action.
THE IMPACT ON THE FUTURE

The legislature is, of course, one of the prime subsystems in a democratic suprasystem. In the American political system as in other democratic systems its existence is no accident, but is rather a direct response to the exigencies of democratic decision making. Indeed, its structures and processes are more closely shaped and constrained by these needs than is true in the case of the executive subsystem which explains perhaps why it is a more distinctive feature of a democratic system. On the one hand, its members are elected, they usually represent distinct constituencies, and they formally are accorded equal status and influence at the ultimate point of decision. These conditions proceed from the needs to encourage the articulation of demands, to provide access for a wide variety of demands on a basis that makes no arbitrary distinctions among them, and to insure responsiveness. On the other hand, the legislature engages in formal discussion and debate as one of its prime activities and makes decisions on the basis of wide but not total agreement, i.e., usually on the basis of majority rule. These conditions proceed from the need to spur accommodation and aggregation while still preserving a meaningful capacity for action.

It is by establishing structures and processes in accord with or embodying these conditions that the legislature legitimizes its output, gains a claim on other subsystems for acceptability and dependence, and that the system as a whole gains a capacity for basing the authoritative quality of its decisions on more than force. This is especially true in the American political system where the legislature plays a more important role than in many other democratic systems. Its role as basic policy maker means not only that it carries a heavier burden for meeting the system's needs for articulation, access and responsiveness, and accommodation and aggregation than is true of other legislatures, but also that it is more dependent on the legitimizing character of its own structures and processes than in systems where it is subordinate to other subsystems. In these instances the legislature's output is legitimized in part at least in terms of its subordination, e.g., as part of the election mandate of a disciplined majority party. In the United States this is not the case. The legislature's ability to legitimize its output rests far more directly on the degree to which it successfully institutionalizes commonly shared notions of democratic values and norms.

Given all this, we can understand why the decision-making needs of the House encompass considerations other than autonomy, effectiveness, and efficiency. In the American political system the legislative subsystem has to do more than produce effective decisions in a variety of policy areas that reflect its own volition. To provide the system with a capacity for legitimizing its decisions, for basing the authoritative quality of its decisions on more than force, and to maintain its own role in the system the legislature's decision-making structure must be such as to sustain belief in the legitimacy of its output. Viability, in short, both for the House and for
the suprasystem of which it is an integral part requires that its decision-making structure be constrained by the necessity of operating in a democratic manner, requires that its decision-making structure encompass and satisfy ideal as well as technical needs.

What this in turn involves is, of course, not totally or precisely fixed. Here as elsewhere, a wide, permissible range of variability exists. However, some parameters also exist. The House cannot be run like an army or even a business corporation. It cannot support high levels of formal hierarchy and still sustain belief in the legitimacy of its output. Thus, as we have already suggested, it is necessarily constrained in several broad but key regards. It must in some basic or ultimate way accord its members equal status and influence formally to avoid prejudice in favor of particular demands. It must regularize opportunities for discussion and bargaining in order to tap the potential for accommodating and aggregating conflicting demands, for basing action on high levels of agreement. Finally, it must place some reasonable limit or limits on the need for agreement, e.g., majority rule, so that a workable balance can be struck between the need to base action on high levels of agreement and the need to preserve a capacity for action. Nor are these constraints significant simply as passive products of democratic decision-making needs. Such an emphasis derives from the manner in which we have isolated them and does not do full justice to their active or positive significance. The House's ability to sustain the legitimacy of its output and thereby maintain its role is tied or related to its ability to contribute to satisfying the basic needs of a democratic system. In truth, it is the democratic structures and processes it embodies and operates through, the limits on hierarchy inherent in it as a legislature, that permit it to serve as such an important source of articulation, access and responsiveness, and especially accommodation and aggregation, that permit it to acquit itself of the heavy responsibilities in these regards that the system places upon it by assigning it the role of basic policy maker.

In sum, then, the House as a legislature in the American political system is and must be unlike other types of organizations, e.g., bureaucracies, and for good and substantial reasons. It must not only produce decisions, it must do so collegially. It must make them through discussion and by securing the positive consent of at least a majority of its members in each and every case.

A third and final functional need of the House is for maintenance of its decision-making structure. Social systems are subject to breakdown, to disintegration, for causes aside from inability to maintain role or function in relation to their environment. They are also subject to breakdown for reasons that are primarily internal. The maintenance of regularized behavior, the maintenance of the patterned sets of roles that constitute the structure of a system, is not a simple or automatic matter. Rather, patterned
human behavior is fragile and subject to disruption for a variety of reasons. One major source of disruption issues out of structure itself. The role structures which systems to varying degrees differentiate to make decisions involve unequal distributions of power over outcomes. As such, they impinge on the goals or ends particular members have for the system as well as on their desires for status and importance. These structures thus threaten continually to become sources of alienation and conflict, rather than mechanisms for resolving conflict about system ends. As a result, systems continually face the problem of coherence, of conflict management, of preserving the smooth intermeshing of their various role sets. Another major source of disruption is not structural, but personal. A system’s ability to function is dependent on its role structure and this in turn is dependent on role fulfillment by the individuals who occupy particular roles. Though systems normally have sufficient inducements at their disposal to secure certain minimum levels of performance, success in obtaining their objectives requires them to secure far more than minimal performance. However, the willingness of individuals to fulfill their roles, to contribute to the system, is a contingent matter. Contribution may be limited for either negative or positive reasons: that is, simply because satisfactions are lacking, because incentives are insufficient to induce more than mechanical role performance, or because an individual’s desire for social approval or career advancement leads him to temper role performance. Systems therefore must also continually face the problem of motivating performance, of overcoming resistance to role fulfillment, of inducing individuals to contribute.

If we redefine our perspective to focus on the House as an entity rather than on its external relations with other entities, we may recognize that it exists as a social system itself as well as a subsystem of a larger suprasystem. As such, it has maintenance needs as well as decision-making needs. It cannot escape continually facing and adequately resolving the problem of coherence or conflict management and the problem of motivating role performance. In the former case, it, like other social systems, is dependent on maintaining allegiance to the complex of values and norms that underlie and define its role structure. Allegiance to these values and norms counters and overcomes disappointment and alienation proceeding from loss of cherished goals or deficiencies in personal status. In the latter case it, like other social systems, must provide inducements for participation and role fulfillment that are adequate to counter the various sources of resistance that militate against them. Once again, however, the fact that the House is a particular kind of social system is a matter of consequence. Here as elsewhere, its needs assume a distinct and concrete form.

With regard to coherence or conflict management, the task of maintaining allegiance to the complex of values and norms underlying its decision-making structure is shaped by a number of considerations. The House must
adjust to certain weaknesses in the processes or mechanisms of inculcating and maintaining allegiance that many types of social systems do not possess. It has no control over recruitment and thus cannot weed out applicants who are likely to prove hard to socialize in its ways. In addition, though tenure has increased significantly since the nineteenth century, it still must deal every two years with a sizeable minority of new members. Nor are the rewards and penalties at its disposal either to aid in socialization or to control deviance decisive in their impact. The House cannot exclude members except for rare and extreme causes or lower their salaries or other benefits of office. It cannot necessarily even insure that deviants will be defeated for reelection or blocked from advancement to higher political positions, though it can influence these outcomes by penalizing such members within the House. Due to these liabilities socialization and social control in the House are far more dependent on informal social pressure and shared feelings of loyalty to the institution and its role than is true in the case of many other types of social systems. Moreover, since these feelings of loyalty are dependent in large part on general, positive societal evaluations of the institution and its role, the House is also more dependent on its broad and enduring image in the community than are many other types of social systems.

Equally important, the House must adjust to a high degree of fragility in a key portion of the complex of values and norms that underlie and define its decision-making structure. In bureaucratic bodies the features of the decision-making system can be determined largely in terms of technical needs, in terms of what conduces to effective and efficient decision making, in terms of what conduces to rational decision making. This is not because ideal needs do not exist, but rather because at least formally there is relatively high agreement on clear and stable goals which allows technical considerations of rationality to dominate questions of structure. As a result, justification of the distribution of power involved in the decision-making structure can be tied to objective factors relating to rational decision-making needs and the character of the output also justified objectively as a product of rationally determined decision-making structure. In a legislative body, such as the House, values and norms based on technical needs also underlie and define the decision-making structure and provide objective bases for justifying the distribution of power and the character of the output. Technically based or oriented norms, such as specialization, reciprocity, and apprenticeship, rest on an appreciation for the contribution qualities or conditions, such as expertise or division of labor, make to rational decision making, to providing the structural arrangements best suited to reaching decisions that will achieve desired goals. As such, technically oriented or operational norms provide an important basis for combating alienation and restraining conflict. Furthermore, since they are
rooted essentially in objective rather than subjective considerations, their ability to elicit allegiance is highly stable as long as primary definitions of technical need are not altered by changes in basic premises regarding the legislature's role in the system.

However, in legislative bodies, such as the House, decision-making structure can neither be as elaborate as in bureaucratic bodies nor based as largely on technical needs or considerations. In the House goals to a much larger extent are ever emergent. The area of decision making in which it operates is more discretionary, closer to the ends side of the ends-means continuum where goals have to be determined rather than interpreted or applied. Moreover, in terms of basic democratic premises each member's view of the proper nature of the goals is as worthwhile as that of any other; the degree of discretion, in short, limits the need or justification for hierarchy. Given these facts, we have an additional basis for understanding why the decision-making structure of the House must balance technical and ideal needs, why it must provide for democratic decision making as well as autonomy, effectiveness, and efficiency. In addition, we may now also understand why ideal needs are both more relevant to coherence or conflict management in the House than in bureaucratic bodies and why this makes coherence or conflict management more difficult.

If allegiance to the values and norms that underlie the decision-making structure are critical to conflict management and if in the House these values and norms to a significant extent must express ideal as well as technical considerations, then the problem of legitimacy has great internal significance in terms of conflict management as well as external significance in terms of the maintenance of the House's role in the political system. Though up to this point we have emphasized the external dimension by focusing on the House's need to be able to legitimate its output in the eyes of actors in other subsystems, it is also crucial that House members accept its decision-making structure as democratic. Moreover, whereas other actors are likely to be satisfied by the broader features of structure, House members are likely to weigh specific factors more heavily. This inevitably becomes a source of difficulty because the hold of specific values and norms embodied in particular structural arrangements, the hold of the precise conceptions of what majority rule requires or permits structurally, is apt to be quite fragile.

One reason for such fragility is the amount of subjectivity involved in these conceptions. We have noted that there is a large permissible range of variation within the broad parameters of democratic decision making. If the broad parameters are clear, what they require or permit in precise terms structurally is highly contingent and open to differing interpretation on the basis of a variety of basic premises regarding the role and needs of the individual representative, the significance of party, the severity of
the constraints imposed by technical needs, etc. What, for example, does majority rule require with regard to the relation between the Speaker and the Rules Committee? Or what can it permit or countenance in terms of committee power over bills? But subjectivity is not the only reason for weakness in the strength of that portion of the values and norms embodied in existing structure that express or relate to ideal needs. The degree of status and discretion accorded the individual member is an important complementary factor. Because members regard each other as basically equal, no member is assumed to have any more objective basis for determining questions of the rightness of structure than any other or any less concern or right to do so. The dominating spirit is that of a Sanhendrin rather than a factory.

As a consequence, governing interpretations of what ideal needs require or permit tend to be unstable, tend to be subject to breakdown in managing conflict. In contrast to bureaucratic bodies, frustrated House members are led much more easily and quickly to raise legitimacy questions. Discontent over outcomes, if prolonged even for a relatively short time among a particular group or party faction, soon leads these members to refuse to accept failure as a product of democratic operation and to attack portions of existing structure as undemocratic. Here as elsewhere, the House has to adjust to this element of weakness in its maintenance capability. In part, it can do so by emphasizing more stable technical norms as much as possible and by falling back on the severe constraints technical considerations pose to change for the purpose of increasing the degree of democracy within the House. It can also rely on certain norms that arise out of the distaste most members have for severe conflict and their perception of the threat it poses to them as individuals and to the institution—"to get along go along," "be satisfied with half a loaf," "treat opponents with civility," etc. In large part, however, adjustment must consist simply of enduring recurrent tinkering and on rare occasions even wholesale change in order to bolster or recreate the sense of legitimacy on which continued operation of the decision-making structure is dependent.

So much for the problem of coherence or conflict management. Though the absence of a sense of legitimacy concerning the decision-making structure drastically affects role fulfillment on the part of individual members, its presence does not necessarily solve the problem of motivating performance. Here too the House faces singular difficulties. The variety of roles House members must assume places onerous physical and psychological burdens upon them. They are expected to master the legislative fields covered by their committees, to provide constituent service, to cast informed and intelligent votes on the floor, and somehow to fulfill responsibilities to district, party, and conscience at one and the same time. A member's inclination to perform these roles is thus limited both by deficiencies in
the amount of satisfaction they provide and by conflicts between them and his career aspirations. For example, committee specialization involves not only hard work but also narrowness and isolation from the public; constituent service involves not only time but also absorption in small problems and the assumption of a petitionary role with regard to the bureaucracy. Similarly, time spent out of Washington can be much more valuable to reelection or advancement to another position than time spent on committee work; a vote for district interests can be more valuable to career advancement than sustaining the party leadership's ability to aggregate majorities and produce necessary outputs.

In contrast, the concrete or material incentives the House can provide to overcome these sources of resistance are limited in their overall or total effectiveness. This is not to imply that the rewards and penalties at the disposal of the House are few or insignificant. On the contrary, the complexity of the formal structure and the degree of hierarchy within it create a variety of rewards and penalties which the party leadership can deploy to enhance its leverage, e.g., committee appointments, access to the floor, opportunities for publicity, help in securing grants or projects, etc. In addition, regard for House norms and attention to roles, especially committee roles, is a course that leads to prestige and influence in the House. Still, in most instances the impact on members' careers of the particular rewards and penalties that can be applied is marginal. For this reason and for other reasons related to the character of party cohesion they are not applied in a harsh or demanding manner. Hence the standard or level of performance required to maintain one's standing, to qualify for rewards and escape penalties, is low or mediocre. Moreover, due to the operation of the seniority principle longevity can compensate for dedication in the climb to power in the House.

As a result, the position the House finds itself in with regard to motivating performance is comparable to its position with regard to socialization and control of deviance, if not even more accentuated. Here too the House is highly dependent on informal social pressure and shared feelings of loyalty to it as an institution. The latter especially is of great significance. It is the sense members have of the importance of the House and its role in the political system, reinforced by the development of collective or comradely spirit, that provides a critical portion of the incentives necessary to induce dedicated rather than simply mechanical role performance. Similarly, if social pressure is important as a factor that can overcome recalcitrance that would otherwise be unreachable, its strength is nonetheless highly contingent on the breadth and intensity of institutional loyalty. In short, then, the House is particularly dependent in motivating role performance on ideal incentives centered on the worth of the House and membership within it, a factor that gives functional significance to the hyperbolic rhetoric
about the House that members indulge in and even to the self-protective norms and practices with regard to the public that an ethic of comradeship involves.

**Technical Needs**

Let us now apply the analytical framework we have defined. Our problem is to assess the long-run significance of events and attitudes in the Jeffersonian period in terms of the prime functional needs of the House as a unit or subsystem in the American political system.

The first functional category we identified concerns the aspect or dimension of decision-making need that relates to technical competence or proficiency. We noted that the system assigns the legislative subsystem the role of basic policy determiner and that to maintain this role the House requires a decision-making structure that endows it with a capacity for autonomous, effective, and efficient decision making. Developments in the period from 1789 to 1829 made a critical and lasting contribution to the satisfaction of this need. This can easily be seen if we briefly review and assess the key outcomes in theory and practice that pertain.

Of primary importance is the emergence during these years of a standing committee system. By the early 1820's specialized standing committees had come to dominate the initial handling and preparation of legislative proposals in virtually all policy areas. Their rise to dominance settled the issue of first reference from that time to the present. The standing committee mechanism, rather than its competitors, became the agent the House relied upon to consider legislative proposals in depth on its behalf, to advise it, and to put them in shape for passage.

An essential and complementary development was the emergence of a set of technically based or oriented norms that made reliance on standing committees feasible. We may remember that traditional Jeffersonian attitudes toward smaller committees were ambivalent. The old Jeffersonians recognized their necessity for a variety of purposes: handling minor business; putting major business in shape for a decision on principles in cases where facts were difficult to ascertain or details complex; and drawing up bills. On the other hand, they saw the legislative process as one in which a radical form of equality should prevail among members, as one in which all members should share full responsibility for policy and no member should exercise any influence over another not derived simply from the force of rational argument. They therefore feared reliance on smaller committees and, as a general rule, opposed first reference to them in important areas of business. They believed that these mechanisms undermined the equal influence and responsibility of members and thereby undermined the ability of the House to elicit a true sense of majority will.

Obviously, the creation and operation of a standing committee system
was not possible as long as the values and norms that expressed ideal needs were defined so absolutely or rigidly as to leave little leeway for satisfying technical considerations. What was needed was a relaxation or tempering of these values and norms and the emergence of a new set of values and norms that could justify and operationalize the division of labor and distribution of influence involved in reliance on a standing committee system. Both occurred as the House’s appetite for standing committees increased. Though regard for equality and majority rule as well as conceptions of what they required continued, insistence on radical egalitarianism disappeared and a new set of values and norms, focused on specialization and deference, crystallized. In place of insistence on the equal responsibility of members for policy, the House began to prize subject matter expertise and to encourage members to become specialists in their committee work. In place of insistence on equality of status and influence, the House began to value and approve deference to committee opinion and to encourage members to defer to one another in their respective committee capacities. In short, it tempered the severity of norms based on ideal considerations in exchange for the addition of technically oriented norms that conferred the benefits of a division of labor.

Another important set of developments associated with the emergence of a standing committee system concerned the internal organization and operation of these units. By the end of the Jeffersonian period the standing committees had developed certain basic and enduring structural facets. Party had emerged as the dominant appointment criterion, reinforced by interest, knowledge, and prior service. The position of Chairman had not been confined to that of mere moderator; rather it commanded sufficient initiative and leverage to confer preeminence on its holder. Rooms were assigned and clerks in all probability employed. In addition, along with specialization norms apprenticeship norms had developed.

Last, but not least, the decade from 1789 to 1829 witnessed a substantial expansion in the House’s oversight role. Initially, the House took a very restricted view of the proper scope of its concerns as reviewer and controller of executive operation and performance. The emergence of the standing committee system, however, was accompanied by far looser construction of the limits imposed by the separation of powers principle and a significant increase in the degree of House involvement in administration. The number and scope of committee investigations thus expanded in the second half of the period. Whereas traditional doctrine limited the House to investigations of executive action or conduct that were specific in object, based on a foundation in fact, and closely tied to the exercise of a valid legislative power, new doctrine permitted general investigations of any suspected problem or abuse. Nor was increased involvement confined to the multiplication of formal investigations. Decline in strict construction of “execu-
tive" prerogatives combined with the rise of standing committees enjoying continuing departmental contact also led to increased involvement in administration through the regular processes of examining proposals for legislation. Similarly, the role and influence standing committees acquired gave individual members leverage for expanding their personal involvement on matters relating to their districts and constituents. In sum, then, what occurred was increased Congressional participation and control due to both a broadening of the substantive questions the House regarded as properly within its purview and an expansion of the means of forms of involvement.

In citing these outcomes we do not wish even indirectly to exaggerate their dimensions. The House of 1829 is not the modern House, the House of the 1890's, or even the House of the 1860's. If a standing committee system had emerged and taken command of the initial handling of business, the procedures governing the introduction and references of bills and committee powers over bills remained at an early stage of development. Another half century of growth and adjustment was required before the rules and precedents provided for the introduction of bills solely on the volition of members and automatic reference off the floor to the appropriate standing committee, while simultaneously barring instruction and rendering discharge impossible except through special mechanisms. Indeed, in the case of discharge it took several additional decades for the system or approach now in use to emerge. Similarly, the various limitations on debate and dilatory motions that now prevail as well as the various special calendars and procedures that now order the access of business to the floor are products of nineteenth-century development subsequent to 1829 or, in some cases, of the early decades of the twentieth century.

The need for historical perspective applies to other areas as well. If the norms of specialization, deference, and apprenticeship had taken hold in the House by the late 1820's, their strength was undoubtedly greater at the end of the nineteenth century than in the 1820's, and still greater in the twentieth century than in the nineteenth. The greater powers over bills granted to committees during the nineteenth century, though not primarily caused by increased allegiance to these norms, nonetheless testify to it; whereas in the twentieth century: the marked decline in membership turnover and the hardening of apprenticeship norms into strict seniority control of committee advancement have entrenched the norms of specialization, deference, and apprenticeship even more deeply. Nor is the status of the standing committees as organized entities comparable. The current degree of institutionalization in terms of subcommittees, staffs, internal procedures, and membership stability is far greater and appointment procedures far different than when the second Adams retired from office. Here the twentieth century rather than the nineteenth has had the major impact. Moreover, the very structure of the standing committee system in terms
of number and jurisdiction is a product of continued growth in the nineteenth century and major as well as minor reductions and amalgamations in the twentieth.\textsuperscript{397}

Finally, the expansion in the House’s oversight role should not be misconceived. If the boundaries of legislative involvement in administration became quite vague and plasticable, in practice the House did not push these boundaries as far as they have been pushed today. As should not be surprising given the differences in time span and policy problems, the House in 1829 still continued to be governed by a far stricter sense of the limits imposed by the grant of executive power to a separate branch than is the case today. This is true both in terms of substantive topics or questions and in terms of means or forms of control. Leonard White notes that in the Jacksonian period the ordinary flow of work through the departments was left to executive discretion within broad statutory assignments of function. In contrast, current practice recognizes fewer limits than even the late nineteenth century, by which time little of this substantive sense of restraint remained. For example, current practice permits the negotiation of contracts, a highly administrative act, to be subject either formally or informally to Congressional review and approval.\textsuperscript{398}

Similarly, interpretation of the forms of House action that constitute interference with executive prerogatives remained far stricter than is the case today. Exercise of the investigative function continued to be conceived as something properly special or intermittent, something to be confined to abuses. Except in the area of auditing expenditures, the notion of continuous oversight by standing committees was rejected. This attitude remained dominant throughout the nineteenth century and well into the twentieth. The emergence and acceptance of the notion of continuous oversight in the 1940’s represented a distinct break with past tradition, though this was largely obscured by the plasticity of doctrine and a century of erosion in strict interpretation of the separation of powers principle. In addition, the men of the 1820’s would regard some of the other oversight techniques now in use as improper, e.g., the legislative veto and use of language in committee reports and hearings to instruct or direct administrators.\textsuperscript{399} Indeed, even the weapon of appropriations was approached far more conservatively. Though the fight over the Jay Treaty in the 1790’s settled the question of the House’s power to deny funds, most members in the late 1820’s believed that the inclusion of provisos in the appropriation acts, directing how money was to be spent or not spent, constituted an infringement of executive prerogatives. Thus, the use of provisos did not become a regular occurrence until succeeding decades.\textsuperscript{400}

Yet, if it is important not to exaggerate the extent of institutional development in the Jeffersonian period, it is nonetheless true that events or outcomes in this period made a critical contribution to the satisfaction of the first
functional need we have identified. The emergence of a standing committee system and the developments in theory and practice associated with it provided basic and lasting foundations for a decision-making structure that could operate in an autonomous, effective, and efficient manner.

On the input side the House's problem was somehow to preserve the ability to draw on executive resources while still maintaining its capacity to make its own decisions. Both requirements, though conflicting, are essential for the House to sustain its role as basic policy determiner in the system. Reliance on specialized standing committees to handle the initial stages of business provided an ingenious, if not anticipated, solution. Such units have the singular ability to serve as an easy means of communication with executive officers, while still preserving and enhancing the House's capacity for evaluation, revision, and even initiation. And this is all the more true the greater the degree of organizational stability and elaboration in terms of tenure, structure, and resources.

On the output side the House's problem was to establish an organizational base for effective and efficient decision making so as to maintain dependence on it as basic policy determiner in the system. Here too events in the Jeffersonian period made a significant and lasting contribution. Division of labor involved advantages for effectiveness and efficiency as well as autonomy. The expertise developed by specialized standing committees provided vital underpinnings for effective or rational decision making. At the same time reliance on specialized standing committees bolstered the efficiency of House decision making and in so doing bolstered its comprehensiveness as well. Such units could and did begin to serve in a wide variety of policy areas both as sifters of the business on behalf of the House and as agents on whose judgment the House could rely in making decisions. Moreover, the additional resources in terms of time and knowledge that derived from reliance on standing committees rather than the Committee of the Whole permitted expansion of the House's oversight role.

Nor does this recital of the manner in which events in the Jeffersonian period provided basic organizational foundations for autonomy, effectiveness, and efficiency exhaust their long-run significance or impact. To a large degree what these outcomes provided as foundations was adaptive capacity and hence in many important regards they shaped the course of future development as well. Thus, if the system of introducing business and handling it at the committee stage that ultimately emerged is quite distinguishable from the system that prevailed in 1829, the changes in large part represent adaptations designed to preserve or extend the gains in terms of effectiveness and efficiency that derive from reliance on specialized standing committees. The evolution toward complete freedom in the introduction of bills represents a response to the leeway or opportunity for
expanding the business that the emergence of a standing committee system created. The evolution toward increased committee control over the reference and retention of bills represents a response to the harsher constraints imposed by the growth in the size of the House and the business. The same general point applies to change with regard to the committees as organized entities and the dimensions of the House's oversight role. If the standing committees, especially in the twentieth century, have become far more stable and elaborate units, this in large part represents a response to the harsher constraints imposed by the increased complexity of the business and has been motivated by a desire to preserve the benefits in terms of autonomy that reliance on standing committees provides. If the dimensions of the House's oversight role have expanded far beyond the limits men of the late 1820's would have thought permissible, this in large part represents a response to the harsher constraints imposed by the increasing amounts of discretion and responsibility that have been delegated to executive officers in this century and especially since the advent of the New Deal.

The events of the Jeffersonian period also helped shape the future course of development with regard to our first category of decision-making need in yet another respect. Though the establishment of a beneficial division of labor is critical to endowing the House with a capacity for autonomous, effective, and efficient decision making, it is not fully determinative of it. Rather, the satisfaction of technical decision-making needs is also dependent on an organization's ability to integrate, to unify its various components to the extent necessary to produce decisions. The House therefore must not only provide for specialization, it must also, given the kind of organization it is, include a capacity for aggregating majorities within and across its various structural divisions.

Admittedly, the long-run contribution of events in the Jeffersonian period to providing foundations or adaptive capacity with respect to integration was far less than in the case of division of labor. The primary sources of integrative capacity in the House are party and centralization in the formal structure and for a variety of reasons there was not much institutional development in either regard during the Jeffersonian period. Nonetheless, events in the period were not entirely without significance. Reliance on standing committees per se has implications for integration as well as specialization. Though the effects are far from uniformly favorable to integration, first reference to standing committees facilitates the process of majority construction by introducing a stage of majority building prior to floor action and by adding deference to supplement party cohesion as an aggregative force. A second contribution of events in the Jeffersonian period is of greater importance, at least historically. The solution the nineteenth century ultimately applied to the problem of integration in the
House after many decades of structural elaboration was to concentrate great power in the Speaker as agent of the party majority. This involved a wide variety of developments for which little or no base was laid in the years before 1829: limitation of debate and dilatory motions, centralized control of the agenda, emergence of the caucus as a legitimate and enduring mechanism, etc. Still, the Jeffersonian period preserved and extended the office of Speaker and provided this office with one of the most important foundations of its power and potential for future growth—control over committee assignments.

In closing our discussion of the long-run impact of the Jeffersonian period on the satisfaction of House decision-making needs with regard to autonomy, effectiveness, and efficiency, the significance of traditional Jeffersonian attitudes should also be recognized. Appearances to the contrary these attitudes were far from insignificant. To be sure, traditional doctrine regarding reference to the Committee of the Whole lost its hold both in theory and practice by the late 1820's and was countered and finally replaced by new notions and practices. Nonetheless, one broad and equally basic strand of traditional thought was highly involved in all the key outcomes of the period—the notion that the legislature in fact as well as form should be the lawmaking branch, should be the basic determiner of policy in the system.

From the start this strand of Jeffersonian thought existed along with the strand that emphasized the equality of members. Though norms were originally determined by this latter strand, no deep conflict was assumed to exist. It was rather assumed that all ends could be maximized simultaneously, that the House could rely on modes of decision making that restricted structural distributions of influence and still maintain its position as lawmaker or policy determiner in the system. This proved to be an overly optimistic, if not naive, reading of the character of the constraints that were present. In a significant sense the history of the Jeffersonian period is a history of continued adjustment to the conflict among ends that existed and the overall tendency was to limit pristine notions of majority rule in terms of perceptions of what was needed to guard and extend the House's ability to maintain its independence and its control over policy in the system.

Thus, if the course of development in theory and practice was adverse to traditional Jeffersonian attitudes with regard to the Committee of the Whole, it was in accord with an equally basic strand of Jeffersonian thought. Indeed, it is doubtful whether a standing committee system could have developed or the oversight role of the House expanded in a context in which Jeffersonian notions regarding the role of the legislature were not present and highly influential. Nor has the long-run significance of Jeffersonian theory in this regard been restricted to its effects in fostering or
motivating key outcomes in the Jeffersonian period. On the contrary, these attitudes continued to have a direct impact in and of themselves. Future adaptation and development of the committee system and the House's oversight role continued to be premised on strong allegiance to the traditional Jeffersonian concept of legislative policy preeminence. In sum, then, the fact that Jeffersonian theory embodied a particular view of the role of the legislature has been of immense significance both directly and indirectly. At heart, it is these basic Jeffersonian assumptions regarding role that have shaped the character of the House's technical decision-making needs. If the House throughout its history has had intense needs with regard to autonomy, effectiveness, and efficiency, it is because Jeffersonian premises have controlled both internal and environmental definitions of the broad contours of the legislature's role.

**Legitimacy**

The first category of decision-making need, though important, does not exhaust the decision-making requirements of the House. As we have argued above, the decision-making structure must not only endow the House with a capacity for acting in an autonomous, effective, and efficient manner; it must also be capable of inducing both members and actors in other subsystems to regard its processes and outputs as legitimate. As a consequence, the decision-making structure must provide for independent and rational decision making, but it must do so while granting each member certain essential forms of equality, according discussion a key role in the resolution of differences, and basing decisions on majority support. It must, in short, be shaped by ideal as well as technical needs, by the parameters of democratic decision making as well as considerations of technical rationality.

The traditional Jeffersonian viewpoint regarding the nature of the constraints imposed by these parameters was quite severe. In their original or pristine state Jeffersonian attitudes toward the character of democratic decision making were highly atomistic, high antithetical to structure. Up to this point we have explained such atomism solely in terms of the egalitarianism that served as the dominant motif in this strand of Jeffersonian thought. It is time now, however, to broaden our analysis. We may recall from our discussion of reporting by bill that Jeffersonian regard for the Committee of the Whole rested on more than one prop. It did derive from the belief that advice or prearrangement by smaller committees would distort the process of ascertaining the sense of the majority by giving some members more influence over and responsibility for outcomes than others. But the Jeffersonians also prized the Committee of the Whole because it offered a free or unfettered forum for discussion. Due to its virtues in this regard, they saw it as the mechanism best suited to elicit a true sense
of majority will through a process of rational deliberation among independent and responsible beings. Given this dual emphasis, the Jeffersonian ideal fully stated was free or unstructured decision making through discussion among members equal in status and responsibility for results. As such, its egalitarianism was combined with strong strains of individualism and rationalism and all three strains fed its antipathy to structure.

Nor were traditional Jeffersonian attitudes heavily influenced by technical considerations. As we have noted, traditional Jeffersonian theory assumed no basic or deep conflict between the House's technical decision-making needs and its ideal decision-making needs. Rather, the old Jeffersonians believed that the House could get along with a minimum of structure and thereby preserve the highly atomistic decision-making process that best served the cause of majority rule, while still retaining sufficient capacity to make rational or effective decisions in an efficient and autonomous manner. This is not to imply that the old Jeffersonians did not temper their ideal goals to any degree. Nonetheless, the Jeffersonian position on use of smaller committees was very guarded. Once crystallized, Jeffersonian doctrine postulated the first reference of important subjects to a Committee of the Whole except under special circumstances and prohibited the introduction of bills, especially on important subjects, until principles had been settled in a Committee of the Whole.

Yet, despite its abstract appeal, traditional Jeffersonian doctrine with regard to the Committee of the Whole could not be sustained indefinitely either in theory or practice and became a relic of the past well before the end of the Jeffersonian period. The conflict between the technical and ideal decision-making needs of the House was deeper than the old Jeffersonians realized. Jeffersonian atomism could not be accommodated with the House's need for autonomous, effective, and efficient decision-making capability even in the early decades of the nineteenth century when the constraints imposed by the size of the House and the volume and complexity of the workload were far less than they would become in the subsequent course of the nineteenth and twentieth centuries. The House simply could not be as inchoate, voluntary, or leaderless a body as traditional Jeffersonian theory assumed, a fact Jefferson himself recognized as President and sought to compensate for through the skillful injection of his personal leadership and influence.

The Jeffersonian solution to meeting the House's ideal decision-making needs thus failed because of an inadequate reading of the limits to atomistic democracy. Nonetheless, the failure of traditional Jeffersonian doctrine does not mean that events in the Jeffersonian period or that Jeffersonian attitudes toward democratic decision making no longer influenced the satisfaction of the House's ideal decision-making needs. On the contrary, both had a significant and continuing impact on future institutional development
concerned with interpreting or reinterpreting the precise requirements of the broad parameters of democratic decision making.

The decline of the Committee of the Whole and the rise of the standing committees determined that the House would contain appreciable amounts of structure and hierarchy, that it would not be atomistic and amorphous. In so doing these developments destroyed the Jeffersonian formula, lopsided though it was, for accommodating the House's technical and ideal decision-making needs. The degree of structure, the extent of the distribution of influence through formal arrangements, would henceforth be greater than Jeffersonian theory in its traditional pristine and stringent form could encompass within the boundaries of its conception of majority rule. Yet the need to establish and sustain belief in the legitimacy of the House's decision-making processes and output did not disappear because the traditional Jeffersonian interpretation of what constituted democratic decision making proved to be unrealistic. Similarly, the basic prerequisites of legitimacy, the basic contours of ideal decision-making needs, did not change because the traditional Jeffersonian formulation of their proper implementation in terms of concrete mechanisms and processes failed. Rather, the broad parameters of democratic decision making continued to govern and to require detailed interpretation in operational terms and they did so in a context that now was shorn of simplistic assumptions regarding the feasibility of keeping the degree of structure in the House minimal. As a result, events in the Jeffersonian period defined a problem which the House, due to continuing change in underlying substantive and political factors, has had to come to terms with repeatedly in different eras of its history—the problem of balancing an intense need for structure and hierarchy with an equally intense need to shape or temper structural elaboration in terms of dominant conceptions of what the broad parameters of democratic decision making permit or require.

The significance of ideal decision-making needs is often ignored and conflict over majority rule treated simply as a struggle for advantage among opposing interests. At the same time the technically based or oriented norms associated with the emergence of the committee system alone are regarded to be of true theoretical significance. To do this, however, is to take a much too narrow view of the role of conceptions of majority rule and strife over them. Technical or operational norms are of great importance. But they cannot confer justness of legitimacy on House processes or decisions. As a consequence, they cannot maintain acceptance of or dependence on House decisions by actors in other subsystems, or make House decision-making processes tolerable to members whose cherished policy desires have been frustrated, but whose active and orderly participation in the organization is still essential for its operation.

This is not to deny that struggle for advantage on the part of particular
interests is involved in conflict over the structural requirements or exigencies of majority rule. But self-interest is not the only factor involved nor is the significance of such discord confined to the gains achieved by particular interests. Clashes over majority rule rather involve disruptions in previously accepted accommodations between technical and ideal decision-making needs, disruptions that stem both from changes in the nature of the constraints imposed by specialization or integration needs and from changes in the nature of the constraints imposed by ideal conceptions. In the latter case alterations in factional alignments that transform the effects of existing structure on the capacity of majorities to form and attain their desires are usually also involved; but they serve largely as catalysts rather than as factors that dictate either the character of change in ideal conceptions or the structural modifications that flow from such changes. Thus, both the causes and significance of conflict over majority rule are broader than self-interest. Indeed, self-interest can more correctly be seen as a medium for forces and outcomes of greater functional significance than can any of these factors, including ideal conceptions, be reduced simply to self-interest.

In sum, then, the House since 1829 has repeatedly had to face a problem which the rise of the standing committee system defined or brought into focus and whose causes and significance exceed self-serving aggrandizement by particular interests—the problem of balancing the needs of structure and democracy. Nor are the events or outcomes of the Jeffersonian era the only aspects of the period that have had a long-run impact on the future course of development with regard to the House’s ideal decision-making needs. Here as elsewhere, Jeffersonian attitudes also have had a significant effect.

The failures of Jeffersonian theory should not be exaggerated. As we suggested earlier, the demise of Jeffersonian doctrine regarding the precise operational implications of democratic decision making does not mean that more general Jeffersonian notions concerning the proper role and status of the individual member and the proper character of collective decision making did not have a continuing impact. In part, this impact derived simply from the fact that Jeffersonian attitudes toward the freedom and equality of members, as well as the role of reason in decision making, embodied the broad parameters of democratic decision making as first premises with the result that they served as vehicles or mediums for these parameters after 1829 as before. This being the case, if Jeffersonian doctrine regarding first reference and reporting by bill disappeared, members nonetheless remained attached to discussion and majority rule. However, the continuing influence of Jeffersonian modes of thought exceeded simple transmission and inculcation of general principles of democratic operation. Despite its failures, Jeffersonian theory continued to have an impact on
the manner in which the more precise implications of the broad parameters of democratic decision making were interpreted. Here again, if Jeffersonian doctrine regarding reliance on the Committee of the Whole lost its hold, attachment to the egalitarian, individualistic, and rationalistic premises that underlay this doctrine remained strong. Indeed, what immediately replaced traditional Jeffersonian doctrine was not a new synthesis, but rather a weakened and compromised version of old theory. This version retained the egalitarian, individualistic, and rationalistic biases of traditional theory, but accepted reliance on standing committees as necessary and reinterpreted majority rule to require only adequate review and control by the whole House.

As a result, the basic definition of ideal decision-making needs remained unchanged, even if less stringently applied. The ideal remained free or unstructured decision making among equals through discussion. Thus, in the decades following 1829 most proposals involving further limitation of the freedom or equality of members continued to be negatively evaluated in terms of democratic decision-making needs and were only subject to justification as necessary evils on the basis of practical rather than ideal considerations. The major area of exception concerned limitation of debate which could be justified in terms of quantitative notions of majority rule common to all democratic theory, including Jeffersonian theory. Even here, however, such justifications contradicted not only the individualistic strain of Jeffersonian theory, but also its rationalistic strain, its emphasis on identifying a sense of majority will through discussion rather than equating it with sheer numerical preponderance.

Nor, as we shall see in more detail in the pages that follow, has the influence of Jeffersonian theory been limited either to obstruction or to the nineteenth century. Rather, its egalitarian and individualistic orientations, though modified and reinterpreted to fit different circumstances, have been an element in rules changes in the twentieth century designed to increase the degree of democracy in the House. In short, then, traditional Jeffersonian attitudes have continued to be influential far beyond the boundaries of the Jeffersonian period. Jeffersonian orientations toward egalitarianism, individualism, and even rationalism have had a heavy impact on the minds of House members throughout our history. If this impact has not been unrelated to the conjunction of these antihierarchical orientations and members’ district as well as career interests, it is still true that the attitudinal component cannot be dismissed as mere rationalization but rather must be seen as a product of a heritage dominated on the whole by a particular point of view.

If we now extend our analysis by briefly examining actual developments in the nineteenth and twentieth centuries, we can understand far more concretely the lasting impact that attitudes and outcomes in the Jeffersonian
period have had on the satisfaction of the House's ideal decision-making needs. The broad, overall trend of development in the nineteenth century was toward a new and comprehensive resolution of the critical problem that emerged in the Jeffersonian period, the problem of accommodating both structure and democracy. This new synthesis was based on the concept of party government and in terms of its own premises it did substantially resolve the conflict between technical and ideal decision-making needs.

Party government requires a concentration of power and in the nineteenth century House it was achieved both through centralization in the formal structure and through maturation or development of the informal or party structure. Such concentration was highly conducive to the satisfaction of technical needs. The changes in the formal structure that concentrated power in the Speaker and party majority, e.g., limitation of debate, increased committee power over bills, and centralized control of the agenda, as well as the developments in party structure that expanded the ability of the Speaker to command and deploy his partisan support, e.g., the reemergence of the caucus on a continuing and legitimate basis, the growth of the role of majority leader to its modern proportions, and the appearance of whips, all had a similar broad effect. They substantially augmented the integrative capabilities of the House without diminishing its potential for specialization. At the same time concentration of power in the hands of the Speaker and majority party could be seen as necessary and proper in ideal terms. Party government in the House was neither a child of traditional thought nor bound by its strictures. It rather involved a new theory of democratic decision making which equated majority rule with rule by the party majority and saw the Speaker as the agent of this majority.

Yet strict party control of the House through the Speakership did not easily or quickly emerge. On the contrary, development was slow and halting. Though there were intermittent sets of Congresses in which party cohesion was high and the caucus very active, it took most of the century for all the changes in structure and attitude necessary to establish party government on a secure and continuing basis to occur. As we noted earlier, such features of the formal structure as centralized control of the agenda or comprehensive ability to limit obstruction through debate or dilatory motions did not come into being in one fell swoop. They rather emerged over many decades as a cumulative result of discrete procedural changes designed to alleviate quite particular problems. Indeed, until very late in the century it is extremely doubtful that the proponents of such changes intended or anticipated the final result, though the overall trend was consistently toward change that directly or indirectly facilitated the ability of the party majority directed by the Speaker to work its will.

Though still largely shrouded in mystery due to a surprising lack of scholarly attention, the development of party mechanisms and leadership
positions also appears to have required many decades of growth to reach maturity. As late as the Congresses immediately following the Civil War, Congresses in which party feeling was extremely high and large numbers of caucuses were held in both House and Senate, there still seems to have been considerable disagreement over whether the caucus was a meeting of fellow partisans whose decisions served only as guidelines or a deliberative organ whose decisions were binding on all participants. In addition, though by this time the role of majority leader had emerged and become very important, the role of whip did not begin to crystallize until the final decades of the nineteenth century and a permanent and comprehensive whip position or office was not created until the late 1890's. Similarly, it took many decades for the complex of attitudes, upon which party government is equally dependent, to emerge and become dominant in the minds of most members. The key attitude here is the notion that party responsibility is essential to representative government, that it is the only way in which popular choice and control can be truly realized. However, also involved as corollaries are the following: that members run as partisans, not individuals; that they are obligated to support party positions; and that to refuse to defer to the collective judgment of one's fellow partisans arrived at in caucus is pretentious and irresponsible unless very deep feelings of conscience or explicit district pledges are involved.

The potential for establishing party government on a full fledged and continuing basis thus did not exist in the House until the late nineteenth century and it was not until the promulgation of the Reed rules and the full emergence of the Rules Committee in the early 1890's that the century long development toward strict party control through the Speakership finally reached fruition. A major reason for such lengthy and piecemeal development was the persistence of traditional Jeffersonian modes of thought which were highly antithetical both to increased concentration of power in the formal structure and to subordination of the individual member to party either in terms of representative status or judgment. Here again, this is not to deny that career and district interests were also involved as factors that obstructed the establishment of party government, but only to accord independent importance to historically entrenched attitudes.

Moreover, once achieved this new synthesis of the House's ideal and technical decision-making needs enjoyed only a brief reign of about two decades before it was shattered in the revolt against the Speaker in 1910-11. Here too, traditional Jeffersonian attitudes played a key, though not exclusive, role in the result. Jeffersonian orientation toward egalitarianism, individualism, and rationalism never totally disappeared, but were simply overwhelmed in the latter part of the nineteenth century. However, two decades of Czar rule, as the system of party government in the House came popularly to be called, reinvigorated them by the penalties it visited
on individual members at odds with the Speaker and the interests or policies they held dear.

The guiding assumptions of the Progressive or Insurgent Republican attack on Czar rule reflected traditional Jeffersonian attitudes toward democratic decision making. Men such as George Norris, John Nelson, and Victor Murdock objected to the mutually reinforcing sources of power the Speaker derived from his position in the formal structure and his ability to use the caucus to mobilize support. On the basis of their experiences in the House they became deeply convinced that the consequences of such centralization were pernicious; that it permitted the Speaker both to coerce individual members into obeying his will and to control outcomes in terms of what a majority of the majority party, rather than a majority of the House, favored. The repugnance they felt for Czar rule led them back to older Jeffersonian articles of faith. Their predisposition in favor of the freedom and equality of members soon hardened into the firm belief that the individual member should be free to vote his own judgment or conscience and that the House should be governed by actual majorities that formed freely on the basis of discrete individual wills and beliefs.

In addition, the Insurgent Republicans shared the rationalism of Jeffersonian thought, though to a lesser degree than its egalitarianism and individualism. They did not place much emphasis on the benefits to be derived from collective discussion or deliberation; but, in accord with their belief in the sanctity of individual judgment or conscience, they did assume that reason, as much if not more than interest, would provide the threads for uniting discrete individual wills into majorities. All this, however, is not to say that the Insurgent Republicans rejected party allegiance or combination on the basis of party. A century of party development had left its mark on them as well as the supporters of party government and they too believed that party would and should play an important role in the House. Nonetheless, their insistence that party allegiance and combination be based entirely on belief or conscience with the individual member free at any time to vote as he saw fit linked them to traditional Jeffersonian egalitarianism and individualism, rather than to later modes of thought that approached democratic decision making in terms of collective responsibility and discipline through party.

The Progressive or Insurgent Republicans, of course, were not the only group involved in the revolt against the Speaker. The senior partners in the reform coalition by virtue of their number were the Democrats. The Democrats had many motives in joining the attack on Czar rule, not the least of which was sheer political gain. Yet they too reflected the influence of traditional Jeffersonian attitudes, though they, like the regular Republicans, were and remained advocates of party government. The Democratic position on party government never accorded the Speaker the full primacy
the Republican one did. Though believers in party responsibility and discipline, they never accepted the notion that party government necessarily involved as much concentration of power in the Speaker as Republican doctrine proclaimed. As a consequence, they were not as wedded to the Speakership as the Republicans and during Cannon’s terms of office became convinced on the basis of their experiences in dealing with him that the Speaker had become a high-handed oligarch who should be stripped of power. The Democratic case against Czar rule was thus also based on egalitarian and individualistic premises, though circumscribed by the concept of party government. Their contention was that to concentrate so much power in the Speaker distorted the process of democratic decision making in the House by making it impossible to determine the true sentiments of the party majority in caucus and by leading to the abuse of the rights of minority members.

The revolt this strange combination of Democrats and Insurgents accomplished reversed the broad trend of a century of development in the House and stands as one of the great turning points in its history. Yet, the long-run results involved major consequences neither group anticipated. More important, if the revolt itself constitutes the House’s most cataclysmic encounter with the problem of resolving the needs of structure and democracy, no ultimate solutions were effected. Within a few decades the problem first defined or posed by the Jeffersonian period had reemerged and had done so in a context in which Jeffersonian or neo-Jeffersonian conceptions of ideal needs were again dominant but more difficult than ever before to accommodate.

A sketch of the actual outcomes of the revolt in terms of Insurgent and Democratic aims and expectations will clarify the point. Though united by a common antipathy to Czar rule that derived at least in part from shared dispositions toward egalitarianism and individualism, the basic aspirations of the two partners were quite different. The Insurgents desired nothing less than to eliminate party government and to reestablish an institutional context favorable to rule by uncoerced or freely forming majorities. As a result, their program of rules changes included both the elimination of key aspects of the Speaker’s formal power, e.g., his control over committee appointments, the Rules Committee, and minor business, and the introduction of added flexibility into the formal structure through new mechanisms that would prevent persons or groups in positions of power from blocking emerging majorities, e.g., Calendar Wednesday and a new discharge procedure based on petition. Moreover, they hoped by reducing the rewards and penalties in the hands of the Speaker and by continued pressure and argument within the House to end the practice of taking binding votes in caucus. In contrast, what the Democrats desired was to destroy the oligarchical power of the Speaker, but to preserve party govern-
ment. They were therefore willing to join with the Insurgents in stripping the Speaker of key aspects of his formal power and even in attempting to create added flexibility in the formal structure. However, they were equally determined to preserve the caucus and the possibility of governing the House through it. Nor did they see any reason why party government could not be continued indefinitely as long as due care was exercised over the form of the new procedures adopted as a consequence of the revolt. They accordingly had very definite ideas about the character of new procedural arrangements and when necessary used their superior numbers to force the Insurgents to abandon versions of procedure they felt would be harmful to informal party rule through the caucus.

The belief of the Democrats that the House could continue to be ruled indefinitely on the basis of party responsibility and discipline proved to be misguided. Once the props the formal powers of the Speaker supplied to party cohesion and discipline were removed, party rule of the House through party control mechanisms could not long sustain itself. The Democrats, as they planned, did use the caucus extensively for about five years when they gained control of the House in 1911. Nonetheless, by Wilson’s second term usage had become sporadic. Usage for decision-making purposes continued to be sporadic in both parties in the 1920’s and 1930’s and ceased entirely after 1940. Similarly, neither the attempt of the Republicans when in control of the House in the 1920’s nor the Democrats when in control of the House in the 1930’s to compensate for the decline of the caucus by creating and relying on a steering committee succeeded. In both cases use of this mechanism as an instrument of party rule had to be abandoned.

What progressively replaced party rule through party control mechanisms was a highly pragmatic approach to assembling the majorities needed to pass party bills and a highly permissive, personal, and informal leadership style. These combined with increased party fractionalization and the rise again to dominance of attitudes that accorded primacy to the individual member and scorned party discipline as rank coercion resulted in the modern or contemporary House of Speakers Rayburn and McCormack (1940–1970). In this House party remains the basis of organization and the most cohesive force. But it provides no basis for strict control of the body. The majority party leadership does not operate through party control mechanisms or count on a stable partisan majority to pass its bills. Though it normally can expect substantial support from its own partisans, the sources vary from issue to issue and are often insufficient to provide a majority. As a result, the leadership must construct its majorities anew from issue to issue through bargaining, appealing to party loyalty, bringing the President’s influence to bear, and exploiting both the credits it has amassed from past favors and hopes for future rewards.
However, if the House moved toward the Insurgent goal of rule by freely forming majorities both in terms of ideals and practice, the Insurgents failed by a wide margin to realize this objective. Their aims and expectations, as well as those of the Democrats, were seriously thwarted by the course of events subsequent to 1910. As in the case of the old Jeffersonians, the Insurgent Republicans underestimated both the need for structure and leadership and the limits imposed by them. Over several decades the combined effects of the reduction in the Speaker’s power and the decline of party mechanisms did substantially reduce the degree of hierarchy in the House. But an inevitable result of limiting hierarchy was to reduce overhead control of the holders of key positions in the organizational structure which, in turn, enhanced their ability to block or water down measures they or the party faction they represented opposed. Thus, the great difficulties the majority party leadership has had since the late 1930’s in guiding its bills through the organizational structure of the House represent only the culmination of a trend initiated by the revolt against the Speaker. Vitiating the Speaker’s ability to rule the House on behalf of only a majority of the majority party was not the only consequence of the assault on the Speakership. Though its full impact was not felt until party division or fractionalization reached a certain level of intensity, a prime consequence of the revolt was also to impair the ability of the majority party leadership to construct and lead actual majorities to victory.

Nor did the attempt to combine the attack on the Speaker’s powers with an attack on the rigidities of organizational structure compensate for this result. Measures, such as Calendar Wednesday and discharge, which were designed to create additional flexibility in the organizational structure, to give majorities the ability to form and attain their desires without aid or sanction from the majority party leadership, floundered on the minimum specialization and integration needs of the House. On the one hand, the organizational structure of the House could not be substantially pared or altered. Attempts to create added flexibility were therefore severely limited by existing organizational forms and constraints, e.g., the need to protect committee control of the business or the complex of procedures and mechanisms for channeling business to the floor. On the other hand, the House’s necessary dependence on the majority party leadership to supervise operations and guide the course of business was also a source of constraint. If the leadership could tolerate severe reduction in its ability to push its programs through the House, it could not tolerate displacement of its role as organizer and director of the coalitions formed to pass party measures nor any substantial impairment of its ability to obstruct measures embarrassing or distasteful to a majority of its fellow partisans. As a consequence, after some tinkering with Calendar Wednesday and recurrent experimentation with discharge up through the mid-1930’s, both parties opted
to leave or make the requirements for operating these mechanisms so onerous that they could only be used by or with the cooperation of the majority party leadership and even then only with great difficulty if anything controversial was involved.

Given these outcomes, the problem of accommodating both structure and democracy, first posed or brought into focus by the Jeffersonian period, has reemerged with new stridency in the contemporary House. The revolt against the Speaker not only decimated the synthesis based on party government; in addition, it lead, as attitudes toward party responsibility and discipline changed and party mechanisms disintegrated, to a substantial increase in the difficulty of satisfying ideal needs.

In large part, this increased difficulty has stemmed from the impediments to realizing an atomistic version of majority rule, of instituting rule by freely forming majorities, in a context in which organizational structure is and must be very elaborate to meet technical needs. To be sure, even in 1829 organizational structure had grown sufficiently elaborate to rule out the realization of any highly pristine notion of freely forming majorities. Still, it is one thing to accommodate such an ideal in a context in which majorities on the floor can easily exercise control over reference, discharge, and the agenda and quite another when such matters are closely prescribed or controlled by distinct organizational units.

It is also true that organizational forms and procedures were quite extensive at the turn of the century and the degree of hierarchy greater than it is today. Still, it is one thing to accommodate ideal needs when they are defined in collectivist terms and quite another when they are defined in egalitarian and individualistic terms. The concept of party government provides a single and stable majority in whom and/or whose leaders power can legitimately be concentrated. As a result, the needs of majority rule can be satisfied while simultaneously enhancing integrative capacity and not impairing specialization. In contrast, any attempt to combine an elaborate organizational structure and rule by freely forming or shifting majorities encounters very difficult problems.

This is the case not simply because organizational constraints and the necessary role of the party leadership vitiate the possibility of rule by freely forming majorities in the broad sense of permitting any and all majorities that can form to do so and attain their desires. In addition, as our analysis of outcomes with regard to Insurgent goals also indicated, even the possibility of rule by freely forming majorities in the more limited sense of the triumph of uncoerced and shifting majorities assembled by or under the aegis of the majority party leadership has been seriously inhibited in the highly elaborate organizational context of the contemporary House. The underlying causes or reasons are not hard to discover.

In the contemporary House the decision-making structure necessarily
the decline in party control mechanisms and cohesion opened the way for an extension and solidification of presidential power. Especially since the New Deal, the House has found it necessary to compensate for the problems decentralization creates both for aggregating majorities and leading them to victory by increased dependence on presidential resources and influence. But these benefits have not been secured without cost. If the House has borrowed presidential resources and influence to augment its ability to make decisions, to put majorities together that can enact programs, the price has been to cede initiative in and overall direction of the lawmaking process to the President.

The party program thus has become far more the President’s program and the majority party leadership far more an arm of the President than was true in the nineteenth century. This, in turn, has significant implications for the problem of accommodating ideal decision-making needs. In the contemporary House grievances concerning the satisfaction of ideal needs focus on the power persons or groups in positions of authority have to obstruct the construction and triumph of majorities formed to pass key programs of the majority party. Yet, quite apart from the limits imposed by an atomistic conception of majority rule, steps to counter such obstruction are now also constrained by the need to protect and preserve the autonomy of the House. Given presidential leadership of the lawmaking process and the influence he can bring to bear on his fellow partisans, attempts to reduce the barriers the majority party leadership encounters in guiding party programs through the House can well involve substantial costs for autonomy. Nor is it possible to avoid the problem by approaching reform in terms of an immense reconcentration of power in the majority party leadership rather than merely piecemeal adjustments or additions. In contrast to the nineteenth century, the position the President now enjoys in the House and the party system as a whole has disrupted the unity that used to exist between steps to concentrate power in the House in order to enhance rule by the party majority and the furtherance of House autonomy. If Cannon could negotiate with President Roosevelt as an equal because of his command of the House, it is unlikely that any present or future Speaker can be much more than a lieutenant of his President. The House, in short, cannot go back to 1910 for reasons that extend beyond the manner in which ideal needs are conceived.

The increased difficulty of accommodating ideal decision-making needs in the modern or contemporary House does not mean that majorities have not been able to form and attain their desires or that no leeway exists for countering or bypassing the barriers that inhibit their ability to do so. In the former regard, many significant and controversial party programs have been passed in the House since the late 1930’s. In fact, the House of Rayburn and McCormack has produced some of the most important
social legislation in American history. In the latter regard, means of combatting the impediments to majority rule that stem from decentralization exist and can be expanded without transgressing the limits that an atomistic conception of majority rule imposes.

These opportunities derive from a number of sources. On the one hand, though special mechanisms or procedures cannot produce the kind of flexibility or openness in majority formation that the Insurgents contemplated, use of existing ones, e.g., discharge, or the creation of new ones, e.g., the 21-day rule, can add to the ability of the party leadership to form and lead majorities to victory. In addition, on occasion regular mechanisms or procedures can be altered to the same end, e.g., expansion of the size of the Rules Committee. On the other hand, the obstruction of majorities formed to pass party programs can also be combatted informally. Over time the leadership can pack an obstructive committee with loyal and cooperative partisans by using its influence with the party committee charged with making appointments to control the filling of vacancies. Moreover, steps can be taken to add to the ability of the party majority to act collectively to control outcomes in the House without reconcentrating oligarchical power in the leadership, e.g., substitution of caucus election of committee chairmen for appointment on the basis of seniority.27

Nonetheless, whatever the existing or potential means of overcoming obstruction, the impediments to majority rule in the contemporary House have been weighty and troublesome. As we noted previously, this is true for reasons that extend beyond the failure to realize rule by freely forming majorities in a broad sense. Not only is majority rule in this sense inevitably restricted by structure; in addition, in the contemporary House the kinds of majorities that sought expression during Cannon’s Speakership no longer constitute the heart of the problem. At present, the frustrations and failures shifting and unstable majorities formed to pass party programs have suffered because of decentralization are both serious and central to the satisfaction of ideal needs. In contrast to 1910 it is obstruction of the majority party leadership and a majority of its fellow partisans rather than obstruction by them that exists as the main factor inhibiting majority rule. It is majorities with these elements at their core that have constituted the support for important new programs and suffered the most abuse.

The achievements and capabilities of the modern House should therefore not be permitted to obscure or minimize the difficulties decentralization has involved. If many important and controversial pieces of legislation have passed the House since the late 1930’s, this fact cannot be taken at face value. The passage of such legislation has often either involved great effort over several Congresses to break the grip of minorities entrenched in the organizational structure or been achieved when anomalies in the electoral system produced unusually large Democratic majorities. On the whole, in
cases where a committee chairman, a committee, or the Rules Committee has opposed a party program, success has been dependent not simply on the ability of the majority party leadership to mobilize a majority, but on its ability to mobilize a large and determined one. Even then, the potency of the means available for overcoming obstruction has often been so limited and the leverage of opponents in positions of authority so great that the leadership did not necessarily succeed. As a consequence, important party programs on a number of occasions during the past few decades have been delayed or watered down, even when in all probability they enjoyed majority support.

Similarly, if the means of countering obstruction can be expanded, the basic difficulties involved in seeking to combine an atomistic conception of majority rule and an elaborate organizational structure cannot be escaped. The character of organizational constraints is such that the occasions in which obstruction can be countered by changes in regular mechanisms or procedures, if not non-existent, are still extremely rare. Special mechanisms or procedures, to be sure, provide greater opportunities for enhancing majority rule. Nonetheless, the potential benefits of innovation in this regard are also quite limited. Analysis of the character and historical impact of organizational constraints in the twentieth-century House clearly indicates that these mechanisms must be restricted in reach and effectiveness as well as availability for use in order not to impair either the operation of regular forms of procedure or the majority party leadership's role in the House. As for combatting obstruction informally, changes in party structure to increase the ability of the party majority to act collectively to control outcomes in the House must also be restricted. The same obstacles that limit an approach to the problem of obstruction based on concentrating formal power in the majority party leadership limit an approach to the problem based on the party majority. Power can no more be concentrated informally in the party majority than formally in the party leadership without simultaneously enhancing the ability of a majority of the majority party and its leaders to ram their programs through the House and obstruct programs they oppose.

What limited ability to act to overcome obstruction means, in turn, is that, even with regard to the majorities that form to pass party programs, only ameliorative gains can be made. Sources of obstruction can be counter-balanced and at times even negated, but they cannot be eliminated. For example, caucus appointment of chairmen would increase their responsiveness to programs backed by the majority party leadership and a majority of their fellow partisans. Nonetheless, existing divisions within the party combined with the power of committees within the House and the power of chairmen within their committees would still induce and allow some chairmen on some issues to continue to be obstructive.
Nor is this the only barrier that restricts the possibility of enlarging the potential for majority rule. The reason leeway exists for expanding the means of combatting obstruction is that particular sources of obstruction can be identified and discrete formal or informal changes designed to negate or counterbalance them without reconcentrating power in the party majority or its leaders. However, these sources of obstruction usually reflect the problems and divisions of particular periods in the House's history. Moreover, as long as decentralization continues, opportunities for obstruction cannot be eliminated. As a result, aside from the creation of special mechanisms such as discharge which introduce limited amounts of flexibility into the formal structure, discrete steps to counter obstruction that may well enhance the ability of majorities to form and attain their desires at a particular point in time can themselves become sources of obstruction at a later point in time when party issues and divisions alter. For example, just as appointment of chairmen by the Speaker varied as a factor contributing to obstruction in relation to the party issues and divisions of the day, so too could caucus appointment by a majority of the majority party become a major source of obstruction in different times and circumstances than have been prevalent in the last few decades. There are, in short, not only no comprehensive answers to the obstruction of majorities as long as an atomistic conception of majority rule is dominant, but also no lasting or enduring ones. The House is rather condemned to recurrent tinkering as changes in issues and party divisions combined with decentralization redefine the most troublesome sources of obstruction.

In summary, the revolt against the Speaker did not solve the problem of satisfying the House's ideal decision-making needs, but only set a chain of events in motion that redefined the barriers and made them more difficult than ever to overcome. The satisfaction of an atomistic conception of majority rule in a context in which organizational forms and procedures must be extensive and complex to meet technical needs dictates that power be decentralized in both the formal and party structures. This is not without great benefit for majority rule conceived in individualistic and egalitarian terms. It protects the freedom of the individual member and insures that the majorities the leadership does form to pass its programs will be based primarily on agreement and persuasion, rather than coercion. Nonetheless, decentralization also has substantial deleterious effects. It involves the conferring of power without control and thus institutionalizes obstructive capacity. The result is both frustration of majority will, though to varying degrees over time depending on the depth of party division, and recurrent tinkering on the part of the House to ameliorate sources of obstruction that have emerged and become troublesome.

There is no escape from these difficulties except through resurrecting party government and reconcentrating formal and informal power in the
majority party leadership. This alternative, however, is itself dependent on the reemergence of two highly interrelated conditions that are beyond the control of any single person or group dedicated to reform: a substantial increase in cohesion, especially in the majority party, and a return to dominance of collectivist concepts that would redefine ideal needs in terms of party responsibility and discipline. The latter is necessary because government of the House on the basis of a stable and cohesive party majority cannot be achieved without formal and informal arrangements and mechanisms that concentrate power in the leadership. This is essential to buttress party cohesion and regularize its level, despite variations in the amount of division from issue to issue and over time. But concentrated power, in turn, requires a collectivist conception of majority rule to justify it and render it acceptable. The former is necessary because there are substantial limits to the degree to which the cohesion required to run the House on the basis of party can be artificially produced. Though discipline can reinforce cohesion, it itself is dependent on a certain level or potential for cohesion. Otherwise, the amount of coercion needed to maintain the stability of the party majority will involve such great impingement on individual members and breed such great resentment as to destroy both allegiance to collectivist norms and the mechanisms of leadership power.

Yet, even if circumstances did change so as to permit a reconcentration of power in the majority party leadership, the dilemma the modern or contemporary House faces in seeking to accommodate its ideal decision-making needs would not be resolved. To be sure, the return to dominance of a collectivist conception of majority rule would, because of its compatibility with concentrated power, remedy the difficulties that the realization of an atomistic conception of majority rule in an elaborate organizational context inevitably involves. This cannot be denied, though whether the greater neatness or consistency of party government that derives from its superior ability to realize its premises is worth the price in terms of increased coercion and decreased flexibility in majority formation remains open to argument. Nonetheless, the modern or contemporary House, in contrast to the nineteenth-century House, would still have to be extremely wary of any solution based on party government. The role and power of the President in the House and the party system as a whole make this an avenue that cannot be followed to any substantial degree without great detriment to the basic autonomy of the House.

So much, then, for our examination of the highpoints of institutional development in the House subsequent to 1829. We may conclude that events and attitudes in the Jeffersonian period have left their mark on the contemporary House as on the Houses of preceding eras. Events in the Jeffersonian period defined or brought into focus the basic problem the House has grappled with ever since in seeking to satisfy its ideal decision-making
needs, the problem of providing for majority rule within a structured organizational context involving highly unequal distribution of power. Similarly, Jeffersonian or neo-Jeffersonian definitions of majority rule have been involved in attempted resolutions of the problem throughout the history of the House either by dominating conceptions of ideal needs or by obstructing the development and impact of opposing conceptions.

Nor is the influence of these factors at an end. There are signs on the horizon that the broad patterns of behavior and operation that have characterized and defined the modern or contemporary House are eroding. The highly informal, permissive, and personal leadership style that has prevailed in the House of Rayburn and McCormack is under increasing attack and showing clear evidence of senescence. Since the mid-1960's the Democrats have violated the seniority principle on several occasions for the first time in several decades and this year (1970) the Democratic caucus in response to mounting dissatisfaction appointed a party committee to study and evaluate it. In addition, again in contradiction to what has been invariable practice in the contemporary House, liberal Northern Democrats also succeeded at the beginning of the Ninety-First Congress (1969) in at least partially resuscitating the caucus. It has met regularly since that time and taken non-binding votes on policy issues. These developments are intimately related to the steady decline over the past few decades in the number and proportion of Southern Democrats in the Democratic majority as well as their degree of support for party programs. It was the increased alienation of this bloc in the late 1930's combined with the degree to which the Democratic leadership continued to be dependent on Southern chairmen and Southern votes in passing party programs that capped the long-run development toward the disintegration of leadership power and the emergence of an ad hoc, permissive leadership style.  

What all this means is difficult to discern. If the Democrats proceed to institute caucus election of chairmen, this will contribute to the alleviation of obstruction. However, whether this alleviation will only be temporary and disappear as new divisions in the majority party, be it Democratic or Republican, appear or whether a new and very different House in which power will be more concentrated is in the process of being created is not clear. The answer lies outside the House in the party system and the character of the alliances and divisions that will emerge. What is clear, however, is that events and attitudes in the Jeffersonian period will continue to have an impact. The difficulties the House now faces in seeking to accommodate both structure and democracy provide a continuing source of dissatisfaction and pressure for change. Indeed, at the present moment dissatisfaction over the realization of ideal needs is a much more potent and important stimulus for basic change than dissatisfaction arising from the frustration of technical needs.  

Similarly, the rate and character of
change will continue to be affected by Jeffersonian or neo-Jeffersonian conceptions of majority rule. As in the past, much will depend on the degree to which allegiance to an individualistic and egalitarian approach to majority rule remains strong.

*Maintenance*

The third and final category of functional need we have identified concerns the maintenance of decision-making structure. This need is no less important than the others. Still, our discussion of it can be much briefer both because analysis no longer requires any further development of basic concepts or historical background and because the impact of the Jeffersonian period has been less profound relative to other factors than in the case of the House's decision-making needs.

To analyze this impact, however, we must first recapitulate and extend certain points made in our abstract discussion of maintenance as a category of functional need. As noted earlier, the House has to do more than satisfy its technical and ideal decision-making needs. To be sure, it requires a decision-making structure that will endow it with a capacity for acting in an effective, efficient, and autonomous manner. In addition, it is equally crucial that this structure be shaped by considerations based on the broad parameters of democratic decision making so that it may be endowed with capacity for inducing members and actors in other subsystems to accept its processes and outputs as legitimate. Nonetheless, the House has maintenance needs as well as decision-making needs. It must also maintain its decision-making structure through time by providing it with the support it requires and by adapting it as necessary to insure the survival of decision-making capacity per se. Indeed, failure to preserve decision-making structure in some form necessarily leads to the destruction of the House itself since it is no more than the patterns of behavior or role sets that define it.

The House, thus, must confront two problems, both of which are critical to the fulfillment of maintenance needs. On the one hand, it must cope successfully with the problem of coherence or conflict management. Members continually suffer frustration in terms of policy goals and personal status because structure distributes power inequitably. Equally important, over time the magnitude of frustration can easily increase. This is true both because frustration is additive and because changes in structure, attitudes, or party divisions can occur that increase the degree of frustration individual members experience. Such frustration is dangerous and cannot be ignored. It breeds resentments and creates tensions that interfere with role performance. It therefore must be alleviated or countered before it causes such widespread alienation as to seriously disrupt the intermeshing of roles that forms the basis of decision-making structure and confers decision-making capacity. On the other hand, the House must cope success-
fully with the problem of motivating performance. Even if not alienated, members may well only make half-hearted or minimal efforts to fulfill their roles. This, in turn, is highly detrimental to the House as an entity or body since the structural patterns that constitute and define it will atrophy in relation to the degree to which its output fails to sustain its role in the larger system. The House therefore must overcome resistance to role performance that derives from conflicting goals and interests or sheer distaste for the nature and amount of work involved. Whatever the obstacles, it must succeed in motivating members to contribute as best they can to its successful operation.

The key to the problem of motivating performance is simply an adequate store of material and ideal incentives. The key to the problem of coherence or conflict management is less obvious and requires greater explanation. It lies in maintaining allegiance to the complex of values and norms embodied in the decision-making structure. Allegiance to these values and norms keeps frustration and its deleterious consequences in check by rendering decision-making processes and outcome legitimate. The maintenance of such allegiance requires socialization in terms of existing values and norms as well as social control and pressure to confine deviance within narrow limits. However, neither the House nor any other human organization can rely simply on socialization and control. Flexibility as well as stability is required. As we have intimated, the House must also adapt its decision-making structure over time in response to dissatisfactions concerning the degree to which existing values and norms are realized and the emergence of new values and norms. This aspect of maintenance overlaps our categories of technical and ideal decision-making needs. The task of managing conflict through structural adaptation is essentially a matter of creating new and viable balances in the satisfaction of technical and ideal decision-making needs in response to disruptions caused by changes in the severity of technical needs or changes in ideal conceptions themselves. Still, the balancing of technical and ideal needs is so relevant to maintenance that it deserves to be considered from this perspective as well as from the perspective of decision making.

Events and attitudes in the Jeffersonian period have significantly influenced the manner and success with which the House has coped with both these problems. In the case of conflict management it was the rise of the committee system in the Jeffersonian period that first brought the problem of unequal distribution of power into focus. Up to this point structure, though not non-existent, was rudimentary and the House accordingly functioned on a highly egalitarian basis. Thus, we have noted, it was the Jeffersonian period that first posed or defined the problem of reconciling structure and democracy. Nonetheless, if the committee system by distributing power unequally became a source of frustration for the
individual member, the broad or horizontal character of the distribution also involved important compensations. Division of labor and specialization relieve as well as create frustration by providing opportunities for ordinary members to exercise power and enjoy status. Moreover, the apprenticeship norms that arose with the committee system have made the frustrations that stem from unequal distribution of power easier to bear throughout the history of the House.

The influence of Jeffersonian attitudes has been even greater because of their effect on the management of conflict through structural adaptation. Given the fact that managing conflict by adapting structure consists essentially of balancing technical and ideal decision-making needs, this conclusion follows directly from the role Jeffersonian attitudes have played both as definers of the two poles of decision-making need and as sources of disruption. Jeffersonian conceptions of legislative role have influenced the content and determined the scope of technical needs. Hence, if increases in structural elaboration have disrupted existing balances between technical and ideal decision-making needs throughout the history of the House and thereby increased frustration and tension, this is due in large part to the continuing domination of traditional Jeffersonian regard for the legislature. It has been the desire to maintain legislative primacy in policy making combined with environmental changes that have made it more difficult to do so that have caused increases in the severity of technical needs, that have heightened the degree to which technical needs impose on the satisfaction of ideal needs.

The impact of Jeffersonian attitudes on ideal needs has been equally significant. As our examination of the highpoints of institutional development subsequent to 1829 indicates, Jeffersonian or neo-Jeffersonian conceptions of majority rule have usually dominated or exercised great influence over the definition of ideal decision-making needs. As a result, they have figured prominently throughout the House's history in determinations of the boundaries and claims of ideal needs, in determinations of the price to be paid to preserve or recreate an adequate or viable sense of legitimacy regarding processes and outputs. In addition, Jeffersonian or neo-Jeffersonian conceptions of majority rule have been important even in periods when they were out of favor as an alternative and disruptive source of values and norms, e.g., the Insurgent case against Czar rule. Nor is their influence simply historical. If there has been a great deal of turbulence in the contemporary House regarding the satisfaction of ideal needs, a great deal of dissatisfaction and conflict over majority rule, this is not attributable simply to the general factors we identified earlier that make for fragility in allegiance to the values and norms embodied in Congressional decision making structures. Rather, the degree of turbulence in the contemporary House is highly related to the continuing impact of Jeffersonian
attitudes, to the difficulties and frustrations that inevitably result from an attempt to realize an atomistic conception of majority rule in an elaborate organizational context.

What is true of conflict management applies to the problem of motivating performance as well. Here too, events and attitudes in the Jeffersonian period have had a significant impact. If the rise of the committee system increased the burdens imposed on the individual member both directly by requiring specialization and indirectly by vastly increasing the amount of business the House could handle, the significance of this event is not limited to its inhibiting effects. On the contrary, the incentives for performance that it also has provided have been substantial. Division of labor and specialization have made committee service the principal ladder to power and status within the House. In addition, from the Jeffersonian period to the present day appointment practices have provided considerable leeway for harmonizing the House’s interest in performance and the individual’s interest in career advancement by placing members on committees that would enhance their ability to service their local constituencies.

Jeffersonian attitudes have also been very influential. We may recall from our earlier discussion of maintenance that the House for a variety of reasons is highly dependent on ideal incentives in motivating performance, that it is highly dependent on feelings of institutional loyalty or allegiance in inducing members to fulfill their roles to the best of their abilities. In the House such feelings have been and remain strong. One cause is certainly the intensity and immediacy of collective or group life in the House. Nonetheless, a strong sense of the worth of a legislative body and the importance of membership in it cannot be rooted simply in its group life. It requires deep groundings in broad societal images that accord the legislature respect and importance since the orientations members have when they enter the legislature largely determine their potential for developing strong feelings of allegiance or loyalty to it. Moreover, if group life is to play a positive role in developing this potential, interaction and a sense of comradeship are not enough. Both the traditions of the body and the power it has actually exercised in the past must reinforce the notion that it is an entity of worth and importance. In short, it is not simply group life, but group life within a definite and particular historical context that is crucial.

If these conditions have been and continue to be satisfied in the case of the House, much of the credit belongs to the monopoly position the Jeffersonians and Jeffersonian belief in the primacy of the legislature gained early in our history. It is from these sources, far more than broad Constitutional pronouncements, that the societal images and the institutional past, necessary as foundations for ideal incentives, basically derive. Finally, we may at this point also recall that the House is highly dependent on a strong and widespread sense of the role and importance of the House in socializing
members to accept its ways of operating and in generating social pressure to reinforce allegiance to its norms. Thus, the contribution Jeffersonian theory has made as a source of ideal incentives has significance for conflict management as well as motivating performance.

This is not to deny that factors other than the ones that have occupied our attention have also had a critical impact on the House's ability to satisfy its maintenance needs. As we acknowledged earlier, such factors have been even more influential in the case of maintenance than in the case of the House's other functional needs. Two interrelated developments in the twentieth century are especially noteworthy in this regard: the increase in the tenure of members and the decline in movement out of the House to executive positions in the federal and state governments. These developments have combined to heighten the degree to which the House operates as a closed system relative to the careers of its members, to transform membership in the House into a profession or career. This, in turn, has had very important consequences for maintenance. The professionalization of membership in the House has reduced the difficulties of socialization and increased the worth of the rewards in the hands of those in positions of authority. In addition, it has strengthened friendship patterns and the sense of shared condition or situation and thereby increased the vitality and richness of collective or group life in the House. As a result, it has facilitated conflict management by enhancing feelings of institutional loyalty or allegiance and intensifying distaste for conflict. There is accordingly nothing accidental about the fact that the entire range of conflict reducing norms, from those that enjoin compromise to those that enjoin courtesy and civility, are much stronger in the contemporary House than they were in the nineteenth century. For many of these same reasons the professionalization of membership in the House has also made a significant contribution to motivating performance, to providing the store of inducements the House needs to overcome resistance to role fulfillment. Nonetheless, whatever the influence of other factors, it remains true that events and attitudes in the Jeffersonian period have had and continue to have an important impact on maintenance. Here as elsewhere, neither the past history of the House nor its present state is fully intelligible without knowledge and understanding of their nature and significance.
NOTES


3. Asher C. Hinds, *Hinds’ Precedents of the House of Representatives* (Washington, 1907), Section 3365. The predominant method of introducing bills in the period from 1789–1829 was on the report of a committee. Introduction of bills on leave, i.e., upon approval of an individual member’s request for permission to introduce a bill, occurred at times in the early Congresses but declined so greatly as the years went by that by 1829 disagreement existed over what introduction by leave entailed. See Debates, 20 Cong. 1, pp. 823–827. This method, however, was fated for a renaissance after 1835 and for ultimate triumph.

4. Though the rules when first adopted contemplated a report on the part of a committee before authorization was given to it or another committee to bring in a bill, even in the First Congress the House was not reluctant on minor matters simply to authorize the bringing in of a bill when a subject was initially referred. Moreover, as time passed, the practice of allowing committees to report by bill grew increasingly common and within a few decades gained formal recognition in the rules. See Gales and Seaton, *Annals of Congress*, 1 Cong. 2 (Jan. 15, 1790), p. 1058 and 1 Cong. 2 (Feb. 1, 1790), p. 1106. See also Note 231 below and related text. Since the pagination of the various editions of the Annals differs for the First Congress, references to this Congress include dates. This is not necessary for the later Congresses.

5. Even when the House desired the full membership to be involved in the initial decision on a subject, a preference existed for use of the Committee of the Whole rather than the floor. Moreover, in contrast to modern practice, the Committee of the Whole was regarded originally as a true or valid committee of the House rather than as simply another mode of House operation—as the House working under another garb. It was not, however, seen as the proper agent or organ for the technical and mechanical job of actually drawing up a bill. See Alexander, op. cit., p. 256.


7. In point of fact, especially in the early Congresses, standing committees were hampered in this competition by the paucity of their numbers. A standing Committee on Elections was established in the first session of the First Congress (see *Annals*, 1 Cong. 1 [April 13, 1789], p. 122). In the second session of the Third Congress a standing Committee on Claims was established (see *Annals*, 3 Cong. 2, p. 879). The next year in the first session of the Fourth Congress standing Committees on Commerce and Manufactures, Ways and Means, and Revisal and Unfinished Business were established (see *Annals*, 4 Cong. 1, pp. 141 and 159). It is true that the Committee on Ways and Means did not officially become a standing committee, i.e., was not listed in the rules as a standing committee, until 1802; however, it was regularly appointed in every session from the Fourth Congress through the Sixth (see *Annals*, 4 Cong. 2, p. 1672; 5 Cong. 1, p. 298; 5 Cong. 2, p. 672; 5 Cong. 3, p. 2444; 6 Cong. 1, p. 197; and 6 Cong. 2, p. 890). During Jefferson’s
two administrations four more standing committees were added to the five already in existence: Accounts, Public Lands, District of Columbia, and Post Office and Post Roads (see Hinds' Precedents, Sections 4328, 4194, 4276, and 4190).


10. For examples of references to Hamilton see Annals, 1 Cong. 1 (Sept. 21, 1789), p. 904; 1 Cong. 2 (Jan. 15, 1790), p. 1058; 1 Cong. 2 (Jan. 20, 1790), p. 1072; 1 Cong. 2 (April 15, 1790), p. 1530; and 1 Cong. 2 (April 9, 1790), p. 1522. For examples of references to Jefferson see Annals, 1 Cong. 2 (April 6, 1790), p. 1520; 1 Cong. 2 (April 15, 1790), p. 1530; 1 Cong. 2 (Jan. 15, 1790), p. 1058; 1 Cong. 2 (July 13, 1790), p. 1681; and 1 Cong. 3 (Feb. 14, 1791), pp. 1962–63. See also Annals, 3 Cong. 2, Appendix, p. 1290.


13. The fight against Hamilton brought into existence rival groups acting in concert in the Second Congress. For an analysis of the emergence of the Jeffersonian or Republican Party in the House see Nobel E. Cunningham, The Jeffersonian Republicans, 1789–1801 (Chapel Hill, 1957), pp. 3–89. Jeffersonian strength increased in the Third Congress. Although in general neither Republicans nor Federalists had clear control of the House, the Republicans did gain ascendancy at least on institutional issues relating to reference, committees, etc. In the Fourth Congress the Republicans extended their hold on the House, though their nominal majority was troubled by a small group of waverers. During the Fifth Congress the Jeffersonians lost control of the House and did not regain it until the Seventh Congress with Jefferson's election to the Presidency. However, they did not again relinquish it. See Alexander, op. cit., Appendix F; Harlow, op. cit., pp. 151–162; William N. Chambers, Political Parties in a New Nation (New York, 1963); and Manning J. Dauer, The Adams Federalists (Baltimore, 1953).

14. See Annals, 2 Cong. 1, pp. 438–452 (remarks of Sedgwick, Page, and Findley); 2 Cong. 2, pp. 695–723 (remarks of Findley, Mercer, Madison, White, Baldwin, and Ames); 3 Cong. 2, pp. 1072–80 (remarks of Nicholas, Giles, Madison, and Lyman); and 5 Cong. 2, pp. 723–724 (remarks of Gallatin). Jefferson expressed similar sentiments as his followers in Congress and supported their efforts. See Andrew A. Lipscomb, ed., The Writings of Thomas Jefferson (Washington, 1903), I (Anas), pp. 292–293 and letter to Thomas Pinckney (Dec. 3, 1792), VIII, p. 4434. See also Leonard White, The Federalists (New York, 1956), pp. 95–96. It is interesting to note in light of his previous position that Madison does not appear to have been in total opposition to having plans drawn up by executive departments. He did oppose referring to executive officers for such plans before the House had settled principles or having opinion or argument expressed in these plans. See Annals, 2 Cong. 1, p. 440 and 2 Cong. 2, pp. 696 and 698–701.

15. The Jeffersonians felt most strongly about the first reference of subjects dealing with finance to the heads of departments, but the nature of their argument directly and indirectly applied the point to the origination and framing of law generally. See Annals, 2 Cong. 2, pp. 695–723 (remarks of Mercer, Baldwin, Madison, and Findley). It should also be noted that what the Jeffersonians feared in referring to the departments first for reports was not only the influence of their opinion or systems over members' minds,
NOTES

but also the settling of matters outside the legislature by private and secret arrangement and the inducements to pressure, patronage, and corruption that would be involved. See _Annals_, 2 Cong. 1, pp. 449–450 and 2 Cong. 2, pp. 706 and 714. Jefferson also was vehement on this point. See Lipscomb, ed., _Writings of Thomas Jefferson_, 1 (Anas), pp. 271, 277–278, 302, 318–319, and 332–333.

16. _Annals_, 3 Cong. 2, pp. 1072–73 and 1076.
17. _Annals_, 2 Cong. 2, pp. 703–704.
18. _Annals_, 2 Cong. 1, p. 450; 3 Cong. 2, p. 1121; 2 Cong. 2, pp. 706–707; and 3 Cong. 2, pp. 1072–73 and 1076.
19. _Annals_, 2 Cong. 1, pp. 449–451; 2 Cong. 2, pp. 707 and 712; and 3 Cong. 2, p. 1078. See also _Annals_, 3 Cong. 2, pp. 1120 and 1126 (Madison and Page), though these statements may be directed to executive rather than legislative prerogatives.

20. _Annals_, 3 Cong. 2, p. 1074.
22. _Annals_, 2 Cong. 1, p. 451. See also _Annals_, 1 Cong. 2 (Jan. 19, 1790), pp. 1066–67 and 2 Cong. 1, pp. 192–194. Gerry and Fitzsimmons were at this time both considered opponents of reference to the executive by Jefferson, though both later in the same Congress supported Hamilton on this point. See Lipscomb, ed., _Writings of Thomas Jefferson_, 1 (Anas), p. 292. Here Gerry seems to be stating the more orthodox Republican position; moreover, he can, despite his flirtations with Federalism, be counted as a Republican.

The case of Gerry illustrates the difficulty that is sometimes encountered in establishing party standing throughout the whole period covered by this study. Since no comprehensive determinant of party standing exists, such as is accomplished by the present-day _Congressional Directory_, reliance has been placed on the _Dictionary of American Biography_, on various biographical directories of Congress, on secondary sources, and on the _Annals_ themselves.

24. _Annals_, 4 Cong. 1, pp. 242–243. See also _Annals_, 5 Cong. 2, pp. 715–716 and _A.S.P._, _Claims_, I, p. 209; _Annals_, 2 Cong. 2, p. 712; 3 Cong. 2, p. 1125; 7 Cong. 2 (Appendix), pp. 1268–72; and 9 Cong. 2 (Appendix), pp. 942–943. In the early days at times the distinction was pressed. See _Annals_, 3 Cong. 2, p. 1125 (Page) and 4 Cong. 1, p. 243 (Giles.)
25. _Annals_, 4 Cong. 1, p. 243.
27. See, for example, _Annals_, 7 Cong. 2, pp. 303 and 644; 10 Cong. 1, pp. 1001, 1678, and 2274. See also Leonard White, _The Jeffersonians_ (New York, 1957), p. 50.
29. Leonard White notes that "Gallatin in fact worked as closely with Congress as
Hamilton had done." White, The Jeffersonians, p. 50. This is true. However, what also
should be noted is that a new method of calling on the secretaries for advice or plans
had developed since the days of Hamilton (i.e., through the smaller committees), and
that the Jeffersonians relied on this technique much more than on direct reference
from the floor. Compare Annals, 2 Cong. 1, pp. 437–452 and 9 Cong. 2 (Appendix),
p. 942–943. Nor was this change of method or technique of merely formal significance,
though admittedly it too violated previous Jeffersonian strictures against receiving
executive advice or plans. Refusal to rely simply on direct reference settled once and
for all the question of whether the House would be wholly dependent on the executive
for direction and guidance. Similarly, by falling back on the smaller committees as
intermediaries the Jeffersonians preserved and even increased the House's potential
for a critical treatment of executive proposals and the delineation of alternatives. See
Joseph Cooper, "Jeffersonian Attitudes Toward Executive Leadership and Committee
Development in the House of Representatives," Western Political Quarterly, 18 (March,

30. According to Jeffersonian theory, the President functioned most properly when
he confined himself to identifying problems, furnishing information, and making general
recommendations for action. In terms of this theory, due respect for the legislature as
lawmaker, as originator and formulator of the laws, meant that detailed recommenda-
tions, extensive argument, or continuing involvement at the initiative of the President
were clearly out-of-bounds despite his constitutional prerogatives, and were highly ques-
tionable, if not illegitimate, even at the request of the legislature. The Federalists shared
this point of view and the practice of Federalist presidents was largely in accord with
the theory. See Norman J. Small, Some Presidential Interpretations of the Presidency
(Baltimore, 1932), p. 162. See also Annals, 5 Cong. 2, p. 863.

31. See Lynton K. Caldwell, The Administrative Theories of Jefferson and Hamilton
President was, of course, quite different. See Nobel Cunningham, The Jeffersonian Repub-
licans in Power (Chapel Hill, 1963), pp. 71–100; James S. Young, The Washington Com-
munity (New York, 1966), pp. 160–178; and Henry Adams, History of the United States
during the First Administration of Thomas Jefferson, I, pp. 262–263. Nonetheless, and this
is significant, the hold of theory was such that Jefferson and the lieutenants on whom he
relied had to proceed privately and informally, e.g., through use of the smaller commit-
tees, personal contacts, etc. In short, Jefferson's brand of leadership or management had
to work within the institutional context that Jeffersonian theory defined and consequently
posed no threat to the use of legislative mechanisms or to their further elaboration and

32. See Note 5 above. The rules adopted in the First Congress refer both to a Com-
mittee of the Whole House on the State of the Union and a Committee of the Whole
House. They also provided that it shall be a standing order of the day for the House to
resolve itself into a Committee of the Whole House on the State of the Union. In the
First Congress the Committee of the Whole House on the State of the Union originated its
own subjects, but this was very rare, if not nonexistent, thereafter. As for the reference of
matters communicated to or introduced on the floor of the House, the original intent
seems to have been to use the Committee of the Whole on the State of the Union for the
initial consideration of important subjects and to use plain Committees of the Whole for
the consideration of bills after their second reading when commitment was desired.
However, in practice, plain Committees of the Whole were used for both purposes and
these committees were treated as separate entities, identified in terms of the subject or
bill referred to them. Given all this, one additional point should be noted. Due to the fact
that technically a plurality of Committees of the Whole could and did exist, it will at times in the text be more appropriate and convenient to talk of "a Committee of the Whole" rather than "the Committee of the Whole," to refer implicitly to the existence of particular Committees of the Whole rather than to talk of the committee form generally or abstractly. See Hinds' Precedents, Sections 4705-08; Alexander, op. cit., pp. 258-272; and Annals, 1 Cong. 1 (April 7, 1789), p. 101.

33. Annals, 1 Cong. 1 (May 19, 1789), pp. 368-374; 1 Cong. 1 (May 28, 1789), pp. 411-416; 1 Cong. 1 (June 8, 1789), pp. 424-450; and 1 Cong. 1 (July 21, 1789), pp. 660-665.

34. Annals, 1 Cong. 1 (May 19, 1789), p. 370.

35. Ibid., p. 370.


37. Works of Fisher Ames (Boston, 1854), p. 64. See also Ibid, p. 61.

38. Harlow, op. cit., pp. 153 and 211. Whether Livermore should or should not be considered a Republican is a matter of conjecture. At any rate, his objection to a standing Committee on Elections was based on a strict reading of the words of the Constitution on this subject and did not apply to other subjects which were not specifically assigned to the "House" in the Constitution. See Annals, 1 Cong. 1 (June 25, 1789), p. 597. It may also be noted that Alexander White, a Virginian, served as the main defender of the proposal to appoint a standing Committee on Elections. White seems to have been a consistent advocate of Jeffersonian principles with regard to denying first reference to executive officers and emphasizing the role of the Committee of the Whole. However, policy-wise the Dictionary of American Biography notes that he was defeated for reelection to the Third Congress because of his conservatism. See Annals, 2 Cong. 1, pp. 144-145.

Harlow also seems to have misunderstood the nature of Page's objection in the quotation cited. See Annals, 3 Cong. 1, p. 532 and 2 Cong. 1, pp. 312-315. See also, however, Annals, 4 Cong. 1, p. 248.

39. Annals, 1 Cong. 1 (April 11, 1789), p. 116. The fact that other committees are referred to as "subcommittees" is striking testimony to the preeminence of the Committee of the Whole in the First Congress.

40. Annals, 1 Cong. 1 (May 19, 1789), p. 374.


42. See Note 10 above. See also Harlow, op. cit., pp. 130-135.

43. Harlow, op. cit., p. 130.

44. Annals, 2 Cong. 1, p. 440.

45. The Republicans first gained ascendancy in the House in the Third Congress and held control through the Fourth Congress. See Note 13 above.


47. The evidence at the disposal of this writer is as follows: Annals, 2 Cong. 1, pp. 144-145, 157-159, 312-315, 438-452, and 490-494; 2 Cong. 2, pp. 685-689 and 698-699; 3 Cong. 1, pp. 532, 614, 689, and 888; 3 Cong. 2, pp. 892-893, 933-945, 975, and 1135-

48. See Note 7 above. It is also interesting to note that as early as the Fourth Congress we have evidence of the smaller committees consuming large amounts of the members' time. Note the following words of James Callender: "It is a mistake with some people, that gentlemen have nothing to do except during the hours while they sit in a collective body. In fact, this is often but the lightest part of their duty. Mr. Venable, chairman of the Committee of Elections, obtained . . . leave for that committee to proceed with their separate business, while the House was convened, from the improbability of otherwise dispatching what they had to do. Mr. Tracy, chairman of the Committee of Claims, remarked in the House . . . that the committee had but just time enough to eat and sleep. Justice to Congress required this explanation." James T. Callender, American Annual Register for the Year 1796 (Philadelphia, 1797), p. 79. See also Annals, 4 Cong. 2, p. 1599.

49. Establishment by rule as a standing committee involved the bestowal of an area of jurisdiction. This gave the committee certain advantages with regard to reference but they were not as great as they are today. In the case of matters presented to the House, e.g., petitions, memorials, messages, etc., the rules permitted the Speaker in areas where standing committees existed simply to order a matter referred to the appropriate standing committee. However, since reference was made on the floor, alternative forms of reference could be moved and adopted. In the case of matters originating within Congress, e.g., resolutions or bills, the rules gave standing committees only the power to consider such matters within their jurisdictions that the House might refer to them. In short, the rules permitted the House to refer matters originating within Congress, but the House had the freedom to choose among its various committee forms. Thus, in truth, the ability of the standing committees to control subjects within their jurisdictions either before or after reference to a Committee of the Whole was more dependent on the character of the informal presumption in favor of reliance on them than on their formal recognition in the rules. Annals, 9 Cong. 1, pp. 290–291.


51. Annals, 4 Cong. 1, p. 246. Madison does not here mention the need for arranging details as a reason for the first reference of matters to committees other than the Committee of the Whole. However, the fact that he was named to the Committee on Ways and Means established by the Republicans earlier in the session indicates that he was not an opponent of standing committees established on this basis. See Annals, 4 Cong. 1, pp. 152–159.

52. Annals, 5 Cong. 2, p. 695.

and 528-590; 10 Cong. 1, pp. 961-982, 1019-38, 1064-65, 1172-88, 1383, 1466-69, 2070-80; 10 Cong. 2, pp. 474-478, 482, and 529. It is interesting to note that as the years went on many Federalists became as great, if not greater, partisans of the Committee of the Whole as the Jeffersonians.


57. Ibid., p. 570.


59. See, for example, *Annals*, 9 Cong. 1, p. 263; 9 Cong. 2, pp. 795-800 and 805-816; 10 Cong. 2, pp. 498-499, 905-906, and 938.

60. See Note 7 above. It is also true that by 1809 one of the recurrent topics in the President's Message, foreign affairs, had given rise to a committee that was standing in everything but name. That is to say, from the last years of Jefferson's Presidency onward a select committee was regularly appointed to handle foreign affairs questions in the message; it was appointed in terms of a similarly and generally defined subject area; and matters relating to this area, aside from the particular subjects in the message, were also referred to it. Thus, it functioned as a standing committee even though it was not formally listed in the rules as such. The disadvantage of such status was that the committee could not be established each session automatically by order of the Speaker, but had in some way to be created anew by vote of the House as a whole. This was done ordinarily through the passage of a resolution referring a subject or series of subjects to it. See *United States Gazette* (Philadelphia), Nov. 18, 1808.

61. *Annals*, 9 Cong. 1, pp. 258-262; 9 Cong. 2, pp. 638-642; and 10 Cong. 1, p. 1209.

62. *Annals*, 2 Cong. 1, pp. 144-145; 4 Cong. 1, pp. 152 and 159; 4 Cong. 2, pp. 1598-99; 9 Cong. 1, p. 286; and 10 Cong. 1, pp. 1486-87 and 1512.


64. *Hinds' Precedents*, Sections 6621-22.


73. Annals, 7 Cong. 1, pp. 476–481 and 1003–06; 7 Cong. 2, pp. 427–441; 9 Cong. 2, pp. 150–151 and 570; 10 Cong. 1, pp. 961–982 and 1019–38. This tendency, however, was still a long way from being dominant. See Annals, 6 Cong. 2, pp. 880–890; 8 Cong. 1, pp. 1099–1123 and 1131–70; 9 Cong. 1, pp. 409–412; 10 Cong. 1, pp. 977 and 1209–12; and 10 Cong. 2, pp. 474–478.


75. Isolated complaints about the deference accorded to the reports of smaller committees can be found as early as the closing days of Jefferson’s presidency. Note the following comment uttered in late 1808. "I only wish, when gentlemen bring their sacred things upon this floor, that they would ‘blow a trumpet before them, as the Heathens do’ on such occasions, to the end that all true believers may prepare themselves to adore and tremble, and that all unbelievers may turn aside, and not disturb their devotions." The matter at issue was a report of a select committee on foreign relations. See Annals, 10 Cong. 2, p. 754 and Note 60 above.

76. The size of the House grew from 65 in 1789 to 105 in 1801, 141 in 1811, 187 in 1821, and 213 in 1829. See Galloway, op. cit., Appendix I.

77. It is worth noting that in the British House of Commons, where principles continue to be decided before details and before reference to smaller committees, consideration proceeds on the basis of detailed proposals in the form of bills which in large part are drafted and initiated by Cabinet Ministers. See R. M. Punnett, British Government and Politics (New York, 1968), pp. 225–230 and 239–245.

78. Though the rules authorized two modes of introducing bills—by granting an individual’s request that a bill be brought in and by approving a report of a committee recommending that a bill be brought in—the latter mode was by far the predominant one throughout the years from 1789–1829. See Note 3 above.

NOTES

pp. 487 (Madison), 502 (Giles), 543 (Holland), 628 (Livingston), and 653 (Ketchell); 5 Cong. 3, pp. 2726–29; 7 Cong. 1, pp. 476–481 and 510–522; 8 Cong. 1, pp. 1099–1123 and 897; 8 Cong. 2, pp. 1022–25, 1064–65, 1085–89, 1099, 1163, 1166–67, and 1174; 9 Cong. 2, p. 542; and 10 Cong. 1, pp. 1889–95. See also Annals, 12 Cong. 1, pp. 569–581 and 14 Cong. 1, pp. 696–718. Interestingly enough, the most eloquent statement of all was made by Gaston, a Federalist, in the last Congress cited.

80. Annals, 4 Cong. 1, pp. 509–510.
81. Annals, 2 Cong. 1, p. 177.
83. Annals, 3 Cong. 2, pp. 934–935.
84. Annals, 7 Cong. 1, p. 512. See also Annals, 8 Cong. 1, pp. 1106–09; 8 Cong. 2, p. 1174; 2 Cong. 1, p. 183; 4 Cong. 1, pp. 545–546; and 5 Cong. 3, pp. 2726–29. In addition, see Jefferson's letters to George Mason (Feb. 4, 1791), John Tyler (June 28, 1804), Samuel Knox (Feb. 12, 1810), John Watson (May 17, 1814), and his Second Inaugural Address. Lipscomb, ed., Writings of Thomas Jefferson, VIII, IX, XII, XIV, and III, pp. 124, 32–35, 360–361, 136, and 381. See also Cunningham, The Jeffersonian Republicans, pp. 75–76.
86. For evidence of the Jeffersonian emphasis on the educative function of discussion in Committee of the Whole for both legislators and their constituents see Annals, 2 Cong. 1, p. 181; 5 Cong. 3, pp. 2726–29; 7 Cong. 1, p. 517; 8 Cong. 1, pp. 1106–07; 8 Cong. 2, p. 1088; 10 Cong. 1, pp. 967–968, 1889–95, and 2073. See also White, Federalists, p. 89.
87. Annals, 3 Cong. 2, p. 1142.
88. Alexander, op. cit., Appendix F.
89. According to the original rules of the House, members could speak as often as they wished in Committee of the Whole, whereas on the floor of the House no member could speak more than once on a question until all other members had spoken and never more than twice. Annals, 1 Cong. 1 (April 7, 1789), pp. 99, 101, and 102. When these rules were changed in the Ninth Congress the Committee of the Whole still retained a relative advantage over the floor of the House with regard to the freedom of debate. Annals, 9 Cong. 1, p. 292. See also Alexander, op. cit., p. 256.
92. Annals, 5 Cong. 2, p. 693.
94. Annals, 4 Cong. 2, p. 1854. See also Annals, 7 Cong. 2, pp. 313–314. It should be noted that in the first instance several Federalists joined the Republicans in supporting
prior discussion in a Committee of the Whole and that after 1801 they became as great, if not greater, defenders of the prerogatives of the Committee of the Whole as the Jeffersonians in this respect as in others. See, for example, *Annals*, 10 Cong. 1, pp. 801–802.

95. See, for example, *Annals*, 4 Cong. 2, pp. 1730–37. This instance well illustrates the point that when necessary the Republicans were not very hesitant to abandon their normative notions concerning the committees for purposes of policy advantage. See *Annals*, 7 Cong. 1, pp. 1003–14 for a similar instance with regard to first reference. These instances together with John Smile’s cynical behavior in the Ninth Congress demonstrate that the determination of the Republicans to defend the prerogatives of the Committee of the Whole was much stronger when it served their policy purposes than when it did not, something which should not surprise us. See *Annals*, 9 Cong. 1, pp. 262, 376, and 410. Still, it would be a mistake to see Republican theory with regard to committees as mere rationalization. Jeffersonian committee theory was directly related to the most basic propositions of Jeffersonian thought with regard to the proper nature of the legislative process in general, propositions which were very dear to the hearts of most Jeffersonians. Thus, it was an independent variable of importance, though never necessarily decisive.

The more extreme changes and aberration in Federalist thinking in the years from 1789 to 1809 are somewhat more suspect since after 1801 a large part of their motivation seems to have come from the desire to frustrate or embarrass the Republican majority. Still, it should also be noted that at least some of their support for the prerogatives of the Committee of the Whole derived from the fact that the precedents favored such practices and thus there was significant Federalist support for the Committee of the Whole, especially with regard to first reference, even before 1801. See Note 47 above.

96. See, for example, *Annals*, 3 Cong. 1, pp. 142–143, 328, 457–458, and 468–469; 3 Cong. 1, pp. 225–226; 3 Cong. 1, pp. 168–169 and 478; 3 Cong. 1, pp. 349, 448, and 455; 3 Cong. 1, pp. 437 and 469; 3 Cong. 1, p. 479; and 3 Cong. 1, pp. 349–352. See also *Annals*, 3 Cong. 1, p. 739.


101. The rules in effect throughout the period from 1789 to 1809 required that every bill undergo three readings, after the second of which the question of commitment to a committee of the House was to be put. During these years House bills, if committed, were generally committed to a Committee of the Whole. Senate bills when committed were also most often committed to a Committee of the Whole. Commitment of these bills raised the question of whether principles should be settled before reference was made to a smaller committee since the House had never before passed on them. See *Annals*, 7 Cong. 1, pp. 476–481.

102. Thomas Jefferson, *Manual of Parliamentary Practice*, Section XXVI. This manual can be found in the present House and Senate Rules Manuals issued for every Congress.
103. Ibid., Section XXVI. In the Third Congress a rule was adopted prohibiting the committees from sitting when the House was in session. However, it appears that this rule was not strictly observed. See *Annals*, 3 Cong. 2, p. 880 and 4 Cong. 1, pp. 135–136.


106. *Annals*, 4 Cong. 1, p. 130.

107. Ibid. See also Note 129 below.

108. See, for example, *Annals*, 3 Cong. 1, pp. 250, 466, 467, and 531. See also McConachie, op. cit., pp. 44–45.


110. Hinds states, “When the rules were adopted, on April 7, 1789, it was provided that the Speaker should appoint all the committees except such as consisted of more than three Members, which were to be chosen by ballot. On January 13, 1790 this form was adopted: ‘All committees shall be appointed by the Speaker, unless otherwise specially directed by the House in which case they shall be appointed by ballot.’” *Hinds’ Precedents*, Section 4448.

111. For examples of discharge action see *Annals*, 4 Cong. 1, pp. 288–290 and 9 Cong. 1, pp. 409–412.

112. In the period from 1789 to 1829 the committees were appointed anew each session. See *Hinds’ Precedents*, Section 4448. In all the cases involved in the examples cited in the text the men were Federalists or moderate Federalists.

113. For evidence regarding negative attitudes toward party see Cunningham, *The Jeffersonian Republicans*, pp. 75–76. As further evidence of the status of party as an appointment criterion, it may be noted that men were not listed on committee lists by party but rather in a jumble reflecting the order in which they were named by the Speaker. Moreover, though listing became more orderly as time passed, as late as 1835 the fact that men were still not listed strictly by party created difficulty. See Note 267 below and related text.

114. Another important factor contributed to Jeffersonian tolerance. Republican control of the Third Congress was tenuous and not entirely firm in the Fourth Congress. See Note 13 above. It may be no accident, then, that the Republicans did not elect one of their own partisans to the Speakership in the Fourth Congress, though it is also true that the Speakership at this time was not the partisan office it became after 1811. In any event a moderate Federalist was elected and he, of course, controlled appointments.

115. See Note 60 above. By the first session of the Fifteenth Congress the select committees on the President’s Message were recognized as having general control over the subject areas given them in the message. *Annals*, 15 Cong. 1, pp. 519–522.


120. Ibid., pp. 789–793.

121. Alexander, op. cit., p. 76.

and 11 Cong. 1, pp. 58–59. See also Annals, 9 Cong. 1, pp. 1120–21 and 1126 for two votes which, according to Henry Adams, identify Randolph’s supporters.

123. The words are those of Barnabas Bidwell in a letter to Jefferson on July 28, 1806. It is quoted in Cunningham, The Jeffersonian Republicans in Power, pp. 90–91.

124. See Annals, 7 Cong. 1, pp. 1274 and 1282.

125. Everett S. Brown, William Plumer’s Memorandum of Proceedings in the United States Senate, 1803–1807 (New York, 1923), p. 206. It may be noted that Plumer wrote the words cited in the text while discussing a conflict over the chairmanship of a standing committee in the House.


127. Annals, 10 Cong. 1, p. 789.

128. Annals, 9 Cong. 1, p. 300. See also Annals, 8 Cong. 2, pp. 872 and 984–985.

129. Annals, 8 Cong. 2, pp. 697–699. In this instance Dana was elected chairman. See also Annals, 9 Cong. 2, pp. 111, 115, and 130 for an instance in which Randolph was elected chairman. The rule was renewed in the Ninth Congress, Annals, 9 Cong. 1, pp. 300, and in the Tenth Congress, Annals, 10 Cong. 1, p. 783. For a detailed account of events in both instances see Brown, op. cit., pp. 206–208 and 525–526. It should also be noted that Dana was a Federalist.

130. Committee lists in a much more compact form than in prior years can be found in the Annals for the Seventh, Eighth, Ninth, and Tenth Congresses near the beginning of each session. We should also note that seniority was not completely without recognition. The rule adopted in the Eighth Congress which authorized a committee to elect its chairman if a vacancy occurred subsequent to appointment by the Speaker also authorized a committee to choose simply to permit the member named highest on the committee list to advance to the chairmanship. And this indeed had been the custom or practice up to this point. Still, it should not be forgotten that at this time members were not placed on committee lists in strict accord with prior committee service or party. See Note 113 and references cited in Note 129 above.

131. See Annals, 9 Cong. 2, pp. 111, 115, and 130; 10 Cong. 1, p. 794. See also Edmund Quincy, Life of Josiah Quincy (Boston, 1868), p. 116.

132. Thus, neither in office nor out were the Jeffersonians loath to confer rule-making power on the executive. Moreover, in the process of spelling out law they were not reluctant to specify the means and manner in which laws were to be put into effect, i.e., to engage in decisions which logically might be termed executive. See Annals, 2 Cong. 1, pp. 229–240; 4 Cong. 1, pp. 380–394; 5 Cong. 1, pp. 271, 283–290, and 294–297; 10 Cong. 1, pp. 2083–2245; and 10 Cong. 2, pp. 259–260. See also White, Federalists, pp. 52–54, 77–80, and 94–96; White, Jeffersonians, p. 94, fn. 19; and Norman Small, op. cit., pp. 141–146.

133. As Wilmerding has shown, the position of the Jeffersonians on the specificity of appropriations was greatly overstated by Hamilton and his followers. The Jeffersonians aimed not at total definition but only at definition as far as it could be carried without being "injurious" or impractical. See Lucius Wilmerding, Jr., The Spending Power (New Haven, 1943), pp. 36–60. See also Annals, 10 Cong. 2, pp. 259–260.


NOTES


139. White, Federalists, pp. 13–96 and White, Jeffersonians, pp. 60–89. It is true, however, that a small minority of Jeffersonians did not hold to this view but rather saw executive officers as completely independent of the President. See White, Federalists, p. 94.

140. Ford, op. cit., pp. 79–81 and Binkley, op. cit., p. 45.

141. Binkley, op. cit., p. 45.


144. White, Jeffersonians, p. 76.

145. Annals, 8 Cong. 1, p. 864.

146. Annals, 7 Cong. 1, p. 324. See also Annals, 2 Cong. 1, pp. 221–227.


151. Annals, 10 Cong. 1, pp. 1315–16.

152. Ibid., p. 1374.

153. Ibid., pp. 1377–78.


155. Annals, 10 Cong. 2, pp. 478–481 and 483.


157. Ibid., p. 224.

158. Annals, 7 Cong. 1, pp. 312 and 412. See also Annals, 10 Cong. 2, pp. 1330–31.

159. Annals, 6 Cong. 2, pp. 786–787 and 7 Cong. 1, p. 319.

160. Annals, 7 Cong. 1, p. 319.


162. Annals, 4 Cong. 1, pp. 1475–76.
163. *Annals*, 5 Cong. 2, p. 827. The Jeffersonians further believed that the House had the right to refuse to appropriate entirely, that it had full discretion over appropriations. Though they admitted that this right could not be exercised by a committee and should be restricted to “important occasions,” they rejected the Federalist contention that appropriations for laws and treaties were obligatory. *Annals*, 4 Cong. 1, pp. 253–265 and 426–759.


165. *Annals*, 8 Cong. 1, p. 628. See also references cited in Note 158 above.

166. *Annals*, 10 Cong. 1, pp. 1298 and 1319.


173. *Annals*, 3 Cong. 2, p. 1135; 3 Cong. 2, p. 1208; 4 Cong. 1, p. 423; and 4 Cong. 2, p. 1691.


175. The major committee investigations are as follows: the causes of failure in the St. Clair Expedition (1792); the state of the Treasury under Hamilton (1794); the state of the Treasury under Wolcott (1800); the conduct of the Governor of the Mississippi Territory (1800); the disbursement of public money in the Washington and Adams Administrations (1801); the management of the Sinking Fund (1803); and the conduct of the Postmaster General (1806). Subpoena power was given only in the St. Clair and Mississippi cases.

176. See *Annals*, 10 Cong. 1, pp. 1445 and 1458 as compared with *Annals*, 2 Cong. 1, pp. 490–494. See also *Annals*, 10 Cong. 2, pp. 478–481 and 483.

177. See Note 13 above.

178. Nonetheless, the hold of Jeffersonian theory was such and the emphasis placed on independent judgment by legislators on the merits of an issue so strong that management was not without its conflicts. Note, for example, the extreme delicacy with which Jefferson offered the post of party floor leader to Barnabas Bidwell: “I do not mean that any gentleman relinquishing his own judgment, should implicitly support all the measures of the administration; but that, where he does not disapprove of them he should not suffer them to go off in sleep, but bring them to the attention of the house.” Quoted in Cunningham, *The Jeffersonian Republicans in Power*, p. 89.


180. *Annals*, 12 Cong. 1, p. 715. See also *Annals*, 15 Cong. 2, p. 1429 and Madison’s letter to his Secretary of State, Robert Smith, quoted in Cooper, “Jeffersonian Attitudes,” p. 56. For Jeffersonian acknowledgement and justification of committee-department contacts prior to 1809 see, for example, *Annals*, 9 Cong. 1, pp. 377–397. However, objections
to use of the committees to secure executive advice did not simply disappear. Strictly
interpreted, the traditional Jeffersonian position barred informal as well as formal con-
tacts for such purposes and thus objections continued to be voiced occasionally as late as
1819. See Letters and Writings of James Madison, III, pp. 53–54 and Annals, 15 Cong. 2,
pp. 1429–30. Still, by this time, if not earlier, they had degenerated into mere ploys. See
IV, p. 281.

181. Debates, 19 Cong. 1, pp. 1056–57. Storrs had originally been a Federalist; none-
theless, his words can be taken as generally reflective of sentiment in the House at the
time.

182. See, for example, Annals, 14 Cong. 1, p. 1189; 14 Cong. 2, p. 1040; 15 Cong. 1,
547. See also Young, op. cit., pp. 243–244.

183. Annals, 16 Cong. 2, pp. 607–608. This member proposed a change in the rules
requiring calls on the departments to lay over a day. It passed the next session. Annals,
17 Cong. 1, p. 756.


185. Monroe objected to direct references to the department heads and believed that
calls on executive officers should be made through the President. On occasion this form
was employed. See, for example, Annals, 17 Cong. 1, pp. 547–548. However, tradition did
not support exclusive reliance on this form, though there was much in Jeffersonian theory
regarding the primacy of the President as chief executive to support the propriety of such
reliance. Nor, in truth, was the President's political leverage such that he could have
derived much advantage from an abolition of direct calls. See Young, op. cit., pp. 243–244.

186. For figures on increases in size see Note 76 above. The effects of such increases,
especially insofar as they involved the infusion of new elements from the West, combined
with the decreasing relevance of the politics and issues of the mid and late 1790's,
contribute much to an understanding of the erosion of traditional attitudes among
the political legates of the original band of Republicans that Jefferson and Madison
However, these factors were powerfully reinforced by another factor—the high rate of
turnover in these decades which severely limited opportunities for socialization in tradi-
tional norms. Thus we may note, for example, that in the Seventh through Fifteenth
Congresses (1801–1819) the percentage of new members per Congress ranged from
35.9 to 59.2 with a median of 42.5. Similarly, the average number of terms served
prior to the start of each Congress ranged from .93 to 1.83, with a median of 1.36.

187. Nor did objections to use of the committees to secure executive advice entirely
disappear. See Note 180 above.

188. See, for example, Annals, 14 Cong. 1, p. 1189; 15 Cong. 2, p. 1418; and 17 Cong. 1,
p. 1052. As the quote from Randolph cited in the text indicates, there was no longer any
hesitancy to ask explicitly for "plans" and no notion that these could not properly be
considered to be "information."


190. Annals, 15 Cong. 1, pp. 895–896. At this time it was more common for the word
"necessary" rather than the word "expedient" to be used in requests to department heads
to report whether legislative action should be undertaken. In the next decade, however,
it became common to request department heads to "inquire into the expediency" of doing
this or that. As a result, the terms of reference to department heads became similar to the formula that had developed for the reference of subjects to the standing and select committees. Ironically enough, however, by the end of the Jeffersonian period this seemed quite logical and unobjectionable. See Note 235 below and related text.


192. See, for example, Annals, 13 Cong. 2, p. 1935; 13 Cong. 2, p. 1941; 14 Cong. 1, pp. 747–748; 15 Cong. 1, pp. 895–896; and 15 Cong. 2, pp. 468–471. See also Harlow, op. cit., p. 244 and James Schouler, History of the United States (New York, 1885), III, p. 396. In addition, it should be noted that executive initiative and deference to executive wishes were facilitated by the wide extension of a privilege that had previously been quite restricted—the preparation and submission of annual departmental reports on the general state of the business under their cognizance. See White, Jeffersonians, p. 95.

193. For discussion and evidence bearing on the continued attachment of Republicans to the concept of legislative autonomy see Cooper, “Jeffersonian Attitudes,” pp. 57–58. See also Memoirs of J. Q. Adams, IV, pp. 66 and 281.

194. See, for example, Henry Adams, The Life of Albert Gallatin (New York, 1943), pp. 450–455. See also Annals, 12 Cong. 1, p. 1141.


197. See Harlow, pp. 194–209 and Miss Follett’s work as cited in Note 195 above. See also Memoirs of J. Q. Adams, IV, p. 28. Authorities, however, differ on Clay’s success in providing central or integrative leadership. Follett and Harlow see him as an effective source of such leadership, whereas Young sees him as essentially a prisoner, and a rather helpless one at that, of various party factions in the House. See Young, op. cit., pp. 131–137. It is true, of course, that efforts at integration do have certain negative effects on policy outputs, that content diminishes with compromise. Nonetheless, Young’s assessment of Clay is so overly harsh as to be both unrealistic and unjust. In truth, though Clay’s effectiveness declined substantially after 1817, his accomplishments as leader in the Twelfth Congress (1811–1813) and Fourteenth Congress (1815–1817) are impressive. In addition, overall he compares well with modern Speakers who are not judged weak or ineffective. See Glynond Van Deusen, The Life of Henry Clay (Boston, 1937), pp. 73–88, 109–148, and 160–178.

198. Note, for example, the role performed by John Calhoun and his Select Committee on Currency in the Fourteenth Congress. It is true that he proceeded on the basis of departmental assistance and with departmental approval. Nonetheless, he and his committee provided most of the initiative and drive needed to pass the legislation. See William Meigs, The Life of John Calhoun (New York, 1917), 1, pp. 191–195, and John McMaster, A History of the People of the United States (New York, 1824), IV, pp. 309–313. In contrast, note Gallatin’s use of the Committee on Ways and Means as Treasury Secretary under Jefferson. Henry Adams, Life of Gallatin, pp. 302–391. For a more mundane example of committee policy initiative see Memoirs of J. Q. Adams, IV, pp. 492, 495, 503, 504, and 509. See also Young, op. cit., pp. 244–245.

199. It should be noted, however, that Clay’s impact as Speaker was not wholly integrative. In contrast to the department heads, he did seek to provide or attain integration among party factions across several important policy areas. However, insofar as
he entered into long and unresolved conflict with the President for the role of central leader, the result was to promote division. See Memoirs of J. Q. Adams, IV, pp. 28 and 66.


201. For figures on size see Note 76 above. Tying down the dimensions of the expansion in the business in any precise way is difficult. The following two sets of facts, however, are indicative. In the years between 1790 and 1820 the population of the United States more than doubled and its land area also doubled. Concomitantly, whereas the number of bills introduced in the House during the First Congress was 142, the average number per Congress in the Fifteenth through Seventeenth Congresses (1817–1823) was 306. See also Notes 229 and 230 below.

202. U.S. House Journal, 8th Congress, 1st Session. The count in the text is a count of distinct subjects, including Senate bills. Thus, instances in which more than one petition, resolution, Senate bill, etc., on the same particular topic was referred to a Committee of the Whole are counted as a single reference. Similarly, instances in which a matter was referred to a Committee of the Whole already charged with considering a committee bill on the topic are not counted as cases of first reference to a Committee of the Whole. It should also be noted that the count does not include the President's Annual Message which was initially referred to a Committee of the Whole as a matter of form.

203. U.S. House Journal, 20th Congress, 1st Session. The count for this Congress was made under the same ground rules applied to the Eighth Congress. Of the two subjects referred to a Committee of the Whole one was rereferred within a few days to a select committee and the other simply buried by the form of reference. See ibid., pp. 45, 71, 72, 74, and Index.

204. See Notes 229 and 230 below.

205. Annals, 12 Cong. 1, pp. 334–340. See also Annals, 16 Cong. 1, p. 803; Debates, 20 Cong. 1, p. 871 and 22 Cong. 2, pp. 1083–89.


211. Annals, 14 Cong. 2, pp. 385–386. See also Annals, 14 Cong. 1, pp. 747–748; 14 Cong. 1, p. 989; 14 Cong. 2, p. 964; and 16 Cong. 1, p. 794. Deference to the Claims Committee on matters of private business had a long history in the House even in 1816. See Annals, 4 Cong. 2, p. 1821.

212. Debates, 20 Cong. 1, p. 1492. The debate was over whether a particular committee report should be printed. See also Debates, 20 Cong. 1, p. 1500 and Notes 244 and 245 below and related text.


214. See, for example, Annals, 12 Cong. 1, p. 1395; 13 Cong. 1, pp. 112–127, 13 Cong.


217. For continued emphasis on the smaller committees as fact finders or detail arrangers see Annals, 12 Cong. 1, p. 1395; 13 Cong. 2, p. 1942; 14 Cong. 1, p. 454; and 15 Cong. 1, p. 595; Debates, 19 Cong. 1, pp. 817–819; 20 Cong. 1, p. 871; and 23 Cong. 1, pp. 2170–2205. In contrast, see for example, Annals, 12 Cong. 1, pp. 414, 417, 803, and 1417–18.

218. See Note 7 above.


220. The remaining two were Agriculture and Manufactures. The latter was originally combined with Commerce, but after several years of agitation they were split in 1819. See Harlow, op. cit., p. 216.

221. One of the new standing committees was Territories; the other was Military Pensions which was an offshoot of the old Committee on Pensions and Revolutionary Claims. This Committee was now simply renamed Revolutionary Claims. Nor, it should be noted, did the proliferation of standing committees stop in 1829. The standing committee system once created continued to expand. See Galloway, op. cit., pp. 66–67.

222. Indeed, if anything, the traditional Jeffersonian emphasis on the equality and responsibility of individual members induced suspicion toward the establishment of standing committees. Thus, as late as 1805, the resolution to create a Committee on Public Lands was objected to “lest a standing committee . . . should gain such an ascendency over the sentiments and decisions of the House . . . as to impair the salutary vigilance with which it becomes every member to attend to so interesting a subject.” Annals, 9 Cong. 1, p. 286. In addition, it should be remembered that in the period from 1789 to 1829 official recognition in the rules as a standing committee did not carry with it as great a grant of power as it does today. Though such recognition involved the definition and bestowal of an area of jurisdiction, the rules did not make reference to standing committees mandatory. See Note 49 above. Indeed, such advantages over reference as were conferred on standing committees related primarily to minor business, e.g., petitions, memorials, etc. This reflected the expectations and presumptions of the 1790's, but nonetheless the model for establishing standing committees by rule set in the 1790's was maintained and copied throughout the Jeffersonian period. See U.S. House Journal, 18 Cong. 1, pp. 728–730.

Nor was the lack of mandatory reference the only point of difference between the rules governing the standing committees then and now. Since in public areas of business subjects were often introduced and referred to smaller committees through resolutions, their discretion could be limited by instructions embodied in such resolutions. Indeed, even after 1809 when, in conjunction with dwindling use of the Committee of the Whole, it became common to frame such resolutions so as to instruct a committee "to inquire into the expediency" of a certain action, instructions could still be quite detailed and limiting. Moreover, these resolutions could and often did require a committee to report
and in any case discharge could be effected by a simple majority vote. All this, however, is not to say that recognition in the rules as standing was without any benefits. It made regular appointment automatic, conferred general authority to report by bill after 1815, and reinforced the competitive position of any committee so honored as the norm of specialization took hold. Nonetheless, the slow and haphazard development of a standing committee system was at least in part influenced by the limited incentives the rules furnished for the official establishment of such committees.

223. It is not surprising, then, that the actual pattern of standing committee development was varied and quite pragmatic. In some areas standing committees were established in one fell swoop to handle a large bloc of business more efficiently and/or to fulfill some special purpose or need, e.g., Claims, District of Columbia, Ways and Means, Public Lands, and Public Expenditures. In other areas, and often quite important ones, what occurred was a gradual development by which a select committee grew in regularity of appointment and dominance over a subject area until it first became a standing committee in everything but name, and then finally was officially recognized in the rules as such. Here the usual point of departure was appointment with regard to a subject raised in the President's Message. The Committees on Foreign Affairs and Military Affairs, among others, developed out of such appointments. But such development also occurred independently, e.g., the Committee on Post Offices and Post Roads. See Harlow, op. cit., p. 215.

224. See Annals, 13 Cong. 1, p. 132; 16 Cong. 1, pp. 708–710; and 18 Cong. 1, pp. 834–835. See also Debates, 22 Cong. 2, pp. 1083–89.

225. Debates, 19 Cong. 1, pp. 849–851 and 20 Cong. 1, p. 814. See also Annals, 13 Cong. 2, p. 1860; 17 Cong. 1, p. 557; and 18 Cong. 1, pp. 873–875. In addition, see Notes 49 and 222 above.

226. See, for example, Annals, 16 Cong. 1, pp. 708–710; 18 Cong. 1, p. 850; and 18 Cong. 1, pp. 873–875; Debates, 19 Cong. 1, pp. 846–851 and 20 Cong. 1, pp. 1083–92. For instances in which the merits of reference to select committees were well argued see Annals, 17 Cong. 1, pp. 711–713; Debates, 18 Cong. 2, pp. 170–186; 19 Cong. 1, pp. 1075–78; and 20 Cong. 1, pp. 914 and 925–928.

227. See Annals, 18 Cong. 1, pp. 834–835 and 18 Cong. 1, p. 850.

228. Debates, 18 Cong. 1, pp. 834–835; 19 Cong. 1, p. 851; and 20 Cong. 1, p. 814.

229. U.S. House Journal, 8th Congress, 1st Session. Approximately forty distinct subjects were referred to select and standing committees in public areas of business. If we exclude about a dozen subjects relating to post roads and contested elections, about half were referred to select committees. We may note that in 1803 the Committee on Post Offices and Post Roads was still officially select, though quite comparable to the standing committees in terms of regularity of appointment and breadth of jurisdiction. As for private business, even in 1803 the standing committees had dominated this area for almost a decade. For example, a random survey encompassing 113 private subjects referred in the first session of the Fourth Congress (1795–1796) reveals that over 90% were referred to standing committees, primarily the Committee on Claims.

230. U.S. House Journal, 20th Congress, 1st Session. The total number of referrals to select and standing committees was well over two hundred fifty. In numerous cases, however, petitions or memorials dealt with the same particular subject or topic, e.g., the duty on woolens. In addition to the half-dozen subjects referred to actual select committees, close to thirty subjects were referred to select committees that were standing in everything but name, notably Roads and Canals.
231. Asher Hinds gives 1822 as the date of the rule conferring power to report by bill on the standing committees. Hinds' Precedents, Section 3365. In fact, the rules were revised in 1822 and the rule in question is included as rule #55. House Journal, 17th Congress, 1st Session, p. 727. Nonetheless, Hinds is incorrect and his error probably stems from the fact that the 1822 revision or recodification appears to have been the first general revision subsequent to the passage of the rule granting power to report by bill. We may note that an 1820 edition of Jefferson's Manual, which contains the House rules, lists the same rule as #53. Nor does the report of the committee, charged with revising the rules in 1822, include it as a proposed amendment. See House Report No. 56, 17th Congress, 1st Session. We may further note that in October, 1814, when for the first time the House adopted a resolution conferring general authority to report by bill, the resolution conferred it on both the standing committees and the select committees on the President's Message. Annals, 13 Cong. 3, p. 481. Thereafter, such resolutions were usually passed annually, but conferred this power on the latter type of select committee without mentioning the standing committees. A natural deduction is that the standing committees may already have possessed it by rule. See Annals, 14 Cong. 1, p. 377; 14 Cong. 2, p. 234; 15 Cong. 1, p. 401; 15 Cong. 2, p. 292; 16 Cong. 2, p. 439; and 17 Cong. 1, p. 527. See also Annals, 14 Cong. 1, p. 388. The author would like to thank Mr. George P. Perros of the Legislative Records Division of the National Archives for research assistance on this problem.

232. There is no record of discussion or objection at points where resolutions conferring general authority to report by bill were moved and passed. See references to Annals cited in Note 231 above. However, on one occasion John Randolph objected that discussion should be more prolonged before permission to bring in bills was granted. Annals, 14 Cong. 1, p. 680. In addition, objection was also raised concerning a related but tangential issue—the question of whether committees should report money bills with the blanks for the various sums involved open or filled. Annals, 15 Cong. 1, p. 570 and 15 Cong. 2, pp. 468–471.

233. It should be remembered that resolutions were not the only means through which subjects were introduced or referred. The presentation of petitions or memorials as well as the receipt of messages or letters from executive officers served to introduce subjects. Moreover, subjects introduced through these means could be simply referred by order to an appropriate standing committee. Nonetheless, resolutions served as the prime means of introducing and referring subjects in public areas of business. In these areas resolutions were often relied upon to bring a subject forward and simultaneously to provide for its reference to one of the various types of House committees. Moreover, subjects introduced by the President's Message were referred through resolutions. Finally, resolutions or motions were used in cases in which a member wanted to refer a subject to the Committee of the Whole or a select committee rather than the appropriate standing committee as well as in cases in which no standing committee with jurisdiction existed. See Notes 49 and 222 above.

234. See, for example, Annals, 5 Cong. 1, pp. 239–243.


236. See Note 186 above.


NOTES

239. See Note 222 above.

240. See Note 195 above and related text.

241. See, for example, Annals, 9 Cong. 1, p. 286 and 10 Cong. 2, p. 1512.

242. See references cited in Notes 224–228 above.

243. See Note 102 above and associated text.


245. Ibid. For a statement in the late 1820's providing a rationale for deference to committees in terms very similar to Sutherland's see Debates, 20 Cong. 1, p. 1492.

246. Annals, 7 Cong. 2, p. 441 and 14 Cong. 1, p. 388.


248. On committee rooms see Debates, 18 Cong. 2, pp. 2683–84 and 2708, and Thomas Hamilton, Men and Manners in America (Edinburgh, 1834), II, pp. 67–68. On committee prerogatives see Annals, 15 Cong. 2, pp. 325–335 and 552; Debates, 20 Cong. 1, pp. 862–890.

249. On jurisdictional problems see Annals, 14 Cong. 2, p. 247; 15 Cong. 2, pp. 367–368; and 16 Cong. 1, pp. 709–710. On minority reports see Debates, 19 Cong. 2, pp. 1135–36 and Hinds' Precedents, Section 4474. On multiple memberships see Annals, 14 Cong. 1, p. 1458 and House Journal, 18th Congress, 1st Session, p. 727, Rule No. 47. In addition, this author has even found a reference to subcommittees. See Debates, 20 Cong. 1, pp. 2759–61.

250. The last serious challenge came at the very beginning of the Madison Administration. See Annals, 11 Cong. 1, pp. 58–59. Motions to appoint select committees by ballot continued to be made from time to time, especially when these committees were primarily investigative. See, for example, Annals, 18 Cong. 1, p. 2455. See also Hinds' Precedents, Section 4475. Usually such motions failed, but in one crucial instance, the Missouri question, the House elected its component of the Joint Committee established by House and Senate. Annals, 16 Cong. 2, pp. 1219–20. In addition, a member in 1813 proposed unsuccessfully to elect the Elections Committee by lot and support for this method of selecting the standing committees appeared sporadically for several decades. See McConachie, op. cit., p. 130; Follett, "Speaker of the House," pp. 240–241; and Alexander, op. cit., p. 76.


253. Alvin L. Duckett, John Forsyth (Atlanta, 1962), p. 18. Johnson was a fellow Kentuckian and at this time a close friend and supporter of Clay. Pleasants was a strong supporter of naval preparedness. See Annals, 14 Cong. 1, p. 1367.


255. See Debates, 18 Cong. 2, Appendix, pp. 79–81. It may also be noted that Speaker Barbour's appointments in the Seventeenth Congress (1821–1823) were highly motivated by political considerations and that he did not hesitate to inject his own choices into key chairmanships. See Schouler, op. cit., III, p. 245.

257. *Congressional Globe*, 26 Cong. 2, pp. 230–231. Thus, in defending Stevenson's appointment record as Speaker in the years from 1827 to 1831, one prominent Jacksonian simply said that "Mr. Stevenson has done what every other Speaker before him has done, and what every other after him will do—that is, he has preserved the numerical proportion of parties which exist in the House." Wayland, op. cit., p. 79.

258. Prior practice regarding the appointment of chairmen of select committees also continued. In the years up to 1829 and for many years thereafter the Speaker considered himself obligated to appoint as chairman the man whose motion or resolution created the committee. *Hinds' Precedents*, Sections 4514–20. Thus, minority leadership of select committees remained a possibility. Nor, at least in the case of select investigating committees, did current notions of party necessarily make such leadership unacceptable. See Note 290 below.

259. We may note, for example, that District of Columbia had a Federalist chairman in the Twelfth and Fifteenth Congresses. We may also note that Stevenson appointed a bevy of Adams partisans to committee chairmanships in the Twenty-first Congress, e.g., Manufactures, Foreign Affairs, and Elections. Wayland, op. cit., pp. 78–79. However, the number and significance of minority chairmanships in this Congress represented an aberration from past and future practice and was prompted in part at least by the unease the anti-Administration majority felt in taking control of the House. After 1829, prominent minority members continued on occasion to be appointed to chairmanships. Folley, "Speaker of the House," pp. 226–227. Indeed, instances can be found as late as the 1880's. By this time, however, such appointments were confined to committees with little or no functional significance and were mainly honorific. McConachie, op. cit., p. 140.

260. See Note 123 above and text attached.


262. Young, op. cit., pp. 131–135. Clay's behavior with regard to key appointments in the Eighteenth Congress was also highly influenced by integrative considerations. See Schouler, op. cit., III, pp. 294–295; and James Hopkins, *The Papers of Henry Clay* (Lexington, 1963), III, pp. 530 and 546. Young argues that Clay was a weak and ineffective Speaker and that his use of committee appointments was both a cause and effect of his weakness. Ironically enough, however, he draws his data on Clay's use of committee appointments from the Fourteenth Congress, a Congress in which practically the whole program of legislation Clay advanced and supported passed. See Note 197 above.

263. In the Eighteenth Congress, for example, knowledge or competence figured significantly in Clay's bestowal of a chairmanship on Webster, Forsyth and Crowninshield, though each had not served in the previous Congress. This is not to say it was the only factor, but it was an important one. See Note 262 above. See also *Annals*, 14 Cong. 1, p. 989 and 16 Cong. 2, pp. 741–742.


265. Wayland, op. cit., pp. 78–79. See also *Debates*, 20 Cong. 1, p. 1222 and 24 Cong. 2, p. 69. As might be expected, during the whole Jeffersonian period balancing interests on committees expressed itself largely in sectional terms. We may also note that though the practice of giving each state a seat on important committees disappeared because of its unwieldiness, the practice of reserving seats on particular committees to certain states may have begun to emerge. For example, Virginia almost invariably was represent-
ed on Ways and Means. See McConachie, op. cit., pp. 44-48 for additional information
on the importance of state representation.

266. Figures for consecutive committee service are in sessions because appointments
were made on a sessional basis until 1860. McConachie, op. cit., p. 137. In compiling
these figures the first session of committee service has been counted as one, not zero. It
should also be noted that the average in the text is not an average of the amount of
consecutive committee service particular chairmen attained, but an average of the amount
of consecutive committee service the chairman in each session possessed. To illustrate,
assume that a committee has two chairmen over a ten-year period, that the men both
enter the committee the first year of the period, and that the first man leaves after five
years and is succeeded by the second. In the former case the average is 7.5 (five years
of service plus ten years of service divided by two). In the latter case the average is 5.5
(the sum of one plus two plus three—up to ten and divided by ten).

267. Congressional Globe, 23 Cong. 2, pp. 146-150. The rule governing such con-
tingencies had been allowed to lapse. See Note 251 above.

268. Strictly defined seniority involves the appointment of the highest ranking majority
member. Party lines, however, are exceedingly difficult to draw for much of this period.
Nonetheless, the evidence of these eight cases indicates little regard for seniority even
loosely defined. In six of these eight cases the chairmanship was given to a member who
had not served on the committee the previous session, despite the presence of members
of various political hues who had served on the committee the previous session and
were still on the committee or in the House. In two cases fourth ranking members were
advanced to the chairmanship above members who had outranked them and were still
on the committee or in the House. In one of these cases, Foreign Affairs in the Twentieth
Congress, the chairmanship was given to a member who can clearly be identified as a
minority member. The custom at this time was to restrict the chairmanship of this com-
mittee to men who could enter a confidential relationship with the President. Congres-
sional Globe, 23 Cong. 2, p. 147. See also Note 269 below.

269. See Note 266 above. The result for Claims is at least somewhat anomalous. It
drives from a combination of the following circumstances: there was only one chair-
manship change between 1819 and 1829 and that occurred in the last session of the
period; the member advanced was in his twelfth session of consecutive service; and the
chairman at the start of the period was only in his third consecutive term on the com-
mittee. Indeed, if we go back one Congress (to 1817) to include the appointment of this
chairman, the average for the number of consecutive sessions served by members when
advanced to the chairmanship changes drastically and the two averages come into exact
parity at 6.5 sessions each.

270. Corresponding figures for three major committees, chosen as a sample, indicate
that prior committee service had little impact on either advancement or reappointment
to the chairmanship. The average length of consecutive service of members when they
became Chairmen of Ways and Means, Judiciary, and Foreign Affairs in the period from
1819 to 1829 was 1.7, 1.3, and 1.5 sessions respectively. Similarly, the average term of
consecutive committee service of chairmen on these committees in sessions in this period
was 3.9, 2.1, and 2.3 sessions respectively. In addition, it should also be noted that even
on minor committees reappointment was subject to the control of political considera-
tions. We may note, for example, that Stevenson did not reappoint Sloane to the Chair-
manship of Elections in the second session of the Twentieth Congress, though Sloane had
served seven consecutive sessions in that post. However, Sloane, a member of the pro-
Adams minority, got involved in a bitter dispute with Stevenson over the character of
the promises Stevenson made to secure his election as Speaker. See Wayland, op. cit., p. 69.

271. For a discussion of the central importance of 1910–1911 see Abram and Cooper, "The Rise of Seniority in the House of Representatives." For data on turnover from 1801 to 1819 see Note 186 above. We may note that turnover declined slightly after 1819 but nonetheless remained high. The percentage of first-term members in the Congresses between 1819 and 1829 ranged from 33.2 to 45.2 with a median of 40.8. Rice, op. cit., pp. 296–297.

272. See Annals, 14 Cong. 1, pp. 922–923. See also Annals, 8 Cong. 2, pp. 697–699 for a discussion that illustrates the difficulty of using seniority as an appointment criterion due to its lack of precise operational meaning.


274. Debates, 20 Cong. 1, p. 1242. The remarks in question were actually made at another point, but not fully recorded by the reporter (ibid., p. 1170). For a criticism of these remarks see ibid., p. 1297.


276. White, Jeffersonians, p. 111.

277. Ibid., p. 94.

278. Ibid., p. 104.

279. Indeed, some Republicans resisted even the delegation of discretionary power over claims to executive officers, despite the labor and tedium involved in handling them. See Annals, 14 Cong. 2, p. 379 and 15 Cong. 1, p. 842. See also Debates, 19 Cong. 1, p. 857.

280. James Hart, The Ordinance Making Powers of the President of the United States (Baltimore, 1925), pp. 70 and 89. See also ibid., pp. 19 and 267.


283. Ibid., pp. 101–106. For the formal jurisdiction of these committees as written in the rules see House Journal, 18 Cong. 1, pp. 730–731.


285. See Note 165 above and related text. The various expenditure committees were added in part at least because of Ways and Means’ inability, given its legislative load, to acquit itself adequately of its oversight or control functions. See White, Jeffersonians, p. 101.

286. The single instance between 1809 and 1829 in which a standing committee was charged with an investigation of executive or administrative operations or conduct and given the subpoena power occurred in the Seventeenth Congress and concerned an inquiry into the conduct of the Superintendent of Indian Trade. Instances in which select committees were created for such purposes in the same period and given the subpoena power are as follows: the inquiries in the Eleventh Congress into the conduct of General Wilkinson and the condition of the Army at New Orleans; the inquiry in the Thirteenth Congress into retrenchment of the naval establishment; the inquiries in the
Fourteenth Congress into misuse of public moneys by the Quartermaster, the conduct of the Post Office Department, and the expenditure of money by General Harrison; the inquiries in the Fifteenth Congress into the conduct of clerks in the departments and the United States Bank; the inquiry in the Sixteenth Congress into the affairs of the Post Office Department; the inquiries in the Seventeenth Congress into the affairs of the Post Office Department, the sale of public lots in Washington, Army regulations, and the Mix contract; the inquiries in the Eighteenth Congress into the sale of public lots in Washington and the Edwards Memorial; the inquiry in the Nineteenth Congress into Calhoun's conduct as Secretary of War; and the inquiry in the Twentieth Congress into retrenchment in the executive departments. It should be noted that these examples do not include all the instances in which subpoena power was given, but only those within the executive or administrative category. Even here the author's list may well not be exhaustive, though it is more complete than the catalog of instances cited in the standard sources. See Ernest J. Eberling, Congressional Investigations (New York, 1928), pp. 64–102 and Marshall Dimock, Congressional Investigating Committees (Baltimore, 1929), pp. 90–93.

287. We may note, for example, that the various Post Office Department investigations cited in Note 286 above were largely or wholly concerned with finances and confined to select committees. Similarly, the retrenchment investigation in the Twentieth Congress, as well as retrenchment investigations during the Sixteenth and Seventeenth Congresses in which the committees involved were not given subpoena power, were confined to select committees.

288. We may note, for example, that in 1816 the Post Office Committee recommended that a select committee be created to investigate the conduct of the Department because "a more particular inquiry than would have been in their opinion compatible with the duties assigned to the Committee of Post Offices and Post Roads by the rules of the House" was needed. Annals, 14 Cong. 1, p. 772. See also Debates, 24 Cong. 2, pp. 1227–28 and House Report 240, 20 Cong. 1, quoted in White, Jeffersonians, p. 105.

289. See for example, Annals, 13 Cong. 2, pp. 1010–11 and 1869, and 16 Cong. 2, pp. 692–693; Debates, 20 Cong. 1, pp. 1139, 1289, and 1339.

290. In a lengthy debate in 1832 over investigation of the United States Bank it was conceded by virtually all speakers that the established and proper parliamentary usage was to compose investigating committees of members friendly to the investigation. Thus, for example, one member stated that "it was proper that inquiry should be made by those whose hostile feelings would prompt them to a rigid scrutiny." Debates, 22 Cong. 1, p. 2059. This same member added "that no public institution or public officer, would deserve to be sustained, if unable to endure the most rigid public scrutiny of such a committee." Ibid., p. 2060. Nor, did the growth of parties and partisan conflict soon eliminate this approach to investigating committees. We may note, for example, that in his often quoted remarks, Speaker Hunter did more than defend and rationalize majority control of the standing committees (see Note 257 above and related text). Although this is almost always overlooked, he went on to rationalize and advocate minority control of investigating committees. Congressional Globe, 26 Cong. 2, pp. 230–231.

291. In cases where the subpoena power was not granted use of the standing committees was somewhat more common than in cases where it was granted. For example, standing committees were charged with inquiry into the conduct of the war against the Seminoles in the Fifteenth Congress, the contract granted to James Johnson in the Sixteenth Congress, and the use of the regular army in building fortifications in the Seventeenth Congress (see Note 286 above and Note 342 below and related text). See also Debates, 20 Cong. 1, pp. 1065, 1149, 1156, and 1161 for the assertion of claims regarding the superior virtues of the standing committees as investigatory mechanisms.
292. It may be noted that lack of time and the need for a friendly committee were also grounds used to establish exceptional circumstances under which a legislative subject might properly be referred to a select committee. See Notes 225–227 and associated text.

293. Annals, 10 Cong. 1, pp. 1371–72.
294. Annals, 17 Cong. 1, p. 611.
297. Annals, 11 Cong. 3, p. 441.
298. Annals, 11 Cong. 2, p. 1743. Yet, despite the claims proponents of inquiry made, the reports of the investigating committees consisted simply of documents communicated without opinion and the House voted to transmit them directly to the President. See Annals, 11 Cong. 3, pp. 1030–32.
299. Annals, 15 Cong. 1, p. 785.
300. Annals, 15 Cong. 2, p. 798.
301. Annals, 15 Cong. 2, p. 1133.
303. Annals, 17 Cong. 1, pp. 617–618. The matter at issue here was the dispute between two federal officials in the Florida territory. See Note 294 above and related text.
304. The doctrine of implied power was also extended for use as a justification for calls for information regarding executive operations or conduct. See Debates, 20 Cong. 1, p. 1044. In addition, it was used to justify the power of the House to punish for contempt. Eberling, op. cit., pp. 66–86 and Anderson v. Dunn, 6 Wheaton 204 (1821).
305. Debates, 20 Cong. 1, p. 1350.
306. Ibid., p. 1300.
307. Ibid., pp. 1247 and 1291.
309. Ibid., p. 1084.
310. Ibid., p. 1103.
311. Ibid., p. 1106.
312. Ibid., p. 1410. The vote on the previous question was 121 to 52 and on the main question 165 to 9.
313. Note, for example, the investigations into the conduct of clerks in the executive departments in the Fifteenth Congress, the affairs of the Post Office Department in the Sixteenth Congress, and retraction of expenses in the executive departments in the Twentieth Congress. Note also the progression in the breadth of the resolutions authorizing inquiry into the U.S. Bank and Post Office Department. Eberling, op. cit., pp. 102, 103–104, and 115–116; Congressional Globe, 23 Cong. 1, p. 474 and 23 Cong. 2, pp. 244–249.
318. Ibid., p. 1371.
319. Ibid., p. 1422.
322. Ibid., p. 785. It may be noted that Holmes was second ranking on Foreign Affairs and became its Chairman in the next session.
324. *Annals*, 17 Cong. 1, p. 616.
327. Ibid., pp. 1891, 1899–1901, and 1906.
328. Ibid., pp. 2058–59.
329. See Note 295 above and related text.
331. See Notes 219, 220, and 231 above and the text associated with these notes.
332. For Congressional recognition that the legislative branch was in fact aggrandizing its position at the expense of the executive see *Annals*, 17 Cong. 1, p. 615 and *Debates*, 20 Cong. 1, p. 2646.
333. Both quotes can be found in White, *Jeffersonians*, p. 101.
335. *Annals*, 17 Cong. 1, pp. 1768–69 and 1887. Adams notes that the resolution was discussed by the Cabinet. In this discussion, “the propriety of the resolution itself was questioned and the President thought it an officious intermeddling on the part of one branch of the Legislature with the Executive Administration.” *Memoirs of J. Q. Adams*, V, p. 536. In the same Congress the request for a House investigating committee to visit and inspect certain fortifications also raised doubts about Congressional intermeddling in Monroe's mind. Ibid., VI, p. 119.
336. Ibid., IV, p. 31. See also Harlow, op. cit., pp. 241–242. In cases in which a member hostile to the Administration was made Chairman of Foreign Affairs grave difficulties in maintaining the traditional practice of confidential communication ensued. See *Memoirs of J. Q. Adams*, V, pp. 474–475. Such instances, however, were rare since Speakers usually felt obliged to appoint a member who could enjoy such communication. See Wayland, op. cit., pp. 78–79 and *Congressional Globe*, 23 Cong. 2, pp. 146–150.
340. See Note 175 above. For some additional examples of investigations see Note 173 above and associated text.
341. See Note 286 above. It should be noted that this total counts instances in which the subpoena power was conferred several times in different sessions of the same Congress with reference to the same topic as a single instance. The case in point is the Wilkinson topic in the Eleventh Congress.

342. See Note 286 above. Some examples of major committee investigations conducted without grant of subpoena power after 1815 are the inquiry into the conduct of the war against the Seminoles in the Fifteenth Congress; the inquiries into the employment of Army officers as clerks in the departments and retrenchment in the Sixteenth Congress; and the inquiries into the execution of Indian treaties and the laws prohibiting the slave trade in the Seventeenth Congress.


344. See Debates, 19 Cong. 1, p. 1301; 20 Cong. 1, p. 894; and 20 Cong. 1, p. 1048. In addition, see House Document 46, 20 Cong. 1.

345. See Annals, 16 Cong. 1, p. 1464; 16 Cong. 2, p. 1251; 17 Cong. 1, p. 1407; 17 Cong. 1, pp. 1753 and 1767; and 17 Cong. 2, p. 471.

346. Another peak was attained during the Twentieth Congress in which a pro-Jacksonian majority sought to embarrass and discredit President J. Q. Adams prior to the election of 1828. Thus, for example, Adams' Secretary of State complained “that of these calls from committees there were now five times more than at the last session of Congress,” and that they were “harrassing and vexatious.” He further noted that “all these scrutinies are pursued, too, in a spirit of hostility to the Administration, and with purposes of factious opposition.” Memoirs of J. Q. Adams, VII, p. 402. The count of instances in which subpoena power was conferred during the Seventeenth Congress does not include the investigation of Gales and Seaton in their capacity as public printers. See Note 286 above.

347. Quoted in Meigs, op. cit., p. 263.


349. Memoirs of J. Q. Adams, V, pp. 227–228. On another occasion near the end of the Congress, Adams noted that he had been subjected to the “inquisitorial screw” for a period of four hours with regard to the question of whether he had intentionally falsified an important document. Ibid., VI, p. 127.

350. See Notes 286 and 342 above.


353. In delineating these functional needs the author has been inspired primarily by the original and highly suggestive article Richard Fenno did on the internal distribution of influence in the House for the American Assembly volume on Congress. See Note 273 above. What the analysis in the text does essentially is to revise and expand the Fenno approach in terms of a variety of points drawn from systems theorists that the author finds relevant and cogent. Of these theorists the author has relied most heavily on Talcott Parsons. See Talcott Parsons, “Suggestions for a Sociological Approach to the Theory of Organizations,” in Amitai Etzioni (ed.), Complex Organizations (New York, 1965), pp. 32–48 and Talcott Parsons, “The Political Aspect of Social Structure and Process,” in David Easton (ed.), Varieties of Political Theory (Englewood Cliffs, N. J., 1966), pp.
71–113. In addition, see David Easton, A Systems Analysis of Political Life (New York, 1965) and F. Kenneth Berrien, General and Social Systems (New Brunswick, N. J., 1968). It should also be noted that some parts of the analysis are developed more fully in Joseph Cooper, "The Importance of Congress," Rice University Studies, 54 (Summer, 1968), 53–67.


355. For an analysis of the development of House procedure with regard to the introduction and reference of bills, committee power over bills, limitation of debate, and access of business to the floor from 1829 to the revolt against the Speaker in 1910 see Joseph Cooper, Congress and Its Committees (Ph.D. dissertation, Harvard, 1961), pp. 67–84. This analysis indicates that development in these areas between 1829 and 1910, though slow and incremental, was essentially complete by the early 1890's. It is based largely on material found at various points in Volumes IV and V of Hinds' Precedents. In addition, see Alexander, op. cit., and Samuel W. McCall, The Business of Congress (New York, 1911). For information on the development of House procedure in these areas since 1910 see Cooper, Congress and Its Committees, pp. 84–179; Chiang-Wei Chiu, The Speaker of the House of Representatives since 1886 (New York, 1928); and Floyd Riddick, Congressional Procedure (Boston, 1941). It may be noted that major change has been confined to two of the four areas cited above: committee power over bills and access of business to the floor. See also Lewis Froman, The Congressional Process (Boston, 1967) for a readable account of procedure in the contemporary House.


357. For information on the standing committees as organized entities in the 19th century see Hinds' Precedents, Chapters 99–101 and 104–105. See also McConachie, op. cit. It may be noted that the practice of holding committee hearings on legislative topics was undergoing its first beginnings as the Jeffersonian period ended. Debates, 20 Cong. 1, pp. 862–890. For information on the standing committees as organized entities in the 20th century see Riddick, op. cit.; George Galloway, The Legislative Process in Congress (New York, 1955); and Keefe and Ogul, op. cit.


361. See George R. Brown, The Leadership of Congress (Indianapolis, 1922), pp. 1–110. See also Follett, Speaker of the House.


364. Note, for example, the significant role attitudes toward individual and minority rights played in inducing the House to tolerate gross procedural inefficiency and obstruction during the 1870's and 1880's. See Congressional Record, 46 Cong. 2, pp. 198–200 and 575–580 and 51 Cong. 1, pp. 1177–80 and 1206–67. See also William A. Robinson, Thomas B. Reed (New York, 1930), pp. 56–123.


367. The differences between the modern House and the House of the 1920's and 1930's are, to be sure, relative rather than absolute. Nonetheless, the 1920's and 1930's are best seen as a period of transition from the centralized House of the era of Czar rule to the decentralized House of recent decades. It was not until after the revolt of rural Southern Democrats against the New Deal in the late 1930's that the primary features of the modern House in terms of level of cohesion in the majority party, sense of party loyalty or obligation, and leadership style fully emerged. The beginnings of the modern House can thus be correlated with the career of the primary architect of
the leadership style or strategy that has prevailed in the House these past three decades—Sam Rayburn. Rayburn became majority leader in 1937 and Speaker in 1940. The Rayburn approach features avoidance of formal party mechanisms such as the caucus or steering committee; reliance on personal influence and appeals; and permissive treatment of breaches in party regularity. This style or strategy is based on the premise that the key to party success lies in avoiding any deepening or exacerbation of existing divisions between the Northern and Southern wings of the party. Though Rayburn’s successor, John McCormack, has relied more on his majority leader and whip than Rayburn did, he has followed the Rayburn approach in its essentials. Leadership has become more collective, but the stress on informality, permissiveness, and personal contact and appeals remains. Nor is this surprising. McCormack rose to power in the House as a protégé of John Nance Garner and Sam Rayburn and he has throughout his career sought to foster an alliance between Northern urban Democrats and Southern Democrats. For material on the revolt of Southern Democrats in the late 1930’s and the decline in Democratic cohesion see James Patterson, *Congressional Conservatism and the New Deal* (Lexington, 1967); Julius Turner, *Party and Constituency: Pressures on Congress* (Baltimore, 1951), pp. 27 and 128–143; and V. O. Key, *Southern Politics* (New York, 1950), pp. 369–382. For general works on the status of party and the role of the party leadership in the modern House see David Truman, *The Congressional Party* (New York, 1959); W. Wayne Shannon, *Party, Constituency and Congressional Voting* (Baton Rouge, 1968); and Ripley, *Party Leaders in the House of Representatives*. For material on the style or strategy of leadership employed by Rayburn and McCormack see Richard Bolling, *House Out of Order* (New York, 1965), pp. 65–69; Bolling, *Power in the House*, pp. 178, 194–196, 199, 208, and 242–244; and Clapp, op. cit., pp. 288–290, 297–301, 306–308, and 313–316. In addition, see Joseph Cooper and Gary Bombardier, “Presidential Leadership and Party Success,” *Journal of Politics*, 30 (November, 1968), 1025; *Memorial Services, Together with Remarks Presented in Eulogy of Sam Rayburn* (Washington, 1962), pp. 40, 44, 48, 62, 117, 133, 315, 422, and 424; and *Congressional Record*, 88 Cong. 1, p. A673 and 89 Cong. 1, pp. 27855 and A992.


the voting records of committee and subcommittee chairmen in the late 1960's. It is also worth noting that although obstruction on the part of the Rules Committee has been reduced by expanding the size of the committee and filling vacancies with men more in harmony with party programs, committee responsiveness to the majority party leadership continues to be subject to breakdown. In the closing days of the 91st Congress, for example, the Rules Committee prevented a bill on consumer protection and a bill giving enforcement power to the Equal Employment Opportunities Commission from coming to the floor. Washington Post, December 3 and 10, 1970.

373. This point, drawn from the history of discharge and Calendar Wednesday, is further confirmed by the history of the 21-day rule. Speaker Rayburn clearly disliked this procedure because it gave additional leverage to committee chairmen, limited the ability of the Speaker to keep bills off the floor, and interfered with the personal and informal leadership style he preferred. He, therefore, was not unhappy when the procedure was abandoned in 1951 after a brief trial of two years. In 1965 the procedure was modified to protect the Speaker's discretion in recognition and readopted. However, once again it was dropped in the following Congress. Speaker McCormack supported the adoption of the rule in 1965, as Rayburn did in 1949. Still, it is doubtful that McCormack was greatly disappointed when the rule was again eliminated in 1967 since he too preferred to operate in an informal and personal manner. It may be noted that McCormack initially resisted modification of the procedure to enhance the Speaker's control in 1965 and did not speak in support of retention of the rule in 1967. See Bolling, House Out of Order, pp. 202 and 207 and Bolling, Power in the House, p. 230. See also Congressional Record, 86 Cong. 2, Appendix, p. 19394.

374. See Note 367 above. In marked contrast to practice during the 1940's and 1950's, the Democrats have violated the seniority principle or rule in at least one instance in each of the past three Congresses. See Abram and Cooper, "The Rise of Seniority in the House of Representatives," p. 81 and Congressional Quarterly Weekly Report (Washington, D.C.), January 31, 1969, p. 203. For information on the committee appointed by the Democratic Caucus to study seniority see Congressional Quarterly Weekly Report (Washington, D.C.), March 20, 1970, p. 783. The Republicans in the House appointed a similar committee which in September recommended caucus election of chairmen. Washington Post, September 28, 1970. A proposal for regular monthly meetings of the Democratic Caucus to discuss matters of party procedure and public policy was adopted at the beginning of the Ninetieth Congress. Congressional Quarterly Weekly Report (Washington, D.C.), January 2, 1969, p. 2. Over the past two years caucus sessions have dealt with such matters as the handling of bills on the District of Columbia Committee, a resolution opposing a seven percent investment credit for business, a resolution calling for a revision of priorities to provide more money for urban problems, a resolution calling for a legislative program based on the party platform, a resolution attacking the Administration's tight money policies, a resolution of no confidence in the leadership, and a resolution establishing a committee to study seniority. To these events as basic indicators of change can be added the growth in the activities, organizational efficiency, and militancy of the Democratic Study Group. In explaining these trends and dissatisfactions, however, attention should not be directed simply to McCormack's personal deficiencies or failures as Speaker. As the text suggests, more basic factors are at work. The number of and degree of support provided by Southern Democrats has declined greatly since the early years of Rayburn's Speaker ship. The Rayburn approach is thus necessarily a less productive one and it is worth noting that Rayburn's effectiveness itself declined toward the end of his career. In addition, the number of Northern big city Democrats has also been declining. It is these factors,