



AP Photo/Danny Johnston

Sen. Blanche Lincoln (D-Ark.) celebrates her narrow victory in the primary election in 2010. Lincoln defeated a Democrat running to her left in the primary, but she lost to a Republican running well to her right in the general election.

committee system that dominates Congress's legislative and oversight functions.

The Evolution of Congressional Organization

The Constitution calls for the members of the House of Representatives to select a **Speaker of the House** to act as its presiding officer and for the vice president of the United States to serve as president (or presiding officer) of the Senate.

Art. I, Sec. 2 & 3 But the Constitution does not say anything about the powers of these officials, nor does it require any further internal organization. So little about the Speaker is specified in the Constitution that there is no requirement that the position even be held by a member of the House.

The first House, meeting in New York in 1789, had slow and cumbersome procedures. For its first several sessions, Congress's legislative work was accomplished by appointing ad hoc committees. By the Third Congress, there were about 350 committees, and the system had become too unwieldy. Soon permanent committees were created, each with continuing responsibilities in one area, such as taxes or trade.³⁸

As parties developed, the selection of the Speaker became a partisan matter, and the Speaker became as much a party leader as a legislative manager. The seventh Speaker, Henry Clay (Whig-Ky.), who served ten of the years between 1811 and 1825, transformed the Speakership from a ceremonial office to one of real leadership. To maintain party loyalty and discipline, he used his powers to appoint committee members and chairs. Under Clay's leadership, the House was the dominant branch, but its influence declined when it, like the rest of government, could not cope with the divisiveness of the slavery issue. At the time it was said that "the only people in Congress who are not carrying a revolver are those carrying two revolvers."³⁹ By 1856, it took 133 ballots to elect a Speaker. Many physical fights broke out on the House floor; duels were held outside.⁴⁰

The Senate, a smaller body than the House, was less tangled in procedures, less rule-bound, and more effective in its operation. Its influence rose as visitors packed the Senate gallery to hear the great debates over slavery waged by Daniel Webster (Mass.), John C. Calhoun (S.C.), and Clay (who had moved from the House). During this era, senators were elected by state legislatures, not directly by the people. Art. I, Sec. 3 Thus they had strong local party ties and often used their influence to get presidential appointments for home-state party members. But the Senate, too, became ineffective as the nation moved toward civil war. Senators carried arms to protect themselves as debates over slavery turned to violence.

After the Civil War, with the presidency weakened by the impeachment of Andrew Johnson, strong party leadership reemerged in the House, and a period of congressional government began. Speaker Thomas Reed (R-Maine), nicknamed "The Czar" by his colleagues, assumed the authority to name members and chairs of committees and to chair the **Rules Committee**, which decided which bills were to come to the floor for debate. A major consequence of the Speaker's extensive powers was greater party discipline. Members who voted against their party might be punished by a loss of committee assignments or chairmanships.

At the same time, both the House and the Senate became more professional. The emergence of "national" problems and a proactive Congress made a congressional career more prestigious. Prior to the Civil War, membership turnover was high; members of the House served an average of only one term; senators, only four years. After the war, the strengthening of parties and the growth of the one-party South, where Democrats controlled virtually all elective offices, made reelection easier, thus offering the possibility of a congressional career.

This desire for permanent careers in the House produced an interest in reform. Members wanted a chance at choice committee seats and did not want to be controlled by the Speaker. Resistance against the dictatorial practices of Reed and his successor, Joseph Cannon (R-Ill.), grew. Cannon, more conservative than many of his fellow Republicans, used his powers to block legislation he disliked, to punish those who opposed him, and even to refuse to recognize members who wished to speak. In 1910, there was a revolt against "Cannonism," which had become a synonym for the arbitrary wielding of the Speaker's powers.

The membership voted to remove the Speaker from the Rules Committee and to strip him of his authority to appoint committees and their chairs. The revolt weakened party influence because discipline could no longer be maintained by the Speaker's punishment of members through loss of committee assignments. And it gave committees and their chairs a great deal of independence from leadership influence.

The Senate also was undergoing a major reform. As part of the Progressive movement, pressure began to build for the direct popular election of senators. The election of senators by state legislatures had made many senators pawns of special interests—the big monopolistic corporations (called

party business. **Party caucus** refers both to party meetings and to the party members collectively (alternatively known as the party conference). The House Republican caucus (or conference), for example, consists of all Republicans serving in the House, and the Democratic caucus (or conference) consists of all Democratic members. When independents or third-party members are elected to the House, they can ask to caucus with one of the major parties.

The full House must elect the Speaker of the House, as specified in the Constitution, but it is a straight party-line vote, so the real selection is made in the majority party's caucus. Once elected, the Speaker becomes second in line to succeed to the presidency, after the vice president (provided the Speaker is not foreign-born). The Speaker's institutional task is to act as presiding officer and to see that legislation moves through the House.

Party leadership positions in the House, which have evolved through practice, include a majority leader, a minority leader, and majority and minority whips. The **majority leader** is second in command to the Speaker and is officially in charge of the party's legislative agenda (since the Speaker is technically an officer of the House, not of her party). The majority leader, working with the Speaker, also schedules votes on bills. The **minority leader** is, as the name suggests, the leader of the minority party. **Whips** originated in the British House of Commons, where they were named after the "whipper in," the rider who keeps the hounds together in a fox hunt. This aptly describes the whips' role in Congress. Party whips try to maintain contact with party members, determine which way they are leaning on votes,

In a day when millionaires were not as common as now, the Senate was referred to as the "Millionaires' Club" because that is whose interests senators were thought to represent.

Not surprisingly, the Senate first refused to consider a constitutional amendment providing for its direct election,

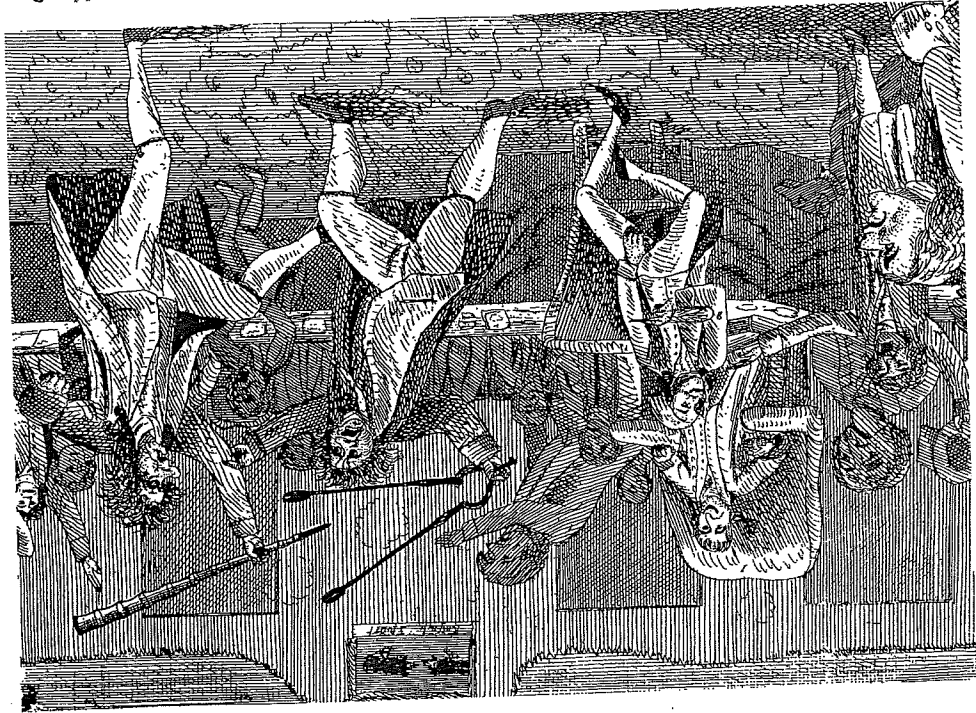
although in some states popular balloting on senatorial candidates took place anyway. Finally, under the threat of a call for a constitutional convention, which many members of Congress feared might lead to other changes in the Constitution, a direct-election amendment was passed in the House and Senate in 1912 and ratified by the states a year later. **Seventeenth Amendment** These reforms of the early twentieth century dispersed power in both the House and the Senate and weakened leadership. House members no longer feared the kind of retribution levied by Speaker Cannon on members who deviated from party positions. In the Senate, popular elections made senators responsive to the diverse interests of the electorate rather than to party leaders.

Contemporary Leadership Positions

The Speaker of the House is the only leadership position specified in the Constitution. Other leadership positions came into being with political parties, and the Founders did not anticipate institutionalized national political parties.

House Leadership Positions

The leaders of each party are selected by their respective members sitting in caucus—meeting as a group to conduct



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Vitriolic exchanges are not a new phenomenon in Congress. Here is a fight in the House in 1798. After Rep. Matthew Lyon (Vt.) spit on Rep. Roger Griswold (Conn.) and the House refused to expel Lyon, Griswold attacked Lyon with a cane. Lyon defended himself with fire tongs as other members looked on—with some amusement, it seems.

and attempt to gain their support. Assisting the majority and minority whips are a number of deputy and assistant whips who keep tabs on their assigned state delegations.

Party organization in the House also includes committees that assign party members to standing committees, work out the party's stance on major policy issues, plan legislative and campaign strategies, and allocate funds to party members running for reelection.

Because the Speaker has become more a party than an institutional leader, he or she is expected to use the Speakership to maximize partisan advantage in committee and staff appointments and to secure the passage of measures put forward by the party or the president, if the majority party also controls the White House. For this reason, the person selected usually has been someone who has served in the House a long time and is a skilled parliamentarian who can negotiate compromises and put together legislative majorities.

Trying to win partisan support is often difficult, but the Speaker has some rewards and punishments to dispense for loyalty and disloyalty. Speakers have a say in who gets to sit on which committees, which committees will be given jurisdiction over complex bills, what bills will come to the House floor for a vote and under what rules they will be considered, and how their party's congressional campaign funds are allocated. The Speaker also decides who will be recognized to speak on the floor of the House and whether motions are relevant. She has the authority to appoint members to conference and select committees and to control some material benefits, such as the assignment of extra office space. Speakers also have the power to name the chair of the Rules Committee and all of their party's members on the committee. Despite these formal powers, the Speaker must be persuasive to be effective and also attentive to the reelection needs of members of the party caucus. As one veteran legislator has described the Speaker's role, "It's all about your caucus. Never, ever, use your power to twist the results. . . . The Speaker must be empowered at all times to make the call. But you must be sure that your decisions don't cost you and your membership the majority."⁴¹

In modern times, the only Speaker to attempt the level of control achieved by such strong predecessors as Reed and Cannon was Newt Gingrich (R-Ga.). Before his election in 1995, Gingrich had been the intellectual and tactical leader of conservative House Republicans. Like other Speakers who were too controlling, Gingrich met with rebellion in his own party, had to fight back a challenge to his leadership in his third year, and resigned his House seat after his fourth year as Speaker. Gingrich's demands for party discipline in support of a national legislative program (Contract with America) undercut the power of committee chairs and also left many members with too little flexibility to respond to their constituencies, which risked their chances for reelection. This is one reason why an ideological moderate with a conciliatory manner is often sought for the Speaker's position.

When Nancy Pelosi (D-Calif.) became Speaker in 2006, she promised to be a leader of the House, not of her party: to push for ethics reform and open up the legislative process. But Pelosi was born into a political family and had been a party fund-raiser and organizer long before she ran for Congress. She almost immediately was seen as a party rather than an institutional leader, though her technique has been quite different from Gingrich's rigid ideological approach and insistence on party unity. Pelosi took on a high-profile role as party spokesperson in the two years before the Democrats won the White House. But as chief head counter she was, unlike Gingrich, willing to bend to the issue needs of more conservative caucus members, especially new members, in order to get as many reelected as possible. As one of the more conservative members of her caucus said, "She's a very practical, tough strategist who knows what people can and what they can't do."⁴² Or, as a House ally said, "she's recognized from Day One that you have to find the center of gravity in your caucus."⁴³ Giving maneuvering room to Democrats from more conservative or closely contested districts on hot-button issues like gun control, abortion rights, and the Iraq War was made easier for Pelosi in 2009 when she was handed a seventy-nine-seat advantage over the Republicans (59 percent of the House). When conservative Democrats had to break ranks to vote with the Republicans, Pelosi could still corral the simple majority needed to pass bills from within her own caucus. Her successor as Speaker will have about a fifty-vote margin to work with in organizing a caucus with issue differences similar to those Pelosi had to manage.

By being attentive to the district needs of all caucus members, Pelosi built loyalty and increased the chances of achieving consensus on party votes. She used this to shepherd through the House almost every major piece of legislation backed by the Obama administration, including a health insurance bill that neither she nor the majority in her district favored. (They preferred the "public option," a government-run insurance program.) These successes were mostly lost on the public because most of a Speaker's work is done behind closed doors and because many of the bills that passed the House never made it through the Senate. It illustrates why the Speakership is fundamentally an institutional position and why effectiveness in the role is judged internally. "The complexity and minutiae of legislation have never been widely understood or celebrated," a House member said in explaining Pelosi's low public approval ratings. In her fourth year as Speaker, Pelosi was being ranked among the great floor leaders, some saying she had become the most powerful Speaker since Cannon in 1911.⁴⁴ Even after the huge House losses in 2010 Pelosi was retained as Democratic leader, (thus becoming the House Minority Leader in 2011), an indication of how effective her legislative leadership was regarded within her own caucus.

Senate Leadership

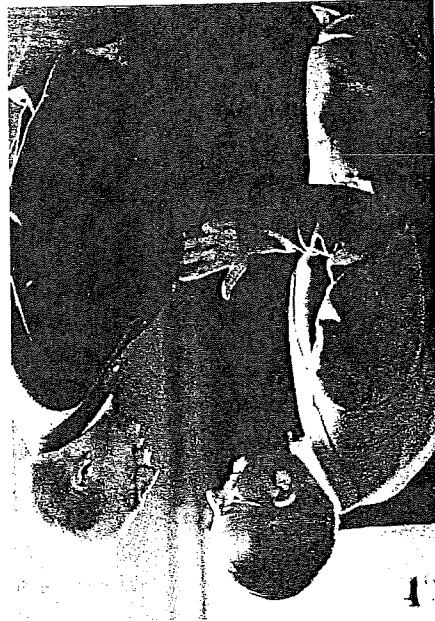
The Senate has no leader comparable to the Speaker of the House. The vice president of the United States is formally

of the Speakership's potential for control of chamber proceedings. A congressional watcher once said the majority leader "is often more a coat-check attendant than a matter d'or chef."⁴⁵ The instances of powerful majority leaders are few, the most notable being Lyndon Johnson (D-Tex.). He assumed office at a time when the Democrats had a slim hold on the Senate, giving him an opportunity to exercise his extraordinary powers of personal persuasion to keep party members in line on key votes. Johnson's reputation was made through a combination of his forceful personality and mastery of the legislative process (he had been a staff aide to the House Speaker and then served in the House before election to the Senate). He made it his business to know everything about his colleagues—"what they drank, where their wives wanted to go on junkets, whether they had a mistress" or were "happy with their parking space [and] what the interests and needs of their constituents were." Acquiring this information and being "ruthless" in using it made him, by one estimation, the "greatest vote counter ever in Congress."⁴⁶ There is nothing inherent in the office to give a majority leader the power Johnson had, and no one has had it since.

The Senate majority leader is a spokesperson for his (no woman has ever held the position) party's legislative agenda and is supposed to help line up members' votes on key issues. But procedurally, the Senate is a free-for-all compared to the House, with "every man and woman for him- or herself."⁴⁷ At least two former majority leaders, Howard Baker (R-Tenn.) and Trent Lott (R-Miss.), described the job as "herding cats"; Lott even wrote a book with that title about his time in the Senate.

the presiding officer and could attend and preside any time he chooses; part of his expense allowance is designated for Senate work. In reality, the vice president attends infrequently and has relatively little power. However, when sitting as Senate president, he is allowed to cast the tie-breaking vote in those rare instances when the Senate is evenly split. **Art. I, Sec. 3** Therefore, whenever a head count predicts the chance of a deadlocked vote on an important bill, the vice president shows up to preside, as Joe Biden did when the Senate voted on the controversial health insurance reform bill in 2010. Consistent with the Bush administration's hands-on legislative strategy, Richard Cheney was an active presence on Capitol Hill during his tenure as vice president, making regular trips to his office just off the Senate floor and holding weekly lunches with Republican senators.

The Senate has an elected president pro tempore, by tradition the senior member of the majority party. It is an honorary post with few duties except to preside over the Senate in the absence of the vice president. In practice, during the conduct of routine day-to-day business, presiding duties are divided among junior senators. This releases the senior member from boring work while giving the Senate's newest members a chance to learn the rules and procedures. As in the House, both parties also elect assistant floor leaders and whips to help maintain party discipline. These are important, if not essential, positions for working one's way into the top leadership in both the House and the Senate. The position of Senate majority leader was not created until 1911 and has often been held by individuals of no particular distinction in their parties. The office has none



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As Senate majority leader, Lyndon Johnson (D-Tex.), shown (left), used physical persuasion in addition to intellectual and moral appeals. He was hard on other peoples' coat lapsels. If the man he was trying to persuade was shorter, Johnson would "move up close and lean over." If the man was taller, Johnson would "come at him from below, somewhat like a badger." Quotes are from Eugene McCarthy, *Up 'til Now* (New York: Harcourt, 1987).

One observer attributes the chamber's resistance to modernization and reform to "its anti-majoritarian and unbounded quality, its free play of antique egos, its cluttered toolbox of little-used procedures."⁴⁸ Unlike the Speaker of the House, the Senate majority leader cannot control the terms under which a bill is considered on the floor; instead, rules are assigned by unanimous consent agreements after negotiations with other senators and a bill's floor managers.

The majority leader also has little power to stop a filibuster—a procedural maneuver that allows a minority to block a bill from coming to the floor by monopolizing the session with nonstop speeches. This means that a majority leader needs to do much more than keep his own party in line to keep legislation moving through the Senate. He can influence the general atmosphere of deliberation in the Senate by adopting an approach to working with the minority party that is either conciliatory or partisan. But whether he chooses a more traditional conciliatory and clubby approach or a more aggressively partisan approach, the majority leader must be less strident than a Speaker like Gingrich because that would never be accepted in the more egalitarian atmosphere of the Senate. As former senator Arlen Specter said, "Senators don't get here to be pushed around."⁴⁹ If senators see themselves as less subject to central discipline, it is in part because there are only one hundred of them, and at any given time, a number of them aspire to or are actively running for the presidency.

The Senate minority leader's job is similar to that of the majority leader in that its effectiveness depends on a limited package of incentives and procedural ploys to enforce party discipline. Historically, the Senate's majority and minority leaders have worked closely together to conduct Senate business. But if either or both are seen as overly partisan, or more interested in personal political ambitions than in running the Senate, it can weaken the collegial relationship and slow the legislative process. One more sign of the deterioration of cross-party cooperation in the Senate is that majority and minority leaders have gone out on the campaign trail to defeat their counterparts in their reelection bids, something unheard of under old rules of collegiality.⁵⁰

Both the majority and minority leaders must articulate their parties' issue positions and try to win support for bills supported by their parties. Fulfilling this duty is tricky if either leader has presidential aspirations because he must carve out issue positions that distinguish him from other senators in his party who are also seeking the nomination.

In representing the party, Senate leaders also may undercut their political viability at home if their constituents are more conservative or liberal than the leadership of the national parties. In 2004, minority leader Tom Daschle (D-S.D.), a high-profile spokesman for party positions that were more liberal than those held by his constituents, became the first Senate party leader in fifty-two years to lose a bid for reelection.

Harry Reid (D-Nev.), who succeeded Daschle as minority leader and who became Senate majority leader in 2007, had to



Senate majority leader Harry Reid (D-Nev.) and Senate minority leader Mitch McConnell (R-Ky.) usually went in opposite directions. Reid tried to pass legislation proposed by President Obama and Democratic colleagues, while McConnell tried to block virtually all of the proposals.

walk the same fine line. Also a Democrat from a Republican state, Reid was more conservative (an opponent of abortion rights, for example) than the mainstream of his party. As the spokesman for the more liberal Senate Democratic caucus, he risked his own reelection. This contrasts with the situation faced by his counterpart in the House: Speaker Pelosi frequently has to defend Democratic caucus positions that are more conservative than her own or those of her very liberal San Francisco district. The difference is that Pelosi has a safe seat, one she typically wins with 60 to 70 percent majorities. In 2010, despite approval ratings in the low thirties, Senator Reid won reelection to his Nevada seat, thanks to a Tea Party opponent who ran to the right of most Nevada Republicans.

Committees

Much of the work of Congress is done in committees. Observers of American politics take this for granted, yet the power of legislative committees is rare among Western democracies. In Britain, for example, committees cannot offer amendments that change the substance of a bill. In our Congress, the substance of a bill can be changed in committee *even after its passage* by both chambers,

The division of labor provided by committees and subcommittees enables Congress to consider a vast number of

