

Extension of Remarks



Legislative Studies Section



American Political Science Association



January 2004, Vol. 27, No. 1

The Centrality of Rules, Procedures, and Information: Reflections from a Congressional Fellowship Experience

Frances E. Lee
Case Western Reserve University

As a member of the APSA's Congressional Fellowship Program class of 2002-2003, I do not yet have the benefit of much hindsight to assess how the experience has affected my teaching and research. So I'd like to use this essay to reflect on what I learned over the fellowship year that added to or subtracted from the baseline of what I thought I already knew about Congress.

I spent half of my time as a fellow working in the Senate and half in the House. On the Senate side I worked for the Democratic Policy Committee. The DPC's activities—events, documents, briefings—are all designed to articulate and disseminate a “party message,” provided that there is sufficient unity among Democrats to create such a thing. At the start of 2003, the major issue on the national policy agenda was President Bush's budget and economic stimulus plan. Despite a lack of unity among Senate Democrats on this subject in 2001, the Democratic caucus in 2003 had hammered out a clear party message: Republicans budget priorities are misplaced and fiscally irresponsible, and the Democratic approach would be far more effective at creating jobs and stimulating the economy. As a fellow on the DPC staff my job was to write documents and assist in planning events and hearings that would highlight and convey this message.

Although a great part of what I observed reinforced what I thought I already knew about Congress, I also had the somewhat unsettling experience of having some of my preconceived ideas called into question. Looking back over the year, one seems most prominent: I was quite surprised by Members' seriousness about understanding and mastering the details of public policy.

My House experience was about as strong a contrast as one could find. Instead of working for a committee, I worked on a personal staff—for a freshman House member, Congressman Jim Cooper of Tennessee, just elected back to the House in 2002 after his defeat in a 1994 Senate bid. In other words, instead of working for party leadership, I was working for an individual member, one with a record as a maverick, more conservative than

the average Democrat and not at all inclined to coordinate his activities with party leaders. Instead of observing the creation and delivery of a central message, I was able to get insight into the kind of questioning and strategizing that takes place as a new member develops his own individual legislative agenda. Mr. Cooper was on an entirely different set of committees from his previous years of service and was in the process of discovering what it was possible for a new member to do within their jurisdictions.

First, in terms of “adding to the baseline” of my understanding of Congress, I’ll focus on the one generalization that was most strongly reinforced by my experiences: the importance of congressional rules and procedures to policy outcomes. Watching Congress up close this year I was struck by the amount of time devoted to debating and discussing rules. If anything, the focus on rules was even more intense than I was expecting. It was clear that members perceived that the stakes were high in these disputes, and that policy outcomes hung in the balance. Let me just list a few such controversies from this year:

- **The organizing resolution in the Senate.** Negotiations on this matter consumed half of January 2003. The most public aspect of this dispute was the delay in the confirmation hearing for Secretary Tom Ridge, because Senate Government Affairs Chairman Joe Lieberman (like the other Democratic chairmen) had refused to relinquish the gavel to Susan Collins until a deal was done organizing all the committees. But the real issue wasn’t the control of the committee gavels, of course; Democrats were going to concede those eventually. The serious dispute was over the party division of staff and resources on committees. Egos played a role in this debate – as well as concern for

employees who would lose their jobs if the Republicans got the share they were seeking – but the intensity of the debate reflected the policy stakes involved. Democrats clearly recognized how consequential staffing levels would be for their ability to gather and use information to shape policy debates.

- **Rules for considering judicial nominations.** Early in 2003, some Democrats were taking the unprecedented step of demanding that the Senate organizing resolution require Judiciary Committee Chair Hatch to follow the blue slip process that allows senators to hold up nominees for judgeships in their states. Later, Democratic caucus members were outraged when Chairman Hatch refused to observe a committee rule that required at least one minority party member to support ending debate on a nominee before the committee could take a vote to report the nominee from committee. In addition, there was a great deal of hesitation and concern among Democrats about how to respond to Bush’s most objectionable judicial nominees. It was not clear from the outset that Democrats would mount and sustain filibusters, and Democrats spent a great deal of time debating whether filibusters were advisable and justifiable in this situation. All told, of the 14 weekly Democratic caucus meetings for which I have notes, senators discussed procedural issues in judicial nominations in eight of them. On two occasions, these issues dominated the entire discussion of the caucus.
- **Controversy on the budget process.** During the consideration of the congressional budget resolution, the parliamentarian was required to rule on

several difficult, technical issues having to do with the Byrd rule and other rules of the budget reconciliation process. Despite their arcane nature, it was clear to everyone in the Senate that hundreds of billions of dollars were quite literally riding on these rulings. Although newspaper coverage of these topics was poor and often misleading, they were quite widely understood and heatedly debated in Congress itself.

- **The role of the Rules committee.** There is no way to overstate how large the Rules committee looms in the current House of Representatives. It affects everyone, especially the minority party. Every office interacts with its staff on an ongoing basis: Was my amendment made in order? What amendments were? From the point of view of a staffer working for a moderate Democrat, it was clear that one of the major policy impacts of the House Rules committee is its penchant for disallowing centrist alternatives from consideration. Policy alternatives that might draw moderate Republican support were the ones that seemed most likely to be ruled out of order. During the debate over Medicare prescription drugs, Mr. Cooper waited all night until nearly 3:00 in the morning to testify on behalf of the proposal he supported. As the sun started to rise, Mr. Dooley, the lead sponsor on the amendment, joked that this was the closest that his policy idea would ever get to seeing the light of day. And, of course, he was right.

Although a great part of what I observed reinforced what I thought I already knew about Congress, I also had the somewhat unsettling experience of having some of my preconceived ideas called into question. Looking back over the year, one seems most prominent: I was quite surprised by Members'

seriousness about understanding and mastering the details of public policy. Policy discussions that took place in private, just between members and staff outside public view – no question of preening for the cameras – were on a very high level. The Members of Congress whom I had the opportunity to observe seemed to take a great deal of pride in knowing and understanding the complexities of public policy. This is just not something one often finds mentioned in news media profiles of politicians – or in political scientist's treatments of them, for that matter.

One anecdote from the Senate Democratic Caucus's annual retreat illustrates this earnestness about policy. Prior to my fellowship experience, I might have expected such an event – a weekend session in a Maryland resort hotel – to be a cross between a party and a strategy session. But the structure of the event was a lot more like an academic conference. Other than a dinner and reception on the first evening of the retreat and a nature hike in the afternoon on Saturday, senators sat in a conference room and listened to panelists – journalists, pundits, academics, think tank researchers – give presentations on policy issues. There was almost universal attendance among the senators at every panel over the weekend, even though there were no cameras to take note of it, no media present, and no recorded votes. And yet the senators were there, taking notes and discussing policy. They were even present for a panel that started at 9:00 a.m. Saturday morning on a rather wonkish subject, the problems associated with the assessment of early childhood education programs. The senators attended in force, but the people conspicuously absent were all the guest speakers – the academics, journalists, and researchers – who were still straggling in at 10:00 and after. Unlike the senators, the policy experts themselves just couldn't get up early in the morning for a session on the

difficulties of testing Head Start students, not even given the novelty of the chance to observe an off-the-record conversation among senators. But the senators were obviously engaged with the issues, asking substantive questions of the panelists and sharing information among themselves about their experiences with these programs in their own states.

Now this conclusion about “earnestness” does not mean that political science accounts of Congress give too little attention to members’ desire for “good public policy.” Legislators’ seriousness about policy is not necessarily that high-minded; it’s not just a quest for neutral advice from experts. Information – possessing it and being able to employ it effectively – is so valuable because it aids politicians in everything else they do. Reelection is often said to be the proximate goal, because the achievement of all other goals depends on it. Possessing policy information is, to some degree, analogous. It confers credibility, an asset essential for obtaining power in government and trust among constituents. Among colleagues, being knowledgeable makes Members worth listening to and enhances their influence in the chamber. With constituents, it inspires confidence in their qualifications and ability to do the job. Among other governmental officials, it makes a member someone to be contended with, someone who cannot easily be ignored. In these senses, whatever goals a politician has, information is central to achieving them. I’d always made use of the “information is power” cliché in teaching legislative politics, but nine months of working there has finally given me the context to really understand what it means.