

*The Politics of Reform in Congressional History*

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One of the most dramatic moments of the 1970s took place in early 1975. The congressional elections of 1974 had brought in a large class of freshmen who had campaigned on the theme of reforming government and changing the way that Congress operated. One of the primary goals of these “Watergate Babies” was to show that committee chairs were the creatures of the parties and not vice versa. After forcing Ways and Means Committee Chairman Wilbur Mills to resign from his chairmanship following a scandal with a famous Argentine stripper, the Watergate Babies demanded that senior chairmen appear before them and justify why they should retain their posts. Television reporter Roger Mudd said that it was “the ultimate indignity” for senior chairs to be required to do this. Congress would “never be the same again,” quipped one legislator. When three chairmen, Edward Herbert, W.R. Poage, and Wright Patman did not provide satisfactory answers, the caucus moved to unseat them. *The New York Times* editorial page boasted: “The House Democrats have now ended the tyranny of the committee chairmen and introduced majority rule as the principle ordering their affairs.

The removal of powerful committee chairmen in 1975 was a landmark moment in the history of America’s Congress. Yet moments such as these have generally escaped historical attention. This is a great loss since the centrality of the legislative process to congressional history makes the subject of reform something that we need to know more about. Understanding congressional reform also helps us wrestle with one of the most enduring and perplexing challenges in American political history: how can we improve the institutions that compose our democracy so that they better fulfill the ambitious promises that were articulated in the Constitution?

The achievement of government reform and the problems that emerge from such efforts are no artifacts of the distant past. To understand more about the history of government reform, we can look to the important period of the 1970s--one that rivaled the progressive era. In almost every political arena during the 1970s, there was a widespread feeling that obtaining new leadership and policies required reconstructing the political process: reformers changed the nomination process for presidential candidates to break the remaining hold of party elites; access to information about government became easier to obtain; the campaign finance system came to include stricter disclosure laws, public finance for presidential elections, and contribution limits; reformers secured permanent rights for public interest groups in the administrative process; the government embraced a proactive role in protecting voting rights; an Office of the Independent Counsel and the FBI institutionalized the investigation of corruption; and the congressional committee era came to an end.

The government reforms of the 1970s helped create the Congress that we know today, one where political parties drive the institution with unprecedented force and vigor. In today's Congress, fierce partisanship erodes the kind of professional trust that is essential to bipartisan compromise. Party leaders find that they have a large number of institutional tools and weapons at their disposal. Yet these party leaders have to remain highly responsive to their membership since they contend with codified ethics rules, aggressive mavericks committee and subcommittee chairs, and specialized caucuses. Legislators struggle under the 24-hour light of an adversarial media. They confront a fragmented and shifting universe of interest groups, think tanks, and activists, who make it difficult to sustain

coalitions. Notwithstanding promises of a resurgent Congress in the 1970s, the executive and judicial branches have remained formidable adversaries.

The modern Congress looks very different than the institution that existed during the committee era, 1900s to the 1960s. Southern Democrats dominated most of these years. Power rested on a larger infrastructure organized around autonomous, insular, seniority-based committees and congressional districts that privileged rural voters. The media usually refrained from aggressive investigative stories, expertise enjoyed unprecedented authority, and campaigns revolved around a secretive process that favored large contributors.

So how were reformers able to bring to an end the committee era? Did the transformation satisfy their objectives? In the most basic of terms, I argue that reforming government is extremely hard work, much harder than most politicians or pundits will admit. Reform is the work of the tortoise, not the hare. While popular accounts often suggest that one large scandal or piece of legislation is capable of fundamentally changing how government works, the truth is that reform is a thoroughly historical process that is messy, slow, and involves multiple institutions coming together at the right time.

For the rest of my time today I would like to talk about the origins of congressional reform in the 1940s and 1950s, and the first major victory for the reform coalition in 1961. The reform coalition began in the late-1940s with representatives from labor, the civil right community, national elite organizations of New Deal liberals, academia, religious associations, philanthropic foundations, as well as the Democratic Party. At first, the

coalition was driven by a desire to obtain progressive legislation for African-Americans and blue-collar workers, not moralistic concerns about the nature of democracy.

In the 1950s and 1960s, this liberal coalition included legislators such as Hubert Humphrey, Eugene McCarthy, and Richard Bolling, as well as interest groups such as the Americans for Democratic Action, the AFL-CIO, the Democratic Study Group, and the Leadership Conference on Civil Rights. Notably, organized labor and their Democratic allies in Congress were key partners in the coalition, which strengthened the cause of institutional reform by connecting it to a vibrant and well-established electoral constituency with political clout. Despite the many issues that concerned them, however, it was civil rights that brought the disparate elements of the coalition together in the postwar decades. Civil rights offered a type of ideological clarity that did not exist with other policies. It was also capable of uniting northern Democrats.

The liberal coalition in the 1950s and 1960s drew on a shared understanding about the failures of the legislative process as they pressed for institutional reform. The coalition believed that the formal and informal rules of Congress were propping up a small group of conservative politicians who did not reflect the wishes of a liberal nation. Regardless of whether their assertions were correct, this belief inspired them. The liberal coalition did more than any other faction to politicize congressional reform by linking procedure to the interests of burgeoning social movements. Although the liberal coalition was influenced by political calculations, they promised that reform would make Congress more progressive, powerful, trusted, and efficient.

Pundits called these postwar legislators and interest groups “bombthrowers” because of their aggressive tactics. Based on a keen awareness of the inner-workings of legislative institutions, they targeted the procedural weapons of congressional conservatives, which they defined as those Republicans and Democrats who opposed to civil rights. Members of the liberal coalition wanted to create a process that southern conservatives could not use to block their agenda and to foster a style of politics that was more partisan and majoritarian.

The coalition really started to take form with the 1948 campaign. Northern voters elected a group of strident Democrats to Congress who were determined to pass civil rights and other progressive legislation. Democrats gained nine seats in the Senate, raising their total to 54, and enjoyed a net gain of 75 House seats, putting their total at 263. Together with the interest groups that supported them, the liberal legislators were convinced that institutional reforms were essential to their policy objectives. Since they entered politics in a period where majorities that supported New Deal programs were perceived as normative, they believed that a majority-based legislative system would be in their favor.

One leading liberal was Richard Bolling of Kansas City. Younger liberals saw him as a mentor. Born in 1916, his father was a conservative southern Democrat and his mother was a LaFollette Progressive. Bolling was the midwestern director of the Americans for Democratic Action. He was elected to the House in 1948. Colleagues saw Bolling as arrogant, aloof, and brilliant. A firm advocate for labor and civil rights, as well as for the Cold War, Bolling’s passion was institutional reform.

The Senate had its own renegades. Hubert Humphrey began his career as an opponent of Senate procedure. Humphrey's training as a doctoral student in political science at the University of Minnesota stimulated his interest in parliamentary procedure. Humphrey decided to run for the Senate in 1948 and earned national attention at the Democratic convention when he called on Democrats to embrace civil rights. In his first year, the Minnesotan brazenly defied congressional norms and procedure. Days after being sworn into office, Humphrey went to the segregated Senate dining room with an African-American aide and insisted on sitting together.

To some extent, the media offered younger liberal Democrats support. Television enabled younger politicians to gain public attention without the support of their senior colleagues. Senator Estes Kefauver, a member of the 1948 freshmen class, gained tremendous exposure through his investigations into organized crime, which were watched by almost thirty million viewers. Although most reporters did not take an adversarial stand toward Congress, exceptions were growing. Drew Pearson, for example, was famous for publishing columns that exposed corruption. Pearson once found himself in a physical fight with Senator Joe McCarthy. Yet there were limits to how much legislative liberals could rely on the media in the 1950s. Customary norms discouraged younger members from appearing before the media, and the leadership clamped down on the various outlets. Investigative reporters such as Pearson were marginalized within their profession.

The coalition claimed that an elaborate chain of procedures kept southerners in power, ranging from districts that favored conservative rural voters to the seniority rules. The filibuster was the ultimate symbol of how procedure blocked civil rights. Writing for The

New Republic, Senator Paul Douglas explained that filibuster reform might seem to be a “barren and arid matter of parliamentary procedure. It involves, however, the whole question as to whether Congress will ever be able to pass civil-rights legislation.” Procedural issues became so important that civil rights organizations in the 1950s placed committee and filibuster reform at the top of their political agenda. In 1951, the NAACP listed filibuster reform as equally important as fighting lynching. “Until this obstacle is removed,” the Leadership Conference on Civil Rights said of the filibuster, “there can be no hope for congressional action against the forces of bigotry.”

I would now like to discuss one of the reform coalition’s most important early victories: the expansion of the House Rules Committee in 1961. The Rules Committee had become more obstructionist after 1955 when Virginia’s Howard Smith took over the chairmanship. In 1959, the Democratic Study Group--which was formed a year earlier by a group of liberal Democrats who wanted their party to move in a more progressive direction--targeted the Rules Committee. Although Rayburn had promised DSG that Smith had assured him he would be more accommodating following the large liberal gains in the 1958 congressional elections, after 1959, Rules became more obstructionist. The election of John Kennedy as President in 1960 heightened interest in congressional reform. Liberals insisted that with a sympathetic president, there were enough Democrats and liberal Republicans to pass legislation if institutional rules did not prevent them from doing so. “Stripped of the Senate filibuster and the House Rules Committee veto,” ADA promised, “the conservative coalition will no longer stand as a roadblock to the New Frontier.”

Tensions worsened when Howard Smith bragged to reporters that he would “exercise whatever weapon that I can lay my hands on” to stifle Kennedy. He refused to tolerate “radical, wild-eyed spendthrift proposals that will do the country severe damage.” Rayburn became openly frustrated with Smith. Following the 1960 election, Kennedy met with the Speaker in Florida. While refusing to take a position definitively on legislative procedure, Kennedy implied to Rayburn that he endorsed weakening the Rules Committee. Privately, Kennedy told his closest aide, Lawrence O’Brien, “We can’t lose this one Larry . . . The ball game is over if we do.” The Democratic Study Group--a key part of the liberal coalition--made proposals to reform the Rules Committee. One reform would alter the party ratios in all committees by adding more Democrats and reducing the number of Republicans. The GOP was unlikely to accept this. The second proposal was to expand the Rules Committee so that Democrats could place more liberals on Rules without reducing the number of Republicans. This was the most modest plan. The third option, the most politically explosive, was to purge Smith’s leading ally from the committee, the ardent segregationist from Mississippi, William Colmer, on the grounds that he had not supported Kennedy in the election.

The battle over the Rules Committee in 1960 and 1961 brought the problem of institutional procedures and their relation to southern Democrats to the forefront of media attention. The leadership had always found comfort in the fact that procedural reform had “very little sex appeal to the average Washington correspondent,” as LBJ’s aide once said. But after 1960, the press regularly published editorials and stories about how conservatives used procedure for power. Smith became a tangible villain in a battle that revolved around

complex and abstract rules. Whereas procedures were often too complicated for reporting, the threat of Smith to Kennedy was simple to explain. It offered a foe and a hero. A Herblock cartoon, entitled "Gateway to the New Frontier," depicted Kennedy standing before a gate marked "New Frontier" being blocked by an angry bull; one of the bull's horns said "House Rules Committee" and the other "Senate Rules."

Ten days after the session started, Rayburn revealed to the media that he was going to push for a temporary expansion of the Rules Committee and leave Colmer in place. Rayburn sensed this was the most politically viable reform since his vote counts indicated that none of the reforms, let alone the most controversial, was secure. Rayburn obtained the last-minute support of key southern conservatives by promising money for their districts and warning of worse alternatives. Deciding to push for what was possible rather than for what was perfect, the leadership of DSG abandoned hope of purging Colmer. Before the vote, Kennedy advisers leaked to the media that the President feared he would be unable to deal with the Nikita Khrushchev, should the committee reform fail to pass.

The floor debate was fierce. Opponents attacked the reform as an attempt to force unpopular legislation through Congress. Smith blamed the reform on a small group of liberals in organizations such as the Democratic Study Group and the Americans for Democratic Action who wanted to force representatives to vote for their bills rather than to vote on the basis of conscience or constituency. Waving a copy of their monthly newsletter, Smith said cynically: "Now I have in my hand the monthly issue of Americans for Democratic Action. Have any of you ever heard of that?" In a dramatic moment, Rayburn made a rare floor speech. He argued that every President should have an opportunity to

have his proposals voted on and that a majority should be able to work its “will” by voting on legislation.

The House passed the resolution 217-212. The liberal coalition was successful because of twenty-two northern Republicans who supported the reform. The reform drew unanimous non-southern Democratic support as well. Thirty-six southern Democrats voted in favor of the expansion. Most important, Rayburn obtained the support of most southern committee chairs.

Although the final reform was the least controversial alternative and the final vote was narrow enough to indicate that southern strength remained formidable, the victory was significant to the liberal coalition. Democrats gained two additional members on the Rules Committee, where they placed two liberals, and the Republicans gained one seat where they placed a moderate. The reform showed that the legislative process was malleable and that the conservative coalition could be defeated. Because of the campaign behind the reform, it also showed how focusing on civil rights could unite the coalition.

The liberal coalition had helped place congressional reform on the political agenda, linking technical procedures to the national social struggle taking place over civil rights. Liberals also acted as hard-nosed lobbyists in the halls of Congress. They envisioned an assertive Congress capable of responding to majority interests and the executive branch. They warned that Democrats would suffer politically should they remain under the grip of conservatives.

Yet the liberal coalition was not satisfied with its victory in 1961. The expansion of the House Rules Committee had failed to prevent the legislative log-jam that frustrated

President Kennedy. Most of Johnson's Great Society victories in 1964 and 1965 were perceived as being dependent on the highly exceptional circumstances surrounding those years. The liberal coalition thus believed that more congressional reforms were needed to ensure passage of their legislation under normal working conditions. Over next ten years, sometimes because of their efforts and other times because of different institutions, the coalition was successful in obtaining many reforms. Party caucuses gained power over committees, ethics were codified, deliberations were opened, the one-man-one-vote rule eliminated the bias toward rural districts, television cameras were allowed into the chambers, campaign finance disclosure laws and contribution limits were passed, the budget process was centralized, and senators made it easier to end filibusters.

Yet, in the end, the institutional changes of the 1970s did not produce many of the outcomes that proponents of reform had hoped for. Congress has not emerged as the dominant branch of government, it is not an icon of efficiency, it has not regained public favor, and it has certainly not become a factory of liberal policy. There were many reasons why the changes did not produce these desired effects. Foremost, committee chairs were not replaced with a source of authority that was any faster, forceful, or efficient. Congress facilitated both centralized and decentralized authority simultaneously. The new sources of authority in Congress, moreover, did not favor legislative compromise. Additionally, the internal transformation of Congress did little to reverse the constraints that the legislature faced when trying to exercise its authority. Externally, forces such as the President and the media were just as strong in their interaction with Congress. Internally, the post-committee process made it extraordinarily difficult to achieve dramatic policy change the reform of

existing programs. The process made every legislator in positions of power susceptible to attack, as was evident in the 1980s and 1990s with the downfall of such powerhouses as Jim Wright, Robert Packwood, Dan Rostenkowski, Newt Gingrich, and Trent Lott.

Although liberals had been so important to the reform coalition, the conservative movement of the 1970s proved remarkably adept at working in the new legislative process. Liberals learned that a new process did not inherently mean a more progressive policy agenda. Legislators who were allied with the conservative movement took advantage of the new processes. When they were a minority, Republicans used the process to stifle Democratic legislation and to bring down several of the most powerful Democrats. When the electoral winds of America blew in sizable conservative majorities, Republicans stifled Clinton. When the era of divided government ended with the election of President George W. Bush, the GOP moved forward with bolder agenda. While there were many factors behind the success of the conservative movement, their skillful use of the legislative process was instrumental.

Finally, the institutional changes of the 1970s did not reverse the broader trends that were fueling popular discontent with the political system. Reformers were unable to prevent the flow of private money into campaigns. The national media and other producers of political culture continued to disseminate negative images of politicians.

Despite these failures, the history of congressional reform in the post-World War II period demonstrates that political institutions can be changed--even if it is extraordinarily difficult to achieve change and even though the effects of such reforms often turn out to be different than anticipated. Notwithstanding the admonitions about government reformers,

dating back to New York City machine politician George Plunkitt's criticism of reformers as "morning glories who look lovely in the mornin' and withered up in a short time," this history shows that fundamental government reform can happen despite the enormous staying power of the status quo. In the year 2005, there seems to be the political space for another round of reform because it is clear that many Americans are profoundly dissatisfied with the quality of their government and the nature of the political process. Whether we are approaching another era of reform akin to the 1900s or 1970s will only become clear as the new millennium unfolds. Yet what reformers can take from the history of congressional reform is that they should not be seduced by the promises of optimists, who insist that reform can be easily accomplished through some quick fix, nor deterred by the descendents of George Washington Plunkitt, who claim that government institutions can never be changed.