Informal Leadership in the U.S. Senate

C. Lawrence Evans
Department of Government
College of William and Mary
clevan@wm.edu

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Observers of Congress tend to view the legislative process through the lens of leadership. Party leaders such as Sen. Thomas Daschle, D-S.D., and Rep. Dennis Hastert, R-Ill., are regularly quoted by journalists, as are prominent committee chairs and ranking minority members. Considerable media attention also is paid to *informal leaders*, that is, Senators and House members playing a significant leadership role on a measure, but who are not part of the formal leadership structure. Prominent recent examples include Sen. John McCain, R-Ariz., and Rep. Marty Meehan, D-Mass., on campaign finance reform, as well as Rep. Charlie Norwood, R-Ga., on the Patients' Bill of Rights.

Almost all of the scholarly literature about congressional leadership focuses on formal leaders. For instance, we know a lot about the behavior of party leaders in both chambers (Sinclair 1983, 1995, Smith 1993), the politics of party leadership selection (Peabody 1976), and the behavior of committee chairs and ranking minority members (Strahan, 1990, Evans 1991, Palazzolo 2002). There also is a burgeoning theoretical literature about the procedural prerogatives that formal leaders can use to structure the legislative agenda (Cox and McCubbins 1993, Dion and Huber 1996).

Informal leadership, in contrast, has generated little sustained research.[1] Our understanding of the topic mostly derives from case studies of individual bills and anecdotes from media accounts of the legislative process. Why? For one, the cast of formal leaders is more readily identified and formal leadership is easier to define. In the scholarly literature about Congress, the set of formal leaders typically includes top majority and minority party leaders in both chambers and the chairs and ranking minority members of the relevant committees and subcommittees. Explicitly or implicitly, formal leadership is usually defined as the consequential actions that these individuals take on legislation, public relations, and so on.

To think systematically about informal leadership, though, we need to look beyond the Capitol Hill organizational chart and consider the central contributions that members can make on legislation. Such an analysis naturally draws out attention to variables that are difficult to measure. Moreover, when we consider the "contributions" or "impact" of members on

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[1] A major exception is Susan Webb Hammond's (1998) excellent book about informal caucuses and member organizations in the House and Senate.

legislation, our focus naturally turns to vexing normative questions about legislative effectiveness and representation.

Since the 1970s, however, the lawmaking process in both chambers has become less structured, less hierarchical, and less predictable (Smith 1989, Sinclair 2000). Heightened polarization between the congressional parties has enhanced the legislative roles played by party leaders such as Daschle and Hastert. But compared to the *Textbook Congress* of the 1970s and before, key legislative activities now are increasingly likely to be conducted by lawmakers who are not part of the institutional leadership structure on a bill. We cannot really understand the contemporary legislative process without considering the contributions of these informal leaders.

A comprehensive analysis of the topic is beyond the scope of this essay. Our purpose here is to address (in a tentative fashion) some basic questions about informal leadership in Congress. How common is informal leadership relative to formal leadership? What characteristics of members and issue areas make the emergence of informal leadership more likely? What activities do informal leaders typically engage in and how does their contribution relate to the work of party and committee leaders? What are the consequences of informal leadership for the representative capacity of Congress?

Prevalence of Informal Leadership

The large number of books and articles about party and committee leaders reflects the pivotal roles that these actors play on legislation. Both chambers provide formal leaders with procedural privileges and resources that promote their effective participation in policy making. Party leaders, for instance, control extensive staff networks that provide them with expert advice and facilitate their ability to shape legislation. The majority leadership, especially in the House, has substantial control over the flow of legislation to the floor. Party leaders have considerable input into the process through which members are assigned to committees -- a valuable carrot/stick for influencing the behavior of lawmakers. Party leaders are selected by their respective caucuses, providing them with enhanced legitimacy and visibility in the legislative arena. Thus, when we compile the names of major players on important bills, formal party leaders in both chambers should be prominent on the list.

Similar expectations hold for full and subcommittee leaders. The formal structure of Congress facilitates legislative participation by the chairs and ranking minority members with

jurisdiction over a measure (Hall, 1996). At both the full and subcommittee levels, these leaders have disproportionate access to committee staff resources. Chairs control the gavel in committee and also have valuable procedural prerogatives on the floor. Committee leadership positions mostly are allotted by length of committee service -- extensive experience within a jurisdiction should translate into increased legislative effectiveness on those issues. At the subcommittee level, members are assigned leadership positions via a process of constrained self-selection (Shepsle, 1978). They typically choose subcommittee leadership posts that cover issues central to their policy and constituency goals, thus increasing the likelihood that they will participate on subcommittee bills. It should come as no surprise, then, that careful statistical studies of participation in Congress demonstrate that formal institutional leaders are significant players in the legislative game.

But how common is *informal* leadership in committee and on the floor? To address the question even tentatively, we need a working definition of the concept. One approach is to begin by conceptualizing leadership in terms of certain key contributions that members can make to the legislative process -- essentially as modes of legislative participation, which will vary by member and by bill. Included are setting the agenda, drafting key alternatives, mobilizing support among members and outside constituencies, providing policy advice, and bargaining with other members or the executive branch. When such activities are conducted by a lawmaker who is not part of the institutional leadership structure on a measure -- that is, a top party leader, or the chair or ranking minority member of a panel with jurisdiction -- then the lawmaker can be considered an informal leader on the bill, and his or her activities can be categorized as informal leadership.

Should we expect such informal leaders to be disadvantaged in the legislative process, at least compared to formal leaders? To a certain extent, yes -- They lack many of the resources and procedural powers that are available to committee and party leaders. But all members of Congress have some access to staff expertise. This is particularly the case in the Senate, where large-state members can employ dozens of legislative personnel. Moreover, the advocacy environment has grown broader and deeper over the past two decades. The resulting proliferation of lobbyists and interest group representatives has increased the base of expertise available to members. The growth of the Internet has facilitated policy research by everyone, including legislators and their aides.

In both chambers, committee and party leaders do exert a degree of agenda control. However, the lack of restrictive amendment procedures in the Senate enables individual members to circumvent the gatekeeping powers of formal leaders. And as demonstrated by recent House action on campaign finance reform, the discharge petition provides informal leaders in that chamber with a valuable tool for bringing their proposals before the full body.

There also are stronger incentives now for rank-and-file lawmakers to engage in leadership behavior on a wide range of issues. The American public has grown more diverse in recent years and the mix of competing political interests has become more complex. This heightened heterogeneity is reflected in the constituencies of most House members and Senators. One implication -- Their electoral and policy interests are increasingly evoked by issues falling outside the jurisdictions of their committees and formal institutional roles. By all accounts, the traditional norms of apprenticeship and specialization have atrophied, providing further incentives for lawmakers to become legislative generalists. The increase in congressional caucuses and other member organizations is an indicator. According to one count, the number of informal member groups on Capitol Hill increased from just 45 in 1979 to 173 in a recent Congress.[2] For members with shared policy interests, the caucus organizations can be a useful tool for devising policy proposals and influencing legislation (Hammond 1998). Under the right conditions, then, rank-and-file members may have the motivation and the resources necessary to engage in consequential leadership activities.

There is extensive anecdotal evidence that informal leadership is commonplace on Capitol Hill. In the 107th Congress, for instance, none of the chief sponsors of the landmark campaign finance reform legislation (Sen. Russell Feingold, D-Wis., and Rep. Chris Shays, R-Conn., along with McCain and Meehan) were in positions of formal leadership on the measure. Especially in the House, rank-and-file lawmakers with medical backgrounds have shaped the debate over managed care reform. Senate action on the 2001 reauthorization of the Elementary and Secondary Education Act was strongly influenced by Joseph Lieberman, D-Conn., and other Democratic centrists -- all of them informal leaders on the legislation.

To build on such anecdotes, we have gathered evidence about leadership behavior on twenty major issues considered by the full Senate during the 106th Congress (1999-2000). As

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[2] Don Wolfensberger, "Informal Congressional Caucuses and the Policy Process," Woodrow Wilson Center Policy Seminar, November 19, 1998.

part of another research project, one of us repeatedly interviewed the chiefs of staff or legislative directors in dozens of Senate offices about chamber action on the proposals (Evans, n.d.). These conversations generated useful information about which Senators played major leadership roles on the measures from the time of introduction through the vote on initial Senate passage. We also examined media accounts of the bills -- primarily articles from *Congressional Quarterly Weekly Report* and *National Journal's Congress Daily* -- for additional information about leadership behavior.

Our focus was on the central elements of legislative leadership -- who shaped the base bill, formulated the main alternatives, took the lead in coalition building and bargaining, and so on. The threshold for inclusion on the leadership list was high. On major bills, dozens of amendments may be offered in committee and on the floor. But the sponsors of such amendments are only included on the list of leaders if their proposals were highly significant to the legislative outcome.

Along those lines, the top party leaders, especially the majority and minority leaders, are active to some extent on all legislation brought before the full Senate. They are responsible for negotiating the unanimous consent agreements that set the parameters for floor consideration. As a result, we looked for evidence that the impact exerted by party leaders exceeded their routine involvement in scheduling matters -- for instance, indicators that Lott or Daschle devised floor strategy for their respective parties, or that they took major steps to whip recalcitrant members into line. For the twenty bills, the names of party leaders were only included on the leadership list if their involvement achieved such a threshold.[3]

A list of the issues and members identified as playing significant leadership roles is provided in Table 1. The names are roughly ordered by the significant of their involvement. There are a total of 160 cases of legislative leadership across the twenty items. The names of formal leaders are in bold type; the remaining senators on the list can be categorized as informal leaders for the relevant measure. Our interviews and media searches may have missed some individuals who were active "behind the scenes," but the information in the table should be comprehensive enough for the exploratory purposes of this essay.

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[3] One of the reasons why we focused on leadership activities occurring during initial Senate consideration of a measure, rather than during the conference stage, was because high involvement by party leaders is routine during bicameral negotiations.

Consider, for example, Senate action in October 1999 on legislation to ban "partial-birth" abortions. In Table 1, five Senators are referenced as significant leaders on the measure; Majority Leader Trent Lott, Rick Santorum, R-Pa., Tom Harkin, D-Iowa, Barbara Boxer, D-Ga., and Richard Durbin, D-Ill. Although the bill fell within the jurisdiction of the Judiciary Committee, Santorum (not a member of Judiciary, much less a formal leader) was the chief sponsor and driving force behind the measure. Santorum's commitment to the issue is personal and longstanding; he has been a leader in the effort to ban partial-birth abortions since his initial election to the Senate in November 1994.[4] During the 106th Congress, Santorum was responsible for drafting the base bill, including language aimed at placating moderate members, such as Susan Collins, R-Maine, who were concerned about the adequacy of the exemption for maternal health. In the weeks leading up to the debate, Santorum worked closely with a national coalition of "right to life" groups to mobilize public support behind the legislation.

The decision about when to bring the matter before the full body was made by Majority Leader Lott, in consultation with Santorum. Their strategy was to offer a motion to proceed to the legislation during floor action on the McCain-Feingold campaign finance reform bill, which both Lott and Santorum opposed. In addition to putting members on record on the partial-birth issue, they hoped to raise the costs (to campaign finance reform advocates) from opposing attempts to cut off deliberations on McCain-Feingold -- a vote against their motion could be portrayed as an implicit vote against restricting partial-birth abortions.

During the weeks leading up to Senate action on the Santorum measure, Richard Durbin, D-Ill., was working on a substitute that would provide more extensive exemptions for maternal health. During the 105th Congress, Minority Leader Daschle had attempted to devise such a compromise, but he eventually backed away from his own proposal because of intense opposition from pro-life forces in South Dakota. In 1999, Durbin sought to fill the vacuum left by Daschle, but in the end was unable to craft language that would unite his caucus and provide pro-choice Democrats with political cover on the issue.

The floor vote on Santorum's bill occurred on Thursday, October 21. Two days earlier, during the weekly Tuesday luncheon for all Senate Democrats, Harkin and Boxer (neither one a formal leader on the bill or a Judiciary Committee member) informed their colleagues that they

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[4] In October 1996, Santorum was confronted with the possibility of having to decide whether or not to use an abortion to save the life of his wife.

would offer a "sense of the Senate" amendment to the Santorum bill stating that the *Roe v. Wade* decision should not be overturned. Their intention was to turn the tables on Santorum and Lott by forcing moderate Republicans to cast a difficult vote on the popular Supreme Court decision, and to perhaps forestall a vote on the partial-birth issue by replacing Santorum's language with their own text. To keep the Republicans from striking the Harkin amendment, Boxer filled in the amendment tree with a second-degree proposal. The Harkin-Boxer strategy caught Santorum completely by surprise and the Republican temporarily lost control of the floor agenda. At this point, Lott stepped in and helped Santorum regain control over the process. In the end, the Harkin and Boxer amendments passed, as did the underling Santorum measure, but Santorum was unable to secure the 67 votes necessary to ensure a successful override of the veto expected from President Clinton.

In short, a mixture of formal and informal leadership shaped Senate action on the partial-birth abortion ban. Majority Leader Lott was the key player for Republicans on procedural strategy and in setting the agenda. Minority Leader Daschle was initially involved in crafting a substitute, but was replaced by Durbin during the 106th Congress and is thus left off the list. Durbin was assistant floor leader for Senate Democrats -- part of the extended Democratic leadership -- but on the partial-birth measure he was not functioning in his role as party leader, so his name is not in bold type in Table 1. Santorum and Harkin devised the main substantive alternatives and took the lead in general coalition-building efforts. Boxer played an important, albeit secondary, role on strategy and as a public spokesperson on the issue. Other Senators were part of the political calculus on the partial-birth bill. For instance, Susan Collins, John Edwards, D-N.C., and Robert Kerrey, D-Neb., were viewed as the potential swing voters on the issue and both sides courted them extensively. The Clinton administration was particularly concerned about how Edwards would vote on an override attempt. But the level of involvement from these members did not reach the threshold for informal leadership and they are not on the list.

The summary information in the table provides a useful snapshot of leadership in the modern Senate. First notice that the impact of top party leaders is pervasive. Although the threshold for consequential party leadership was high, Majority Leader Lott was included among the leaders on 15 of the 20 items. Minority Leader Daschle was included for 12 of the initiatives. On all but one of the Daschle items, Lott was also was on the list. The nature of their roles varied from bill to bill, but the two leaders were often intimately involved in procedural strategy,

message formulation, and general coalition building. They often served as chief public spokesmen for their respective parties on major legislation.

Throughout the 106th Congress, Lott and Daschle regularly battled over the Senate agenda and access to the floor. Daschle and other Democrats repeatedly sought floor votes on issues central to their party's message agenda; especially proposals to raise the minimum wage, regulate the managed care industry, and tighten restrictions on the sale of firearms. Lott and other GOP leaders attempted to clamp down on the amendment process and reduce the number of floor votes on these proposals. Daschle, Minority Whip Harry Reid, D-Nev., and other Democrats attempted to offer party proposals as nongermane amendments to unrelated items. Lott countered their tactics with cloture motions (nongermane amendments are not permissible post-cloture) and other procedural strategies (he "filled the amendment tree" on a number of major bills during 1999-2000)[5]. The result was a procedural war over the Senate agenda that periodically created bottlenecks on the floor. On some items, top party leaders played a major role in crafting substantive alternatives -- the contribution of Majority Whip Don Nickles, R-Okla., on managed care reform is one prominent example. But for the most part, the impact of party leaders was over timing, procedure, and political strategy.

Along with party leaders, the other "bolded" names in the table are for the formal committee leaders who played a significant legislative role on the initiatives. Notice that the relevant chairs and ranking minority members were important players on 17 of the 20 measures. The Senate generally is less committee-centered than is the House. Individual senators serve on more panels than do their House counterparts and individual assignments mean less to them. Moreover, the measures reported by Senate committees receive less procedural protection on the floor; the lack of a germaneness rule reduces the importance of jurisdictional boundaries.

However, chairs and ranking minority members are still central players in the Senate legislative process. On the measures in Table 1, committee leaders engaged in a wide range of leadership activities, from the drafting of alternatives to mobilizing the public and internal coalition building. Commerce Chair John McCain, for instance, was the primary author and key proponent for Senate action on legislation to restrict the liability of businesses for Y2K problems. Thad Cochran, R-Miss., chair of the Appropriations subcommittee for agriculture, helped determine the level of emergency assistance included in the FY 2000 agricultural

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[5] Schiller (2000).

spending bill; devised a strategy to counter Democrat proposals for more farm assistance; served as chief public spokesman for his party on the emergency assistance issue; and floor managed the legislation for the GOP. On the major tax initiatives included on the list, Daniel Patrick Moynihan, D-N.Y., ranking minority member on the Finance Committee, drafted the main Democratic alternatives to the bills reported out of committee. Thus, as befitting their central role in the legislative process, the names of full and subcommittee chairs are prominently represented in Table 1.

That said, the key observation to make about the table is that 90 of the 160 names included on the leadership list are for Senators who were not in positions of formal leadership. As a result, to understand the nature of leadership in the modern Senate -- and in the modern House -- we clearly need to look beyond the roster of formal institutional leaders.

Who are the informal leaders? First consider party. While slightly over 60 percent of the cases of formal leadership were for Republicans, GOP members accounted for only 45 percent of the instances of informal leadership. Perhaps ranking minority members are not afforded the same level of deference by their fellow partisans as is the case for committee and subcommittee chairs, and, as a result, the minority Democrats were disproportionately likely to become informal leaders. The differences here, however, are not very large and there were formal and informal leaders from both parties on most of the bills in Table 1.

Now consider the possible impact of ideology. We can gauge the ideological preferences of lawmakers by using a standard measure of liberalism/conservatism to rank order members and divide them into quintiles that range from very liberal to very conservative.[6] The committee chairs and ranking minority members who were identified as major players on the twenty items were disproportionately from the middle quintile -- They tended to be party moderates. The high percentage of moderates among the formal committee leaders simply reflects their overall presence among the ranks of senior Republicans. Committee chairmanships go to senior lawmakers of the majority party, and the most senior Republicans in the 106th Senate entered politics before their party's 1980s shift to the right. They tended to be less conservative than their more junior GOP colleagues.

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[6] The measure used in this paper is the W-NOMINATE score, first dimension coordinate. Consult the website of Keith Poole (http://k7moa.uh.edu) for an explanation.

Is there a relationship between ideological moderation or extremism and *informal* leadership? When we consider the ideological preferences of the informal leaders, the most conservative quintile is somewhat under-represented, generating just 12 percent of the cases. But the distribution of informal leadership across other parts of the ideological spectrum is fairly even. So based on these bills, the cast of informal leaders appears to be representative of the chamber as a whole, at least in broad ideological terms.

Next consider the relationship between chamber seniority and legislative leadership. Here, there are some instructive differences. Not surprisingly, the formal committee leaders who were major players were mostly senior members -- again, the seniority norm is still an important part of the selection process for committee leaders. But if we divide the Senate into thirds by seniority, the informal leaders in Table 1 were disproportionately likely to fall in the middle category. Indeed, the middle third of the members (in terms of chamber service) contributed 43 percent of the cases of informal leadership, while the most junior and senior thirds each accounted for about 28 percent of the cases.

We do not want to infer too much from small deviations, but the apparent relationship between chamber seniority and informal leadership makes good intuitive sense. The most junior members of the Senate are less likely to have the personal expertise, policy contacts, public visibility, and expert staff necessary to play a major leadership role on diverse issues. At the other end of the seniority scale, the most senior members do have such resources and background. But they also have institutional responsibilities -- formal leadership roles on other bills -- that raise the opportunity costs for them to serve as informal leaders on legislation. As formal committee leaders, they tend to be actively involved in the legislation emanating from their panels, reducing the time available for leadership duties on unrelated matters. In addition, there is a tendency for committee leaders to defer to other committee leaders on legislation over which they do not have formal jurisdiction. Such reciprocity strengthens their own position on the items about which they care the most -- the bills that fall within their own jurisdiction. Thus, we would expect senior members to be highly active in the legislative process in their roles as formal leaders, but to be somewhat less inclined to assume informal leadership roles on other matters. It makes sense that informal leadership would be disproportionately associated with the middle level of chamber seniority.

Before considering the legislative conditions associated with informal leadership, it is useful to explore whether or not the informal leaders of Table 1 are primarily from the committees with jurisdiction over the relevant measures. Perhaps the concept of "informal leadership" simply captures legislative participation by committee members other than the relevant chairs and ranking minority members. Certainly there are good reasons why rank-and-file committee members should be more likely to assume leadership roles on a bill -- at least relative to members not on the committee of jurisdiction (Hall 1996). For one, the members of the relevant committee can influence the item in committee, as well as on the floor, giving them two or more bites at the legislative apple. In addition, by choosing to join the panel to begin with they have indicated a special interest in the jurisdiction. Committee members more regularly deal with the issues in their jurisdiction and thus are more likely to develop expertise in the policy area. They also have greater access to committee staff.

Are the informal leaders in Table 1 primarily members of the committees with jurisdiction over these items? Put differently, is informal leadership simply another mechanism through which House and Senate committees influence the lawmaking process? In Table 1, about forty percent of the cases of informal leadership were for members of the relevant committee. Since the typical Senate committee has approximately twenty members, the incidence of informal leadership among committee members is disproportionately large. But the key point here is that most of the cases of informal leadership were from Senators who were not on the committee of jurisdiction. Thus, based on the evidence in this essay, informal leadership appears to be more than another mechanism for committee members to shape legislation.

Informal Leadership and the Legislative Context

What characteristics of the legislative context on an issue are associated with the emergence of informal leaders? The twenty issues that constitute the main evidentiary base of this essay do not generate enough information to fully address the question. Still, the initiatives can provide us with useful guidance about when informal leadership should be particularly important on legislation. That is, we can use the cases to speculate about the aspects of the legislative context that might contribute to informal leadership.

The structure of formal leadership is part of an institutionalized division of labor that is intended (in part) to help members achieve their policy and political goals. Party leaders, for

instance, help their respective caucuses overcome certain collective action and coordination problems (Cox and McCubbins 1993, Sinclair 1995). Since majority and minority party leaders are elected by their fellow partisans, they typically are responsive to their wishes, especially when the party is fairly unified. The committee system provides all members with an issue-specific division of labor that promotes policy specialization and logrolling. Moreover, the committee system grants disproportionate say over legislation to the members who care the most about that issue. Committee action on a measure also may narrow the range of disagreements on a bill, making floor action more manageable and the legislative process more efficient..

As a result, the "default mode" on Capitol Hill is for lawmakers in positions of formal leadership to guide the legislative process. Under certain conditions, however, the cast of formal leaders may not adequately reflect the full range of interests evoked by a measure. That is, there may be a degree of incongruence between the institutional structure and the viewpoints and interests of the membership. The existence of such *structural incongruence* makes the emergence of informal leadership more likely. What forms might this structural incongruence take?

First, legislative proposals often are of intense interest to a few, relatively narrow constituencies, while most of the remaining membership is uninterested, or somewhat opposed. The set of interested members does not always mesh well with the relevant committee memberships and leaders. Incongruence of this form was particularly apparent on four of the measures in Table 1 -- Steel Import Quotas, the Northeast Dairy Compact, Drug Re-importation, and the Sugar Subsidy -- and informal leaders played prominent roles on each item.

In 1999, legislation to establish quotas on the importation of foreign steel was a top priority for the steel industry, steelworkers, and related constituencies in steel-producing areas like West Virginia and Pennsylvania. Steel-state Senators have set up an informal organization, called the Senate Steel Caucus, to promote their interests. There is an analogous group in the House. In the 106th Congress, the chair of the Steel Caucus was Sen. Arlen Specter, R-Pa., and the co-chair was Jay Rockefeller, D-W.V. The Caucus helps interested members gather information about steel-related issues and communicate their concerns to the executive branch. Although the Finance Committee has jurisdiction over trade issues and Rockefeller is a member of the panel, that committee tends to be unfriendly to protectionist measures. As a result, leadership on the steel imports bill originated in the Steel Caucus, rather than the committee of

jurisdiction. Rockefeller and Specter initially took the lead on the legislation. But Specter is a party maverick, while his GOP colleague from Pennsylvania, Rick Santorum, has a close working relationship with Trent Lott. A key goal for the pro-quota forces was to secure a floor vote for their bill. As a result, Santorum became the lead Republican on the measure. Finance Chairman Roth primarily focused on marshalling forces within the institution against the bill. Lott's impact was crucial, but almost exclusively over the timing of floor action.

The legislation to extend the Northeast Dairy Compact activated intense constituency interests on both sides of the issue. Dairy producers from Northeastern states were strongly in favor of the measure, as were Southern dairy interests seeking to create their own compact. The most intense opposition was centered in the upper-Midwest. For the most part, sentiment within the Agriculture Committee was not favorable to the compact. Not surprisingly, then, the key (informal) leadership roles on both sides were filled by Senators from the most affected states – Vermont and Wisconsin.

The drug importation issue also evoked interests that did not mesh well with the committee-based division of labor. During 1999-2000, constituents in a number of Border States began taking well-publicized van trips to Canada or Mexico to purchase prescription drugs. A number of U.S.-made pharmaceuticals are actually cheaper if purchased across the border. The geographic incidence of this issue did not correspond neatly with the memberships of the relevant panels and informal leaders from affected states – James Jeffords of Vermont, Byron Dorgan of North Dakota, and Paul Wellstone of Minnesota – functioned as informal leaders on the measure. Thad Cochran, chair of the subcommittee with jurisdiction, successfully offered a second-degree amendment to weaken their proposal. Since the initiative was offered as a bipartisan amendment to the agricultural spending bill, rather than as a freestanding measure, party leaders were not deeply involved on strategy or timing.

The proposal to roll back the sugar subsidy was offered by John McCain, largely for policy reasons. Opposition came from areas that produce sugar cane and sugar beets – primarily Florida, Louisiana, Hawaii, Idaho, and the Dakotas. Other states that produce narrow, specialty crops usually support the sugar producers in exchange for analogous protections for their own products. But because interest in the program is primarily focused in just a few states, the legislators from those areas usually take the lead in fighting efforts to kill the sugar program. They have even formed an informal organization – The Senate Sweetener Caucus, chaired by

John Breaux of Louisiana and Larry Craig of Idaho. Not surprisingly, Breaux and Craig led the successful effort to beat back the McCain proposal.

Other forms of structural incongruence surfaced in the issues of Table 1, and help explain the emergence of informal leadership. On the Patients Bill of Rights, for instance, the broad salience of managed care issues, and the centrality of the matter to the Republican and Democratic Party messages, meant that intensive interest in the bill extended well beyond the membership of the relevant committee. GOP leaders formed a task force for the issue, led by Republican Whip Don Nickles. Task force members drafted their party's version of the Patients' Bill of Rights and took the lead in mobilizing support for the measure among Senate Republicans. Susan Collins, Phil Gramm, Rick Santorum, and Bill Frist were members of the task force, and each was given responsibility for "whipping" a group of fellow Republicans. The Senators helped manage floor action on the legislation and articulated the party message to the media. In Table 1, Frist is categorized as a formal leader on the legislation because he chaired the subcommittee with jurisdiction. But that subcommittee was not an important legislative arena on the measure and Frist's influence mostly derived from his policy interests and expertise. A heart and lung surgeon, Frist is regularly consulted by other Republicans on health policy. On the Nuclear Test-Ban Treaty and China PNTR bills, the range of interested members likewise extended beyond the memberships of the relevant committees. As a result, a number of informal leaders emerged on these items as well.

A particularly important form of structural incongruence concerns the policy attitudes of full committee leaders, especially the chair. On campaign finance reform, for instance, the chair of the committee of jurisdiction (Rules and Administration) was Mitch McConnell of Kentucky. McConnell is the pre-eminent congressional opponent to the reform proposals that have dominated the agenda in recent years.   Not surprisingly, leadership of the pro-reform forces has been provided by informal leaders. On the measure to reauthorize the Elementary and Secondary Education Act (ESEA), the policy preferences of Chairman James Jeffords (then a Republican) were in line with a majority of his panel – the Committee on Health, Education, Labor, and Pensions. On education issues, however, Jefford's views diverged sharply from the preferences of other Republicans on the panel, and reflected instead the perspective of the Democratic contingent on the committee. As a result, key coalition-building activities on the

Republican side were conducted by Judd Gregg, R-N.H., Slade Gorton, R-Wash., and other party conservatives.

Yet another form of structural incongruence arises on major party message issues where there are pockets of centrist opinion out of line with the main party positions. Especially on tax reduction and the reauthorization of ESEA, both party leaderships sought to unify their caucuses around party-defining positions that diverged sharply from the alternative offered by the partisan opposition. There is a potentially influential organization of moderate members in the Senate – the Centrist Coalition – that seeks to build legislative bridges between the parties. Within the Democratic Caucus, moderate members such as Joseph Lieberman have formed a related group, called the New Democrats. (The group is bicameral and includes House Members.) If there is substantial support among moderate members for a centrist alternative, these Senators often emerge as informal leaders. On the ESEA reauthorization, for instance, Lieberman was a pivotal player in both the 106th and 107th Congresses. Indeed, in spring 2000, Daschle's involvement in the legislation largely focused on keeping Lieberman from developing a viable moderate alternative. On tax reduction, moderate members of the Finance Committee, especially Robert Torricelli and John Breaux, have attempted to craft centrist alternatives to the main Republican and Democratic proposals.

A final form of structural incongruence relates to the locus of expertise, rather than the distribution of preferences. As mentioned, the committee system is designed to promote the development of policy-specific expertise among a subset of the membership. But policy expertise is not always centered in the committee of jurisdiction. On the legislation to restrict business liability for Y2K computer problems, for instance, Robert Bennett of Utah was an influential informal leader. Bennett long has been interested in information technology issues and during the 106th Congress he served as leader of an ad hoc panel charged with exploring the Y2K matter. A number of Republican members went to him for advice about the legislation. As mentioned, Dr. Frist's expertise on health care items does not derive from his committee posts. For similar reasons, medical professionals, including Charlie Norwood (a dentist), Greg Ganske, R-Iowa (a plastic surgeon), and Ernest Fletcher, R-Ky. (a family practitioner), have functioned as pivotal informal leaders during House action on managed care reform.

Informal Leaders and Congressional Capacity

When the policy making process is dominated by members who hold positions of formal leadership – party leaders, chairs and ranking members of the relevant committees – the nuts and bolts of legislative work will tend to be relatively predictable, and perhaps even efficient. One purpose of the structural division of labor within Congress (including formal leadership positions) is to increase the likelihood that the legislative trains will run on time – or at least what passes for "on time" on Capitol Hill. But enhanced predictability and legislative efficiency usually come at a cost – the policy-making process may not be responsive enough to the entire array of interests and viewpoints evoked by a measure.

Legislative outcomes in the House and Senate are shaped (in part) by the policy preferences of House Members and Senators, who in turn represent the interests of constituencies from across the country. But congressional outcomes also are shaped by the internal structures of the two chambers. Procedural rules typically advantage some legislators over others in the policy making game. And policy-relevant resources such as expert staff – another key aspect of congressional structure – are not equally allotted across all members. In short, the internal structures of Congress – including the ones that gird formal leadership positions – are seldom policy neutral. As that great philosopher John Dingell once put it, "If you let me write the procedure, and I let you write the substance, I'll screw you every time."[7]

Of course, if the internal procedures and resources of the House and Senate impede the legislative agendas of a large majority for an extended period, these structural characteristics likely will be changed. But in the short-term, the quality of the representation provided by Congress is shaped by both the policy attitudes of members *and* structural features. And certain viewpoints may not be adequately represented by the members who are advantaged by the internal structures of Congress – that is, by the members in positions of formal leadership on a bill.

When such structural incongruencies arise, informal leaders can make critical contributions to the process of representation. Their entrepreneurship can advance positions and viewpoints that otherwise would not be fully considered in the lawmaking process.

Campaign finance reform is an excellent example. Experts disagree about the constitutionality and likely efficacy of the competing proposals to clamp down on soft money

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[7] *National Review*, February 27, 1987, 24.

activities, issue advocacy by interest groups, and so on. Although opinion polls indicate that campaign finance reform is not a top public priority, most citizens favor the general thrust of the reforms advocated by Shays and Meehan, Feingold and McCain. If pro-reform forces had deferred to party and committee leaders over the years, it is highly unlikely that major campaign finance legislation would have passed during the 107th Congress. The bottom line? Informal leaders can make the lawmaking process more responsive to the American people, and thus contribute substantially to the representative capacity of Congress. We need to learn more about them.

Table 1. Leaders on selected Senate bills, 106th Congress*

Measure	Leaders
Steel Import Quotas	Rockefeller, Santorum, **Roth**, Specter
Y2K Liability	**McCain**, **Hollings,** Dodd, Kerry, Wyden, Bennett, Feinstein, **Lott, Daschle,** Kennedy
Patients' Bill of Rights	**Nickles, Kennedy**, **Frist**, **Jeffords**, **Daschle**, **Lott,** Collins, Gramm, Santorum, Snowe, Chafee, Graham, Edwards
Farm Aid	**Cochran, Harkin, Lugar, Daschle**, **Stevens,** Dorgan, Grassley, Conrad, Roberts, Hagel, Ashcroft, Mack
Northeast Dairy Compact	Leahy, Jeffords, Kohl, Feingold, **Lott**
Reconciliation (1999)	**Roth, Domenici**, **Lott, Moynihan, Daschle**, Gramm, Breaux, Kerrey, Torricelli, Dorgan
Campaign Finance Reform (1999)	McCain, Feingold, **McConnell**, Lott, Daschle, Reid, Bennett, Hagel, Thompson, Levin, **Dodd**
Partial Birth Abortions	Santorum, **Lott,** Harkin, Boxer, Durbin
Bankruptcy Reform	**Grassley**, Torricelli, **Hatch,** Sessions, Biden, Kennedy, **Lott,** Kohl, Hutchison, Schumer, Levin, Feinstein, Wellstone, **Daschle**
Minimum Wage	**Kennedy,** Domenici, **Lott,** Collins, **Daschle**
Africa Trade/CBI	**Roth, Moynihan,** Hollings, Lott, Daschle, Harkin
Nuclear Test-Ban Treaty	**Helms**, **Biden,** Dorgan, **Lott, Daschle**, Lugar, Domenici, Kyl, Coverdell, Inhofe, Warner, Moynihan, Byrd
Labor/HHS Appropriations (1999)	**Specter**, **Harkin, Stevens**, **Domenici**, **Lott, Nickles**
Elementary and Secondary Education Act	**Jeffords, Kennedy**, **Lott,** Gregg, **Daschle**, Lieberman, Bayh, Collins, Frist, Gorton, Lautenberg
Hate Crimes	Kennedy, G. Smith, **Hatch**
Estate Tax	Kyl, Kerrey, **Lott, Moynihan, Daschle**, Roth
Marriage Penalty	Hutchinson, **Lott, Nickles**, **Moynihan, Daschle**,
Drug Re-importation	Jeffords, Dorgan, Wellstone, **Cochran**
Sugar Subsidy	McCain, Breaux, Craig
China PNTR	**Roth, Moynihan**, Lott, Thompson, Torricelli, Baucus, **Daschle**, Hatch, **Grassley**, Graham, Landrieu, Lieberman, Wellstone, **Helms**

* The names of formal leaders are in bold. For each measure, this category includes the majority and minority leaders and whips; the chair and ranking member of the committee and subcommittee of jurisdiction; and, where appropriate, the chair and ranking minority member of a committee with closely related jurisdiction.

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