

Chapter 8

The Changing Speakership

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The speakership is a unique office due to its dual institutional and partisan functions. On the one hand, the Speaker of the House is its constitutionally designated presiding officer. As such, the Speaker has an obligation to preserve the prerogatives and respect the integrity of the House as a whole and of all of its Members without regard to party affiliation. The Speaker's main parliamentary obligation is to enable the House to perform its legislative functions. To the office is entrusted the responsibility to facilitate the legislative process so that the Congress can perform its constitutional role. On the other hand, the Speaker is the leader of the majority party and is responsible for offering political and policy direction, attending to the electoral needs of Members of his own party, and enabling his party to gain or retain a legislative majority so that it can press its policies into public law.

In the 30 years since the reform movement of the early seventies, the speakership has undergone substantial change. The evolving character of the office has demonstrated two tendencies: a shift in emphasis from the parliamentary role of presiding officer to the political role of party leader, and a shift in attention from legislation to events external to the legislative process. This change can be easily illustrated by contrasting the way that Speaker Carl Albert (D-OK, Speaker from 1971 to 1977) and current Speaker Dennis Hastert (R-IL) allocated their time. Albert pre-

sided over the reform movement. A protege of Speaker Sam Rayburn (D-TX), Albert bridged the transition from the pre-reform to the post-reform eras. He straddled the transition from the old order to the new, but his orientation toward the speakership was distinctly traditional. Albert was well known for a punctilious attendance on his duties as presiding officer, recognizing Members to speak, ruling on points of order, and so forth.¹ He was often to be found in the chair, and felt that it was the best place to be if one wanted to feel the pulse of the institution, as Members knew where to find him and would frequently come to visit with him. When not presiding, Albert was typically to be found in his office, arriving at 7 each morning and usually not leaving the building until the early evening. His attendance at political functions was intermittent, and participation in fundraising events was rare. Albert did initiate some changes consistent with the new order. He proposed a legislative agenda, was the first to use an ad hoc committee to process legislation, the first to utilize a party task force to define a party position, and the first to hire a full-time press secretary. Nonetheless,

¹The Speaker does not preside over the Committee of the Whole House, where most amendments to legislation are considered. He does preside over the House itself on final consideration of legislation, unless he chooses to name a Speaker pro tempore. Speaker Albert usually did not name a Speaker pro tempore unless he was unable to preside for some reason. Speaker Hastert routinely appoints Speakers pro tempore.

Albert recognized his obligation to fulfill the Speaker's parliamentary role. This was clearly illustrated in his approach to the impeachment proceedings for President Nixon and the handling of Vice President Agnew's resignation, during which Albert was insistent that no partisan advantage be taken.

Speaker Hastert's schedule is fuller and his days perhaps even longer than Albert's, but his time is spent differently. He is rarely in the chair. Instead, his time is spent in an endless series of meetings with members of the extended leadership group, members from various committees working on pending legislation, various factional organizations within the Republican conference, staff meetings to develop legislative strategy, meetings to set strategies for upcoming campaigns and elections, and of course, the meetings, phone calls, receptions, and trips necessary to sustain the legislative party's fundraising base. Whereas Speaker Albert had his primary residence in Washington, DC, Speaker Hastert maintains his primary residency in his Illinois district, and spends many weekends at home there.² Speaker Albert rarely traveled to campaign or to solicit campaign funds; Speaker Hastert visits scores of legislative districts each year, and is his legislative party's primary fundraiser. When Hastert was elected Speaker it was anticipated that he would take a different approach to the office than had his predecessor, Newt Gingrich (R-GA). Gingrich had offered himself as a national leader of the Republican Party and wanted to use the speakership as a platform for his policy positions. He was also the field general of the Republican revolution, raising money and campaigning for Members. Hastert, in contrast, was to be a "man of the House," returning the House to "regular order," and respecting the prerogatives of the committees. When we consider how Hastert spends his time, however, it looks a lot more like Gingrich than like Albert. Hastert travels often, has raised more money than Gingrich did, and is deeply engaged in both legislative and political strategy.

How did the speakership evolve from Albert to Hastert, and what have been among the most

important aspects of this transformation serving to define the speakership today? To address these questions, we first discuss the political context that defines the speakership today. Then, we consider the changing character of the Speaker's role within the legislative process, the "inside game." Third, we characterize the increasing external demands on the Speaker, the "outside game." Fourth, we assess the relationship between the Speaker's internal and external role in the context of what has been called the "permanent campaign." Fifth, we consider the Speaker's important relationship to the Presidency. We conclude by considering the effect on the speakership of political party and the personal characteristics of individual Speakers.

THE POLITICAL CONTEXT

In a stable, democratic regime the process of change often occurs so incrementally that we do not take note of the changes until they have already occurred. Occasionally, of course, there is a sharp break with the past. Such was the case when the reform movement fundamentally realigned the power structure in the House, empowering the Speaker and diminishing to a degree the power of the committees. But we can now see that the changing character of the speakership was not due to the changes wrought by the reform movement as much as it was to an underlying realignment in American politics. The reformers themselves did not foresee this. They were liberal Democrats who wanted to break the grip of the southern, conservative committee chairs of their own party; but they certainly had no notion of empowering Republicans.³ They wanted to strengthen the speakership because this would serve their own policy goals; but they had no desire to create a "czar" for the House. The liberal Democrats believed that the majority of the American people supported their policy positions, and that a more open and accountable legislative body would embrace those policies; they did not anticipate that the more open and accountable process could be accessed by conservative Republicans whose aim

² Jonathan Franzen, "The Listener," *New Yorker*, Oct. 6, 2003, pp. 84-99.

³ Burton D. Sheppard, *Rethinking Congressional Reform* (New York: Schenkman, 1985).

was to drive them from power. But this is in fact what happened.

The realignment in the American political system that brought about the transition from a Congress dominated by the Democrats to one that, albeit narrowly divided, is at present under Republican control, took a full generation to materialize. It began with the passage of the Civil Rights Act of 1964 which, as President Johnson well understood, opened the door to the South to the Republican Party. It was delayed for 20 years in part because the Watergate scandal enabled the Democrats to seize and subsequently to hold a substantial number of previously Republican districts in the elections of 1974 and 1976. It culminated in the election of Republican House and Senate majorities in the 1994 election. By the 2000 election, the American people appeared to be about evenly divided in their support of Democrats and Republican; but the constitutional structure gives more square miles to the GOP, with the Democrats piling up substantial majorities in congressional districts that are stacked on the two coasts and in the big cities of the Midwest. With population shifting to the South and Southwest, and with the conversion of the South from Democratic to Republican control, the political landscape has been radically transformed since the reform movement in the House of Representatives. One result has been the “homogenization” of the two parties.⁴ Most Democrats and Republicans now hold safe seats. As the two parties have sorted out the districts, each party has become more ideologically homogenous. Democrats are more solidly liberal with a small and dwindling number of conservatives; Republicans are now more solidly conservative with a small and dwindling number of moderates. Thus, two evenly divided congressional parties face each other across a wider ideological chasm. There are two principal consequences of this: first, each party must place greater emphasis on elections in order to hold place; second, the majority party (presently the Republicans) must gather legislative majorities from within its own ranks since it can anticipate

few, if any, crossover votes from the minority (now the Democrats).

The House of Representatives was a main battleground of this partisan realignment. Beginning with the election of 1978, a new generation of younger, more conservative, and more confrontational Republicans came to the House determined to bring to the House a Republican majority.⁵ Their leader was Newt Gingrich. During the eighties, Gingrich and his allies in the “Conservative Opportunity Society” sought every opportunity to challenge the Democrats—their policies, their leaders, and their management of the House. The Republican’s goal was to turn seats held by Democrats into seats held by Republicans. This Republican onslaught forced the Democrats to take defensive measures in both the legislative and electoral processes. Legislatively, the Democrats sought to use their majorities to control the House agenda in order to prevent the Republicans from forcing floor votes on politically inspired amendments. This greatly enhanced the role of the Speaker and the Rules Committee as agents of party governance. Electorally, the Democrats sought to strengthen their fundraising capacity, candidate recruitment, and electoral strategy. As their leader, Speakers O’Neill, Wright, and Foley became increasingly engaged in electoral activities. These activities were not confined to a campaign season, but instead extended through the calendar year with planning for the next election beginning as soon as the current election was over.

Since the Republican triumph in the 1994 elections, party control of the House of Representatives has been up for grabs. The Republican 26-seat majority was initially expanded by the recruitment of five party-switching Democrats, but then dwindled with the elections of 1996 and 1998 to establish the very narrow Republican House majority we observe today.⁶ In the description of Michael Barone:

The United States at the end of the 20th century was a nation divided down the middle. In 1996, Bill Clinton was re-elected with 49.2 percent of the vote. That same year, Republicans held the House, as their candidates led Democrats

⁵ Dan Balz and Ronald Brownstein, *Storming the Gates* (Boston: Little Brown, 1996).

⁶ At the outset of the 108th Congress there were 229 Republicans, 205 Democrats, and 1 Independent who organized with the Democrats.

⁴ David W. Rhode, *Parties and Leaders in the Postreform House* (Chicago: University of Chicago Press, 1991).

by 48.9 percent to 48.5 percent. In 1998, Republicans again held onto the House, as their candidates led in the popular vote by 48.9 percent to 47.8 percent. On November, 7, 2000—although the final result was not known until 5 weeks later—George W. Bush won 47.9 percent of the vote, and Al Gore won 48.4 percent. The same day, House Republican candidates led Democrats by 49.2 percent to 47.9 percent.⁷

Congressional redistricting pursuant to the 2000 census has reinforced the current stalemate. The term limits movement reached its zenith in the late eighties and early nineties when it appeared that the only incumbent Members of the House likely to be defeated were under indictment or the shadow of scandal. In 1988, only six incumbents were defeated. The stability of incumbency provided little basis for anticipating the Republican victory in 1994. Rapid turnover marked the elections of 1990, 1992, 1994, and 1996. Not only were the two parties narrowly divided, but average seniority plummeted as long-serving Members retired or were defeated. Given the close competition for control of the House one might have expected that a pattern of regular turnover, incumbent vulnerability, and changes in partisan control might have emerged. Instead, the House has become as stable as it was before, even though it is more narrowly divided. In the 2000 redistricting, Republicans and Democrats worked at the state and national levels to create safe-seat districts for incumbents with the result that only a few dozen House seats are competitive in a typical election year. In the 2002 congressional elections, 96 percent of incumbents were reelected.⁸

Thus, the political context in which the speakership functions today is defined by a stable but narrow division between the majority Republicans and the minority Democrats. Should the Democrats succeed in electing a majority of Members in a future election, it seems very likely that their majority would be as narrow as that which the Republicans now enjoy. The result is that the two parties continuously contest power, policy, and politics. This has occasioned new

roles for the Speaker both within the House and external to it.

THE INSIDE GAME

The reform movement offered new power and influence to the Speaker.⁹ The most significant change under the rules of the House pertained to bill referral. The Speaker was empowered, in 1975, to offer multiple and sequential referral of bills to committees in order to facilitate consideration of legislation that cut across the jurisdictions of the standing committees. Committee chairs could no longer stand behind jurisdictional claims in order to delay legislation or dictate its terms. More important changes occurred within the rules of the Democratic Caucus. The Speaker was given real control over the Rules Committee, naming its chair and designating the majority members, making it for the first time since the revolt against Speaker Cannon in 1910 a reliable arm of the leadership. This meant that the Speaker would be able to control terms of floor consideration for bills and could keep legislation off of the floor entirely by denying a rule. The power of naming Democrats to committees was transferred from the Democratic Caucus of the Ways and Means Committee, which held this responsibility since the days of Champ Clark and Oscar Underwood, to the party's Steering and Policy Committee, several members of which were named by the Speaker. The Steering and Policy Committee also made nominations to the Democratic Caucus for committee chairs. Within the committees, a bidding process was established for selecting subcommittee chairs, further eroding the power of the committee chairs. These changes dramatically strengthened the power of the Speaker vis-a-vis that of the committees and their chairs, as the reformers intended.

These changes also placed demands upon the Speaker. No longer could a Speaker sit back and allow others to decide committee assignments, chair appointments, bill referrals, and the terms of floor consideration. Now the Speaker had to take a hand and take a stand. Sam Rayburn had been happy to avoid these choices because he

⁷ Michael Barone, "The 49 Percent Nation," *National Journal*, June 8, 2001, pp. 1710–1716.

⁸ The effect of redistricting is not only to secure safe seats for incumbents; it also has the effect of tying those incumbents to primary election voters who are typically more partisan than general election voters. This accentuates the partisanship in the House. Previously, safe-seat incumbents had more leeway to vote against the leadership; now they have less. For a recent discussion see Jeffrey Toobin, "The Great Election Grab," *New Yorker*, Dec. 8, 2003, pp. 63–80.

⁹ Sheppard, *Rethinking Congressional Reform*. See also Ronald M. Peters, Jr., *The American Speakership*, 2d ed. (Baltimore, MD: Johns Hopkins, 1997), pp. 146–208.

knew that it would thrust him into the middle of conflicts between the southern conservative and northern liberal wings of his party. This is precisely what happened to Tip O'Neill, Jim Wright, and Tom Foley. The initial effect of the reforms occurred *within* the Democratic Caucus as the policies of the Carter administration divided the Democrats along ideological and regional lines.

Tip O'Neill's use of legislative task forces to forge floor majorities was a response to the more diffuse legislative environment but also to the underlying cleavages among Democrats. O'Neill found it necessary to draw upon the powers of the speakership to shape the context of legislation. The multiple referral of bills meant that compromise would have to be brokered across committee and subcommittee jurisdictions. The Speaker and his staff had to become involved early rather than late in the legislative process. The Speaker's control of the Rules Committee meant that he could shape the terms of floor consideration, including the determination of amendments to be made in order. Structuring floor consideration provided opportunities to negotiate compromise by enabling some amendments and not others. The use of task forces to press for passage of key bills or amendments provided a mechanism to push through the compromises that had been made. Thus, the Speaker's role in the legislative process became much more pervasive.

In addition to changes that empowered party leaders, there was also a countertendency during this period toward greater autonomy of individual Members. Tip O'Neill's most famous aphorism was that "all politics is local." Political science ratified this discovery when it found that if you wanted to understand the Congress you had to understand the relationship between Members and their districts.¹⁰ In the seventies, a new breed of representatives was identified, comprised of Members who were found to be more autonomous and more entrepreneurial, the "new American politician."¹¹ The decentraliza-

tion of power in the House reflected the aspirations of such Members. Members learned to work their districts by a range of techniques that included good old-fashioned constituency service, pork barreling, extensive use of the frank, regular trips to the district, occasional townhall meetings, and other novelties such as "representation vans," mobile offices that traveled the district.¹² These techniques were developed first by younger Democrats elected in the post-Watergate landslides, and they enabled the party to consolidate its control as many Democrats hung on to previously Republican districts. This was good news for Democratic Speakers. But other aspects of the new politics were not so good. Under the terms of the Campaign Finance Reform Act of 1974, Members could receive campaign contributions from individuals and newly defined "political action committees." This development enabled enterprising Democrats to establish independent and secure funding for their campaigns. The result was that Members became less and less dependent on the political parties and the party leadership. If all politics is local, then the tug of constituency would pull Democrats away from centralized party positions and make coalition-building more difficult. That was the challenge that Tip O'Neill faced.

The inside game is affected by outside forces. The political terrain fundamentally changed with the election of Ronald Reagan and a Republican Senate in 1980. During the Carter administration, the Speaker was asked to play offense, building majority support for Democratic bills. Now, O'Neill was on the defensive. The House of Representatives was the last bastion of the Democrats facing the Reagan onslaught. Faced with the real possibility of losing the House, Speaker O'Neill sought means of building greater discipline within the Democratic Caucus. Whereas during the Carter administration O'Neill had occasionally let the chips fall where they may, he could not take that risk when faced with Republican proposals. The Republicans were to hold the Presidency for 12 years. For 6 of those years, the House of Representatives was the only branch of the government controlled by

¹⁰ Richard Fenno, *Home Style* (Boston: Little Brown, 1978); David R. Mayhew, *Congress: The Electoral Connection* (New Haven, CT: Yale University Press, 1974).

¹¹ Burdette Loomis, *The New American Politician* (New York: Basic Books, 1988).

¹² Fenno, *Home Style*.

the Democrats. Reaganism would be stopped there or not at all.

The implication for the Speaker's management of the House was twofold: on the one hand, control of the House agenda was now critically important; on the other hand, the balance of power now lay with the southern Democrats who had organized into the "Conservative Democratic Forum." O'Neill had to reach out to these conservatives while still maintaining the support of liberals in opposition to the Reagan proposals. During the first year of the Reagan administration Tip O'Neill lost these battles as the southerners, shaky in their districts, jumped ship to support Reagan. Thereafter, O'Neill was more successful in holding the caucus together behind Democratic alternatives. He always lost some Democratic votes, but was able to hold a sufficient majority of the party on several key votes. Examples include 1981 votes on the Voting Rights Act Extension and on the Labor/Health and Human Services Appropriation bill, and 1982 votes on emergency housing aid, Medicare funding, and an override of President Reagan's veto of a supplemental appropriations bill.

The techniques that he used were not by then new but were used to new effect. An example is the use of the Rules Committee to structure floor debate. During the Carter administration O'Neill was less concerned with losing votes than with politically inspired Republican amendments designed to force Democrats on the record on controversial issues. Now, he had to worry that Republicans might carry comprehensive substitute amendments or motions to recommit bills to committee with instructions, another method of substituting Democratic bills with Republican bills. Thus, in the early eighties the House Rules Committee, led by Congressman Richard Bolling (D-MO) introduced the use of "King of the Hill" rules by which the House would consider a series of comprehensive budget proposals, including bills offered by liberal Democrats, by conservative Democrats, by the Congressional Black Caucus, and by the Republicans, along with the bill proposed by the House Budget Committee on behalf of the leadership. The last bill to pass was to be adopted even if it had fewer votes than a previously considered proposal. Naturally, the leadership bill was voted on last. This

strategy aimed to give as many Democrats as possible a vote to take home and a vote that really counted, leaving the Republicans to cavil about the process.

Stringent control of process was the key device. The Democrats had increasing recourse to modified rules that limited the number and nature of amendments that could be offered. They sought to prevent Republicans from offering competitive proposals or amendments that were designed to force Democrats from conservative districts to cast hard votes. But their main goal was to develop legislative alternatives that could gather support across the party spectrum. This became more important after the 1986 elections returned the Democrats to power in the Senate. Now, the Democrats could force the action by passing party bills that Presidents Reagan and Bush would have to sign or veto. While Republican Senators could still mount filibusters, the Democrats had more leeway to craft bills that could command majorities in both houses of Congress. This created a need for even broader intra-party communications. The response of Speakers O'Neill and Wright was to preside over the development of an elaborate organizational system that included an expanded Steering and Policy Committee, an enlarged whip organization, more extensive use of task forces, and new efforts to utilize the Democratic Caucus as an avenue for policy development and intra-party dialog. These collaborative venues and mechanisms aimed to build consensus among Democrats in order to enact Democratic legislation.¹³

The culmination of these trends occurred in the 100th Congress under the leadership of Speaker Jim Wright.¹⁴ This Congress was among the most productive in recent American history, and its agenda was set and driven by Speaker Wright and Senate Majority Leader George Mitchell (D-ME). In the House, Wright used all

¹³ Peters, *The American Speakership*, pp. 209–286; Barbara Sinclair, *Majority Party Leadership in the U.S. House of Representatives* (Baltimore, MD: Johns Hopkins University Press, 1983); Barbara Sinclair, "Tip O'Neill and Contemporary House Leadership," in Roger H. Davidson, Susan Webb Hammond, and Raymond W. Smock, eds., *Masters of the House: Congressional Leadership Over Two Centuries* (Boulder, CO: Westview Press, 1998), pp. 289–318.

¹⁴ John Barry, *The Ambition and the Power* (New York: Viking Press, 1989); Barbara Sinclair, "The Emergence of Strong Leadership in the U.S. House of Representatives," *Journal of Politics*, vol. 54, no. 3, Aug. 1993, pp. 657–683.

of the tools that had evolved under Speaker O'Neill, but did so with more determination and insistence. Wright set the policy agenda, gave direction to committees, set deadlines for committee consideration of bills, and used the tools of floor control to ramrod bills to passage. Using this legislative juggernaut (and the fact that the Democrats were in some cases spreading benefits to Republican districts), the Democrats pushed to enactment a number of bills with bipartisan support. Many House Republicans chafed under the Democratic thumb, equally resentful at the Democrats and at President Bush for his unwillingness to stand up for conservative principles. Bush signed an extension of the Civil Rights Act as well as major environmental bills that included provisions that many Republicans opposed. Many perceived his worst offense was renegeing on his pledge against new taxes as part of the budget negotiations of 1990. House Republicans initially balked, thus repudiating their own President.

A key moment for Speaker Wright occurred in October 1987 when the House was considering the budget for the fiscal year already underway. The stock market had plunged and there was an atmosphere of panic on Wall Street if not in Washington. Wright felt that it was imperative that Congress act to adopt a budget. However, when the Speaker lost the vote on the "rule" from the Rules Committee making the deficit reduction bill in order for consideration, he employed a rare tactic that would permit another "rule" to be taken up on the same day without having to obtain the required two-thirds vote. (The rule book of the House requires "rules" to lay over one day before they can be considered on the floor unless that requirement is waived by a two-thirds vote of the House.) Wright took the extraordinary step of declaring the current legislative day adjourned, and declaring a new legislative day in session. He then called for a new vote on the second rule, which was adopted by the House. When, again, the Democrats were one vote short, Wright held the vote open until a vote was changed. When the voting board showed a majority for the Democrats, Wright declared the vote over.

This episode played into the image of Wright as a heavy-handed politician that many Repub-

licans were trying to convey to the public with their relentless assault on his ethics. And no doubt Wright's actions were extraordinary and unusual. But this episode offers only a dramatic example of an underlying tendency toward the use of procedural control that had evolved since the reform movement and certainly throughout the eighties. Wright used his formal powers to control legislative procedure and used his influence to pressure Members to support the party position. Wright's specific actions were sometimes controversial, but the principle underlying them was not: the Speaker was responsible for the party's agenda.

With Wright's resignation in 1989, Tom Foley (D-WA) became Speaker. Foley was well suited to the challenges facing him in two respects. First, he was a seasoned product of the new leadership, richly experienced in the techniques of intra-party coalition building that had evolved under O'Neill and Wright. Second, he took very seriously his obligation, as Speaker, to restore a sense of comity across party lines. Wright's resignation, however, only served to whet Gingrich's appetite, and the Republican attacks on the Democrats' administration of the House continued. Internally, the Republicans challenged Democratic management of the House bank, restaurant, and post office. Externally, they called for term limits. Foley sought to defend the House against these institutional attacks, arguing that the vast majority of Members were serious, competent, and ethical. Foley also opposed term limits on constitutional grounds.

The Democrats might have survived the 1994 elections were it not for key strategic decisions made early in the Clinton administration. Congressional reform had been an issue during the 1992 campaign, and new Democratic Members elected that year pressed the leadership to pursue an internal reform agenda. Speaker Foley and other party leaders looked back on the experience of the seventies and drew two lessons: reform is always divisive and the failure to govern is usually fatal. During the first half of the seventies the Democrats fought each other over reform issues. During the second half of the seventies, they fought with the Carter administration over policy issues such as health care cost control. The chosen path now was to put reform on the rear

burner in order to unite behind an economic program in support of the Clinton administration. This strategy led the Democrats to a major tax increase in 1993 that passed with no Republican votes, and led the Democrats away from any effort to address the internal reforms demanded by Republicans and the new Democrats.

This contributed to the election of a Republican majority in 1994 and a new Speaker in the 104th Congress, Newt Gingrich. It immediately became clear that the Republicans intended to manage the internal administrative and legislative affairs of the House very differently than had the Democrats. With respect to administration, Speaker Gingrich sought to professionalize and, where possible, privatize management. He took control of the Office of House Administrator, which had been created by the Democrats in the wake of the scandals at the House bank, restaurant, and post office. This led to a tussle with the House Administration Committee, the venue for Member control of administrative process. Gingrich initially won this battle and was able to implement a series of major administrative reforms, including the elimination of the Office of Doorkeeper and the professionalization of the Office of Sergeant at Arms. Eventually, Gingrich's hand-chosen administrator came under attack by the House Administration Committee, and was fired. The House Administration Committee reasserted its prerogatives.

With respect to legislation, Gingrich and his leadership circle were determined to make sure that, under Republican control, the committees would be subordinated to the party leadership. They placed a three-term limit on service as committee chair and a four-term limit on the speakership. Term limits greatly enhance the power of the Speaker relative to the committee chairs. Speaker Gingrich also assumed the power to appoint several committee chairs, abandoning seniority in some important instances, and approved some of their senior staff. Proxy voting in committees, which had been an important resource for Democratic chairs, was abolished. With the committee system firmly in control, he nonetheless proceeded to bypass the committees entirely in moving key elements of the Republican Contract with America. Ad hoc task forces were appointed to develop legislation. These task

forces sometimes worked in cooperation with lobbyists. The Democrats, members of the committees but not of the task forces, were essentially cut out of the legislative process.

Gingrich's conception of the speakership was essentially parliamentary, although he conflated the role of Speaker and Prime Minister. Under the British Constitution, the Speaker of the House of Commons is thoroughly non-partisan. Those appointed Speaker remove themselves from partisan politics not just during their tenure in office, but permanently. They fulfill what we have here termed the "constitutional" function of presiding officer. Party leadership is left to the Prime Minister who, when supported by a majority of party members, is able to dominate the legislative process. The Prime Minister also serves as Chief Executive. In a parliamentary system, there is greater party discipline and bills are more likely to be passed along party lines. Gingrich, as Speaker, saw himself as the leader of the congressional party and as a national political leader for the Republicans. As discussed further below, he sought to stand toe-to-toe with the Presidency. With respect to internal House governance, he sought to gather the strings of power in his own hands. Surrounded by a rather narrow leadership circle (the Speaker's advisory group), he sought to dictate strategy and in some cases the terms of legislation. This is not to say that he was not consultative; the task forces, extensive communications operation, and extended leadership staff structure, along with the weekly meetings of the Republican conference, provided ample opportunity for Member input. But Gingrich did not want to be constrained by an autonomous committee structure.

The momentum generated by the 1994 election and the novelty of the Republican takeover of the House sustained this powerful leadership regime through the 104th Congress even as Gingrich came under attack by the Democrats for violations of House ethics rules. As Gingrich's position eroded, his various leadership mantras (listen, learn, help, lead) appeared less salient to the needs of Republican Members. Gingrich's leadership became increasingly problematical for many Republicans. The 73 new Republicans elected in 1994 were very conservative, and thought that the Speaker was too accommo-

dating. More senior Members thought that he was too overbearing. In July 1997 a coup attempt was aborted. The committee chairs became restive, insisting on their prerogatives. After the Republicans lost 8 seats in the 1998 election, 1 of them, Appropriations Committee Chair Robert Livingston (R-LA), announced his candidacy for Speaker. Gingrich withdrew from the contest and announced his planned resignation from the House. Then, in a surprising development, Livingston himself resigned. In a crisis, the Republicans turned to Chief Deputy Whip Dennis Hastert of Illinois as their new Speaker.

Hastert wanted to return the House to "regular order," by which he meant that the committees would resume their legislative functions. This led some to an impression that Hastert was more like Foley, if not Albert. Others suggested that Republican Whip Tom DeLay was the more influential member of the Republican leadership team. With DeLay's election as majority leader in the 108th Congress, he has been widely regarded as exercising more influence than previous majority leaders, possibly suggesting a relationship between Hastert and DeLay similar to that of Speaker Champ Clark and Majority Leader Oscar Underwood. This perception of DeLay's power often comes from the Democratic side of the aisle. It is important to focus on the role that Speaker Hastert actually plays. The speakership remains more powerful under him than it was under any of his Democratic predecessors. While Hastert is not in the dominating position that Gingrich, for a time, was, he is not vulnerable to the kind of internal dissension that eventually brought Gingrich down. He is very popular among Members. Hastert decided to make term limits for committee chairs stick and then, at the outset of the 108th Congress, his members voted to remove term limits on the speakership. It seems plain that the Republicans are satisfied with his leadership. A reasonable depiction of the Republican leadership under Hastert would characterize the Speaker and his subordinate leaders as playing different but complementary roles. As Speaker, Hastert is the glue that holds the Republicans together. He plays a listening, conciliating role similar to Democratic Speakers such as Tip O'Neill and Tom Foley. In the inside game, he is the dealmaker and the closer. Tom

DeLay's role is rather different. As whip, he counted the votes and rallied the troops. As majority leader, he presses for policies supported by the conservative majority in the Republican conference.¹⁵ These party leaders appear to be doing about what their job descriptions require.

Under Hastert's leadership, the Republicans have sought to develop legislation that almost all Republicans support, and then to ram that legislation through on the House floor. Initially, the Republicans sought to avoid using restrictive rules for floor consideration of bills, but they eventually faced the reality of their situation. With a narrow majority, party bills have to be protected on the floor against divisive amendments. The result is that Speaker Hastert has had strained relations with the Democratic leadership. Democratic Floor Leader Richard Gephardt did not get along with Speaker Gingrich and it was anticipated that his relationship with Speaker Hastert would be better. This anticipation ignored the underlying political reality. The Democrats want to win back the House and to do so they have to go on the offensive. This is a lesson they learned from Newt Gingrich. Speaker Hastert wants to protect his legislative majority and will use the powers of the speakership toward that end. This has contributed to a decline in comity in the House observable over the past two decades. It seems likely to endure so long as the House is relatively closely divided. The new Democratic floor leader, Nancy Pelosi (D-CA), is moved by the same imperatives as her predecessor. Perhaps the best that can be hoped for during this season of heavy political maneuvering is that Members and party leaders will find a way to depersonalize the fight and restore to the House its most important tradition, the respect that Members should have for each other as representatives of their constituents, the American people. That Speaker Hastert is personally well-liked by many Democrats is helpful.¹⁶

¹⁵ DeLay is also very active in promoting and enlarging the Republican majority through fundraising and redistricting efforts, important aspects of the outside game discussed below. See Richard E. Cohen, "The Evolution of Tom DeLay," *National Journal*, Nov. 15, 2003, pp. 3478-3486.

¹⁶ Jonathan Franzen, "The Listener," *New Yorker*, Oct. 6, 2003, pp. 84-99.

The imperatives of the legislative process, however, make it difficult for the majority and minority parties to work together. Speaker Hastert has defined his institutional obligation to the minority by two criteria: the Speaker should rely on the nonpartisan recommendations of the House Parliamentarians in making rulings from the chair; and the minority party by rule is entitled to offer a motion to recommit with instructions. Beyond this, it is the Speaker's obligation to pass legislation.¹⁷ When in passing the 2003 Medicare reform bill Hastert held the vote on final passage open for almost 3 hours (normally votes consume 15 minutes) in order to round up enough Republican votes to pass the bill, he was, in his words, "getting the job done." Democrats alleged abuse of power and fundamental unfairness. Speaker Hastert here faced a dilemma that defines the speakership today. Any modifications in the Medicare bill that might have attracted more Democratic votes would have cost more Republican votes, and any changes that might have attracted more Republican votes would have lost sufficient Democratic votes to defeat the bill. The choice was to pass the bill or not to pass the bill. Hastert defines his obligation as passing legislation. In this, his attitude is identical to that of his Republican and Democratic predecessors.¹⁸

THE OUTSIDE GAME

Even as House Speakers have come to play a much more central role in the legislative process, they have also become much more actively engaged in the electoral process. When Carl Albert was Speaker, the Democratic Congressional Campaign Committee held one major fundraising event each year. Political action committees did not exist.¹⁹ While the Speaker and other party leaders would from time to time attend fundraisers on behalf of Members, these usually took the form of receptions held in Washington and raised relatively small amounts of money. Speakers had long gone on the campaign trail on be-

half of Members. In the 19th century this was called "the canvas" and Speakers would go "canvassing" on behalf of Members in the 2 months immediately prior to the election. As Speaker, Albert campaigned in Member districts during the runup to the election, but the number of such appearances was limited.

Speaker O'Neill was more broadly engaged. He selected Tony Coehlo (D-CA) to head the Democratic Congressional Campaign Committee and brought that position into the inner leadership circle. Coehlo's charge was to dramatically enhance the congressional party's fundraising base by bringing in more contributions from corporate and special interest political action committees. O'Neill permitted Coehlo to schedule him for party fundraisers and, during the campaign season, for political appearances on behalf of Democratic candidates in competitive districts. Still, O'Neill's electoral activities were relatively modest in comparison to that of subsequent Speakers. In order to understand the dynamic, it is necessary to shift focus from O'Neill as Speaker to Jim Wright, his majority leader.

Tip O'Neill had become Speaker before the effects of the Campaign Finance Reform Act of 1974 were fully experienced. He never had a leadership PAC and he did not need one. Leadership PACs were developed by Members who aspired to become Speaker. Through them, the majority leader, party whip, or key committee chairs could build constituencies among Members by providing campaign contributions. While Tip O'Neill preoccupied himself with the legislative battles in Washington, Jim Wright was seeking to build support within the Democratic Caucus. He campaigned on behalf of hundreds of Democratic candidates during his 10 years as majority leader. His activities established a norm for subordinate party leaders that carried into the speakership itself. Fundraising became a year-round activity. Under Coehlo's influence, the party leadership took a more active hand in recruiting candidates. Wright was as, or more, active in this respect as was O'Neill. Wright knew that when O'Neill retired he might well face opposition in his bid to become Speaker by rivals such as John Dingell (D-MI) and Dan Rostenkowski (D-IL), two powerful committee chairmen. Press reports openly discussed the rivalry between these aspi-

¹⁷ See Speaker Hastert's comments printed in this volume.

¹⁸ When asked to define the job of Speaker, John W. McCormack (D-MA) said that it was the Speaker's job to marshal majorities to pass legislation on the House floor. Interview with author, July 1979.

¹⁹ Robin Kolodny, *Pursuing Majorities* (Norman, OK: University of Oklahoma Press, 1998).

rants. Wright had won the majority leadership by a single vote in 1976, and he appears to have concluded that the best means of ensuring his election as Speaker was by holding more chits among Members. Thus, his fundraising and campaign activities served his own interest as well as that of the party.

Since the eighties it has become customary for party leaders to develop their own fundraising PACs alongside their fundraising efforts on behalf of the Congressional Campaign Committees and individual Members. These efforts create centrifugal force. Each aspirant to higher leadership position seeks to build a constituency of Members who will support a later candidacy. The results can be telling. When the Democrats first made the choice of their whip an elected position in organizing the 100th Congress in 1987, Congressman Coehlo was chosen due primarily to his fundraising activities. He had become an independent operator within the Democratic leadership group. After the Republican victory in the 1994 elections, Speaker Gingrich appeared to be in a position to dictate the terms of party organization. His preferred choice for GOP whip was a long-time ally, Congressman Robert Walker (R-PA). Walker was challenged by Congressman DeLay, and DeLay won a closely contested election. Among the main reasons for DeLay's election as whip was the investment he had made through his PAC in the campaigns of numerous Republican challengers. These new Members recognized an obligation and a relationship to DeLay.²⁰ As whip, DeLay was instrumental in supporting Dennis Hastert's election as Speaker. DeLay built an unprecedented power base that later led to his election as Republican floor leader.

By all accounts, however, it was Newt Gingrich who transformed expectations for party leaders, especially the Speaker, in party fundraising. The tale of Newt Gingrich's rise to the speakership has been well told.²¹ In leading the Republicans to the promised land Gingrich recruited and trained candidates, articulated a GOP message, organized the party apparatus, and cam-

aigned actively. He also raised money, and lots of it. When Tony Coehlo was raising money for the Democrats in the mideighties, total spending on House races came to around \$204 million. When the Republicans took the House in 1994, the figure was \$371 million. By 2000, it had risen to over \$550 million.²² Since 1994, the Speaker has been the most important fundraiser for the Republicans. Furthermore, the Republican leadership now expects committee chairs to contribute to the campaigns of Members and candidates in closely contested districts.²³ The Speaker, then, is soliciting even more money than he may raise directly. Gingrich had the reputation as fundraiser par excellence. But the Speaker's role as leading party fundraiser is endemic to the office and not a product of the person. Speaker Hastert was not generally known to be deeply involved in fundraising during his years as chief deputy whip; but as Speaker, he has raised more money than did Speaker Gingrich.

The Speaker's fundraising role has one very specific consequence: he is asked to travel a great deal. Over a 2-year election cycle, the Speaker will appear in most, if not all, Republican districts. Today, the Speaker's obligation to elect and maintain his party's majority makes it imperative that he travel to districts for fundraising events and that he campaign on behalf of candidates in closely contested districts. These obligations, of course, take him away from the Capitol on a regular basis. While a Speaker will always give precedence to critical legislative matters, he now may be less able to provide a full-time leadership presence on Capitol Hill. Speaker Gingrich had hoped to impose a system of delegated responsibility that would free him to be a national leader and issue articulator while often leaving legislative mechanics to subalterns. He was surprised in June 1997 when subordinate leaders included a politically inspired provision to prevent any future shutdown of the Federal

²² Campaign Finance Institute, Web site, <http://www.cfinst.orgstudiesvitaltables3-8.htm>.

²³ On the relationship between campaign fundraising and committee chair appointments, see Paul R. Brewer and Christopher J. Deering, "Interest Groups, Campaign Fundraising, and Committee Chair Selection: House Republicans Play Musical Chairs," in Paul S. Herrnsen, Ronald G. Shaiko, and Clyde Wilcox, eds., *The Interest Group Connection: Electioneering, Lobbying, and Policymaking in Washington* (New York: Chatham House Publishers, 2004).

²⁰ DeLay claimed that 54 of 73 freshmen Republicans voted to make him whip. Hedrick Smith, *The Unelected: The Lobbies*, PBS Video, 1996.

²¹ Balz and Brownstein, *Storming the Gates*; David Maraniss, *Tell Newt to Shut Up* (New York: Simon and Schuster, 1996).

Government on an emergency flood relief bill that he supported.²⁴ The following month, a group of “renegade” Members supported by some members of the leadership group sought to oust him while he was out of town. It appears that Gingrich had allowed himself to become too removed from the sentiments of his Members including his most trusted allies. While Speaker Hastert also relies on the extended leadership group to facilitate the legislative process, he is consistently involved in negotiating intra-party agreements. He keeps his finger on the pulse of the House. Sam Rayburn used to say that if a Speaker could not feel the mood of the House he was lost. While Hastert seeks to foster his relationships with Members, he still finds it necessary to balance his internal and external role, a task made more difficult by electoral demands.

One aspect of the Speaker’s external role is media relations.²⁵ As mentioned, Speaker Albert was the first Speaker to appoint a formal press secretary. He named a relatively junior member of the staff whose function was to respond to press inquiries. Speaker O’Neill elevated the prominence of the press secretary’s role in proportion to his own rising public profile. O’Neill wanted a press secretary who would be in regular touch with key members of the press corps, a competent spinner who was adept in presenting the Democratic position and in articulating O’Neill’s own perspective. He settled upon Chris Matthews, later of “Hardball” fame. Since then, all Speakers have had press secretaries who have served in this capacity. Within the extended leadership group, the focus was on projecting the party “message” in contrast to that of Republican administrations. Under O’Neill, message development was assigned to the leadership and staff of the Democratic Caucus, but all members of the extended leadership group participated in defining and projecting the party’s themes. Under Speakers Wright and Foley, the message function was further elaborated and institutionalized. Each Speaker had a press secretary responsible for handling the media.

In this, as in other respects, the external function of the speakership took a quantum leap when the Republicans came to power.²⁶ Whereas the Democrats had delegated message development to a caucus working group and the Speaker’s press secretary functioned primarily in support of his media relations, the Republicans sought to systematically integrate message development and media relations. The Speaker’s press secretary led a staff with responsibility to coordinate message and media. Each Republican Member designated a communications director. The Republican conference, like the Democratic Caucus, was given the outreach function. It included the development of a sophisticated polling capacity, a state-of-the-art Web site, and an extensive talk radio initiative. Speaker Gingrich’s press secretary, Tony Blankley, was a sophisticated Washington insider, well connected to the national press corps. Under his leadership, the Speaker’s press relations reached its zenith and found its limits. For in spite of the greater degree of organization and more expansive efforts, the House Republicans continued to lose ground in the public relations battle with the Clinton administration. In part, this was simply due to unequal resources and organizational capability. Even though more robust than at any previous time, the House communications and media operation still paled in comparison to the scope and sophistication of the White House Communications Office. The former consisted of a press secretary with a small staff working in cooperation with over 220 Members who were all independent operators. The White House had an around-the-clock communications operation staffed in shifts that was prepared to offer a Presidential response on any issue within a half-hour. And too, in spite of Speaker Gingrich’s high public visibility, it is the President who has the bully pulpit and not the Speaker.

The Republican effort under Speaker Gingrich might have been more productive had Speaker Gingrich better appreciated the risks inherent in

²⁴ *Congressional Quarterly Almanac*, 1997, vol. 53 (Washington: Congressional Quarterly, Inc., 1998), pp. 1–14–1–15.

²⁵ Douglas B. Harris, “The Rise of the Public Speakership,” *Political Science Quarterly*, vol. 113, Summer 1998, pp. 193–211.

²⁶ Some observers stress the continuity between the Democratic and Republican Speakers of the post-reform era. See Barbara Sinclair, *Legislators, Leading, and Lawmaking* (Baltimore, MD: Johns Hopkins University Press, 1995); Sinclair, “Transformational Leader or Faithful Agent? Principal-Agent Theory and House Majority Party Leadership,” *Legislative Studies Quarterly*, vol. XXIV, no. 3, Aug. 1999, pp. 421–449.

the high public profile that he sought. History demonstrates that Speakers often become famous at their own risk. In the late 19th century, Speakers such as James G. Blaine (R-ME) and Thomas Brackett Reed (R-ME) were dominating figures embroiled in regular controversy. Blaine came under an investigation for his financial dealings. Reed was not tainted by scandal but his assertion of the powers of the chair (and his acerbic wit) made him a ripe target for the Democrats. Uncle Joe Cannon, of course, represented the apotheosis of the partisan speakership at the turn of the century and became a campaign issue in the 1910 elections. From Cannon to O'Neill, no Speaker attained any great degree of public recognition, much less notoriety. It was said that Sam Rayburn could walk down most streets in Washington without being recognized. All of this changed when Tip O'Neill became the Nation's leading elected Democrat and therefore the primary opponent of President Ronald Reagan. O'Neill became a symbol of Democratic liberalism, an icon on the left, but viewed as a relic by the right. Republicans ran campaign advertisements against him in 1982 and baited him on the floor in 1985, but it was all to no avail. Speaker O'Neill's public approval ratings exceeded those of Ronald Reagan when he left office and he had succeeded in preserving the heart of the welfare state against the Reagan onslaught.

His Democratic successors had less luck. During the 100th Congress, Speaker Jim Wright drove the legislative process and moved to consolidate his power. Recognizing the threat, the Republicans, led by Newt Gingrich, charged Wright with violating House ethics rules. In June 1989 Wright resigned the speakership and his House seat rather than put the House through the agony of a floor vote on the ethics charges. His successor, Tom Foley, was not vulnerable to ethics complaints, but had opposed a term limits proposition in his home State of Washington. The Republicans accused Speaker Foley of opposing his own constituents and funneled money to his opponent in the 1994 elections. Foley lost his House seat and the Democrats lost their majority in the House and in the Senate.

Newt Gingrich certainly was aware that two consecutive Speakers had been dethroned; he,

after all, had been part of those efforts. He made Wright's and Foley's leadership of the House campaign issues and painted the two Speakers as symbols of what was wrong with the House under Democratic control. He could not have been surprised, then, when the Democrats, led by Whip David Bonior (D-MI), chose to repay him in kind, lodging over 80 ethics charges against the Speaker. The ethics battle was fought out over the course of the 104th Congress, and culminated when Gingrich agreed to accept a censure and financial penalty for having provided false information to the Committee on Standards of Official Conduct [Ethics Committee]. The resolution of the ethics charges did not alleviate the pressure on the Speaker. President Clinton had won a square off with congressional Republicans over the government shutdowns of late 1995 and early 1996, and during his Presidential campaign he associated Gingrich and Republican Presidential candidate Robert Dole with putatively reactionary policies. Speaker Hastert has maintained a much lower profile than had Speaker Gingrich. He was largely unknown to the general public when he became Speaker and remains relatively unknown even now. Hastert's lower visibility represents a strategic choice. He has had ample opportunity to observe the fates of his three immediate predecessors, and has yet managed to lead his party to victory in both the 2000 and 2002 elections. Given the effects of redistricting, some believe the Republican majority may be secure for years to come. The Democrats will, of course, strive to win enough seats to dislodge the Republicans from power. But they are likely to make little progress by attacking Hastert. The Speaker is popular among those who know him, and little known otherwise. Amiability and a sense of personal decency will perhaps enable him to avoid becoming a symbol of the larger political conflict. Under Speaker Hastert, the communication operation has centered in the Republican conference and its extended staff. The Speaker's press secretary, John Feehery, functions more in the role of Chris Matthews, providing interface between the Speaker and the press corps. Since Hastert has deliberately chosen a more low profile role than had Gingrich (or, for that matter O'Neill), Feehery's role is to make sure that the press knows what

Hastert wants it to know about the Speaker's legislative and political activities. Since the election of George W. Bush, message coordination with the White House has become a key component of congressional Republican strategy. The goal has been to echo, and not drown, the Presidential message.

THE SPEAKER AND THE PRESIDENT

The relationship between the Speaker and the President has been historically significant. The U.S. Constitution refers to five officers of the Federal Government: the President, Vice President, Chief Justice of the Supreme Court, President of the Senate (a position filled by the Vice President), and the Speaker of the House of Representatives. By statute, the Speaker stands second in line to the Presidency, and Speaker Albert twice was first in line, a "heartbeat away" from the Oval Office. Sam Rayburn used to say that he had served under no President but had served with seven. Actually, Rayburn always demonstrated deference to the Presidents with whom he served. His ties to Roosevelt and Truman were particularly close, but Rayburn and Senate Majority Leader Lyndon Johnson (D-TX) chose to work cooperatively with President Eisenhower rather than to seek confrontation with him. In part, this reflected the fact that Rayburn and Johnson straddled the divide between southern conservative and northern liberal Democrats; but it also revealed Rayburn's sense of the constitutional obligation of the Speaker to make the government work. With the election of Richard Nixon, cooperation between House Speakers and Presidents of the opposite party ended, and relations between Speakers and Presidents of their own party has been sometimes strained.

Much of this is explained by the political context. When the Speaker and the President are of the same party, there will be an incentive to cooperate, amply demonstrated today by the relationship between Speaker Hastert and President Bush. Bush relies on the House Republican majority to set the table for dealings with the more recalcitrant Senate. But these relations can be strained nonetheless, as witness the experience of Tip O'Neill and Jimmy Carter. The Speaker at times has a greater incentive to protect his Mem-

bers than to support the President, and if Presidential initiatives put Members at risk, the Speaker might oppose them. Otherwise, electoral catastrophe may ensue, as apparently happened when Speaker Foley placed support of the Clinton economic and health plans above the need to address political and institutional reform.

When the Speaker and the President are political opponents, then most incentives lead to conflict. The two leaders will differ philosophically, have different and opposing political constituencies and party interests, and clashing institutional obligations. The impeachment proceedings against Presidents Nixon and Clinton suggest the extremes to which this conflict may be carried, but these are simply the most obvious manifestations of the underlying tendency. Historically, only a few Speakers have actually sought to place themselves on a par with the Presidency. Henry Clay was a national leader during his entire career as House Speaker and Senator, and as Speaker did not take a back seat to Presidents Madison and Monroe. Uncle Joe Cannon was perfectly willing to oppose progressive legislation proposed by President Theodore Roosevelt, although the number of progressive laws enacted during Roosevelt's administration testifies that Cannon did not always obstruct. Most recently, Speaker Gingrich brought to office a very high expectation of the Speaker's role.²⁷ During the 104th Congress, he was characterized as the most important policymaker in the government. After Congress completed work on the elements of the Contract with America, (enacted in fewer than 100 days in symbolic emulation of the New Deal and Great Society), Gingrich went on national television to speak to the American people. At a meeting in New Hampshire he conducted a joint press conference with President Clinton and the two men shook hands over a pledge to press for lobby and campaign finance reform. Gingrich's aspirations came a cropper when the Republican Congress mishandled the budget negotiations with the White House.²⁸ Clinton proved

²⁷ Elizabeth Drew, *Showdown: The Struggle Between the Gingrich Congress and the Clinton White House* (New York: Simon and Schuster, 1996).

²⁸ In his remarks at the Congressional Research Service/Carl Albert Center Conference on the Speakership, former White House Chief of Staff Leon Panetta offered the budget negotiations of 1995 and 1996

that the Presidency had a louder megaphone than the Speaker of the House. Public opinion sided with Clinton and Gingrich's approval ratings plummeted, never to recover. Clinton rebounded from the low point of the 1994 election to win easy reelection in 1996. He survived the Republican attempt to impeach him, and left office with high public approval ratings. This record suggests that Speakers need to be very careful when they take on Presidents. The Speaker can articulate issues and give a face to the loyal opposition; but the resources available to the speakership appear to be insufficient to win in a sustained battle with the White House.²⁹

THE PERMANENT CAMPAIGN

The inside game and the outside game are related. Recently, political scientists have used the term "permanent campaign" to describe this now extended period of close division in the Congress and intense competition for control of the House and the Senate.³⁰ In understanding the evolving role of the speakership, it is important not only to understand the role that the Speaker plays in the campaign process (a "permanent" one to be sure), but, as or more important, how the pressure of electoral politics has reshaped the legislative environment and altered the Speaker's internal role. Previously, we described that role and stressed the greater involvement of the Speaker in the legislative process. The Speaker has become more systematically involved in all aspects of legislation at every lawmaking stage. In the context of the permanent campaign, however, we stress the strategic implications of the Speaker's

as an example of mistaken political judgment by the House leadership. In response, Speaker Gingrich argued that by closing down parts of the government House Republicans had shown resolve that was reassuring to the financial markets. There is little doubt that public opinion favored the administration in this conflict. The remarks of Mr. Panetta and Mr. Gingrich appear in this volume. For an analysis similar to Mr. Panetta's, see Ronald M. Peters, Jr. and Craig A. Williams, "The Demise of Newt Gingrich as a Transformational Leader," *Organizational Dynamics*, vol. 30, no. 3, 2002, pp. 257-268.

²⁹ That Tip O'Neill was successful in fighting a rear-guard action against Reagan is a conspicuous exception to the generalization that Speakers will usually lose battles with Presidents, and was certainly related to O'Neill's favorable public image. For a perspective on the relationship between Presidents and Speakers, see Jim Wright, *Balance of Power: Presidents and Congress from the Era of McCarthy to the Age of Gingrich* (Atlanta: Turner Publishing Company, 1996).

³⁰ Norman J. Ornstein and Thomas F. Mann, eds., *The Permanent Campaign and its Future* (Washington: American Enterprise Institute, 2000).

role and how that has affected the House and the speakership.

The permanent campaign is fought over political terrain as narrowly divided as any in American history. This has evident effects on the Speaker's role. Sam Rayburn used to say that it was never good to have more than 269 Democrats in the House.³¹ He felt that an extraordinary majority made it more difficult to pass bills because Members would feel more free to defect. Rayburn was certainly aware of the challenges posed by a very narrow majority as well, but the very narrowness of the majority may create an incentive for Members to support the leadership. Between 1931 and 1994, when the Democrats were in the majority for all but 4 years, their leaders often forged bipartisan coalitions, picking up some votes from moderate Republicans while tolerating defections from some conservative Democrats. With the House very narrowly divided, a small number of defectors can defeat a bill unless there are offsetting defections from the other side. The permanent campaign, however, offers an incentive for the minority to rally in opposition in order to create campaign issues. Furthermore, the homogenization of the parties has made it less likely that many Members of either party will have a natural inclination to vote with the other side. Since most Members are safe in their districts, many could, in principle, defect and survive. But the minority party leadership will go to extraordinary lengths to persuade Members to stand by the party position because it will enhance the prospect of winning control in the next election. That, at least, has been a discernible pattern for the Democrats since 1995.

The result is that the Republicans have had to build majorities from within their own ranks. To do so, they have had to utilize all the tools available to a majority. These include agenda control (deciding what bills will come to the floor), legislative control (determining what those bills will contain), procedural control (determining the timing and rules under which bills will be considered), and membership control (efforts to ensure that bills can pass with Repub-

³¹ I have this from Rayburn's long-time assistant, D.B. Hardeman. Of course, the Democrats already had all of the southern seats and so Members in excess of 269 would come from northern districts and increase liberal pressure on Rayburn.

lican votes alone). As this pattern suggests, the first and most important strategic decisions address the nature and substance of legislation. It appears that these decisions are now made in substantial part based on political calculation. When, for example, the Democrats pushed for enactment of a prescription drug bill or a patients' bill of rights, the Republicans found it in their interest to offer counterproposals. In doing so, they searched for bills around which their Members could cohere. When the Republican majority pushed tax cuts, the Democrats sought alternatives that their Members could support. In this connection, the narrow majority can be a blessing, since it offers its own incentive for Members to vote with the party. The quid pro quo is often this: the leadership structures legislation and the legislative process to give Members bills they can support; the Members vote for the leadership proposals provided that their political needs are somewhere addressed. This is an old formula. With a narrow majority, however, it can lead to poor legislation.³²

And that is the real disadvantage of a government as narrowly divided as this one is. In a parliamentary regime, with an expectation of party discipline, the governing party can shape legislation according to its principles even with a narrow majority. In a presidential system marked by the separation of powers, the majority party must often place political consideration above policy substance. The results can be diluted policy, policy incrementalism, symbolic framing of issues, and in many cases a failure to act altogether. In addition, the permanent campaign has affected the legislative milieu. Public discourse has been coarsened. Ad hominem attacks undermine reasoned debate. Comity, that ancient norm, has eroded. Fixing these problems is not easy to do, because both congressional Republicans and congressional Democrats are so closely tied to their party's base voters and major interest-group supporters that neither can easily break free. Believing themselves to be in the right, most Members

may not even contemplate the need. But it is an obligation of the Speaker to remind Members on both sides of the aisle to do their duty.³³

PERSONALITY AND PARTY CULTURE

This analysis of the contemporary speakership has sought to be generic, addressing trends and forces affecting all modern Speakers and both political parties. We must recognize, however, the great impact that personality and party culture have in shaping individual speakerships. These effects may seem idiosyncratic and thus beyond the reach of theory; but any attempt to build theory must at least take them into account. They are easy to demonstrate.

Consider Democratic Speakers Carl Albert, Tip O'Neill, Jim Wright, and Tom Foley.³⁴ All of these Speakers presided over the reformed House, and there are many similarities in the way that they did it. All sought to build legislative coalitions, foster more open and participatory intra-party processes, establish better media relations, promote more effective control over the floor, set a policy agenda, and so forth. We observe a steady evolution from Albert to Foley in which various leadership techniques are initiated and perfected. Yet any attempt to evaluate the performance of these Speakers would lead directly to an assessment of their respective personal characteristics and political personas. Albert was a dedicated institutionalist who preferred a more private and lower profile role as Speaker. Some felt that he would have been better served by a more aggressive posture, but he did not think that is what a Speaker should do. It is far from clear that a more assertive Speaker would have presided as effectively over the tumult of legislative reform, Watergate/impeachment, Vietnam,

³³ It is difficult for a Speaker to establish comity when he actively campaigns against incumbent Members of the opposite party. Democratic Speakers from Rayburn to Foley were very reluctant to do so, and in fact almost never did. This was due in part to the fact that they usually enjoyed safe margins in the House, and in part to the fact that the most vulnerable Republicans were precisely those who were most likely to vote with the Democrats on key votes. However, there was also a norm at play. The Speaker, as presiding officer, may choose not to campaign against a Member on whose motions he would have to rule. Republican Speakers Gingrich and Hastert both have campaigned against incumbent Democrats.

³⁴ In addition to their remarks published in this volume, these Speakers speak for themselves in Ronald M. Peters, Jr., ed., *The Speaker* (Washington: Congressional Quarterly Press, 1995).

³² When the majority party has a substantial majority, it can pass legislation even when a number of party members defect due to district pressure. With a narrow majority the party leadership has to structure either the legislation, the legislative process, or both so as to bring aboard almost every member. It may, therefore, include provisions that it does not really want in the bill and thus legislation can become less coherent.

and civil rights as Albert did. O'Neill took to the public aspects of the speakership like a duck to water. He reveled in the limelight, filled the camera, and made himself into a political icon. Yet although he appeared more forceful, he was rarely more assertive than Albert had been. He was a strong supporter of the committee system and defended several senior committee chairs who were deposed by the caucus. One of O'Neill's greatest talents lay in the appearance of power. He was the master of what Jimmy Breslin called "blue smoke and mirrors."³⁵

Jim Wright enjoyed power and he wanted to drive the House toward his preferred policies. He rolled over Democratic committees, House Republicans and the Reagan White House in the 100th Congress, became involved on foreign policy matters respecting Nicaragua, and demonstrated the assertiveness that Tip O'Neill appeared to have but rarely used. Yet just for this reason, Wright made himself anathema to the Republicans, angered many Democrats, and caused some to regard him as a political liability. There is nothing in contemporary legislative theory that can explain Wright's assertiveness; it was simply the product of his character. Tom Foley proceeded differently, but not because the nature of the speakership required it of him. To be sure, Foley had been an operator in the Democratic regime for two decades, and had been a key negotiator for Speakers O'Neill and Wright. But when he became Speaker, this experience is not what defined his orientation toward the job. Foley had come to the House in 1964 and was the first Speaker never to have served with Sam Rayburn. But like Rayburn, he had a keen appreciation of the traditions and institutions of the House and he saw it as his role to defend them.

The contrast between Speakers Gingrich and Hastert is evident. Gingrich saw himself as a great party leader, a modern Disraeli. He had been a college professor, and he loved to profess his views. He loved conflict and controversy, and where he could not find these at hand he often created them. Hastert is a former high school teacher and wrestling coach. He is experienced and talented in working with people face to face.

He had been an ideal chief deputy whip, and in that capacity had developed strong personal relationships with Members. He was often the one to work out the deal to win a wavering Member's vote. When Speaker Gingrich sought to impose what was in effect a new institutional order on the House he was acting consistently with his values, beliefs, and personal ambitions. When Speaker Hastert sought to return the House to regular order, he was doing likewise. These two Speakers, both Republican, were as different from each other as their Democratic predecessors had differed from each other, and the differences defined their speakerships as much as any underlying similarities deriving from the institutional context in which they served, certainly as any biographer or historian would write about it.

But the Democratic and Republican Speakers differed across party lines as well. Party culture is not easy to define.³⁶ Institutional culture generally refers to a persistent pattern of attitudes and relationships giving definition to organizational behavior. It is undeniably the case that Republican speakerships have demonstrated a centralizing tendency while Democratic speakerships have characteristically been more decentralized. Institutional and party effects are interrelated. Thus, during the late 19th century when parties were strong, both Democratic and Republican Speakers were more powerful than those who served during the mid-20th century when the committees were ascendent. Still, Republican Speakers of the partisan era, such as James G. Blaine, Thomas Brackett Reed, and Joe Cannon were more powerful than their Democratic counterparts, such as Samuel Randall (PA), John Carlisle (KY), and Charles Crisp (GA); and during the era of committee dominance Joe Martin was on occasion more assertive than Sam Rayburn. As we compare the Democrats under Albert, O'Neill, Wright and Foley, with the Republicans under Gingrich and Hastert, it is plain that the GOP leadership is usually more forceful than the Democratic leadership. While all aspects of the speakership that Gingrich first created have not been sustained by the Republicans, others have.

³⁵ Jimmy Breslin, *How the Good Guys Finally Won* (New York: Viking Press, 1975).

³⁶ Jo Freeman, "The Political Cultures of the Democratic and Republican Parties," *Political Science Quarterly*, vol. 101, no. 3, 1986, pp. 327-356.

The Republican Speakers do not simply behave like their Democratic predecessors.

CONCLUSION

Four forces shape the speakership today. The first is political context, now defined by the narrow division of power between the two major parties as sometimes affected by a division in partisan control of our nationally elective institutions. The second is institutional context: the post-reform House as substantially modified by the Republicans. The third is party culture, differentiating Democratic and Republican regimes. The fourth is the character and political persona of individual Speakers. We cannot now anticipate who might rise to the speakership in the future, or in what specific circumstances future Speakers will serve. The path to the speakership has usually been through the ranks of subordinate party leadership positions. The advantage of this farm system is that it brings to the speakership Members who are richly experienced in party leadership; its disadvantage can be that Speakers are so molded by their prior experience that they may find it hard to adapt to the changing circumstances in which they are called upon to lead.

We may ask how might the speakership evolve if Republicans maintain control in the near future? Most observers have by now concluded that Newt Gingrich's parliamentary model is ill-suited to the American constitutional regime. Under Speaker Hastert, the Republicans have developed a more nuanced party apparatus in which the Speaker plays the pivotal, if not always the most visible role. The party machinery usually runs smoothly in the hands of the floor leader, whip, and other members of the leadership team. In challenging circumstances, the leadership is usually able to carry its bills on the floor. The committees now perform their traditional functions, although they do not function as autonomously from the leadership as had been the case with the Democrats. Underlying the Republicans' cohesiveness is the basic homogeneity of the Republican conference. This arises from similar constituencies and shared ideology.³⁷ Their world

view sometimes appears unleavened by conflicting voices from within their constituencies or from across the aisle. It is an essential principle of American democracy that representative institutions "refine and enlarge the public view by passing it through the medium of their chosen representatives," as Madison put it in *Federalist No. 10*. This cannot occur if only some views are brought into consideration.

And what if the Democrats resume control? On the one hand, the party has learned lessons from its sojourn in the wilderness. They have had time to contemplate the causes of their defeat in 1994, the challenges they have faced in trying to regain it, and the methods by which the Republicans have solidified their narrow majority. The Democrats have been far more cohesive in the minority than they ever were in the majority. A future Democratic majority might be narrow, and arguably would require the same approach to intra-party coalition building that the Republicans have taken. A strong party leadership would be required. On the other hand, Democrats are not as cohesive as Republicans, reflecting the more diverse nature of their constituencies. A sufficient number of seasoned Democrats remains to give rebirth to a more autonomous committee structure. Democrats remember that the committee system is a source of power and influence that served them well for 60 years in maintaining control of the House. It is a rare Democrat who will say that the party would retain term limits on committee chairs. Democrats might have more difficulty in maintaining cohesion than the Republicans have, and may be less willing to cede power to the central party leadership. That, at least, would be consistent with their historical practices and party culture.

Whichever party is in power, the key to a successful speakership can be read in the historical record. Speakers must find a way to balance their institutional and partisan responsibilities. To create this balance, it is important that they exercise sufficient power to command the attention and respect of Members. At the same time, they must be perceived to be fair. It has proven most useful for Speakers to buffer their partisan role. Histori-

³⁷ To be sure, there are fissures within the Republican conference arising from matters of policy, constituency, or even ideology. But

these fissures, even though they may generate intense feelings, take place within a relatively narrow range compared to the historical diversity that has marked the Democratic Party.

cally, there are two models though which this can be achieved, one centered in the committees and one centered in the party leadership apparatus. During the era of committee dominance, the power of the Speaker was mediated by that of the committee chairs. During the past 30 years, the power of the Speaker has meshed with an elaborated party leadership structure. Speakers who have sought to dominate the committees and the party leadership structure have not fared well. Speakers who have given the committees and the leadership structure some lead have been better able to fulfill their dual roles.

The speakership will, in the years ahead, be more central to the House of Representatives

than at any time since the turn of the 20th century. Speakers will be called upon to offer partisan leadership both within the Chamber and externally. They will broker deals, raise money, campaign for Members, define policy positions, and seek to enforce party discipline. And they must do this without losing sight of their constitutional role and responsibility. The speakership was created long ago in England, when the Commons selected one from among them to "speak for the Commons" in Parliament. The Speaker of the U.S. House of Representatives has the obligation to "speak for the House" as well. All of it.