

THE STRATEGY OF REFORM:
RECORDED TELLER VOTING IN THE U.S. HOUSE
OF REPRESENTATIVES*

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1970 marked the passage of the first major congressional reform legislation in 24 years--H.R. 17654, the Legislative Reorganization Act of 1970. The process of reform had been initiated in a series of 1965 hearings conducted by the Joint Committee on Congressional Reorganization, with a five year hiatus before any actual legislation was debated. This reform act altered many aspects of floor and committee procedures. In the present study we are concerned with one of these changes: the adoption of recorded teller voting in the House of Representatives.

I. THE IMPETUS FOR REFORM: VOTING IN THE HOUSE PRE-1971

Many aspects of Congressional operations have their roots in the British parliamentary system, including leadership positions and their names (e.g., "Speaker," "Whip") and numerous floor rules. Also taken from the British House of Commons is the parliamentary arena in which the House of Representatives conducts the bulk of its business, the Committee of the Whole House on the State of Union (commonly known as the Committee of the Whole).¹ Over the years, the U.S. House has used the Committee of the Whole as a means of avoiding the restrictions of normal parliamentary procedure, to expedite business and maintain some degree of efficiency in debate and voting.

The major features of the Committee of the Whole are the reduced requirements for a quorum to conduct business (100 instead of 218), and the elimination of time-consuming roll call votes.² It had been used most extensively for debate and votes on amendments, where six or seven roll call votes on a series of amendments (consuming 35 to 45 minutes each) would otherwise have taken up the bulk of a legislative day.

As a substitute for roll calls, several alternative voting procedures were utilized. Voice and standing (or division) votes were taken at the request of a single member. A teller vote could be had on demand of one-fifth of a quorum (20 members in the Committee of the Whole) and involved members filing past two clerks to be counted--first those in favor and then those opposed. As in the case of roll calls, bells would ring to alert members to a teller vote, but this procedure would take only about six minutes to complete. Like early voting in the House of Commons Committee of the Whole, these methods merely involved assessment of whether the proposal was accepted or rejected, and in the case of standing, division or teller votes, a numerical count of support and opposition. They did not reveal who voted or how individuals cast their ballots. For while secret voting was eliminated in the British parliament in 1832, it was institutionalized in the House of Representatives in 1840, by a Speaker's ruling prohibiting record votes in the Committee of the Whole. Numerous attempts to change the ruling from the 63d through the 88th Congresses failed.³

Not entirely true. COW had secret voting since 1789, but it was codified in 1840

Frustrated by this situation, House liberals decided in 1968 and 1969 to initiate a new effort to change House voting procedures. The frustration centered in the Democratic Study Group (D.S.G.), the "caucus" of mainly northern, liberal Democrats, who believed that Committee of the Whole procedures (especially in the 91st Congress) were putting them at a disadvantage.

While the voting procedures are (like most rules) theoretically neutral, many members asserted that they led to a definite bias in vote outcomes.

To begin with, liberals found themselves introducing the lion's share of floor amendments to bills (Table 1 illustrates this fact with teller amendments

(TABLE 1 HERE)

in the 91st Congress⁴). In the 1960's liberals were underrepresented on the top echelons of major committees,⁵ and it was these senior committee members who had the greatest impact on the "shape" of legislation reported from the committees. Thus the only hope for dissatisfied liberals was amendment on the floor, and the fate of almost all amendments was decided in the Committee of the Whole.

This would not be relevant to the issue at hand, except for the belief among the liberals that they were losing on many of their amendments because of the non-record voting procedures. As Richard P. Conlon (staff director of the D.S.G. and a prime architect of the recorded teller vote fight) described it,

We became aware in the 91st Congress that our D.S.G. whip system was no longer effective. We couldn't get our members to the floor for teller votes. Even when we knew an important vote was coming up, we would be foiled by the conservatives, who would delay the vote--sometimes for hours--until many of our members would get bored or boxed in by other time commitments, and leave. Many of our losses on amendments were especially galling because we knew, from earlier recorded quorum calls, that we had enough support there to pass the amendment.⁶

Three liberal House members noted other reasons for their colleagues' poor attendance on teller votes and the failure of liberals' amendments:

Having non-record votes made the committee leadership's strategy much easier. They didn't have to persuade people to vote with them. They only had to say, "If you can't support me on this, then don't vote at all." Taking a walk was much easier than opposing a powerful chairman.

Conservatives tend to spend more time on the floor than we do. The Southerners swap stories in the cloakroom while the liberals are out making speeches.

We have several kinds of "liberals" around here. One type is what I call the closet conservative. He has a 100 ADA rating, but when he can get away with it, he votes with the conservatives. Teller votes were tailor-made for the closet conservative.

The "gut feeling" by liberal members that they were losing more frequently on teller amendments is also borne out by a quantitative analysis (see Table 2).

(TABLE 2 HERE)

Amendments introduced by the most conservative House members had a 54.5% success rate in 1969-70, while liberals succeeded in passing their amendments in only 15.6% of the cases. Many D.S.G. members believed that they would be a good deal more successful if they could put members on record on these votes.

In the 91st Congress, a number of tactics were employed to attempt to ameliorate the effects of teller voting. On the suggestion of Tom Rees (D-Cal.), an electronic beeper system was tested experimentally. Members were equipped with cigarette package sized instruments, controlled by a central panel, which emitted beeping noises when an important vote was imminent. These devices were costly and heartily disliked by most members, who resented the ubiquitous noises and loss of freedom of activity; the experiment was a failure.

Another tactic--this one employed not by House members but by outside pressure groups--was the use of "gallery spotters" to attempt to discern how members voted on certain non-record votes. By 1970, anti-war activity had shifted in a legislative direction, with highly publicized attempts in both the House and Senate to legislate an end to the Vietnam War. New anti-war lobbies were formed and part of their efforts were focused on getting a House vote on the war issue. As one member commented, "Avoiding controversy is a maxim around here," and the war was certainly a highly controversial issue. Non-record votes were an excellent means of fulfilling the maxim of avoidance. In April of 1970, H.R. 17123 (the military procurement authorization for fiscal 1971) was to come to the floor. Liberals intended to propose amendments dealing with the war and cuts in defense spending, and in anticipation of this, D.S.G. chairman Donald M. Fraser (D-Minn.) requested that the Rules Committee change House procedure for voting on amendments in the Committee of the Whole, and require that tellers record members names and how they voted. The Rules Committee rejected the proposal. The anti-war groups then placed members in the gallery during floor consideration of the bill, and they attempted to identify members as they voted and discover whether they supported or opposed the amendments.⁷

The subsequent publicity produced outrage among House members, who claimed grievous errors. A Wall Street Journal article quoted a letter from a Representative to an anti-war group:

I received your stupid letter in which you indicated that your snoopers who were sitting in the House gallery during the debate on the military procurement bill recorded me as being absent on five different (nonrecord) votes. May I tell you that I was present for each of those votes and if these people were unable to identify me, then it is their own responsibility.⁸

The use of "spotters" proved unsatisfactory in practice, and in any event was possible only on a limited number of votes in a given year.

Thus the alternative tactics did not materially alter the situation, and the reformers were spurred on in the attempt, already underway, to formally alter the voting rules.

II. THE STRATEGY OF REFORM: INSIDE AND OUTSIDE

While D.S.G. leaders were instrumental in focusing the attention of reformers on teller vote procedures, a number of other elements in the House independently began efforts to alter teller voting, and were subsequently incorporated into the attempt to change the rules.

D.S.G. chairman Fraser and staff director Dick Conlon formulated a strategy to integrate the various reform efforts to maximize the chances of success. Spurred by the war issue, the D.S.G. decided at an Executive Committee meeting in late May of 1970 to "make teller vote reform our top priority, and let everything else slide."⁹ The following week a basic strategy was outlined--a strategy which, in effect, had two tracks, focusing both on outside public pressure (mainly through the news media) and on broadening the range of internal support for reform. Nelson Polsby has discussed the use of similar strategies in an analysis of a party leadership struggle,¹⁰ but unlike Polsby's leadership candidates, the reform proponents used both strategies simultaneously and to good effect.

At the second May meeting, the D.S.G. Executive Committee decided to seek for the reform effort (which included several issues, a number of them as yet undefined, but with recorded teller votes heading the list) the broadest possible non-ideological and bipartisan support. The initial decision was to form a coalition with the Republicans; Fraser sought out and brought in a group which included William Steiger (R-Wisc.), John Dellenback (R-Ore.), and Barber Conable (R-N.Y.).

The "Inside" Strategy: Republicans and Reform. Republican efforts for congressional reform had actually begun much earlier (in 1967 and 1968), coalescing around an informal group led by Donald Rumsfeld (R-Ill.) and called "Rumsfeld's Raiders." They introduced a large-scale reform bill in 1967, with 100 co-sponsors, and even published a book on reform." The key early members of "Rumsfeld's Raiders" were (in addition to Rumsfeld himself) Fred Schwengel (R-Iowa), Robert Taft (R-Ohio) and Barber Conable. "When Rumsfeld left"¹² one member noted

leadership fell on Steiger, Conable, Dellenback and, in some respects, John Erlenborn (R-Ill.). Steiger, in particular, carried the ball.

A conservative Republican, active in the reform effort, explained it in this fashion:

We pushed the Republican commitment to reform to embarrass the Democrats, firstly, but also because, when we (Republicans) didn't win the House in 1968--and we thought we would--we realized that we should focus our attention and energies away from policy and into structural reforms, as an embattled minority.

So Conable, Steiger and Dellenback began a series of regular breakfast meetings with the D.S.G. leaders, represented by Fraser, Conlon, Sam Gibbons (D-Fla.) and James Corman (D-Cal.). Together they determined the ultimate maneuvering on the teller vote reform.

Interestingly, the Republicans, unlike the D.S.G. Democrats, did not perceive the reform in terms of ideological payoffs. In the words of one active Republican,

We didn't think of it as helping or hurting any ideological group. I wanted it for three reasons: first, openness--I think it is essential. Our constituents ought to know how we vote. Second, it would significantly affect the committees and individual members relationships to committees. I wanted to lessen the power of chairmen. Third, the spotting system had begun. It's a lousy, inaccurate system for telling who voted how.

The Republicans clearly wanted to make the reform issue theirs and, as mostly issue-oriented legislators, felt it was only proper that their votes be made public. They also realized that joining with the majority party would sacrifice a few propaganda points, but would enhance the prospects of success. As one member commented, "For reform to happen, you need conservatives; for the same reason that only a Nixon could go to China. It adds legitimacy to the effort."

The D.S.G., on the other hand, joined with the Republicans for a different set of reasons. They clearly saw that the ideological payoff aspect would have to be masked in order to succeed. Bringing in conservative support, especially from the Republican side, was an advantageous maneuver. Many Representatives, both Democrats and Republicans, had deep suspicions of the D.S.G. and its motives. Since, in May and June, the fate of the Legislative Reorganization Act itself was questionable, the broadest possible base of support was necessary.

Republican commitment to coalition with D.S.G. liberals entailed some risks. Bibby and Davidson quote Republican reformer as commenting, "Some of my colleagues are beginning to refer to me as 'the honorary member of the D.S.G.'"¹³ More recently, a House Republican noted of another "mainstream" Republican member of the reform coalition, "He paid a price, I'm sure."

The "Inside" Strategy: Broadening the Base. The reform coalition core group (composed mainly of Fraser, Dellenback, Conable, Conlon, and Gibbons) worked reasonably well together, by all accounts. Early on, they decided to broaden their base beyond mere bipartisanship by bringing in "establishment" figures, to counter the expected opposition of committee leaders and especially Rules Committee Chairman William Colmer (D-Miss.).

The Reorganization Act, since it affected House procedures, was within the jurisdiction of Rules. Many Rules Committee members, chary of having controversial amendments torpedo the entire bill, did not eagerly embrace the reform coalition. Indeed, tacit opposition came from several committee members. One of the best known congressional "reformers", seniority opponent Richard Bolling (D-Mo.), was particularly singled out by participants. A liberal Democrat acidly described Bolling's role:

Bolling was no help at all. In fact he was a gigantic pain in the ass. He sat back and kept saying, "You'll never get any reforms through the House." The great reformer!

A Republican added, "Bolling argued that we'd never pass a bill with these amendments."

The bill's floor manager B.F. "Bernie" Sisk (D-Cal.), on the other hand, opposed the reform coalition's amendments without incurring their wrath. The same liberal Democrat quoted above also said, "Sisk was quite fair and never tried to sandbag us."

Finding the "right" person on Rules was not difficult. Thomas P. "Tip" O'Neill (Mass.), fifth ranking majority member of the committee, had at one point introduced an amendment in committee to allow record votes in the Committee of the Whole. (The amendment lost on a tie vote.) It was not a concerted effort on O'Neill's part, but, as a participant said, "We needed a Rules man to carry the amendments" and "Tip was a respected liberal." His support neutralized the reluctance and lack of support of other Rules members, particularly when the bill came to the floor.

The support of Representative Joe Waggoner (D-La.), a respected Southern Democrat and committed conservative, was also secured. Waggoner felt that going on the record was the right thing to do, but his active support for the teller vote reform was forthcoming for other reasons. As one member described it,

Joe was chairman of the House Administration subcommittee on computers, and was interested in computers in the House, so we made an agreement. "Give us your support and we will help keep computers in House Administration."¹⁴ It worked.

"Establishment" conservative Republican support surfaced in another fashion. The anti-war "spotting" system, the influx of people into Washington in May, 1970 (after the invasion of Cambodia) and the Kent State incident, had engendered an independent push for teller vote reform from Charles Gubser (R-Cal.), a nine-term Armed Services Committee conservative. Gubser, as his legislative assistant noted in an interview,

was more concerned with public reaction after the Cambodia invasion. Especially, he saw a strong need to make Congress responsive. It never occurred to him that it would be ideologically helpful either way.

On June 2, 1970, Gubser sent a "Dear Colleague" letter soliciting support for a proposed amendment to the House rules which would have permitted roll call votes on defeated teller amendments, if requested by 20 percent of a quorum (see Appendix). On June 10, 1970, Gubser introduced H. Res. 1074, with 44 co-sponsors (29 Republicans and 15 Democrats). Opposition to this effort surfaced immediately, with opponents noting the tremendous increase in time that would have been expended for voting under the Gubser proposal. Simply allowing roll calls in the Committee of the Whole was not the answer.

Who suggested the final, and elegantly simple, solution to this problem--using red and green signed cards to indicate nay or aye votes¹⁵--is unclear. Possibly it was Fraser or Rees; several alternative means were discussed until the eve of the vote. But Gubser's initiative provided an opportunity to "co-opt" him into the larger reform effort, and recorded teller voting soon came to be known as the "Gubser-O'Neill" (or "O'Neill-Gubser to Democrats) amendment. In the maneuvering which took place through the latter part of June and into July, Gubser was not an active participant. O'Neill played a more significant role, especially in the Rules Committee. Basically, however, the original reform coalition carried the ball, while the two establishment figures lent their names. A press conference on July 8, with O'Neill and Gubser prominently displayed launched the final stages of the campaign.

The "Outside" Strategy: End Secrecy in the House. Conlon and Fraser paralleled their drive for internal support with a campaign to build up public support--and constituency pressure--for reform. It was not an easy task. As one participant said, "the press just wouldn't write on congressional reform." Dick Conlon's background in journalism (he originally came to Capitol Hill as an American Political Science Association Congressional Fellow, from a position with the Minneapolis Star and Tribune) led him to discuss the problem with veteran Hill reporters. The reform group decided, on Conlon's recommendation, "to package what we were doing as anti-secrecy." As one reformer commented, "Secrecy makes editorial writers salivate."

The outside appeal took several avenues. Fraser, as D.S.G. chairman, wrote a letter on June 30 to several hundred editors of newspaper editorial pages and political columnists, with a D.S.G. "Special Report on Secrecy" enclosed. In the letter, Fraser wrote, "Currently, D.S.G. is involved in a major, bipartisan effort to abolish secrecy in the House." He described the recorded teller vote issue and concluded the letter, "I therefore urge you to support the amendments to end secrecy in the House and do whatever else you can to call public attention to this bipartisan effort."

Two days later, a D.S.G.-drafted letter signed by 22 House members, equally divided between Democrats and Republicans, was sent to over 2,000 newspaper editors. It began, "We are Members of Congress, Republican and Democratic, liberal and conservative. We are writing to seek your help," and urged publicity for their "series of anti-secrecy amendments to H.R. 17654." (Both letters are reproduced in the Appendix.)

The third step in the public relations campaign was the July 8 press conference, with an appropriate press release.

This effort met with considerable success. The two-week period from July 4 to July 18 saw numerous editorials appear in newspapers ranging from the Washington Post and the New York Times to the Cedar Rapids, Iowa, Gazette, as well as articles and columns by Norman Miller (in the Wall Street Journal), TRB (in the New Republic), and syndicated columnists such as David S. Broder, Carl Rowan, and Tom Wicker. One downstate Illinois newspaper editorialized,

For many years this newspaper has argued long and often for the public's right to see and hear the deliberations of its elected officials. ...We therefore are particularly pleased that the anti-secrecy movement is taking hold in Congress.¹⁶

In an editorial repeated several times in mid-July, WCBS Radio in New York City urged "all tri-state delegations in Washington to support unreservedly the congressional anti-secrecy proposals."

A D.S.G. memo to co-sponsors of the reform proposals asked members and staffs to send all editorials and columns to the D.S.G., and to insert the materials in the Congressional Record. Throughout July many members complied, and the Record was filled with them.

In addition, the reform coalition held at least two meetings with representatives of a number of interest groups (such as the AFL-CIO, civil rights, anti-war and education groups), to intensify public pressure. Many of them (including Andy Biemiller of AFL-CIO, Tony Dechant of the National Farmers Union and John Lumley of the National Education Association) sent their own letters in support of the anti-secrecy amendments to Congressmen. This was perhaps the first instance where public pressure has been effectively utilized in an effort to implement institutional change in Congress.¹⁷ Focusing public attention on anti-secrecy had the benefit of making that the agenda for decision making. By the time of the floor debate, it was widely known and accepted. Few members were willing to stand up and speak in favor of secrecy.

Initial Success: Marshalling Support. By mid-July, 182 House members had co-sponsored the O'Neill-Gubser proposal,¹⁸ a marked initial success for the reformers. An analysis of the composition of these co-sponsors will demonstrate the impact of the various interests at stake and of the strategies employed by the reform proponents.

As we discussed above, the initiative for the teller vote reform came from the D.S.G. They were responsible for proposing the lion's share of amendments, and they believed that the existing voting rules worked against their interests. Thus we would expect that liberal Representatives would be more likely to co-sponsor the recorded teller vote proposal than would more conservative members. As Table 3 demonstrates, this is the case.¹⁹ Among liberals

(TABLE 3 HERE)

(0-20% conservative coalition support), more than four-fifths of the members co-sponsored the proposal, while among conservatives (81-100% support), only about one in seven were co-sponsors.

In addition, we noted that one of the reasons for the liberals high amendment activity was that the senior members of committees had a disproportionate impact on the "shape" of legislation issuing from their committees, and that liberals were underrepresented among these senior members. Thus, the more senior members had a greater investment in the status quo than did the more junior members, and we would expect them to be less likely to support the reform initiative. Again, as can be seen from Table 4, our expectation is borne out.

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While there is no difference in the proportion of co-sponsors between members of low and medium seniority, there is a sharp difference between these two

groups and senior members, with the former being almost twice as likely to co-sponsor as the latter.

At this point, the reader may be noting that liberals are more likely to be junior members, and may believe that Table 4 may simply be exhibiting again the impact of ideology on co-sponsorship. This is not, however, the case. As Table 5 shows, both ideology and seniority have an independent impact on

(TABLE 5 HERE)

co-sponsorship. Within each seniority category, the degree of liberalism is strongly related to the level of co-sponsorship. Within categories of liberalism, we see again little difference between the groups with low and medium seniority, but sharp differences between them and members with high seniority.

The final point we will consider is the effect of decision of the reformers to attempt a broad and bipartisan coalition. As we discussed above, the Republicans (because of their minority status) had an interest in weakening the influence of committee chairmen, and they believed that the recorded teller vote would have this effect. In addition, the reformers sought the participation of a number of "establishment" figures (O'Neill, Gubser, Waggoner) in order to attract the support of moderate members of the House. The success of the strategy is demonstrated by the tabulations in Table 6. (The low and

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medium seniority levels have been combined.) For each paired category of liberalism and seniority (except lower seniority liberals) Republicans had a higher proportion of co-sponsors than did Democrats, and the greatest difference between the two parties is among the moderates (21-80% conservative coalition support). It is worth noting in passing that only three conservative Democrats co-sponsored the amendment, and one of these was Representative Waggoner, whose support was garnered by the side deal on jurisdiction over computers discussed above.

Ultimate Success: Adopting the Reform. The Legislative Reorganization Act was debated on the floor during the last two weeks of July and in mid-September. As the debate approached, several immediate problems of strategy surfaced for the reform coalition.

First there was the concern voiced earlier by members of the Rules Committee--if the bill were overloaded with amendments, the whole package would be endangered. Dealing with this problem was more difficult than might first be imagined. With an open rule, it is virtually impossible to prevent any member who wants to propose an amendment from doing so, and the reform coalition included many "bomb-throwers"--members who desired sweeping changes and who were viewed by their compatriots as less than pragmatic. While viewed by most Southern Democrats and Republicans as "ultra-liberals," the members of the D.S.G. Executive Committee were in fact in the center of their group. They had an active and insistent left flank to contend with, which pushed for less compromise and more action. In this instance, the chief concern of the coalition leaders was Representative Rees (the initiator of the "beeper" experiment).

He was an important actor in the teller vote struggle, but he had also drafted a large number of other possible amendments to the bill and publicly expressed his intention to introduce all of them, although many (such as a negative pension plan) had no chance of passage.

To prevent amendment overload, the reform coalition leaders decided to hold strategy sessions in early July to obtain agreement on a package of reforms which would be presented as bipartisan anti-secrecy amendments. Rees and other "bomb-throwers" were part of these strategy sessions which resulted in agreement on a set of ten amendments. Of Rees, one participant noted, "We co-opted him". Actually, Rees readily agreed with the package strategy, even though only one of his many amendments made it to the final ten. The choices were:

- recorded teller votes
- three day layover on conference reports
- open committee sessions
- recorded committee votes
- debate time on motions to recommit with instructions
- guaranteed debate time on amendments
- shortened quorum calls
- one-third minority committee staffing
- strengthened legislative counsel
- establishment of a Joint Committee on Congressional Operations

Another problem area was anticipating the source and nature of the ultimate reform opposition. Throughout July, D.S.G. staff reports discussed the possible substitute amendments, and ways of countering them. They also discussed acceptable compromises. One possible compromise was in the number of members necessary to call for a recorded teller vote. The Gubser-O'Neill amendment required 20 (one-fifth of a quorum in the Committee of the Whole, and the existing requirement for non-record teller votes); others had suggested one-fifth of a regular quorum, or 44 members. The ultimate fall-back position was to record simply whether a member voted and not how, which would at least spur attendance.

The D.S.G. and staff director Conlon proved to be remarkably prescient in pinpointing the substance of opposition amendments. A memo written nine days before the actual floor debate gave the details of the substitutes which were eventually proposed. To head off the opposition, a "Dear Colleague" letter, signed by O'Neill and Gubser and giving the arguments against the expected opposition amendments, was sent out to all members at that time.

Two weeks after floor debate began on the Legislative Reorganization Act, the recorded teller vote amendment came up (on Monday, July 27). As anticipated, the major floor opposition came from Wayne Hays (D-Ohio), who offered a substitute amendment which would have allowed, at the request of 44 members, roll calls in the House on amendments defeated on teller votes in the Committee of the Whole (the original Gubser proposal). The success of the coalition strategy is evident from the substance of Hays' amendment. It was not in direct opposition to record voting; it was not "for secrecy." Instead, the opposition was forced to take a more indirect tack. The Hays amendment was rejected on a point of order.²⁰ Another substitute (this one by H. Allen Smith, R-Cal., the ranking minority member of the Rules Committee) was also rejected, as was

another amendment to Gubser-O'Neill introduced by James Cleveland (R-N.H.). Two minor changes in the original amendment, proposed by James Burke (D-Mass.) and James O'Hara (D-Mich.), were adopted. The recorded teller vote proposal was then ratified--ironically by a voice vote, an anticlimactic ending to the long struggle.²¹

After prolonged delays, the Legislative Reorganization Act was passed by the House on September 17, 1970. Recorded teller voting was put into practice at the beginning of the 92d Congress, on January 3, 1971.

III. THE IMPACT OF REFORM: DID IT MAKE A DIFFERENCE?

Perhaps the most difficult aspect of any discussion of structural change in a political situation is in assessing its impact. We can never know for certain "what would have happened if" the change had not taken place. It is, however, incumbent on us to make the attempt.

One fairly clear impact of the reform is that members of the House were placed on record on many issues--issues on which their positions would not have been known had the reform not been adopted. Table 7 compares the nature of

(TABLE 7 HERE)

record votes in the 91st and 92d Congresses. After the adoption of recorded teller voting the proportion of record votes comprised by amendments increased almost five times (from 5.9% to 29.1%). In addition, the number and proportion of votes devoted to recommittal motions sharply declined. (This is true, as Table 7 shows, even when recorded teller votes are removed from consideration.) This demonstrates the accuracy of Lewis Freman's contention that recommittal motions are often used by Republicans to get record votes on their alternative programs which were defeated in the form of amendments in the Committee of the Whole.

A much more difficult question to answer is whether the liberals achieved greater success in passing their amendments after the adoption of the reform. Table 8

(TABLE 8 HERE)

compares the success rates of liberal and conservative supported amendments in the 91st and 92d Congresses.²² If the definitions of liberal and conservative supported amendments are accepted, the data in Table 8 indicate that the liberals were a bit more successful in the 92d Congress, and the conservatives a bit less successful. If we combine the passage of liberal supported amendments and the defeat of conservative amendments as an aggregate measure of liberal success, that rate increases from 25.4% in the 91st Congress to 36.8% in the 92d Congress. The increase in liberal success is only marginal, but that would be precisely the kind of change one would expect even if the amendment had precisely the effect it was intended to have.

There are, however, a number of caveats we must mention in regard to the reliability of these data on success rates. First, we do not have complete confidence in the definitions of liberal and conservative supported amendments.

Second, the liberals gained some strength in the House as a result of the elections of 1970, and any increase in liberal success on amendments may be due, in whole or part, to this fact. Third, the adoption of the recorded teller vote may have encouraged liberal members to propose even more extremely liberal amendments than they had in the past. Thus a difference in the nature of amendments would render the figures for the two Congresses not comparable. Thus we are forced to conclude that the quantitative evidence of an ideological impact from the reform is mixed.

On the other hand, our interviews make clear that many members believe that the recorded teller vote reform had a number of effects, some of them specifically benefitting liberals. One Republican participant listed a number of perceived effects, each of which was also mentioned independently by other members:

--"It's obviously changed policy decisions in the House, like on Vietnam and the SST."²³

--"It's made service in the House for older members somewhat less pleasing."²⁴

--"It has opened the House, substantively."

--"It has effectively diminished committee power."

If these estimates are even only partially correct, then the adoption of recorded teller voting was an important reform indeed.

Footnotes

*Much of the description, and all of the quotations, contained in this paper result from semi-structured interviews with House members and others who were participants in the effort to secure adoption of the recorded teller vote. Notes were taken during the interviews. As is traditional, anonymity was promised to all members interviewed. Individual quotations are, therefore, neither identified by name of source, nor are they footnoted except when the context needs to be clarified. We would, however, like to thank all those who generously agreed to be interviewed. They shed a great deal of light on a complicated series of events.

1. See Lewis Froman Jr., The Congressional Process: Strategies, Rules, and Procedures (Boston: Little, Brown, 1967) pp. 61-80, and Steven L. Davis, "Record Teller Voting in the House of Representatives," (unpublished paper, University of Virginia Law School).

2. Froman, op. cit.

3. Davis, op. cit.

4. The teller amendments employed in constructing Table 1 and subsequent tables were compiled from a list made available to us by the D.S.G. and cross-checked against Congressional Quarterly Weekly Reports and the Congressional Record for errors. The conservative coalition support percentages were computed by taking the ratio of the conservative coalition support score to the sum of the support and opposition scores, thus removing the impact of non-voting on the scores. The raw scores were obtained from Congressional Roll Call 91st Congress, Second Session (Washington: Congressional Quarterly, Inc., 1971) pp. 40-41, and are for the full 91st Congress.

5. See Raymond E. Wolfinger and Joan Heifetz Hollinger, "Safe Seats, Seniority and Power in Congress," in Raymond E. Wolfinger (ed.), Readings on Congress (Englewood Cliffs, N.J.: Prentice-Hall, 1971), pp. 36-57. As these authors predicted, the situation is changing, and will continue to change, in the 1970's. See Norman J. Ornstein and David W. Rohde, "Seniority and Future Power in Congress," in Norman J. Ornstein (ed.), Change in Congress (New York: Praeger, forthcoming 1974).

6. Clearly, turnout on teller votes was substantially lower than on roll calls in the 91st Congress. The average number of members voting on roll calls was 358 (or about 82% of the membership); the average number for teller votes was 204 (about 47%). Of course we have no way of knowing whether turnout was lower among liberals than among conservatives, but the important point is that the initiators of recorded teller voting believed that it was.

7. See Congressional Quarterly Almanac, Vol. XXVI, 1970 (Washington: Congressional Quarterly Inc., 1971), p. 387.

8. Quoted by Norman C. Miller, Wall Street Journal, June 18, 1970, p. 1. As we shall see, intensive criticism of the use of "spotters" brought support for House voting reform from unexpected quarters.
9. Interview with participant.
10. See Nelson W. Polsby, "Two Strategies of Influence: Choosing a Majority Leader, 1962," in Robert L. Peabody and Nelson W. Polsby (eds.), New Perspectives on the House of Representatives (Chicago: Rand McNally, 1963), pp. 237-270.
11. Mary McInnis (ed.), We Propose: A Modern Congress (New York: McGraw-Hill, 1966).
12. In 1969, to become Director of the Office of Economic Opportunity.
13. "Inertia and Change: The Legislative Reorganization Act of 1970," in John F. Bibby and Roger Davidson, On Capitol Hill, 2nd ed., (Hinsdale, Ill.: Dryden Press, 1972), p. 264.
14. Instead of having them go to a proposed Joint Committee on Data Processing. This "arrangement" also facilitated the acceptance of electronic voting in the House, which was passed as part of the Legislative Reorganization Act and put into operation in 1973.
15. Which, incidentally, is similar to contemporary British practice.
16. Congressional Record, July 20, 1970, p. E6836.
17. Two years later, Common Cause adopted the same "end secrecy" slogan and the same tactics to broaden House reforms on opening committee meetings. Common Cause Vice President David Cohen, who directed the later effort, had been an AFL-CIO lobbyist during the recorded teller vote fight.
18. The list of co-sponsors was obtained from the Congressional Record, July 27, 1970, p. 25796.
19. In Table 3 through 6, the number of house members totals 431 instead of 435. This is due to the fact that there were three vacancies in the House at the time, and because of the omission of Speaker McCormack due to there being no conservative coalition support score available for him.
20. See the Congressional Record, July 27, 1970, p. 25801.
21. The substance of all ten amendments passed, although not all were in precisely the form the coalition had proposed. At the beginning of the 92nd Congress, however, the guarantee of one-third minority staffing was repealed.
22. For the 91st Congress, liberal supported amendments are those sponsored by members whose conservative coalition support scores ranged from 0 to 20 percent. Conservative supported amendments are those sponsored by members

whose scores ranged from 81 to 100 percent. The figures are taken from Table 2, and amendments sponsored by members whose scores ranged from 21 to 80 percent are omitted.

For the 92nd Congress, however, amendments are categorized in a different (and we believe, more accurate) fashion. All recorded teller votes on amendments for 1971 and 1972 were inspected. If the vote on the amendment was what Congressional Quarterly defines as a conservative coalition vote (a majority of Republicans and a majority of Southern Democrats opposing a majority of Northern Democrats), the amendment was counted as liberal supported or conservative supported depending upon whether the coalition opposed or supported the amendment. In addition, if the vote on an amendment was what Congressional Quarterly defines as a party support vote (a majority of Democrats opposing a majority of Republicans) but did not meet the definition of a conservative coalition vote, and if on the vote a majority of Republicans opposed a majority of Northern Democrats, the amendment was counted as liberal or conservative supported depending upon whether the Democrats supported or opposed it.

23. It is in regard to funding the SST that perhaps the best case can be made for a direct impact from the reform beneficial to the liberals. In both 1969 and 1970, Rep. Sidney Yates (D-Ill.), a liberal member of the Appropriations Committee, offered an amendment to the Department of Transportation appropriations bill to delete funds for the SST. In 1969 the amendment was defeated by a standing vote of 64 to 126; in 1970 it was defeated on a teller vote, 86 to 102. Yates offered the amendment again in 1971 and this time the vote was a recorded teller vote. It passed 217 to 203, and the House then confirmed the SST defeat by a 215 to 204 roll call. Yates "said after the vote, 'I think the (recorded) teller vote made the difference.'" Silvio O. Conte (R-Mass.), another SST opponent, said, 'The members no longer could duck under parliamentary guise.'" Congressional Quarterly Weekly Report, March 26, 1971, p. 688.

24. As has, in addition, the electronic voting system. See Norman J. Ornstein, "What Makes Congress Run," 5 Washington Monthly (Dec., 1973), pp. 47-49.

CHARLES S. GUBSER
10TH DISTRICT, CALIFORNIA

MEMBER
COMMITTEE ON ARMED SERVICES

Congress of the United States
House of Representatives
Washington, D.C. 20515

June 2, 1970

Dear Colleague:

As you know a number of student groups have raised a very legitimate point regarding meaningful and important "teller" votes which are not a matter of record.

The absence of a recorded vote on specific issues has created a situation where individual groups now place their own interpretation on the strictly procedural vote on the "previous question". This is a dangerous practice because it is subject to numerous interpretations and, furthermore, transfers minority rights to the majority.

I firmly believe that taking a stand and being recorded on the important issues of the day is an obligation we owe our constituents and the country, and we should take steps to make our stand a matter of public record.

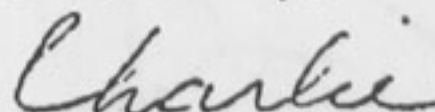
The enclosed amendment to the House Rules would provide simply that the author of an amendment defeated on a teller vote may be recognized in the House for the purpose of requesting a separate "yea and nay" vote on his amendment. If 20% of those present support his request, the "yeas and nays" would be ordered.

Congress, as an institution, is under attack. The charge of "secrecy" is a valid one and we should move forthwith to correct what is wrong.

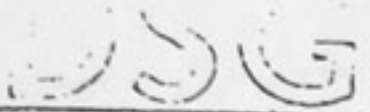
I plan to introduce the enclosed Resolution on Wednesday, June 10. If you would like to be a co-sponsor, I'd appreciate your returning the enclosure with your signature indicating your desire.

With all good wishes, I am

Yours sincerely,



Charles S. Gubser
Member of Congress



225-5050

June 30, 1970

Dear Editor:

Enclosed are two recent DSG Special Reports, one on secrecy and one on seniority -- the two factors most responsible for the lack of public confidence in the House of Representatives as a responsive and effective legislative institution.

Earlier this year, as part of a long-range effort to reform House procedures, DSG called for a special study of the seniority system. As a result of this initiative, both parties in the House now have committees studying possible changes in the system.

Currently, DSG is involved in a major bi-partisan effort to abolish secrecy in the House. We are concentrating primarily on ending the practice of taking secret or non-record votes on major national issues such as the supersonic transport, funding air and water pollution programs, school desegregation, and the war in Indochina. This latter reform would not only permit the public to better evaluate the performance of their Representative in Congress, it would also significantly improve Member participation in the legislative process.

These reforms will be decided (by non-record vote, unfortunately) within the next two weeks when the House considers H.R. 17654, the Legislative Reorganization Act of 1970. Whether they will be approved, however, will depend largely on whether Members think their constituents and the press care about these issues.

I therefore urge you to support the amendments to end secrecy in the House and do whatever else you can to call public attention to this bi-partisan effort.

Sincerely,

Donald M. Fraser

Donald M. Fraser, M.C.
DSG Chairman

Congress of the United States
House of Representatives
Washington, D.C. 20515

July 2, 1977

Dear Editor:

We are Members of Congress, Republican and Democratic, liberal and conservative. We are writing to seek your help.

We and many of our colleagues in both parties are currently engaged in a major effort to reform and revitalize the House of Representatives. One of the areas about which we are especially concerned is unnecessary secrecy in the legislative process.

We believe secrecy undermines the democratic process and saps public confidence in the House as a responsive and effective legislative body. We think the public has a right to know what is happening in Congress and how Members vote on major national issues. Indeed, the democratic process cannot function without the free flow of such information.

We are therefore sponsoring a series of anti-secrecy amendments to H.R. 17654, the Legislative Reorganization Act of 1970, which is scheduled for House action the week of July 13. These amendments include recording how Members vote on major issues both in committee and on the House floor, opening committee hearings and meetings to the press and public, and requiring the availability of committee reports and hearings before final House action on legislation.

These are important reforms. But their acceptance will depend, at least in part, on the amount of public visibility they receive and the extent to which the public -- and the press -- demands them.

Unfortunately, in this regard, there is a tendency in many quarters to look upon reform of House rules and procedures as an internal "housekeeping" matter of little concern to the public. We are sure you will agree that nothing could be further from the truth; that how the House conducts its affairs can have a significant impact on the lives of the American people and the well-being of the nation.

Thus, we urgently request your help in focusing public attention on this crucial issue in the short time that remains before House consideration of H.R. 17654.

Thank you for your consideration.

Sincerely,

Jonathan B. Bingham (D-N.Y.)
 John Brademas (D-Ind.)
 James C. Corman (D-Calif.)
 Donald M. Fraser (D-Minn.)
 Sam M. Gibbons (D-Fla.)
 Ken Hechler (D-W. Va.)
 Abner J. Mikva (D-Ill.)
 James G. O'Hara (D-Mich.)
 Thomas M. Rees (D-Calif.)
 Henry S. Reuss (D-Wis.)
 Morris K. Udall (D-Ariz.)

Edward G. Biester, Jr. (R-Pa.)
 James C. Cleveland (R-N.H.)
 Barber B. Conable, Jr. (R-N.Y.)
 John Dellenback (R-Oreg.)
 John N. Erlenborn (R-Ill.)
 Charles S. Gubser (R-Calif.)
 Paul N. McCloskey, Jr. (R-Calif.)
 Thomas F. Railsback (R-Ill.)
 Donald W. Riegle, Jr. (R-Mich.)
 William A. Steiger (R-Wis.)
 Robert Taft, Jr. (R-Ohio)

Table 1

IDEOLOGY AND TELLER AMENDMENT SPONSORSHIP, 1969-70

% Conservative Coalition Support	Teller Amendments Sponsored		(3) % of House Members	Index of Representativeness (Col. 2/Col. 3)
	(1) N	(2) %		
0- 20	45	43.3	22.7	1.91
21- 80	37	35.6	39.9	.89
81-100	<u>22</u>	<u>21.2</u>	<u>37.4</u>	.57
TOTAL	104	100.1	100.0	

Table 2
 IDEOLOGY AND TELLER AMENDMENT SUCCESS, 1969-70

% Conservative Coalition Support	Teller Amendments Sponsored	Teller Amendments Passed	% Passed
0- 20	45	7	15.6
21- 80	37	6	16.2
81-100	<u>22</u>	<u>12</u>	<u>54.5</u>
ALL MEMBERS	104	25	24.0

Table 3

IDEOLOGY AND CO-SPONSORSHIP OF THE REFORM

% Conservative Coalition Support	No. of Members	No. of Co-sponsors	% Co-sponsoring
0- 20	98	82	83.7
21- 80	172	76	44.2
81-100	<u>161</u>	<u>24</u>	<u>14.9</u>
ALL MEMBERS	431	182	42.2

Table 4
SENIORITY AND CO-SPONSORSHIP OF THE REFORM

Service Began	No. of Members	No. of Co-sponsors	% Co-sponsoring
Before 1959	132	34	25.8
1959-1964	122	60	49.2
After 1964	<u>177</u>	<u>88</u>	<u>49.7</u>
ALL MEMBERS	431	182	42.2

Table 5
 IDEOLOGY, SENIORITY AND
 CO-SPONSORSHIP OF THE REFORM

% Conservative Coalition Support	Service Began		
	Before 1959	1959- 1964	After 1964
0- 20	66.7 (21)	88.9 (36)	87.8 (41)
21- 80	26.6 (64)	51.1 (45)	57.1 (63)
81-100	6.4 (47)	12.2 (41)	21.9 (73)

Note: Cell entries give the percent of the cell N
 (Cell N in parentheses) co-sponsoring the amendment.

Table 6
 SENIORITY, IDEOLOGY AND
 CO-SPONSORSHIP OF THE REFORM
 (BY PARTY)

% Conservative Coalition Support	Service Began Before 1959		Service Began After 1958	
	DEMS	REPS	DEMS	REPS
0- 20	66.7 (21)	- (0)	88.6 (70)	85.7 (7)
21- 80	13.6 (44)	55.0 (20)	45.1 (51)	63.2 (57)
81-100	3.8 (26)	9.5 (21)	9.7 (31)	21.7 (83)

Note: Cell entries give the percent of the cell N
 (Cell N in parentheses) co-sponsoring the amendment.

Table 7
 TYPES OF RECORD VOTES
 91st AND 92d CONGRESSES

Type of Vote	91st Cong. 1969-1970		92d Cong. 1971-1972		92d Cong. (Excluding Record Teller Amendments)	
	N	%	N	%	N	%
Final Passage	291	65.7	345	53.2	345	73.4
Recommittal Motions	46	10.4	16	2.5	16	3.4
Amendments	26	5.9	189	29.1	10	2.1
Other	<u>80</u>	<u>18.1</u>	<u>99</u>	<u>15.3</u>	<u>99</u>	<u>21.1</u>
TOTAL	443	100.1	649	100.1	470	100.0

Table 8
 TELLER AMENDMENT SUCCESS
 91st AND 92d CONGRESSES

	Teller Amendements					
	91st Cong. 1969-1970			92d Cong. 1971-1972		
	No. Sponsored	No. Passed	% Passed	No. Sponsored	No. Passed	% Passed
Liberal Supported	45	7	15.6	76	15	19.7
Conservative Supported	22	12	54.5	68	30	44.1