

Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2003, Vol. 26, No. 2

EDITOR'S NOTE: It is with great pleasure and pride that I assume the editorship of *Extension of Remarks*. I have had a long association with EOR. As a graduate student in the late-1980s and early-1990s at the University of Colorado I worked with Larry Dodd, a long-time editor, on a number of issues of EOR; my first academic publication was in EOR, and I have been an avid reader over the last two decades. EOR has traditionally been a special forum for the discussion of new and emerging perspectives on legislative studies, and an appropriate venue for considering and reconsidering the landmarks of our subfield. I hope to continue this tradition in the coming years. Another tradition that I intend to maintain is creating issues around a unified theme. This format is valuable for promoting discussion, and as a teaching tool. I invite readers who have ideas for issue themes to contact me with those ideas. My most sincere thanks go to the executive council of the Legislative Studies Section for selecting me for this position. Finally, my apologies for the tardiness of this first issue; I hope readers find that it was worth the wait. --SQK

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The *Giant Jigsaw Puzzle* After 25 Years: Editors Introduction

Sean Q Kelly
Niagara University

During the 2002 APSA meeting in Boston my co-author Scott Frisch and I made a side trip to the John F. Kennedy library.¹ Among the archived papers at the Library were those of James Burke, a member of Congress from Boston and a former Democratic member of the House Ways and Means Committee that, during his term of service, made committee assignments for Democrats in the House. Scott and I have spent the last three years collecting committee request data from the archived papers of Democratic and Republican House members for our research and the trip to Boston presented an opportunity to fill a small hole in our dataset. As we stood waiting for the bus that would take us back to the subway station we began discussing what sort of panel we would like to see at the 2003 APSA meeting. Discussing books that we thought were influential in congressional studies we realized that 2003 would mark the 25th anniversary of the publication of Ken Shepsle's *The Giant Jigsaw Puzzle: Democratic Committee Assignments in the Modern House*. Given the

nature of our research, of course, we felt that it was a book worthy of a retrospective. With Ken Shepsle's blessing and willingness to participate it was hardly difficult to convince this stellar group to come together to discuss this important book. I thank them for their willingness to participate in the roundtable and contribute essays for my inaugural issue of *Extension of Remarks*. Thanks are also due to Nicol Rae for his willingness to include the roundtable in the APSA program.

Published in 1978, *The Giant Jigsaw Puzzle* has proven itself to be one of the most influential and enduring contributions to the congressional studies literature in the last 25 years. Ken Shepsle united a social choice perspective with original data and (then) cutting edge methodological techniques, to craft an interpretation of the committee assignment process. In turn *Jigsaw* laid the theoretical and empirical foundations for an explanation for the organization of the House and for observed policy dynamics; the jigsaw thesis has become nothing less than paradigmatic. Among the numerous influential findings and ideas advanced by the book that have influenced the development of the congressional literature are:

- That members of the House *self-select* to congressional committees based on dominant interests in their districts in an effort to ensure reelection, and

¹ This essay is an elaboration of comments delivered at the Annual Meeting of the American Political Science Association, August 28 - August 31, 2003, Philadelphia, PA. Roundtable on *The Giant Jigsaw Puzzle After 25 Years*. I am deeply privileged by my friendship and collaboration with Scott Frisch; my thinking on committee politics is indelibly marked by Scott's insight (though he bears no blame for any silly ideas that I may express from time-to-time). Thanks to Dave Schoen for collecting the citation data used in this paper.

- That the House party leadership promotes self-selection by seeking to *accommodate* the committee requests of members within the constraints of the supply of committee slots.

As a result of this interest-advocacy-accommodation nexus,

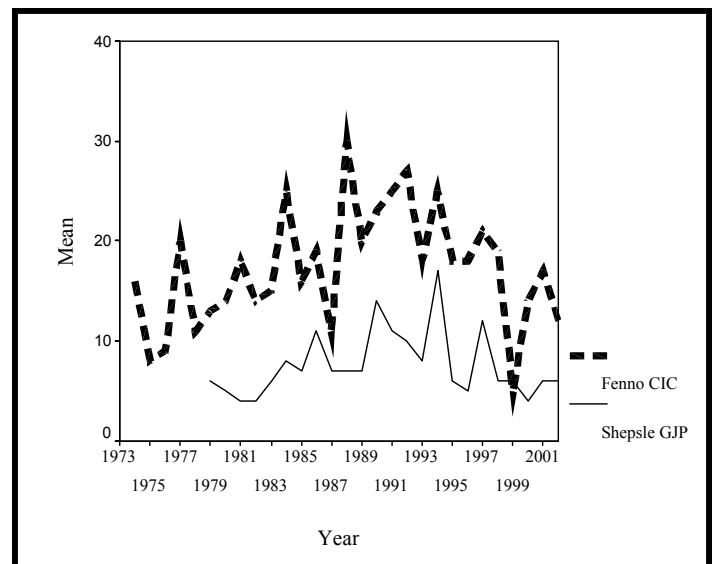
- House committees will be composed of *preference outliers* who demand higher levels of programmatic support for their districts than non-committee members, and
- House committees serve as centers for relatively closed policy networks that protect existing programs and policies (iron triangles).

These and other findings and insights have served as an engine for an enormous volume of research on congressional committees. In these opening remarks I want to provide some broad context for the discussion that follows.

Impact

Despite our post hoc evaluation of this classic, the initial reviews of the *Jigsaw* were not universally laudatory. In her review of the book in the *American Political Science Review*, the late Barbara Hinckley said of *Jigsaw* that “The book is not a major theoretical advance nor a major empirical one, though it offers an important hypothesis on the assignment process along with valuable data and rich detail” (Hinckley 1979, 887). When I read these words two things occurred to me. First, if I read these words about something that I had written I would have been seriously deflated, despite the fact that the review was nominally positive. Second, we would not have been able to organize this roundtable if she was *right*, and on this score her review failed to recognize the importance of the book. Most congressional scholars would agree that *Jigsaw* is an important part of the canon of congressional studies, and is certainly required reading for those interested in the study of the

internal dynamics of the House. Jim Stimson’s review in the *Journal of Politics* was perhaps more prophetic noting that “The significant achievement of the Shepsle volume is the integration of insight and rigor” (Stimson 1979, 1250). He continued his praise observing that “The models are elegant representations of the hypothesized decision behavior, and they in turn are largely supported by parameter estimation. It is good science” (Stimson 1979, 1251). Concluding his prescient review he predicted that “this book will certainly become the standard wisdom on the question on



committee assignments” (Stimson 1979, 1251).

The impact of *Jigsaw* can be measured in a number of ways. One is the degree to which the profession refers to the work. An analysis of the number of citations to the book over the last 25 years suggest that, on average, the book has been cited 187 times, or about 8 times per year; and as the graph indicates the number of citations has remained steady over time (see figure). *Jigsaw* compares favorably with another of the classics in congressional studies: *Congressmen in Committees* which, incidentally, is celebrating its 30th anniversary this year (see figure 1).

Less simple to measure is the impact of the work on the generations of graduate students who were influenced by it or the

innumerable undergraduates who were exposed to the ideas in their political science courses by faculty steeped in the logic of *Jigsaw*. Textbooks regularly provide students with a capsule understanding of committee dynamics with the following representative verbiage: "Members are assigned to committees by their party's leadership in the House and Senate, and they generally are given the assignments they request. Typically, members of Congress seek to be on the most prestigious committees and those that directly affect their constituents" (Rahm 2003, 16).² Significantly, the author does not cite *Jigsaw* or any related work when making this statement which is a testament to the degree to which this sentiment has become the conventional wisdom in the field; it also suggests that Professor Shepsle has probably been deprived of hundreds of citations in the last 25 years.

The 'Jigsaw Thesis'

Shepsle highlighted the importance of district characteristics in the committee requests of Democrats in the House. Democratic House members, he argued, "seek assignments to those committees in which their constituents have an important stake and toward which their own previous backgrounds predispose them" (Shepsle 1978, 231-232). In turn, the Democratic Committee-on-Committees (since renamed the Steering Committee) sought to accommodate member requests constrained by the supply of available committee slots. According to Shepsle, "the committee assignment process involves an *interest-advocacy-accommodation syndrome* in which interests are articulated, advanced, and accommodated in a highly institutionalized fashion" (Shepsle 1978, 231). This formulation, which Hinckley refers to as the "jigsaw thesis," minimizes the role of personal, ideological, or partisan considerations in the selection process,

emphasizing the conflict management above politics.

In her APSR review of *Jigsaw* Hinckley's admonished congressional scholars that "The jigsaw thesis should be regarded as tentative," she continued, "We can hope that ways will be found to...make the request data available to a wider research community. Necessary follow-up studies, with attention to measurement problems and committee variation, could then be conducted" (Hinckley 1979, 887). In particular she pointed to policy and ideological variables as warranting additional attention in future analyses. In fact, Shepsle himself highlighted the need for additional work on the thesis: "...I believe the theoretical forces at work are of a more general nature. I do hope that scholars undertake separate studies of the committee assignment process for the Republicans" (Shepsle 1978, 7).

Congressional studies accepted the jigsaw thesis as established wisdom instead of treating it as tentative. Part of the responsibility for our failure to observe the warnings of Professors Hinckley and Shepsle lies with Professor Shepsle himself. His theoretical model was so tightly reasoned and argued, and his data analysis so convincing, that further analysis did not seem warranted; he had "answered" the question, there was apparently nothing else to say. And, he had done so by relying on concepts that were almost considered truisms. Of course members of Congress were motivated by the desire to be reelected; of course members of Congress would choose committees that would help them to successfully pursue reelection; of course members would use their positions on these committees to deliver benefits to the district thereby ensuring reelection. Each of these arguments, by itself, seemed beyond reproach. As Jim Stimson put it, his

² I chose this book at random from a collection of texts on public policy.

“explanations ring true...” (Stimson 1979, 1251).³

In addition congressional scholars were hamstrung by the relative lack of reliable data to test the policy and ideological connection that Hinckley had pointed toward. By the time that significant new datasets -- such as the Poole and Rosenthal NOMINATE data that would have allowed hypotheses regarding a member’s ideology and committee assignment success, and years later Scott Adler’s district level census data -- became available, the jigsaw thesis had become the dominant understanding of the committee assignment process. Failure of the subfield to test the thesis among Republicans was a function of the continued minority status of the party and the apparent difficulty of acquiring such data, coupled with the assumption that findings similar to Shepsle’s would result from the analysis.

Son of Jigsaw: Distributive Theory

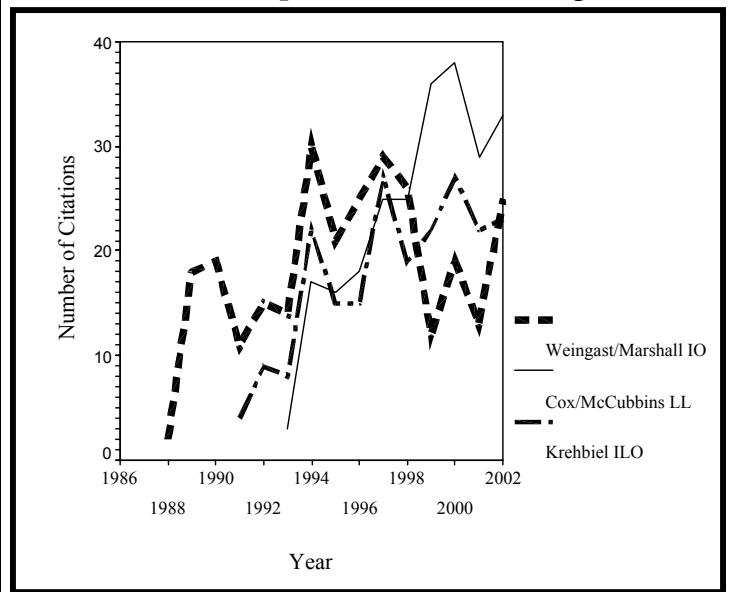
What has come to be known as distributive theory (words never uttered by Shepsle in *Jigsaw*) is founded on four pillars: 1) Members of Congress seek membership on committees that will best serve their constituency and reelection oriented goals; 2) congressional parties seek to accommodate member requests above all else; 3) committees, in turn, are composed of members with extreme preferences on policy issues under the committee’s jurisdiction; and 4) public policy is skewed in favor of the extreme positions of committee members, often resulting in an oversupply of benefits (spending) for the districts of committee members caused by institutionalized logrolling across committees.⁴

³ Indeed, they were all supported by David Mayhew’s (1974) masterful book which had come out a few years before; these findings confirmed his arguments.

⁴ For an overview of the development of distributive theory see Shepsle and Weingast 1995. For critical Legislative Studies Section

To put it mildly, the jigsaw thesis is the empirical rock upon which distributive theory is built. Pillars one through three are the core of *Jigsaw*.

The work that most clearly elaborates the distributive theory of congressional organization, the child of *Jigsaw*, is “The Industrial Organization of Congress: Or, Why Legislatures, Like Firms, Are Not Organized as Markets” (IO) published in the *Journal of Political Economy* (Weingast and Marshall 1988). Weingast and Marshall, like most of the empirical analysts in the distributive theory tradition, accept the first three tenants and build on the implications for the organization



of Congress by focusing on the benefits hypothesis that the jigsaw thesis underpins.

IO has had a significant impact in the literature (figure 2) drawing many citations every year. At the same time the figure indicates a surge in attention to work that either seeks to modify or replace distributive theory though not necessarily challenge the jigsaw thesis. Keith Krehbiel’s *Information and Legislative Organization* (ILO) only briefly addresses the issue of individual motivations and the committee assignment process (1988, 136-137), focusing instead on the organization

response and an alternative theory (informational theory), see Krehbiel 1991 and Groseclose 1994.

of congressional committees. Cox and McCubbins' work in *Legislative Leviathan* (LL) is largely an effort to incorporate political parties into a theory of legislative organization that remains essentially distributive. In short, the jigsaw thesis remains fundamentally unchallenged 25 years after its publication, and has influenced the development of the congressional literature on committees in a very significant way.

Conclusion

The essays that follow include personal reflections, plaudits, and criticisms. What unites all of these authors is deep respect for Shepsle's fine book as a model of strong research design, strong theoretical orientation, and use of original data and appropriate methodology in support of the theoretical enterprise. This consensus is a testimony to the place of this book in the canon of congressional studies; it is thus deserving of such a retrospective.

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July 2003, Vol. 26, No. 2

The Giant Jigsaw Puzzle at 25: A View from the Backbenches

Garry Young
George Washington University

After viewing a classic film I sometimes go back and read the original reviews, just to see what the critics originally thought about the movie. While thinking about what I wanted to say regarding the *Giant Jigsaw Puzzle* (Shepsle 1978), I thought I would do something similar and soon found four reviews. Here are a couple of choice quotes from one of them:

Subtitled "Democratic Committee Assignments in the Modern House," Shepsle's book tells you more than you probably want to or will ever need to know about how the Democrats make committee assignments in the United States House of Representatives (Ogden 1979: 356).

It goes on to say:

As an assignment for students, even in an advanced graduate class in the legislative process, however, it is too specialized. It's greatest use will be for reference and research (Ogden 1979: 356)

All the reviews, including the one cited above, say quite laudatory things about *Jigsaw*, but overall I would characterize them as a tepid set of endorsements. My point is not to in any way deride these critics – top scholars all. Lacking the twenty-five years of hindsight we now enjoy, these writers could not predict that *Jigsaw* would in several different ways prove a seminal piece of political science.

My role on this roundtable is to discuss *Jigsaw* from the perspective of someone who came to the book well after it was published. I

first came across *Jigsaw* in 1988 while I was getting a Masters at Texas A&M. I took a class on Congress from Jon Bond and much of the material in that class focused at what today we would call distributive theory, but then were calling sub-government theory. I soon developed an interest in the topic and this interest led me to *Jigsaw*. Unfortunately the library copy had been stolen, but through mysterious pre-Napster means I eventually managed to secure what had to be a fifth-generation photocopy. This led to my first graduate student paper, which used some of the logic of *Jigsaw* to examine sub-committee composition.

With the certainty typical of a graduate student, I saw formal theory without hypothesis testing as akin to Robert Frost's complaint about free verse: It "is like playing tennis with the net down."

This initial interest in *Jigsaw* was purely topical. But a year or so later I developed a different interest in the book. By now I was at Rice University working on a Ph.D. For me this was a fortuitous time to be in graduate school since the study of political institutions was

coming very much back into vogue. Closely (though not completely) coupled with this “new institutionalism” was rational choice theory, especially formal modeling.

What became obvious to a lot of us back then was a divide between the empirical and the theoretical. The congressional studies field was and remains empirically oriented. Formal models offered interesting theoretical insights, but usually presented little more than anecdotal evidence about the way a “real-world” legislature, such as Congress, actually behaved. With a certainty typical of a graduate student, I saw formal theory without hypothesis testing as akin to Robert Frost’s (1935) complaint about free verse: It “is like playing tennis with the net down.” Thus while casting about for a dissertation I knew I wanted to do something that tested insights from formal modeling. Yet, at the time I could not think of a template for such an approach, until, that is, I recalled *Jigsaw*. Shepsle’s melding of theory with data is now common in congressional studies.

I believe *Jigsaw* remains an important book to teach our students so I will conclude with a few comments about teaching. When using *Jigsaw* I like to stress four points. First, *Jigsaw* addresses an important topic. When looking at the literature *Jigsaw* helped spawn, it is easy for us to get lost in the arcane minutiae of NOMINATE scores, request data, and Monte Carlo simulations. But this literature remains lively precisely because it asks fundamental questions about the distribution of power within the linchpin of America’s representative democracy. This question has obsessed practitioners and theorists for centuries, notably including the Jeffersonians (Cooper 1970).

A second point I like to make is that *Jigsaw* demonstrates that rational choice theory does not have to be purely abstract. It can be rooted in “real” world issues that matter. Third, *Jigsaw* was ahead of its time. It could not be predicted at its publication – thus the

lukewarm reviews – but *Jigsaw* eventually formed part of the basis of distributive theory, one of the “competitors” in the triumvirate of theories of congressional organization. Indeed, I think it is notable that the real spike in *Jigsaw* citations came in the 1990s, more than twenty years after it was published.

Finally, I like to point out that *Jigsaw* is about a time, but it is not time bound. To be sure, the committee membership process that existed in the mid-1970s only resembles what came before and what came after. Likewise the nature of politics – such as the role and strength of party – was very different in the 1970s than what came before and what came after that period. Shepsle is quite self-conscious about this in the book, and while it is not fully elaborated, he does lay out a framework – “principles of composition” (Shepsle 1978: 9-10) – that places the details of *Jigsaw* within a broader historical context.

The lack of data made many of these ideas untestable. Fortunately, recent years have seen tremendous advances in the quality of historical data. Scott Frisch and Sean Kelly gathered information on committee requests from numerous paper collections. They now have a dataset that dramatically extends Shepsle’s, both across time and party (Frisch and Kelly, Forthcoming). Garrison Nelson’s massive archival work on post-World War II committee membership (Nelson 1993) has aided research on the temporal dynamics of committee membership in that period (e.g., Adler and Lapinski 1997; Young and Heitshusen 2003). Now, through the efforts of Nelson, David Canon, and Charles Stewart, this data extends back to the beginning of time, i.e., 1789 (Stewart, Canon, and Nelson 2002). All of this promises that ideas the Shepsle articulated in *Jigsaw* will continue to motivate research for some time to come.

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July 2003, Vol. 26, No. 2

GIANT JIGSAW PUZZLE - A GIANT LEAP FORWARD

Scott Adler
University of Colorado, Boulder

When Ken Shepsle's *The Giant Jigsaw Puzzle* (GJP) was published in 1978 it meet with a resounding...well, thud. Reviewers were less than enthusiastic about the book. Barbara Hinckley's review in the *APSR* described the data as inadequate to test the propositions, the descriptions of the committee assignment process as familiar to serious students of Congress, and ultimately hoped that the records of committee requests would be made publicly available so that others might reanalyze them with an eye toward addressing problems in measurement and committee variation. Her conclusion begins with, "The book is not a major theoretical advance nor a major empirical one, though it offers an important hypothesis on the assignment process along with valuable data and rich detail." Jim Stimson's reflections in the *JOP* are slightly more generous, though he devotes the greater part of his review to two weaknesses in the study - the data on committee requests suffer from an insincerity problem and the changes in the House Democratic committee assignment process subsequent to the book's completion. To make matters worse, the \$40 sticker price (that's \$110 in today's money!) definitely did not help sales. All the indications were that this book would quickly gather dust on the few shelves it inhabited.

Yet with 25 years of reflection it is hard to overstate the impact of Shepsle's study on the field of congressional scholarship and,

perhaps, the entire discipline. It is not that *GJP* was a riveting analysis of a fascinating legislative activity. (Let's face it, compared to other noteworthy books on Congress published at about the same time - Fenno's *Home Style* (Fenno 1978), Fiorina's *Keystone* (Fiorina 1989), or Arnold's *Congress and the Bureaucracy* (Arnold 1979)- the prose in *GJP* is not exactly James Joyce or F. Scott Fitzgerald) But what Shepsle did in those 300-plus pages was truly path breaking.

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Along with works by a small number of contemporaries (such as, Fiorina's *Representatives, Roll Calls, and Constituencies* (Fiorina 1974)] and Ferejohn's *Pork Barrel Politics* (Ferejohn 1974)], this book redefined

the institutional focus of congressional research. As Congress scholarship was moving beyond behavioralism in the late-1970s, much of the work examining the structure and rules of the institution was preoccupied with recent internal and party reforms in the House and Senate, and not particularly theoretical in its orientation. In the years just prior to *GJP*'s publication a few seminal works emerged that outlined a theoretical vision of congressional organization and purpose—most notably Mayhew's *Congress: An Electoral Connection* (Mayhew 1974) and Fenno's *Congressmen in Committees* (Fenno 1973). Though highly influential in content – they persuaded scholars of the utility of rational choice approaches to the study of Congress – these masterful works raised the bar for writing style and research methods such that few were able to imitate. Conversely, it was the melding of the rational choice framework with rigorous social science in *GJP* that later authors strived for and thus this volume set the pace in congressional scholarship. Perhaps for the first time in our field a book combined rigorous theoretical models of social choice processes in Congress, with extensive and sweeping empirical work, and sophisticated statistical techniques. Over the ensuing years, this blend of analytical techniques pushed the field of congressional scholarship, and in turn a number of other subfields in Political Science, to go faster and further in new directions than any revolution since the introduction of statistical methods in the 1950s and 1960s.

This goes without saying that *GJP*, along with perhaps more important subsequent pieces by Shepsle (and co-conspirator, Weingast; e.g. (Shepsle 1979; Shepsle 1986; Shepsle and Weingast 1981; Shepsle and Weingast 1987)), defined what is *still* the central debate in research on congressional organization. Shepsle's gains from exchange model gave depth and formal logic to Mayhew's electoral connection and its

implications for the structure of Congress. Shepsle's body of work became the standard by which other literature in this theoretical and empirical controversy would be measured. Important pieces by Gilligan and Krehbiel (Gilligan and Krehbiel 1987; Gilligan and Krehbiel 1989; Gilligan and Krehbiel 1990; Krehbiel 1991), Kiewiet and McCubbins (Kiewiet and McCubbins 1991), and Cox and McCubbins (Cox and McCubbins 1993), Aldrich and Rohde (Aldrich and Rohde 1995; Aldrich and Rohde 1997a; Aldrich and Rohde 1997b), and others must be seen as direct reactions to Shepsle's work of this period, starting with *GJP*.

Moreover, the debate over theories of congressional organization for many years *somehow* has turned on Shepsle's primary focus in *GJP* – committee assignments. Shepsle certainly wasn't the first to examine the composition of committees (see works by (Bullock 1976; Fenno 1973; Gawthrop 1966; Gertzog 1976; Goodwin 1970; Masters 1961; Uslander 1974)). In fact, the book's title is derived from chapters 4 and 5 in Goodwin's, *The Little Legislatures*. But Shepsle recognized that the process and product of committee seat allocation could serve as a testing ground for broader notions of congressional organization. That is, if certain propositions about congressional structure are to be believed, then we should observe a committee composed of "x" kind of legislators. Thus, for the next two-and-a-half decades we saw a wide array of interesting and sometimes innovative explorations of the composition of House and Senate committees (see many of the pieces cited above, as well as (Groseclose 1994; Londregan and Snyder 1994; Poole and Rosenthal 1997; Adler and Lapinski 1997)).

Of course, twenty-five years after its publication, some of the arguments and conclusions in *GJP* have been overtaken by events and changes in political circumstances. Like all good works of social science (or any kind of science, for that matter), it warrants

reconsideration with time (see Fiorina 2001). To be sure, Sean Kelly, the editor of this newsletter, and his co-author, Scott Frisch, are in the final stages of an examination of fifty years worth of data on congressional committee requests and assignments. No doubt other authors in this special issue have offered their own assessments of how well *GJP* has stood the test of time. Let me simply speak to one element of the study -- the metaphor of the jigsaw puzzle.

Using the jigsaw puzzle as a representation for the process of committee assignments conjures up specific meanings. While on the one hand it captures nicely the complexity of fitting numerous and varied individuals into an intricate web of committee options, it does have one major drawback – it suggests a process with only one clear solution. At the time *GJP* was written this might not have been an unreasonable proposition. Though Congress in the mid-1970s had just undergone some fairly substantial reforms, parties were still relatively weak; “property rights” to committee seats largely prevailed; and despite some violations to the “seniority system,” it had not yet been toppled (I make these claims with some trepidation since all of these assertions address key debates in the literature). Nevertheless, Congress has evolved in the intervening years – parties and their leaders are stronger, assignment to committees is now a somewhat more open and democratic process and committee leadership positions are not nearly as inheritable as they used to be. Furthermore, the literature on committee assignments and composition has evolved – we no longer see self-selection as the single most important factor, party electoral and policy objectives play a key role, and informational needs lend importance to prospects for low cost issue specialization on committees.

Perhaps it is time we conjure up a better metaphor that fits our growing knowledge and the increasing complexity of influences on the

committee assignment process. (I was initially drawn to another important silver anniversary as a useful metaphor for the contemporary process of assigning members of Congress to committees – the film “Animal House.” However, other than it’s obvious, and some would say fitting, description of behavior in Congress it probably doesn’t provide much useful insight.) The critical element of a new metaphor is that it describes a process that has multiple solutions – there isn’t just one configuration of committee membership that will work. To accurately capture the means of acquiring committee seats today we must consider numerous options and the possibility that legislators can fit well and thrive in various committee positions. A better analogy, therefore – sticking with the puzzle theme – might be the tangram. Tangrams are the ancient Chinese puzzle consisting of 7 pieces of differing geometric shapes, which are used to make various figures and characters – people, animals, kitchen appliances, etc. Then again, I’m not sure that I would recommend anyone title their book, “The Giant Tangram.”

Despite its inauspicious beginnings, *The Giant Jigsaw Puzzle* and Ken Shepsle’s research have had a profound effect on the way scholars examine Congress, the behavior of its members, and its structure. We should all be so fortunate as to have our work still stand as a seminal moment in social science twenty-five years after publication.

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Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2003, Vol. 26, No. 2

A Few Missing Pieces from *The Giant Jigsaw Puzzle*

Keith Krehbiel

Graduate School of Business, Stanford University

The Giant Jigsaw Puzzle focuses on an assignment process that Ken Shepsle and a generation of followers summarize as self-selection.¹ Assignment processes are, of course, prevalent outside of politics, too. Consider, for example graduate school admissions. Should these processes, too, be considered ones of self-selection? Maybe so, maybe not. Here is the pro argument. In my generation, the most qualified applicants tended to request (apply to) the most exclusive universities, and indeed many of these received assignments in those prestigious doctoral programs. Shepsle and others would probably call this a form of self-selection. Meanwhile, at another level, less-qualified undergraduates from nonexclusive universities (a.k.a., basketball colleges, e.g., Kansas and North Carolina) calculated that they were ill-equipped for admission to the elite programs, so they tended to request slots in less prestigious universities. Most of these requestors, too, received an assignment in their selected doctoral programs. Examples may include, say, a Jayhawk and a Tarheel transforming into a Yellowjacket. Shepsle and others would probably regard this as a form of self-selection, too (from the perspective of graduate school -- not basketball). The concept of self selection is revisited below, but first it is useful to note one important consequence of this assignment process. Respectable but

less prestigious universities — such as the Rochesters of the world — took risks by admitting applicants who were substantially lacking in one, some, or many of the leading indicators of success. To put it more delicately, graduate students in Rochester were extremely *heterogeneous*. To put it indelicately, they were often strange, too. Building on this observation, I have a related anecdote, some general remarks about the book, and some current data that illustrates the anecdote in the congressional arena.

Anecdote

In the class ahead of me at Rochester were two students who I'll call Bart and Louis. (Each has since found prosperity outside academia, I am pleased to convey.) Bart was twice as conservative as Ronald Reagan (and proud of it), and Louis was twice as liberal and George McGovern (and proud of it). Each was extroverted, argumentative, loud, and relentlessly obnoxious. It was not enough for Bart and Louis to disagree -- this was a constant. A day was considered a sparring success if and only if the decibel level grew sufficiently high that the economics grad students were driven out of Harkness Hall. (Secretly, of course, the econ students liked this regular excuse for egress.)

¹ Comments delivered at the 2003 meetings of the American Political Science Association, Philadelphia, Pennsylvania.

Unprecedentedly, I squeezed in a comment prior to Louis's inevitable rebuttal: "I didn't know that's how you pronounced Shepsle." "So? You think he knows how to pronounce Krehbiel?"

In this setting one day during my first year at Rochester, Bart strutted into our office and proclaimed, "I just read the best book in political science." 'Sure,' I thought, 'and next we hear all about how Richard Nixon was more honest than Abraham Lincoln.' Nevertheless, I took the bait: "OK, what is it?" "Ken Shepsle's *Giant Jigsaw Puzzle*. University of Chicago Press. \$40. Plus taxes. Which are a ripoff especially in New York because of all the Democrats from. . ." Unprecedentedly, I squeezed in a comment prior to Louis's inevitable rebuttal: "I didn't know that's how you pronounced Shepsle." "So? You think he knows how to pronounce Krehbiel?"

Then a truly rare event occurred. Louis gave a nonchalant yet stunning concurring opinion: "That is right. *The Giant Jigsaw Puzzle* is the best book in political science." Its price notwithstanding, many of us acted on these rare confirmatory signals by buying and reading the book. And, indeed, and all of us thought it was tops or very nearly so. (As I recall, our resident philosopher was reluctant to bump *The Republic*, or some really old book, from the top slot.)

General Remarks

So, what is the takeaway point in this book? With the benefit of hindsight, it is more of a take-off point than a takeaway point. All of the elements of what Mo Fiorina years later dubbed the "Caltech/Wash-U" school of

legislative politics are in the book. The pieces of *The Giant Jigsaw Puzzle* are:

1. Set reelection incentive
2. Constituency induced preferences
3. Self-selection onto standing committees
4. Homogeneous preference outliers on committees
5. Property rights on committees
6. Committee power
7. Policy consequences, summarized as "the interest-advocacy-accommodation syndrome."

In his guidelines distributed to the panel, Sean Kelly provided suggested roles for panelists. My assigned role was to be "provocateur." I will now engage in role play.

Outstanding as the book is, however, a step-by-step evaluation of this picture of the legislative process based on theory and data in the intervening 25 years suggests that there are a few pieces missing from the puzzle.

1. *The reelection incentive*. This piece continues to fit well in this literature and elsewhere. (Although others have argued for an "alternative theory" based on "multiple goals," such a proposal is not really for an alternative theory but rather for an alternate axiomatic base on which theories might be built. Merely to say there are other motives for behavior is not sufficient for debunking more parsimonious and explicit reasoning.)
2. *Constituency induced preferences*. In principle, there is no problem here either. In practice, however, there is somewhat of a problem. Specifications of probit models, such as Shepsle's estimates of the probability of member requests being granted, implicitly assume that the constituency/induced-preference mapping is the same for all members. We know from the Senate that this cannot be true. Members of Congress have a remarkable amount of leeway in the manners in which they construct their reelection

coalitions. Models and methods that do not acknowledge this are more fragile than is often realized.

3. *Self-selection onto standing committees.* The more substantial problems arise as we work through the remainder of the list, which corresponds with working through the legislative process. Some of these problems are conceptual; some are empirical; some are theoretical. Generally, and with the benefit of hindsight and a lot of intervening theoretical and empirical research, my assessment of the Giant Jigsaw Puzzle is that it -- like the Caltech/Wash U school more generally -- is theoretically under-specified and empirically over-stated. Exhibit #1 is self-selection. A careful reading of the self-selection argument reveals that the concept, as spelled out, is either over-stated or oxymoronic. If self-selection is to be taken and interpreted at face value, then everyone should be expected to receive his or her first choice(s) of committee assignments. Of course, they do not, and even adherents to the hypothesis, realizes this. That is why the loophole, "*subject to constraints*," is introduced. But contemplate the concept "self-selection subject to constraints" in the general context of assignment processes. Most if not all graduate students in my generation did not self-select into Rochester's PhD program in the sense of "first choice." We selected that program because it would have us; it was willing to take requesters who were risky prospects, not to mention extreme in one sense or another (e.g., Bart and Louis). Likewise, do my daughters "self-select" to eat vegetables, to take the trash and recycling out, to do their homework, etc. - when such ostensible selection is subject to the constraint that their parents make them? And so on. The point is: the loophole "*self-selection subject to constraints*" corrupts the meaning of self-selection and detracts researchers from the real

issues: *how severe are the constraints and what are their policy consequences?*

4. *Homogeneous preference outliers.* This may be a consequence of self-selection (even of self-selection subject to constraints). But it is not necessarily so. Constrained self-selection may also result in bipolar preference-outliers (e.g., Bart and Louis). Which type predominates is ultimately an empirical question. At one time, it seemed to be a good empirical question, but in retrospect the evidence is mixed and quite method-dependent. It seems safe to say, however, that few researchers outside The Caltech/Wash U school would stipulate that homogeneous, high-demand committees are quite general stylized facts in the U.S. Congress.

5. *Property rights on committees.* Much like the self-selection component of the argument, Shepsle asserts that committee slots are property rights that guarantee (1) that seats granted cannot be taken away and (2) continuous committee service eventually leads to accession to chairmanships, subject to constraint of maintaining undefeated records against challengers and the Grim Reaper. Also like the self-selection piece of the puzzle, this one is either of overstated or self-contradictory. A property right in the law and economics literature is an entitlement protected by property rule. A property rule confers a right to the possessor not to dispose of his or her property except under the terms that the possessor of the right stipulates. Furthermore, if challenged, a property right is subject to *third-party enforcement*. The very essence of procedural choice in Congress, however, is that there is no third-party enforcement. The Constitution says that the *Houses* establish the rules of their proceedings. It does not say that aggrieved members who think their rights are violated may appeal to the courts or any other third-party entity to enforce their property

rights. By this construction, they do not have property rights. At best—and this has varied historically—they have a set of more-or-less stable expectations. What should these be called, if not property rights? One possibility is a set of more-or-less stable expectations.

6 and 7. *Committee power, policy consequences, the interest-advocacy-accommodation syndrome.*

When one gets to the end of a jigsaw puzzle, its pieces fall in place more and more easily. Perhaps too easily. Shepsle does not exactly come right out and say it, but the impressions he wants to leave -- and the citations he receives -- are that there are important policy consequences of the self-selection hypothesis. Like-minded interests (presumably) gravitate to specific committees; committees are

Rick Hall seems to argue that piece 4 (homogeneous high-demanders) is missing: “Given that interestedness characterizes behavior at each stage of a multistage process, does this necessarily imply bias, where bias refers to a maldistribution of the policy positions that players hold? The simple answer is no” (Hall 240).² To illustrate the ease with which questionable interpretations of data can break the causal argument from committee assignments to policy bias, consider current data on the House and Senate Judiciary Committees. Lawyers tend to like law, and many of them are accordingly attracted to the jurisdiction of the Judiciary Committees. (Shepsle calls it a “de facto requirement” that a member of the Judiciary Committee have a law degree; today

**Table 1. Homogeneous Occupations and Heterogeneous Preferences
Judiciary Committees in the 108th Congress**

	Most liberal	ADA JD	Most conservative	ADA JD
House	Tammy Baldwin, Wis.	100 Yes	Spencer Bachus, Ala.	0 Yes
	Sheila Jackson-Lee, Texas	100 Yes	Robert W. Goodlatte, Va.	0 Yes
	Robert Wexler, Fla.	100 Yes	Ric Keller, Fla. J. Randy Forbes, Va.	0 Yes 0 Yes
Senate	Edward M. Kennedy, Mass.	100 Yes	Saxby Chambliss, Ga.	0 Yes
	Patrick J. Leahy, Vt.	97.5 Yes	Larry E. Craig, Idaho	2.5 Yes
	Richard Durbin, Ill.	95 Yes	Jon Kyl, Ariz.	2.5 Yes

powerful vis-à-vis the parent body. Equivalently, committee interests advocate biased policies, and the parent body accommodates those interests. These are plausible arguments, but they are critically dependent upon the tenuous self-selection hypothesis and also beyond the data in the book, which consistently reveal that *occupation* rather than *constituency characteristics* are the better predictors. So is there a tight and continuous fit between pieces 3-7 of the puzzle.

The good news is that, verifiably, it is not. The bad news is that what I take to be his intended allegation -- that the correct quotation misrepresents his true position -- is a judgment call. Hall and I disagree on whether Shepsle claims or implies that interest-advocacy-accommodation leads to biased policy outcomes. I say, yes, this is Shepsle's argument and, moreover, he is regularly cited as such. Rick says, no. On the other hand, we agree that, *if* Shepsle was merely talking about Hall's notion of “high-interest outliers” -- as when members are really, really jazzed about their committees' jurisdictions -- then, because we have no theory that relates this kind of outliers to policy outcomes, and Shepsle's book is devoid of direct policy implications. My belief is that Shepsle's belief (and readers' interpretations of his work) is that interest-advocacy-accommodation has identifiable policy consequences, namely, biases in policy.

only 4 of 5 do.) If we interpret occupation as giving rise to interest, interest being expressed in requests, and requests eliciting accommodation, then does a discovered empirical relationship between occupation and accommodation imply homogeneous preference outliers. . . biased policy? At best this is a half-truth: the outlier part survives but homogeneity does not follow as the current Congress's Judiciary data show. Table 1 shows that in the House and Senate alike, the most liberal members of the committee are all lawyers or JDs, and likewise for the most conservative members. More generally, tagging committees such as these as preference outliers *and* pushing the argument through to biased policy requires many more pieces of theory and data than are presently on the table.

SUMMARY

Great books meet at least one of two criteria. One mark of greatness is that readers with diverse tastes, beliefs, and perspectives appreciate the richness of the work in spite of their different tastes, beliefs, and perspectives. Bart and Louis confirmed the quality of *The Giant Jigsaw Puzzle* 20 years ago. As an outlier of a different sort, I, too, affirm the prevailing assessment. A second standard of greatness is that—missing pieces or not—serious researchers still talk about the work decades later because the work so effectively and provocatively characterized important issues. We are all proof that Shepsle's book meets this criterion as well.

Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2003, Vol. 26, No. 2

The Behavioral Foundations of Committee Power: Reflections on Ken Shepsle's *The Giant Jigsaw Puzzle* at 25 years

Richard L. Hall
University of Michigan

The last 25 years have witnessed an explosion of research on Congress as an institution, as a sticky, historically established set of non-transitory norms, resource-allocation rules, and parliamentary procedures. More than any other scholar, Ken Shepsle fathered this literature, gave it broad direction, and provoked further study on a host of specific questions about the origins and implications of legislative institutions.

The touchstone for most of this work is not so much his book, *The Giant Jigsaw Puzzle*, but his notion of structure-induced-equilibrium, elaborated in a series of papers ranging from the highly abstract "Institutional Equilibrium and Equilibrium Institutions," to the more concrete, especially his 1987 award-winning paper with fellow theorist Barry Weingast, "The Institutional Foundations of Committee Power."

Jigsaw, after all, is a study of political behavior, first and foremost. Institutions enter into the behavioral puzzle as constraints, but they are not considered puzzles in themselves. The excitement surrounding SIE arose because it posed a solution to the problem of instability under majority rule, abstractly understood, and it did so in the case of one majority rule institution, Congress, by identifying the standing committee system as the structural operator that enabled self-interested legislators to fashion mutually self-serving collective bargains.

SIE was an altogether new idea, focused on a then rarely posed puzzle. Why do we have the institutional arrangements we have? Ken's theory defined a class of answers, and subsequent scholars have built upon it or reacted to it, sometimes complementing it, sometimes improving upon it. In American field prelims, one now commonly hears a recitation of the three theories (and their variants) of legislative organization: distributive, informational, and partisan. One common criticism of this line of theorizing is that if it is new-institutionalist, it is also neo-functional. Institutions serve certain needs or functions; therefore they exist (i.e., *have been chosen*) to perform those functions. Given that public organizations are renowned for often choosing sub-optimal, even dysfunctional policies and practices (e.g., Wildavsky and Pressman 1984), one wants to know the micro-level mechanisms that support the particular set of welfare-enhancing institutional arrangements in this particular organization.

In the corpus of Shepsle's work on legislative organization, I believe, most of the micro-level pieces are out there. Thanks to *Jigsaw*, in particular, we need not theorize as if the complex mechanisms of institutionalized practice are altogether opaque. To my way of thinking, it would be helpful if someone – to my knowledge, Ken has not done this – were to put the various pieces together.

My charge in reflecting on The Giant Jigsaw Puzzle in this retrospective was to play the "provocateur." Insofar as provocateur implies an obligation to critically provoke, I was ill-chosen for the role. More than any other book, Jigsaw has influenced my own work; indeed, I see much of my work as an extension of it.

Many of the pieces, I believe, come directly from the *Giant Jigsaw Puzzle* itself, which is "rich in institutional detail" (7), but they are not fully incorporated in subsequent institutionalist research, much of which is "first and foremost a stylized argument" (Shepsle and Weingast 1987b, 937). To put the point differently, too many pieces of the complex behavioral puzzle put together in *Jigsaw* are missing from the distributive puzzle of legislative organization. Put another way, the foundations of committee power are *behavioral*! At least, we need to better relate Ken's work as a legislative behavioralist to his work as a formal legislative institutionalist. At the end, I'll offer a few thoughts in service to that project, though a full integration is best left to a better theorist.

The Giant Jigsaw Puzzle Revisited

First, it is important, perhaps crucial, that we clean off the pieces we hope to put together. That is, we need to clarify what Shepsle *didn't* say in *Jigsaw*. He did *not* say that committee assignments are self-selected.¹

¹ As I point out below, this misreading is partly due to the subsequent exaggerations of others, myself included, and to Legislative Studies Section

The Self-Interest Impulse

Rather, Shepsle argued that self-selection is the individual impulse, the goal, the energy that drives the assignment process's engine. Page 6-7: "Each member in the assignment process entertains interests, possesses behavioral alternatives, chooses from among the latter with an eye to the former..." Freshmen members seek assignments with an eye to their electoral self-interest, but also to the policy interests that flow from their personal background. As non-freshmen, they seek committee assignment transfers for the same reasons.

Is self-interested assignment-seeking the impulse that powers the committee assignment engine? Yes. If one didn't believe it before, more recent work ought to convince. Scott Frisch and Sean Kelly have written several papers (e.g., 2000; 2001) based on amazing data on committee assignment requests, archives containing the advocacy about those requests, papers of the leaders who more or less accommodated those requests, and data on both initial assignments and transfers that were ultimately granted. They have some 25 congresses of data, and they have it for both Democrats and Republicans – a luxury Shepsle did not enjoy.

The first thing that becomes apparent – something that Frisch and Kelly do not emphasize as much as I would – is that assignment requests *set the agenda* for almost everything that follows. They are the raw material, they set the process in motion, they are the elephants in the room. As Shepsle argues, members make requests (the CC invites them to do so), and they lobby long and hard to get what they want. They do this Congress after Congress. And not only do naïve freshmen do this; senior members who know the system well sometimes vigorously pursue transfers to what, for each respectively,

certain overstatements in Shepsle's concluding chapter – in this case, esp. p. 238, 2nd full paragraph.

is a better assignment. To be clear, as Shepsle was (see below), this is *not* to say that they always ask for, much less get exactly what they want, but we still must ask, rhetorically: Why would reasonably well-informed, rational actors go to all of this trouble if their self-selective impulses were bound to be fruitless?

The Floor on Non-Freshman Satisfaction

The second thing apparent in Frisch and Kelly's work is another elephant in the room, namely, that members retain "property rights" to the committees to which they are assigned. This is one of the basic, though certainly imperfect, mechanisms of self-selection, which Shepsle identified. It sets a floor on assignment satisfaction. That is, even if it wasn't their first choice, members can keep a committee assignment they have that they prefer to less desirable alternatives. Again, there is some skepticism that any "property right" to a committee seat exists. Keith Krehbiel asserted this view on the APSA panel that gives rise to these reflections. Insofar as one, legalistic definition of property rights goes that might be right. From a law and economics perspective, a property right might not properly be characterized a *right* unless it has some statutory or constitutional basis and there exists a super-ordinate authority that, on that basis, will enforce the right. Otherwise, the regularity we observe, namely, that members retain their committee seats when they care to, is better labeled a "behavioral practice."

If seat retention is a behavioral practice, it is a robust behavioral practice, and, in light of other theories of legislative organization, a somewhat anomalous one. Members don't get kicked off of committees – rather, it's a rare exception if they do – even though reshuffling assignments might, say, serve the purposes of some agent of the majority hoping to produce a more heterogeneous and informative

committee.² It would seem that there's something like an implicit right at work. Or rather, to take a page from David King's work on committee jurisdictions (1997), the distinction required here is between a statutory and common law organizational arrangement. There is no dictum written into House rules that members have rights of retention, but two things tell us that essentially they do. One is that for decades, session after session, the chamber and party caucuses have had the opportunity to disabuse members of their property right assumption yet consistently have not done so. Decades of collective *non-decisions*, in other words, serve as precedents that reinforce the assumption that the robust behavioral practice has the status of a common law right. Likewise, precedent-setting *decisions* reinforce this view. Members sometimes are deliberately kicked off of a committee, but the informative point is how egregious their behavior must be to suffer that sanction. For example, in 1981 the majority leadership stripped then-Democratic Representative Phil Gramm of his Budget Committee assignment. Gramm to that point had been anything but a party loyalist, but it wasn't until he conspired with the Reagan White House and co-authored the 1981 Gramm-Latta reconciliation package, which gored \$45 billion out of hallowed Democratic programs, that his committee assignment was rescinded. Meanwhile, the many other Democrats who voted for Gramm-Latta retained theirs. In any context, property rights are not sacrosanct. What defines them as rights is the severity of the violation for which they are denied.

² A notable if episodic exception is when the chamber majority changes hands and a new party resets committee sizes and party ratios. Low-seniority minority members can find themselves displaced from a committee due to the shrinkage of minority slots.

Constrained Maximization

Third, Frisch and Kelly emphasize what Shepsle himself also emphasized, namely, that even if self-selection is the driving impulse of individuals and even if a property right sets a floor on their assignment satisfaction, self-selection is not unconstrained. To repeat and continue Shepsle's thesis statement: "Each actor in the committee assignment process entertains interests, possesses behavioral alternatives, chooses from among the latter with an eye to the former, *and is constrained in his choices by the interests and choices of others and by formal institutional rules.*" He continues: "The chapters that follow represent an attempt to examine how self interest is manifested, *channeled and redirected* in an institutional environment" (6-7). His is a theory of "*constrained maximization in an institutional setting*" (7). (All emphases added.)

Although his work is often misrepresented to suggest that pure self-selection is a readily stylizable fact, *Jigsaw* consistently emphasizes the constraint side and explores, in sophisticated fashion, the importance and variety of constraints on self-selection: (1) the scarcity of committee slots (with some marginal adjustments in supply created to accommodate majority members' demand); (2) the overlapping demands of different members for the same committees; and (3) CC limitations on over-representation of states or zones on particular committees; (4) the queue-switching costs of moving from an otherwise less desirable committee with accumulated seniority to a more desirable jurisdiction with no seniority.

Anticipating these constraints, members' actual requests are often insincere expressions of their assignment preferences. A major theme of Shepsle's theory is that requests are discounted by probability of assignment. Statistically speaking, the data presented to the CC on assignment requests are censored. Even then, the CC cannot

accommodate all requests, due to the substantial gaps between (marginally adjustable) supply and demand. It often takes members two or three terms to reach a reasonable degree of assignment satisfaction.

Are Committees Composed of Preference Outliers?

The second thing *Jigsaw* does *not* say is that committees are necessarily, much less uniformly, composed of preference outliers. To be sure, this has been a common misreading, *mea culpa*.³ One reason, I suspect, is that many have projected Shepsle's necessarily stylized description of committees found in his subsequent institutional theorizing onto his earlier behavioral book. Speculative comments at the end of *Jigsaw* itself also contribute to misreading *Jigsaw* in this way. In the "implications" part of his concluding chapter. (esp, p. 247-248 and 259-260), Shepsle discusses the possible connections between the committee assignment process he's described and the problem of "unrepresentative committees" and "cozy little triangles" described by others. Keith Krehbiel alluded to these passages in his remarks at the panel. In a serious retrospective, I would simply assert, one ought to reread the book, not simply its concluding chapter. Or to put it differently, my disagreement with Keith goes to the weight that the interpreter should attach to what the book argues and what it supports (my emphasis) versus the brief speculations about policy bias Shepsle makes in the concluding chapter (Keith's emphasis).

Are all or even most committees composed of preference outliers? Shepsle's discussion of "implications" notwithstanding,

³ I made just such a mistaken attribution at the end of a 1987 article (Hall 1987). I redressed the misreading at some length in an extended response to Keith Krehbiel's 1990 article, "Are Committees Composed of Preference Outliers." See Hall and Grofman 1990.

one cannot draw the conclusion from the book. In the first place, the book only speaks to matters of “interest outliers,” not preference outliers, a matter to which I return below. With respect to the former, Shepsle analyzes in Chapter 9 the ultimate assignments that emerge from the interest-advocacy-accommodation process he has identified: “In the CC’s (Committee on Committee’s) effort to assign freshmen to committees they seek, the conclusion of the hypothesis tests of Table 9.11 is unequivocal: it is the internal (zone) and external (CC) competitive situations that are most important in distinguishing winners from losers” (214). Further, party loyalty doesn’t seem to matter consistently (217). Overall, neither do other specific indicators of bias: “Despite my best efforts, the statistical analyses have uncovered little evidence of CC discrimination on the basis of personal or ideological criteria” (222). In the end, the request-assignment linkage is strong only for the “semi-exclusive legislative committees,” decidedly weak for the both exclusive and non-exclusive committees (228).

Interest vs. Preference Outliers

In sum, not all committees are composed of interest outliers, for systematic reasons Shepsle identifies. Moreover, Shepsle argues clearly in earlier chapters that even constituency-driven requests and good-faith accommodation does not necessarily lead to interest homogeneity. “[C]ommittee jurisdictions are diverse, heterogeneous, and, consequently, very imperfectly correlated with particular social interests” (77). Even Agriculture and Interior exhibit some heterogeneity. Thus, while member-interest variables prove statistically significant in most models, “the heterogeneous and shifting jurisdictions of congressional committees, and the attendant imperfect relationship between committee business and member interests” make for very limited explanatory punch in

almost every case (77). Shepsle underscores this point in discussing the statistical results for Interstate Commerce requests, which turns out to be his #2 “requester-dominated committee” in Table 9.22, observing that the breadth of its jurisdiction necessarily produces a “diversity of applicants” (88). Interest homogeneity, then, is likely to appear in one subset of one subset of committees.

The last point leads to an important conceptual distinction, often lost on subsequent empirical research that endeavors to test distributive theories. Members can be interested in the same committee for different reasons, reasons which may lead to different policy preferences. In *Jigsaw*, Shepsle develops a theory of “interest-advocacy-accommodation,” not “policy-preference-advocacy-accommodation.” A committee-level bias in policy preferences requires both an interest-driven assignment process and relative homogeneity in the preferences that flow from those interests. In other words, the direction of preferences needs to map onto interests, even when members may be interested in the same committee for different reasons. Needless to say, this does not always happen.

Interest vs. Preference in Distributive Theory

Interest – or rather, interest intensity – is the core concept in the distributive story, not preference. In this, *Jigsaw*’s interest-advocacy-accommodation syndrome puts distributive theory on good behavioral foundations. Unfortunately, the language of economics and the interpretation of spatial models often conflate the two, but certain matters become clearer when we pull them apart.

Fundamental to theories of distributive politics is that “gains from trade” – exchange that make all parties to the agreement better off – are possible (see esp. Shepsle and Weingast 1987; Weingast; Weingast and Marshall 1988). Indeed, they lurk out there in the world as opportunities to be seized, if only rational

actors could come up with collective arrangements to save themselves from their own, near-sighted incentives to renege. The point that bears emphasis is that such gains cannot happen unless parties to the exchange value different things differently. In a word, they have different (differentially intense) interests. Representative Moe cares more about policy area This, Representative Schmoe cares more about policy area That. The different values they attach to This and That make attractive a trade in which each relinquishes their constitutionally equal power over both areas for greater power over the one they care more about. The question is what makes that bargain hold together, no easy matter to sort out when you have multiple policy domains and multiple legislators with overlapping interests. The question is a matter for careful modeling and careful testing using valid data. A matter, in other words, for academic debate.

The academic debate has been robust, to be sure. The problem is that too many attempts to formally model organizational choice in Congress don't allow for pareto-optimal trades in their basic set-up. This is true under most assumptions when one posits that policies are ordered along one dimension. Any movement of policy along the dimension entails a monotonic utility loss for one actor, a gain for another, so long as the status quo lies within the extremes (i.e., the one extreme prefers the opposite extreme's policy to the status quo). When the status quo lies outside that interval, in any case, there arise opportunities more aptly conceptualized as "gains from change," not "gains from exchange." Similarly misconceived (from a distributive point of view) are models that represent distributive politicking in Congress as a divide-the-dollar game. The set-up is inherently zero-sum. It can't do conceptual justice to a distributive story, which presupposes that deals can be positive-sum. Hypothesis tests that derive from a divide-the-

dollar game cannot be tests of distributive theory.⁴

That different policymakers can and do value different policies differently is a core insight of *The Giant Jigsaw Puzzle*. It doesn't always happen – this due, among other reasons, to the problem of competing requests for commonly valued (exclusive or broad jurisdiction committee) seats. But other times, members exhibit different tastes, permitting mutually beneficial barter. When the commodity is a fungible, common currency of exchange (e.g., dollars), in contrast, everyone wants a larger share of it. Which of these metaphors more accurately captures the collective choice situation in Congress, I suspect, depends. In deficit-neutral budget fights, the divide-the-dollar game may fit. In debates about within-subfunction program spending or sector-specific regulations, the mass of members may be more inclined to leave chocolate to the chocolate-lovers, strawberry to the strawberry-lovers. Some particular policy areas become deep in "interested." This is what Shepsle finds, but, again, only for a subset of committees.

The Behavioral Foundations of Committee Power

The problematic matter for distributive theory, aptly stated in the several joint and separate works of Shepsle and Weingast (e.g., Shepsle 1986; Shepsle and Weingast 1987; Weingast and Marshall 1988), is how one keeps these meta-deals over jurisdictions of policies from coming unstuck. More generally, what

⁴ Curiously, Gilligan and Krehbiel (1994) miss this. While they accurately characterize the gains-from-trade argument as assuming that "each legislator is more concerned about some dimensions of the legislature's activities than about others" (42-43), that outcomes can be "pareto-efficient," such that "aggregate welfare is increased" (38), their model assumes budget-scarcity, conflating an aggregate budget constraint with an aggregate utility constraint; hence they set up a zero-sum game. In characterizing "the division problem" in footnote 10 (68), they seem to confuse distributive with redistributive.

makes any institutional arrangement sticky if it has a non-majoritarian flavor to it? Krehbiel has argued (1987; 1990) that no institutional arrangement in Congress, save those arising from the Constitution, is genuinely exogenous in that majorities can change, ignore, or suspend their own rules at a whim. Closed rules can be defeated by majority vote; so too can conference reports be sent back with instructions. There must be more, it would seem, if the distributive story is to have a happy ending. An additional matter is how one devises a theory able to simultaneously account for committees that do allocate distributive gains and those that are more representative of the parent chamber and thus don't.

Direction can be found, I think, in the behavioral theory articulated in *Jigsaw*, extended a bit. For reasons already mentioned, the distributive ending will not always be happy, not for all committees equally. But *Jigsaw* provides hints when distributive politicking can work. Specifically, it suggests that institutions have behavioral foundations.

The earlier discussion of committee seat property rights provides an apt point of departure here. That members almost always retain their committee assignments if they care to (even if they try for but fail to transfer to a different one) is a robust behavioral practice, in spite of the fact that it has no statutory (House or caucus rule) or constitutional basis. There is no abject exogeneity, but neither is the behavioral practice merely an ambiguously defined norm. It is a practice institutionalized in the common law of the chamber.

The behaviorally based stickiness of institutional arrangements finds expression at several points in Shepsle's *Jigsaw*. To be sure, this is not the focus of the book; thus am I "extending" it here. But it rightly traces it from the logic of his argument, I think.

At several points, Shepsle suggests that the logic of behavioral practices can trump the

effects of even well-intentioned procedural changes. For instance, the interest-advocacy-accommodation syndrome, "while serving the objectives of relevant actors," creates problems not easily addressed by even well-designed institutional reforms (243). Many committee activities involve "time- and staff-consuming drudgery...[that] do not serve any [a member's] more immediate objectives" (244). Accommodation of requests ameliorates this problem (244); it creates an internal set of incentives that lead members to devote their scarce resources to controlling policy within their committee's domain. To the extent that members are coopted (or randomly assigned) to committees, in contrast, they rationally abdicate: "Members assigned to committees whose activities do not mesh well with their individual goals are likely to shift resources at their disposal to activities unrelated to committee work" (245; see also 246). Institutional reforms of committee assignment practices, in short, would be short-circuited by the self-interested behavioral logic Shepsle identifies. This same logic, in turn, may explain variance in committee power: "Because accommodation has been uneven - across members and across committees - its effects are likely to be uneven" (245).

This theme reappears in Shepsle's lengthy discussion of behavioral theory and the problems of congressional oversight (251-59). Statutorily, Shepsle observes, "the Legislative Reorganization Act of 1946 enjoined congressional committees to engage in 'continuous watchfulness' of executive agencies and programs" (251); nonetheless, congressional oversight is conspicuously light. Are inadequate institutional mandates at fault, the problem thus soluble through institutional rearrangements?

Shepsle suggests not. Instead, he turns to the behavioral problem confronted by individual committee members who have too much to do and too few resources to commit to

oversight activities that only partially pique their self-interest. One solution is to institutionally allocate more resources (Figs. 10.2 and 10.3), but Shepsle emphasizes how substitution effects subvert this strategy. "It is," Shepsle here quotes John Bibby, the individual's "political incentive that counts" (254). Still, increased subcommittee staff and personal staff help, in that they allow the "political incentive" to play into greater oversight, as the marginal value of "siphoning off" resources to non-oversight purposes declines (256). My point is simply be that oversight of the executive branch, an institutional matter, is cast as a behavioral problem. Solutions to sub-optimal oversight, Shepsle argues, lie in changing the ability and willingness of individuals to engage in oversight behavior.

Finally, in his later institutionalist work, Shepsle and Barry Weingast turn to behavioral considerations to bolster their argument about the "institutional foundations of committee power" (1987b). Responding to Krehbiel's argument (1987) that the ex post veto power of committees is susceptible to contravening majoritarian strategies, Shepsle and Weingast allow that the ex post veto suffers from an "imperfect implementation" problem. Their challenge is to explain why implementation is more or less perfect. As I interpret it, their explanation is essentially behavioral. Majoritarian mavericks have opportunities, procedurally speaking, to roll committee proposals, but the behavioral costs of controlling committees (analogous to the costs of engaging in oversight to control agencies) are simply too high to do this on a frequent basis: "Even if it were conceded that chamber majorities are able to attenuate ex post committee powers, it is necessary to determine under what circumstances they would actually do so." Such a challenge "is likely to be a legislatively intricate undertaking," Shepsle and Weingast continue, and "[T]he costliness

of the undertaking is not trivial and in many situations is a deterrent" (937). Indeed, behavioral constraints interact with committee ex ante agenda powers to protect the impact of the ex post veto. Committees can push their proposals to the end of a Congress, when workload on the floor is especially heavy, as a way of raising the "costs to others of nullifying [committees'] ex post veto powers.

Conclusion

My charge in reflecting on *The Giant Jigsaw Puzzle* in this retrospective was to play the "provocateur." Insofar as provocateur implies an obligation to critically provoke, I was ill-chosen for the role. More than any other book, *Jigsaw* has influenced my own work; indeed, I see much of my work as an extension of it. That fact has probably made me especially mindful of inappropriate stylizations, what I take to be misreadings, of the book's main claims. Of course, it may be that it has simply led me to make my own self-serving misreadings of the book – a plausible view, given that my reading of *Jigsaw* regarding such substantial matters as assignment self-selection and preference outliers is at variance with how it is commonly cited. A legislative behavioralist still, I am likewise inclined to favor the puzzle-solving behavioralist Shepsle to the puzzle-solving institutionalist Shepsle; to explore the implications of complex behavioral practices for institutional theory rather than derive from institutional theory behavioral implications; to marvel at the complexity of institutional arrangements rather than to stylize them or model them over-simply. To quote the final two lines of the book:

"The many pieces of the giant jigsaw puzzle have been interwoven, over time, with other practices, processes, and phenomena in the House of Representatives. *But that is what an*

institution is all about, isn't it?"
(Emphasis added.)

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Extension of Remarks



Legislative Studies Section



American Political Science Association



July 2003, Vol. 26, No. 2

Jigsaw Puzzle Redux

Kenneth A. Shepsle
Harvard University

I am pleased to have this opportunity to revise and extend my remarks made at a recent APSA panel devoted to my book. At the outset here I need to reiterate what I said at the outset there, namely how grateful I am to Sean Kelly for having organized this little enterprise. No matter how senior one is in our profession, there is no gainsaying the sheer pleasure of having attention lavished on you! Second, I need to reiterate what I said as part of my concluding remarks at the APSA panel. The comments, observations, praise, and criticism offered by panelists Scott Adler, Rick Hall, Keith Krehbiel, David Rohde, and Garry Young were thoughtful, thought-provoking, and deeply appreciated by me. To think hard about something I have written is to pay me a great compliment. I'd like to think the praise offered about the book after all these years is as much a comment on the vibrancy of congressional scholarship at that time, and an acknowledgement of the unparalleled cross-fertilization among soakers and pokers, history jocks, quants, and rat choicers. The congressional scholarship field has always been a methodological rainbow.

I will refrain from breaking into a chorus from "We Are the World" by also noting that the criticisms offered (painfully felt even after all this time!) sounded mostly right to me (alas). In 1978 I was not particularly sensitive to, nor did I anticipate, what would become dominating debates in the congressional institutions literature about preference outliers

(in my book I called them *interestededs*, a term invented by Chuck Bullock), parties (where are they, anyhow?), conditional party government, informational rationales for legislative organization, legislative leviathans and cartels, and pivotal politics. Arguments during the 1980s and 1990s about all these things, and more besides, drew and built on some of the materials in my book. Had I the wisdom to anticipate the manner in which the scholarship would grow in the next several decades, I might have done a better job of preparing the soil in my book. As I indicated, criticisms taking me to task during the APSA roundtable sounded mostly right and, were I to revise this study, I would surely try to take greater care in a number of ways, but especially with regard to unpacking the concept of "interestededs" (or "preference outliers" as they came to be known). In particular, a propos of Krehbiel's generous written remarks in this newsletter, I think I would have tried to develop the idea of *heterogeneous* policy preferences (owing to heterogeneous jurisdictions at least for some of the major committees) going hand in hand with shared salience. Members of a committee, that is, may differ on views about policies coming before their committee but not on the *importance* of those policies for their districts. This is what often distinguishes them from non-committee members. They are *salience outliers* – a view consonant with that expressed by Hall in his provocative and intelligent

essay. Indeed, the table in Krehbiel's essay effectively makes this point.

Sean Kelly asked for some history, so let me provide that now. Twenty-five years ago, when *The Giant Jigsaw Puzzle: Democratic Committee Assignments in the Modern House* (Chicago, 1978) appeared, I could never have anticipated a panel dedicated to it at the meetings of the American Political Science Association a quarter century hence. This prospect would have been even more mind-boggling nearly thirty years ago when, as a National Fellow at the Hoover Institution in 1974, I spent a summer in the stacks of the Stanford Library reading *every* paper ever published in the *APSR* and the (then-called) *Midwest Journal of Political Science* on the U.S. Congress as my preparation for writing this book.

Remember, I thought of myself as a formal modeler, not a Congress scholar. As a graduate student at the University of Rochester working mainly with William Riker, I had taken a single seminar on Congress. It wasn't just any old Congress seminar, mind you, for it was taught by the master – Richard Fenno. For his course in the spring of 1968, I had written a paper on assignments to the exclusive committees. It was a quantitative exercise, using limited dependent variable statistical methods (probit) then quite novel in political science, to test various hypotheses concerning successful assignments to Appropriations, Rules, and Ways and Means. Fenno gave me an A-, thanked me for having done it since he said he actually learned something from the exercise, and alluded to some data to which he and John Manley (then a professor at Syracuse) had access.

Dave Rohde, my closest colleague in graduate school and a lifelong friend in the profession, and I made a beeline to Fenno's office to find out more about this collection of data. Dick told us that Manley, during his research on the Ways and Means Committee,

had gotten hold of several Congresses worth of committee request data. (The Ways and Means Committee until 1975 was the Democratic Committee on Committees in the House.) Dick promised Dave and me that we could have these data if a year from that very moment, he and Manley had not used them. A year (to the minute) later, Rohde and I were knocking at his door. We made off with the Democratic request lists for 87th, 88th, 89th, and 90th Congresses. I then took up residence at Washington University where the dean of congressional committee assignment scholars, Nicholas Masters, hung his hat from time to time. Nick provided me with the request book for the 86th Congress (on which basis he had written his classic paper on committee assignments in the early 1960s). (For the *Giant Jigsaw Puzzle* I was able to obtain requests for additional congresses – see below.) With these data, Rohde and I spent the summer of 1971 preparing a paper for the upcoming APSA meetings, a paper that ultimately appeared in the *APSR* in 1973 and was reprinted in various collections on congressional politics.

With Rohde busy finishing off books and articles on the Supreme Court (he started life as a court scholar) and about to commence on a Congressional Fellowship in Washington, I flew solo on committee assignments. I secured an NSF grant to study "assignment problems" – a class of models in mathematical programming – knowing that I would ultimately return to the world of congressional committees but, as a mathematical modeler in a profession in which modeling was novel and cutting-edge, wanting to explore the problem in a general fashion first. I produced a paper (*Public Choice*, 1975) in which I characterized committee assignments as an optimization problem with institutional constraints. I then headed off to Stanford and the Hoover Institution to learn about congressional scholarship (hence that summer in the stacks of the Stanford Library), to collect a large data set

(on punch cards that I still have in my office), and to begin doing empirical analysis (bicycle rides from Hoover to the Stanford Computing Center, probit program and data decks strapped to the back of the bike, to submit jobs that would run overnight and output retrieved in the morning – sounds ancient and primitive, doesn't it?). The book manuscript was completed shortly after my year at Stanford.

One of the most exciting parts of the research was going to Washington to interview congressmen. I had a great teacher, of course, Dick Fenno, who wrote out five or six pages for me on how to interview members. The

The main lesson I remember from Fenno's instructions has to say in an interview with a congressman that I was an ivory-tower type who knew what I knew mainly from books and that I had come to Washington to get the true picture straight from the horse's mouth. This was the Fenno Modesty Theorem. A second Fennoism – call it the Not-Too-Modest Corollary – was not to let the subject of the interview get away with too much.

main lesson I recall from Fenno's instructions was to say in an interview with a congressman that I was an ivory-tower type who knew what I knew mainly from books and that I had come to Washington to get the true picture straight from the horse's mouth. This was the *Fenno Modesty Theorem*. A second Fennoism – call it

the *Not-Too-Modest Corollary* – was not to let the subject of the interview get away with too much. You needed, from time to time, to remind the subject that you actually knew *something* about the subject at hand and so would not stand for inconsistencies, bs-ing, or abstract generalities. Because I still did not regard myself as a congress scholar, and thus did not feel the need to invest for the future in the Washington community, I felt quite liberated in interviewing congressmen – I was relaxed, enjoyed myself, and was fairly successful in getting my subjects talking. I interviewed all but one of the Democratic members of the Ways and Means Committee who had returned to the 94th Congress – the one being Wilbur Mills. I have a letter from him dated October 7, 1974, agreeing to an interview. But that was the day he fell into the Tidal Basin and, when I came to Washington that December, he was still at Bethesda Naval Hospital. I interviewed members in their offices, in House cafeterias, and one in the Ways and Means committee room just off the House floor. (He said, "You sit there and pretend to be Wilbur Mills and I'll sit right next to you and pretend to be Al Ullman.")

One of the luckiest contacts I made was with Jim Healy, the administrative assistant to Dan Rostenkowski. Rostenkowski was a powerful member of Ways and Means and Healy was very available to academics and sympathetic to their needs. Healy took me into Congressman Rostenkowski's inner sanctum, introduced me to the boss, and told him, "This here professor wants to look at the committee assignment request files. He promises to keep the names confidential." Rostenkowski pointed to a file drawer, told me to sit behind his desk, and said that he was leaving for Chicago and that I had the run of his office for the rest of the afternoon. And that was how I was able to obtain the committee request books for the 92nd, 93rd, and 94th Congresses. (For some reason, neither my efforts nor those of

anyone else I knew could turn up the data for the 91st Congress.)

I have revised and extended my remarks about the history of the project, as Sean Kelly requested. I am tempted to respond to each and every one of the thoughtful essays with which I share space here. But on reflection I am impressed with the extent to which these represent refreshing views and new research agendas that need to be developed and fleshed out, not analyzed and criticized as already completed work. So I will refrain, except once again to note the constructive quality they possess. (At the Philadelphia APSA meetings in which the present roundtable occurred, there was also a celebration of the career of my teacher, Richard Fenno. Mo Fiorina remarked there that the constructive and progressive agenda of the Congress field is in large measure a reflection of the generosity of spirit of this man. I concur.)

It should be evident that it was a good research project because it allowed me, as a young scholar, to learn so many new things. I learned to write down a formal model about a real political process. I learned how to collect data and came to appreciate the intense effort required to do empirical work. I experienced the manic and the depressive side of interviewing congressmen (and thus came to appreciate not only Dick Fenno's energy and wisdom, but also his view of the world as being divided into good interviews and bad interviews). I was permitted to read and read and read about Congress – literatures drawn both from history and political science. The pleasures, in short, were many. It is a real bonus that the product of all these wonderful experiences seems to have made a small difference in the legislative field and is still of sufficient interest to produce a panel at APSA.