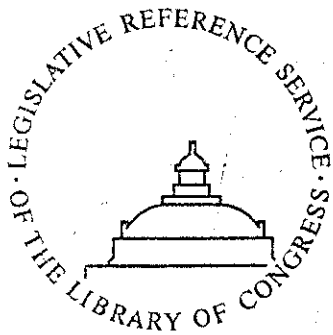


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THE SENIORITY SYSTEM
PROS, CONS, AND SUGGESTED REFORMS

WALTER J. OLESZEK
Government and General Research
Division

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Congressional interest in modifying the method for selecting committee chairmen has accelerated during the past decade. So intensive has this issue become that both House Democrats and House Republicans have appointed, respectively, an 11-member committee and a Task Force to study the seniority system and to report back their findings no later than early 1971.

To assist Members in acquainting themselves with the issues involved this report assembles, first, arguments for and against the seniority system and then, in a second section, sets forth proposed alternatives to and modifications of the seniority principle.

The information presented in this report has been culled from various relevant sources: scholarly periodicals, newspapers, and printed hearings of testimony on the subject received by congressional committees studying legislative reorganization in 1946, 1965, and 1969. Citations to these sources are listed at the back of the report.

Seniority as a Basis for Selecting Committee Chairmen:
Pros and Cons

Presented below are the arguments often raised by those who favor or oppose the operation of the seniority system in Congress.

Pro

1. Service to Constituents

(a) "Long service on committees brings members in contact with the personnel of the several departments and helps them to be of service in many little and some big ways to their constituents back home."
(George Galloway, The Legislative Process in Congress)

(b) "Committee chairmen are sometimes reelected to Congress because their constituents desire to retain the power and prestige of their office. Long and continued service in Congress would be discouraged by abolition of the seniority system." (Hearings, Joint Committee, 1945)

2. Promotes Legislative Harmony

(a) "The most telling argument of the proponents of seniority is that the system promotes legislative harmony. It prevents hurt feelings on the part of those passed over in the struggle for appointment, and incidentally, it keeps pressure groups out of the struggle. As a result it helps to create a more cooperative atmosphere, both in the legislative body as a whole, and on the various committees. Committees can act as more of a unit, and in a more non-partisan manner." (George Goodwin, "The Seniority System in Congress")

(b) "The adjustment of rival claims must precede the adjustment of major conflicts without being permitted to divert attention for long from the larger task at hand. Some harmony within the legislature -- including agreement on the location of internal authority -- must exist before the legislature can itself promote harmony between conflicting groups."
(Roland Young, The American Congress)

(c) "Fundamentally, the seniority system avoids the waste implicit in instability of committee composition and management. It invokes the presumption that, other things being equal, the man or woman with the greatest experience in a particular job is best fitted to participate in and lead in its performance." (Emanuel Celler, "The Seniority Rule in Congress")

(d) "It has been suggested that chairmen of committees be elected by the committees. In that event the element of personalities and favoritism would come into play, and there would be log-rolling and electioneering for the votes of the committee members by those who wanted to be chairmen. If the Senate should adopt that method I doubt very much that it would adhere to it very long, because it would result in a very unsatisfactory situation. Jealousies, ambitions, and all the frailties of human nature would crop out in the electioneering methods of men who wanted to be chairmen of committees." (Senator Alben Barkley, Congressional Record)

3. Experience and Expertise

(a) "This much can be said in favor of rule by seniority: the law of averages works in its favor. In many cases, because of knowledge and skill acquired during years of grappling with problems that regularly come before his committee, the man who is handed the chairmanship through seniority in most cases would be chosen for the post by any system of more democratic election that might be devised." (Estes Kefauver and Jack Levin, A Twentieth Century Congress)

(b) "Long service on a committee develops a certain expertness on particular problems. The older members have acquired an acquaintance with most subjects likely to come before the committee and with the personalities and private interests with whom it has to deal. There is also the gain which comes from members becoming acquainted with one another and learning how to work together. The committee becomes more of a unit as its membership becomes more stable, and it is easier to develop a nonpartisan attitude toward legislative projects." (George Galloway, Congress at the Crossroads)

(c) "Of course, seniority does have its beneficial side. It cannot and should not be discarded. One needs experience in being a United States Representative, just as physicians or computer-data analysts do. Knowledge presumably generates competence and special skills." (Richard Bolling, Power in the House)

(d) "The committee chairman is always the most experienced majority party committee member if not always the most expert. Committees consider bills, not policy in the round, and this places a premium on detailed and highly technical knowledge of earlier statutes, the legislative history of similar bills, relevant administrative rulings on court decisions, and the like. Congress rarely considers an entirely new issue. Years of service on the same committee is a liberal education in the politics of a particular field." (Donald Matthews, U.S. Senators and Their World)

4. Serves to Protect Legislators

(a) "The seniority system acts to protect a person who might be in some danger of being discriminated against for any extraneous reason. This, of course, includes protection of the deviate from the norm of party doctrine, or the majority view among a party. It has protection for the unusual guy." (Randall Ripley, Power in the Senate)

(b) "The seniority system also has the virtue of not being arbitrary. To a notable extent it is predictable and definite. Every member after a period of service knows where he stands and what should be his line of progression. He can devote energy and study to the field, secure in the knowledge that as long as he remains in Congress the time spent in developing his committee specialty will not be wasted by the arbitrary decision of some one person or group of persons." (Joe Evins, Understanding Congress)

(c) "The seniority rule has the added virtue of being objective. It automatically eliminates the intrigues, deals, and compromises that characterize election campaigns." (Emanuel Celler, "The Seniority Rule in Congress")

5. Proposed Changes Likely to Create More Problems

(a) "If the present more or less automatic system of appointment and preferment were to be abandoned, the judgment of fitness would have to be placed in the hands of some one man or group of men. Does it seem likely that such a system would produce well-balanced committees? I think not, and most members hold a similar view on this subject." (Joe Evins, Understanding Congress)

(b) "I would like to make the observation at this time that personally I have listened with a great deal of interest to all these people who want to limit terms or substitute something else for seniority. I am about as junior a Member as you can get and certainly I am the most junior member of this special committee, certainly as far as service in the Congress is concerned, but I am impressed with the fact that the one thing that everybody who is opposed to the seniority system fails to come up with is a better solution. We have a list of five suggestions here the other day just ticked off like that about the seniority system but mostly in a critical vein and certainly there are areas where it does not function, perhaps, even to the majority's satisfaction. But the lack of a better method or substitution therefore is impressing me more and more as we go on with these hearings." (Representative Durward Hall, Joint Committee, 1965)

6. Maintains Congressional Integrity

~~4~~ (a) "The seniority system is the only way to prevent committees from becoming a rubber stamp for the speaker and the White House. Congressional committees can be free to amend, refine and improve bills only if they are not made too responsive to strong leadership controls." (Washington Post, March 16, 1970)

~~7~~ (b) "Seniority helps to insulate the Congress from encroachments by the White House and other quarters. At present, a President will not seek dismissal of a committee chairman who does not support his program since such an effort would be futile. However, nonautomatic chairmanships would open the door to interference in Congressional affairs by the Chief Executive, especially where he is a member of the majority party." (DSG Study, Congressional Record)

(c) "There is no need of outside control over committee chairmen because committee members themselves can spur or veto an unresponsive or obstructionist chairman." (DSG Study, Congressional Record)

Con

1. Obstacle to Party Responsibility

✓ (a) "One of the greatest drawbacks of the seniority system is that it destroys party responsibility or prevents political parties from performing their campaign promises. For if the chairmen of committees owe their places not to their political parties but to the accident of tenure, then they can follow their own inclinations on legislative matters and disregard the platform pledges and legislative program of the party leaders." (George Galloway, Congress at the Crossroads)

(b) "One major consequence of the seniority rule, then, is to distribute committee chairmanships to members who may, and do on certain issues (but not all), reflect a minority position of the party caucus." (Louis Froman, The Congressional Process)

(c) "The seniority system produces a large number of chairmen who are representative of only one element of the party, and that, generally, a minority element. They represent 'stagnant' districts made safe by restrictions on voting, by a one-party monopoly, by the ascendancy of a major interest group, or by an effective rural or urban political machine. Thus, the leaders of Congress, produced by the seniority system, are almost guaranteed to oppose the President, regardless of party, and a new non-constitutional dimension is added to our constitutional system of separation of powers." (George Goodwin, "The Seniority System in Congress")

✓ (d) "The seniority system has fragmented and diffused power in the House, thereby crippling effective leadership and making it impossible to present and pursue a coherent legislative program." (DSG Study, Congressional Record)

2. Undemocratic

✓ (a) "In America's continuing experiment in democracy, the seniority system operates to elevate men to positions of leadership in Congress without regard to any qualification except length of service. As presently practiced, the system is unsound, inflexible, undemocratic, and certainly discouraging to junior Members of Congress. Even the law of the jungle operates on a higher level than the 'law' of seniority: the first at least works to assure survival of the fittest; the latter operates only to assure survival of the oldest." (John Lindsay in We Propose: A Modern Congress)

← (b) "The system denies competent younger men a chance to exercise their leadership talents at the time in life when they are most able to meet the rigors of the job. It is therefore wasteful and inefficient." (DSG Study, Congressional Record)

3. No Correlation With Competency

— (a) "The seniority rule often gives power to the weak enfeebled members of Congress instead of those who are young and and healthy. In addition, the rule has several times advanced to chairmanships men who were later proved totally unfit for public office." (Daniel Berman, In Congress Assembled)

— (b) "The seniority system is no guarantee that chairmen will be well qualified. A hardy constitution and the ability to get reelected in the home district do not necessarily fit a man to preside over committee meetings or to defend committee reports on the floor. If the system puts so much emphasis on experience, why, ask the critics, is a man who leaves to take an administrative post, but who returns later to Congress, given little or no credit for his previous experience?" (George Goodwin, "The Seniority System in Congress")

4. Produces Chairmen
Unrepresentative of and Unresponsive to the Public Interest

(a) "At a time when other American institutions are turning over the reins of leadership to younger men, the leaders of Congress have been getting older. Thus the system aggravates the tensions and strains in the society at large, especially when it produces powerful chairmen who are hostile to change and dedicated to protecting and preserving the status quo." (DSG Study, Congressional Record)

(b) "These old men have got everything so tied down you can't do anything. I never realized how few people ran things back here. There are 435 members but about 40 call all the shots and they're nearly all around 70 or 80. They're the committee chairmen and the ranking members. Don't misunderstand me. These men have been damn good Congressmen and served their people and their country well. But it's time for them to get out." (Representative Everett Burkhalter, Washington Post, April 3, 1964)

5. Deters Recruitment of Legislators

(a) "It is charged by some that the emphasis on seniority deters good men from seeking congressional careers because they do not relish what a legislator once called 'the humble and unrewarding roles of freshmen.' (Daniel Berman, In Congress Assembled) Senator Richard Neuberger has written that this factor was to blame for the decisions of two former presidential candidates -- Thomas E. Dewey and Adlai E. Stevenson -- not to run for the Senate. (Richard Neuberger, "A Senator's Case Against Seniority")

Proposed Alternatives to and Modifications of
the Seniority System

Senator Joseph Clark -- The Sapless Branch

1. "The remedy is not to eliminate seniority, but rather to curb and regulate it. Primarily this could be done by the exercise of party discipline."

2. "Another effective step would be always to fill committee vacancies, regardless of seniority, with men known to be in sympathy with party policy in the area of the committee's jurisdiction. This requires a Steering Committee or Committee on Committees responsive to a party conference prepared to support party programs."

3. "Provide by rule that the chairmen of all standing committees should be chosen at the beginning of each Congress by secret ballot of the committee members of the majority party."

4. "The evil effects of seniority or indeed of arbitrary action by chairmen could be curbed by enacting by rule a 'Committee Bill of Rights.' The power of the majority to act if the chairman fails to do so should be clearly established."

Democratic Study Group Proposals

1. "Use the seniority system to nominate chairmen subject to majority approval by the caucus. This proposal would entail a separate vote in the caucus on the chairman of each committee. If the senior member of a particular committee failed to receive majority approval, the caucus would consider the next most senior member, and so on until a chairman acceptable to the majority was elected."

2. "Have the caucus elect committee chairmen from among the three most senior members of each committee. This modification would maintain seniority as the dominant factor in selecting committee chairmen

while providing a mechanism for considering the fitness and acceptability of the most senior candidate and possibly by-passing him."

3. "Authorize the Speaker to nominate chairmen subject to approval by a majority of the caucus. Should the caucus reject one of the Speaker's nominations, he would continue making nominations until an acceptable chairman was found."

4. "Authorize the majority members of each committee to nominate their chairman subject to caucus approval."

5. "Authorize the members of each committee -- both majority and minority -- to select their own chairman subject only to approval of the whole House."

6. "Establish a new special committee to nominate chairmen subject to majority approval by the caucus. This proposal would retain the present Committee on Committees for consideration of all committee assignments other than selection of committee chairmen."

7. "Set an age limit and require chairmen to give up their chairmanships when they reach that age."

8. "Set a limit on the number of years a member can serve as chairman and require that after serving as chairman the Members leave the committee entirely and begin service on some other committee."

9. "Rotate the chairmanship among the top three members every two years. Thus the senior Member would be able to serve as chairman only two out of every six years."

Senator Wallace White -- Joint Committee, 1945

1. "Assuming that the national interest is achieved by a process of interplay and compromise among the various sectional and economic interests of the nation, it is suggested that the standing committees of Congress should be composed so as to represent both the principal regions of the country and the chief interests affected by lawmaking, e.g., the consumer, labor, business and agricultural interests. The Committee on Agriculture, for example, would be composed of members from urban as well as rural districts and states and of spokesmen for the consumers of farm products, the producers of farm machinery and manufactured foodstuffs, and farm labor, as well as farmers themselves."

George Smith -- Joint Committee, 1945

1. "I would do away with congressional Members as chairmen of committees entirely and I would choose professional administrators in the field in which the committee operates. This would eliminate a good many of the difficulties that now surround the selection of chairmen, their powers either to block legislation or to pigeonhole legislation or to decide that it shall take a certain form. Members of Congress would be members of the committee only, with a professional administrator as chairman."

Representative Morris K. Udall (D-Ariz.)

1. "Provide for the selection of committee chairmen from the three top-ranking majority members of each committee by a secret vote in a majority caucus. Similarly, the ranking minority member would be selected by the minority from the three top-ranking minority members of each committee."

Recommendations Received by Joint Committee, 1965, Re: Chairman

1. "Should be elected by secret ballot of the majority members of the committee at the beginning of each new Congress. Should be elected by secret ballot by a majority of the committee from the three most senior members on the committee; from the four most senior members."

2. "Should be elected by secret ballot of the majority caucus in the following manner:

- (a) Any member of the committee would be eligible.
- (b) From the three senior members on the committee.
- (c) The senior member of the committee would be voted 'up or down' and, if defeated, the next senior member would stand for election in the same manner.
- (d) From the three senior members of the committee after the chairman has reached the age of 70 under the present custom of seniority.
- (e) The senior member of the committee would be elected unless another committee member were nominated and received two-thirds vote by the caucus.
- (f) If 50 Members objected to the election of the senior Member."

3. "Should be nominated by the party leadership with the approval of a majority of the caucus."

4. "No single geographic section of the country should have more than one-half of the chairmanships of the major committees. The next senior member should be appointed to a chairmanship vacancy if one-half already held by one section."

5. "Chairmanship should be rotated between the two most senior committee members of Congress or every other Congress."

6. "Chairman should be required to step down in favor of next ranking member after the age of 70 with the exception of current chairman; after the age of 72."

7. "Term of chairmen should be limited to 10 or 12 years."

8. "No Member should be eligible to serve as chairman of more than one committee, subcommittee, or joint committee."

9. "All Members with 20 years' service or more should be considered equal in seniority and the chairmen elected from among them."

10. "Committees should have the right to remove chairmen by majority vote; should be able to remove them at the request of the ranking majority and minority members of the committee with a three-fourths committee vote."

11. "Member who opposes party platform in the committee's area of responsibility should be ineligible for election as chairman of a committee."

12. "The chairman should appoint a vice chairman so that the committee can function when the chairman is absent."

Recommendations Received by the Rules Subcommittee, 1969

1. "Majority party committee members should by secret ballot select their chairman from among their top three members in seniority. The ranking minority member should be similarly selected."

2. "Change the House Rules to provide for the election of Committee chairmen from among the three senior members of the majority party."

3. "Chairmen should be selected by the Speaker."
4. "The Speaker and Minority Leader should have a major vote in committee appointments and selection of committee chairmen."
5. "Each committee should elect its own chairman from the three most senior members; from the five most senior members."

Professor Roland Young, The American Congress

1. "The problems raised by the seniority method of selecting chairman may perhaps best be met by modifying the functions of the chairman, making him simply the presiding officer of a collegiate body and not an official having independent authority by virtue of his title."

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