

## Foreword

*About the Authors: Two Beginnings,  
One Old Political Hand and One New*

### Bryan Marshall

In 2008–9, I served as the American Political Science Association's Steiger Congressional Fellow. Although a longtime avid student of Congress, this was my first real experience in that great institution. I was a political novice, a brand-new albeit willing political hand. I was incredibly fortunate to land what proved to be a jewel of a position as a policy adviser for the House majority whip, Representative James E. Clyburn (D-SC). I remain very grateful to the congressman, his staff, and the many friends I met along the way. My time working for the majority whip truly transformed how I think about Congress and thus how I teach my students about congressional politics.

I have always maintained that the historic legislative record of the 111th Congress and thus much of President Obama's policy legacy resulted in no small part to Jim Clyburn, his extraordinary talents, and the skills and tenacity of his staff. Congressman Clyburn had an unassuming and down-to-earth leadership style. He preferred the velvet glove over the iron fist in persuading colleagues to support the party line. But this is not to say he didn't possess (and use) a hammer from time to time. On occasion, his deep baritone voice could immediately silence a raucous crowd of hundreds of members of Congress and their staffers in a basement room in the Capitol. (After all, he started out as a teacher!) The majority whip was a gracious southern-style

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representative; he was and is today deeply respected by members on both sides of the aisle and was uniquely suited to bring together the disparate factions of the Democratic caucus. He was elected to Congress in 1994 and chosen by his peers as president of his congressional freshman class. From there, his leadership role grew: he served as chair of the Congressional Black Caucus (1999–2001), vice chair and chair of the Democratic caucus (2003–6), majority whip (2007–10). With the loss of Democratic control of the House, he now serves as the assistant Democratic leader.

I worked in the whip's "policy shop," part of a larger team in a position that demanded considerable flexibility, as we handled all the critical policy and political issues on the leadership's agenda. I was responsible for an extensive policy portfolio that included defense, veterans affairs, homeland security, intelligence and national security, and children's welfare, to name a few. I was stationed with other staff in one of the whip's offices directly off Statuary Hall in the Capitol, only about fifty paces from both the House floor and the Speaker's office. It was prime real estate—literally the hub of congressional action. It doesn't get any better than that for a Congress jock.

The experience provided me with a rare opportunity to understand the intricate relationships the party leadership needs to foster and maintain with the caucus rank and file, committees, and the executive branch. I spent much of my time learning about how the leadership builds coalitions. The ingredients of real sausage making are political jockeying and legislative compromise, whipping and counting votes, and then corralling votes on the House floor. I watched and learned how the party leadership put together support for President Obama's historic first budget resolution. Much like the stimulus package, the passage of the budget was a buffet of individual compromises. On some key votes, I worked with the White House Legislative Affairs staff, who brought presidential resources to bear on fence-sitters and coaxed them to support the leadership's position. When I was not on the House floor, I spent considerable time following legislation through the legislative process, attending committee hearings and markups to report about issues or potential conflicts to the leadership. The Rules Committee and leadership staff meetings were especially insightful in terms of learning about political strategy and how the leadership used procedures to advantage party priorities.

My time in the corridors of the Capitol was invaluable—irreplaceable, really—in terms of learning about politics and how Congress works. There were so many lessons to be learned: the "forty-minute meeting" rule, the art of careful listening for asks from members to lock in their support on a measure, even the necessity of speed walking (often running) up and down the

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hidden corridors of the Capitol. I was the low staffer on the totem pole—and deservedly so—but there are no inconsequential positions with the whip: every task and role is important. With every person I met, at every meeting I attended, I was an extension of the Whip's Office, representing the boss. I was part of a small, highly professional network that served as the eyes and ears for the whip and the party leadership. But my first lesson on my very first day in January 2009 proved one of the most important. As I trailed along behind a senior staffer, trotting down a vast hallway to an early morning meeting, he looked back and coolly explained the key to success: "We have 256 members in this caucus, and you're part of the whip team and need to learn to treat each and every member's priority as if it was your own." For the leadership, this advice was the key to gaining trust and building effective relationships. I know it sounds clichéd, but it doesn't make it any less true. The Hill runs on relationships and trust. Getting things done in Congress requires building relationships, and relationships in Congress don't work well or for long without trust. His advice proved prescient.

I also vividly remember that sunny brisk day after the election in November when I left my wife and three young children (and our dog) to start my new position in Washington, D.C. I visited home only sporadically for about the next year, and that time away from my family was very difficult. But I got to take an incredible journey on the Hill, in a historic place at a unique political moment of time. None of it would have been possible without my loving and supportive wife, Candace. So, I dedicate this book to her and to our children, Autumn, Evan, and Dylan.

I also thank my coauthor, Bruce Wolpe, who has been wonderful to work with, a top-notch partner in shaping this manuscript. When I first read Bruce's journal, I wondered at his cogent thoughts and clarity, his grasp of detail and meaning in the context of the monumental dynamics at work every day—and those days on the Hill were long bone-tiring days. My colleagues at Miami University helped to make my journey to the Hill a reality. Many individuals at University of Michigan Press have helped to shepherd our work to completion, including Scott Ham, Danielle Coty, Meredith Norwich, and the editors of the Legislative Politics and Policy Making series, Janet Box-Steffensmeier and David Canon. And of course, Bruce and I are very grateful to the reviewers who took time to offer us insight and direction that greatly improved the final product.

Oxford, Ohio  
June 2017

**Bruce Wolpe**

My contribution to *The Committee* began in March 2009, when I joined the staff of Rep. Henry Waxman (D-CA), chair of the Committee on Energy and Commerce (always described by others as “powerful”). My title was senior adviser. I was motivated to make the transition from professional life in Australia to Washington and to rejoin Henry’s staff after almost twenty years away (I served as his first legislative assistant when he was elected in 1974) because of the election of Barack Obama as president. I firmly believed that this was a pivotal moment in American history and that the chance to play a small but very meaningful part in it simply could not be missed.

I was certain that Henry and the committee would make legislation of unique and enduring importance, and I decided from the outset to record the events—to capture a part of the Obama legacy as it was created. And so I began my “Washington Journal,” which ultimately totaled 240,000 words over more than two years.

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Friday, March 27, 2009. I always wanted to work in the White House. But this is not where this journal starts. The day began in Sydney with a long run through Balmain, trying to commit to eternal memory the streets and Harbour and sights and morning light I know so well. And it ends tonight in Washington, where I begin work Monday as a senior adviser to Henry Waxman, chair of the House Energy and Commerce Committee, through which much of what can be termed President Obama’s legacy legislation—energy security, climate change, and universal access to health care—will be decided.

The day after the election last November, when Obama won and the Democrats had gained seats in Congress, further cementing their majority, Henry had announced a challenge for the post of committee chair against John Dingell of Michigan. Henry beat Dingell decisively in key votes among the House leadership and in the full caucus. It was a dramatic victory for change, fresh leadership, and strong action on the Obama agenda. In January, when we met the week before the inauguration, I said, “Henry, this is the moment you were elected for in 1974—this is the time, with this president, to finally get the legislation you have sought on health and the environment since you were elected in the reform wave after Watergate and Nixon in 1974. You could not do it with Carter or Clinton, but you can now.” And he agreed.

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My job is to help Henry with strategic relationships and support his presence—and hence his clout, which are already considerable. And also to help Henry marshal and manage the majorities necessary to pass the big legislation by working to keep the lobbyists for the vested interests from killing the Obama legislative program. It is a great and welcome challenge.

But I originally sought to work in the White House following Obama's election; it was something I had talked about from time to time with Phil Schiliro, Henry's chief of staff, who became Obama's liaison to Capitol Hill during the campaign. He was appointed assistant to the president for legislative affairs and is Obama's point man with the Congress. Phil and I talked after the election; he encouraged me to seek a White House position, and we talked through a couple options. Then, in late November, the conversation took a decisive turn:

Henry has become chairman of the committee—fulfilling my fondest hopes for him. And I'm not there to help him as chairman at this greatest of times for him, and it's killing me. But you have some of the skills that I brought to him. And he needs those. And we need Henry to be as strong as possible to get Obama's program through. So would you consider coming back to work with Henry?

It was not the White House, but it had immense appeal. I was Henry's first legislative assistant in 1975 and left with his blessing and goodwill seven years later, and we stayed close through the ensuing years. And so to work for Henry again and to be in the center of the legislative action on the Hill—this was one hell of a prospect. I announced my departure to colleagues in Sydney at Fairfax Media, a major publisher in Australia, on the first business day of the year, January 5, and said in my note to senior executives there, "President Obama's election is, for me, the political calling of our time, and I want to be part of it." The reaction to my news was enormously supportive. I think everyone in Sydney wanted to quit their job and go work in Obama's Washington; I was about to live out their dreams. What could be more fun?

I spent a week in January and another week in March 2009 visiting with the committee and getting oriented. I left Fairfax yesterday, am flying today, and begin Monday morning. Henry has said he wants a climate change bill, with a cap-and-trade system, passed by the committee by the end of May. And a health care bill by August. It's prime time in Barack Obama's Washington.

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After leaving the committee staff in 2011, I wanted to have the journal published in hopes of telling the story of the committee's enormous influence on the legislation that would mark Obama's presidency. The journal was never intended to be the authoritative history of key legislation in President Obama's first term. But it is a story of how Congress—and especially one of its prime committees—did its work from the view of a senior staffer. So I recorded what I saw from my unique perch to help readers discern how legislation and oversight were developed and executed—to let readers see how the legislative process really worked at an historic juncture.

What I recorded is and remains my view of these events; like *Rashomon*, it is simply my take. In politics there are many truths, and *The Committee* conveys mine. I am sure that other participants in these events will not agree with many passages, but they reflect my best efforts to record what happened. I wrote in real time, since it would be impossible to reconstruct each day's developments months or years later.

My journey to publication began with a series of false starts. My journal, on its own, was too narrow, too "inside baseball" for publication, despite the best efforts of my friend Eddie Frits—the feedback on my forays into the publishing world was clear. But Michael Kerns, formerly of Routledge, saw a way to wrap the journal in political science to produce a book that was truly meaningful—a novel study of Congress. In 2014, Michael put me in touch with Bryan Marshall, now chair of the political science department at Miami University, and we instantly began an enthusiastic collaboration. Bryan brought academic discipline, rigor, and expertise to my account of the committee's work. And we found a publisher, the University of Michigan Press, that wanted to back us.

My partnership with Bryan has been a joy, as efficient a writing and editing collaboration as possible given that we are separated by ten thousand miles. I am so grateful that we could proceed together: he has brought *The Committee* to life.

For students of American politics and the Congress, we have produced an important work on how a congressional committee can function and what that functioning can mean for a president's policy agenda and political fortunes.

I also thank Danielle Coty, Scott Ham, and several of their predecessors at the University of Michigan Press. The team went to bat for us and gave our book great care and attention.

I thank Phil Schiliro and Phil Barnett for their review of the manuscript and guidance as the book was finalized. Any flaws in the account of these events and our analysis of them are wholly mine and Bryan's.

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I am forever grateful to Henry Waxman, who gave me the chance to work with him more than four decades ago and then to rejoin his staff. I believe that Henry is the most principled, cunning, and effective lawmaker in modern times. A grandmaster of politics and legislation. An ethical and moral man. He is deeply shaped by his views of politics and how it should be practiced. And he is a truly great human being.

I am indebted to Phil B., Phil S., and Henry for their trust in me as *The Committee* developed. They did not know that I was keeping a journal, and when I told them about it and discussed the possibility of publication, they gave their blessing. John F. Kennedy often remarked, "History depends on who writes it." That took a lot on their part, and I am so very thankful to each of them.

And my deepest appreciation always to my wife, Lesley Russell, who continues to make all things possible.

Sydney  
June 2017

"The Committee: A Study of Policy, Power, Politics and Obama's Historic Legislative Agenda on Capitol Hill"  
Bryan W. Marshall and Bruce C. Wolpe  
University of Michigan Press, 2018



## Preface

### *Outline of The Committee*

*The Committee* is distinct from most other texts in this area in that it offers the unique perspective of a senior congressional staffer. The story that unfolds in *The Committee* provides both a window on legislative history and a fascinating perspective on the practice of politics and how policy is made on the Hill: what really happens from day to day and why. The reader occupies a front-row seat that enables an understanding of the trade-offs necessary in making public policy, the intra- and interparty struggles of coalition building, and the challenge of no-holds-barred partisanship in the modern Congress. The text thus offers a more granular view of the role(s) of Congress, the president, and interest groups and lobbying forces. Throughout, the text reinforces key analytical ideas from the congressional literature, such as committee power, coalition building, and the president's role in shaping legislation.

Chapter 1 outlines an analytical framework from the political science literature to serve as a lens to view congressional politics. It illustrates a few of the literature's key perspectives for understanding the factors shaping congressional policymaking and politics, including committee power, partisanship, and coalition building. The chapter draws out the three major theories of legislative organization and their respective explanations for committee power. From these theoretical underpinnings, the chapter then outlines the growing power of the political parties and party leaders in Congress. Since the 1980s, the increase in ideological homogeneity within

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the parties and heterogeneity between the parties has raised partisan conflict to historic heights. As a result, decision-making processes, especially in the House, have become largely characterized by a party-driven model, as opposed to the committee-dominated model associated with the prereform era of the 1950s and 1960s. The majority party and power of party leaders have come to dominate decision making, mostly at the expense of committee autonomy and influence.

In addition, chapter 1 brings the House Energy and Commerce Committee into focus by discussing how changes in critical factors such as the political environment and the national agenda over the past several decades have affected the committee's role and power. The committee's status as a preeminent and effective policy committee reached its height with the progressive national agenda (environment, energy, civil rights, and so forth) of the 1960s and 1970s. But the committee's ability to promote policy change receded significantly during the 1980s, with the onset of severe budget constraints and a more conservative agenda shaped by the Reagan administration. Finally, the chapter sets the context of the 111th Congress and unified Democratic control on the heels of Barack Obama's historic 2008 election. GOP majorities had controlled Congress for most of the Clinton and George W. Bush years. Even though majority party power shifted after the 2006 elections, President Bush remained a critical player, with veto power to block the new Democratic majority's policy initiatives. Thus, there was pent-up desire to pursue policy change among the party rank and file. And now, with the Obama victory and the Democrats adding significant numbers to their majorities in both houses, the Energy and Commerce Committee would take center stage—the tip of the spear for the progressive agenda.

Chapters 2, 3, and 4 discuss the passage of cap-and-trade, health care reform, and tobacco legislation, respectively. These legislative case studies highlight several critical factors in understanding successful policymaking, including the role of the committee, party leaders, and the president in shepherding legislation; internal and external coalition building; the exercise of influence by lobbying and organized political interests; and the tactics of policymaking. Partisan dynamics are a central feature of the policy process across these issues, as is readily apparent from the beginning, with Henry Waxman's (D-CA) selection as the new chair of Energy and Commerce. In this role, Rep. Waxman would help carry the Democratic Party's progressive agenda, hunting for the votes necessary to win. These chapters reflect how each policy offered some unique challenges for coalition building in the committee and the House. For example, the nature of cap-and

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trade legislation allowed for a more transactional process, while health care reform resurrected deeply moral issues such as abortion and exposed underlying fissures in the Democratic coalition, especially between its liberal and Blue Dog wings. All of the chapters integrate the broader related political science literature where appropriate as well as reflect back on the elements of committee power and the themes of legislative organization introduced in chapter 1.

Chapter 5 illustrates the committee's central role in oversight and responding to the BP oil spill disaster. The chapter illuminates a number of key themes, including the committee's political power in oversight, as well as jurisdictional battles between committees and how broader economic and political interests can shape Congress's legislative response to national disasters. Chapter 6 highlights the importance of divided government and the limits of power in the separation-of-powers system. The chapter explores the challenge of coalition building in the context of the momentous debt-ceiling agreement. Chapter 7 compares the 111th Congress with past Congresses in the modern era and assesses Congress's role in the Obama policy legacy along with the wider implications for policymaking. The 111th Congress witnessed the passage not only of the president's milestone domestic initiative, the Affordable Care Act, but also of other major policies, among them the economic stimulus package, Lily Ledbetter, sweeping tobacco regulations, credit card and Pentagon acquisition reforms, major financial reform, expansion of national service programs, and Obama's first budget resolution. The 111th was probably more productive than any other Congress in the modern era except for Lyndon Baines Johnson's years. The chapter circles back to the key literature and the theories as they relate to committee power and reflects on recent Congresses and policymaking under Republican majorities.