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How Congress Reforms Itself: Historical Perspectives on Rules Changes

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House of Representatives Reform Efforts: Centralization vs. Decentralization

Over 230 years, reforms have included innovating new procedures, collapsing or expanding committee jurisdictions, and instituting new ethics and transparency rules.

- Top down: Speakers Henry Clay or Thomas Brackett Reed.
- Bottom up: circa 1900, and the 1970s.
- Unintended or unanticipated consequences

Congressional reformers also have generally gravitated toward one of two poles—either the centralization or the decentralization of power. Biennial elections and proportional representation—accounting for the House’s size and frequency of turnover—historically have been powerful decentralizing forces. Yet, to make the House work as a legislative body, centralizing forces have also been deployed over many decades: from a strong speakership to rules that limit the power of any one individual. Two particularly significant eras are “Reed’s Rules” of the 1890s, and “Uncle” Joe Cannon in the early 1900s.

Senate Reform Efforts: Rule XXII and the Filibuster

Whether praised as the protector of political minorities from the tyranny of the majority, or attacked as a tool for anti-majoritarian obstruction, the right of unlimited debate (including the filibuster) offers potential power to a minority party or faction or even an individual Senator. It was not until 1917 that an amendment to Rule XXII allowed two-thirds of senators present and voting to limit debate and force a vote on a measure. This was followed by:

- 1949: amendment raised the cloture threshold to two-thirds of whole Senate.
- 1950s-1970s: various liberal efforts to limit use of filibuster by conservative southern Democrats through the “Constitutional option” failed.
- 1975: amendment of Rule XXII lowered the threshold for cloture to three-fifths of the whole Senate—today’s familiar 60-vote threshold. Left in place the requirement of a two-thirds vote of the whole Senate to invoke cloture to change the rules.
- 2013 and 2017 “nuclear option” lowered the cloture threshold on judicial and executive nominations to a simple majority. Used parliamentary procedure, not standing rules.

Congressional Reform and Wave Elections, 1974 to present

In the nearly half century since the post-Watergate election of 1974, the number of so-called “wave elections” – especially affecting the House of Representatives--has significantly increased. The elections of 1994, 2006, 2010, and 2018 all fit the 1974 model: large numbers of new members enter the House in an off-year election, sending a powerful signal in favor of change and reform.

- Key trends in past half century: ideological realignment, voter sorting, closer margins, and a constant competition for majority control
- Dissimilarities in wave elections: change in party control? Not in 1974.
- Similarities: Often consensus among wave winners for “reform” against ineffectuality, corruption, and ineffectiveness, challenging power centers in the House, from the leadership to the chairmen.
- Large incoming classes often younger and less experienced, yet more reflective of the party’s ideological base (particularly in “safe” districts)
- This typically has led to intra-caucus divisions and debates over policy questions, pitting caucus loyalty against centrism.