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Committee chair's majority partisan status and its effect on information transmission via hearings

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ABSTRACT

While US Congress assigns only the members of a majority party to committee chairs, some state legislatures and other legislative bodies using a proportional representation system also consider members of a minority party for the position to promote a bipartisan policy making practice. Although previous literature investigates the effects of bipartisan rules and practices exploiting such institutional variations, the informational benefit of having a minority partisan committee chair has not been explored. By extending a recent study exploring conditions under which information transmission from agents to a principal is improved, this research note theoretically examines the effect of the committee chair's majority partisan status on information acquisition and transmission via committee hearings. Findings suggest that under some conditions, the floor can informationally benefit more from having a chair representing a minority party in the chamber with opposite bias call a hearing than with a chair representing a majority party.

KEYWORDS Informational theory; committees; agenda-setting; hearing; information transmission; grandstanding

Introduction

Some US state legislatures introduced rules and norms of procedures that promote bipartisan policy-making to help the minority party better represented (e.g. neutralising committee chairs' agenda setting power by requiring all bills to be heard or reported to the floor, or diffusing such power to members of the minority party).[1] Scholars have shown that the measures neutralising agenda-setting power at committee-level tend to enhance legislatures' bipartisan collaboration (Anzia & Jackman, 2013; Cox, Kousser, & McCubbins, 2010), efficiency (Martorano, 2004) and productivity (Jackman, 2014). However, the effect of appointing a minority partisan committee chair has received relatively less attention. Furthermore, the informational benefit of such measures has not been studied yet. Thus, this research note investigates whether having members of the minority party chair a committee

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helps the committee better function as an information mediator for the floor under certain conditions.

While minority party members do not chair committees in the US Congress, there are some instances that US state legislatures assign members of a minority party as committee chairs (Hedlund & Hamm, 1996),[2] and it is more common in proportional representation systems (e.g. Austria, Belgium, Denmark, Germany, Netherlands, Norway, Sweden and Switzerland) where the rules of procedures explicitly require committee chairs' positions to be proportionately shared by parties sitting in the parliament (Powell & Whitten, 1993).

A committee chair who is a member of the majority party, which I call a 'majority chair,' often possesses extensive authority over a legislative decision-making process within a committee (Cox & McCubbins, 2005; DeGregorio, 1992). For example, he can set committee agenda by deciding whether to hear a bill or not and has a great deal of discretion over the selection of witnesses to testify in hearings.

On the other hand, despite being a chair of a committee, the ability of a chair who is a member of the minority party, which I call a 'minority chair,' to move his bills forward can be limited in two dimensions. First, a minority chair is less likely to secure a majority vote support in his favour on divisive policy issues within a committee as well as on the floor than a majority chair. In such cases, the chair's agenda-setting power significantly weakens (Evans, 1991, p. 53). Second, although legislative chambers often specify a minority party's right to call witnesses in their rules of procedures to ensure the minority's representation, the extent of such right of a minority chair is unlikely to be as great as that of a majority chair. For example, the German Bundestag allows minority members to call witnesses when they request a hearing; however, if a committee limits the number of witnesses, they can call a proportion of persons to be heard corresponding to their relative strength in the committee (Rule 70-(2)).[3]

Given the differences between a majority chair and a minority chair in their amount of discretion over agenda-control and hearing procedures, the chair's majority partisan status can be an important factor affecting his decision to hold a hearing, the nature of the hearing, and its outcomes. Therefore, this research note investigates when each of a majority chair and a minority chair holds a hearing and how informative the hearings that each one holds are. To do so, I utilise and extend the theoretical model on committee decision-making by Park (2017).

Park (2017)'s model is especially suitable for this study for the following reasons. First, while other existent informational models (e.g. Diermeier & Feddersen, 2000; Gilligan & Krehbiel, 1987) assume a committee as a unitary actor, her model assumes a committee composed of two members with heterogeneous preferences with one representing a majority party and

the other representing a minority party. Although Gilligan and Krehbiel (1989) also assume heterogenous committee members, the resource disparity between the members, which is unique in her model, makes it readily available to compare the case where the majority member chairs the committee to the case where his minority counterpart does so.

Second, her model incorporates electoral incentives of committee members to use hearings for political grandstanding which was absent in the existent informational models but considered one of the major goals that members pursue during hearings in empirical congressional studies (DeGregorio, 1992; Huitt, 1954; Park, 2020). Thus, each member can choose to commit their resources to either information-seeking or grandstanding or even to a mixture of them if one has enough resources to allocate to both, and these decisions are symbolised to choosing witnesses of different types: an informative one and a political one. In this way, her model allows the level of information transmitted in hearings to be endogenously determined by committee members, rather than exogenously given as in other models, making it possible to test the informational benefit of varying institutions at a more precise scale.

This research note not only extends the informational models of committees and the scholarship examining the effect of introducing bipartisan rules to the legislative procedures as discussed above, but it also contributes to the following strands of literature. First, it contributes to the previous works studying various factors affecting the extent of information transmission in committee hearings – such as committee types (DeGregorio, 1992; Evans, 1991; Park, 2020), policy preferences of committee members and the floor pivot, the political salience of the issue (Park, 2017) and chair's seniority and ideological extremism (Kasniunas, 2011) – by introducing a new explanatory factor: the chair's majority partisan status.

Second, it extends the literature on the role of chairs and interactions between majority and minority members within a committee (DeGregorio, 1992; Evans, 1991) by systematically theorising the incentive structure and institutional constraints using a formal model which has often been illustrated in anecdotal case studies and by additionally considering a case with a minority chair which has rarely been discussed.

The next section briefly summarises Park's model setup and theoretical predictions and then further solve for a minority chair's hearing decisions, which was absent in the original model, to compare the decisions of a majority chair and a minority chair and the informativeness of hearings that each one holds.

Model

The model assumes two possible states of nature $s = \{0,\ 1\}$ with the true state unknown. However, there is a prior belief that $P(s = 0) = .5$, which is

common knowledge. Also, suppose there exist two policy alternatives $x \in \{0,\ 1\}$.

The game is played by three strategic actors: the principal (F) and two members of a standing committee, R and B. Either of the members serves as a chair of the committee.[4] It is assumed that all players try to maximise von Neumann Morgenstern expected utility.

Each committee member's utility is shaped by a combination of two components: policy-based utility and political utility. First, the policy-based utility, $u_i(x,\ s)$ for $i \in \{R,\ B\}$, is determined by the true state, the policy implemented, and their identity:

$$u_{R,\,F}(x,\ s)\begin{cases}1, & \text{if } x = s = 0\\ 1-d, & \text{if } x = s = 1\\ 0, & \text{otherwise}\end{cases} \quad u_B(x,\ s)\begin{cases}1, & \text{if } x = s = 1\\ 1-d, & \text{if } x = s = 0\\ 0, & \text{otherwise}\end{cases}$$

$$(0 \le d \le 1).$$

Here, d captures the level of policy disagreement between the two members such that when $d > 0$, R prefers policy 0 ex ante, and B prefers policy 1. Below presents the expected policy-based utility for a member:

$$E(u_i(x,\ s)) = \sum_{\substack{x \in X\\ s \in S}} \{u_i(x, s) * P(x|s)\}, \quad \text{for } i \in \{R, B\}. \tag{1}$$

Second, the political utility, $u_i(a_i)$, is the number of advocates (a_i) that each individual member invites multiplied by $q \ge 0$ which represents the marginal benefit of inviting an advocate and is assumed to be exogenously determined.

$$u_i(a_i) = a_i * q, \quad \text{for } i \in \{R, B\} \tag{2}$$

$$(0 \le q)$$

There is a cost (c) that each committee member has to pay when a hearing is held since the committee members have to invest their limited time and resources to participate in a hearing. Thus, if a hearing is held, the expected utility for a committee member is as below:

$$EU_i = \sum_{\substack{x \in X\\ s \in S}} \{u_i(x, s) * P(x|s)\} + u_i(a_i) - c, \quad \text{for } i\ \in \{R, B\}. \tag{3}$$

If a hearing is not held, it reduces just to the expected policy-based utility.

The intuition behind this setup of the committee member's expected utility is as follows. First, policy-based utility provides the committee members with

an incentive to seek for policy-relevant information. This incentive reduces as their policy preferences diverge from each other.

Second, political utility motivates a member to grandstand in a hearing. In practice, a member can grandstand by making statements promoting his own view, by inviting witnesses whose testimony will advocate his view, or by inviting his political opponent as a witness in order to publicly criticise her. However, this set of behaviours are simplified as inviting an advocate in the model. By grandstanding, a member may send political messages to affect the public perception in his favour and eventually garner electoral gains. The political value of grandstanding can be determined by myriads of factors, including the issue salience for example. Thus, the model assumes that the marginal benefit of inviting an advocate (q) to be exogenously given.

Often the floor pivot, the principal that legislative committees report to, is not completely indifferent between policy alternatives but rather has preference for one policy over the other ex ante. This is more so on a policy issue on which floor members are highly polarised. To address this situation, the principal is assumed to share the policy preference of the majority member R.

The game proceeds in the following order:

(1) Nature chooses the state of the world with known probability .5.
(2) The chair of the committee decides whether to hold a hearing or not at a cost.
(3) If a hearing is held, both members of the committee simultaneously select witnesses from three information groups.
(4) Each of the selected witnesses sends a public message to the committee members and the principal.
(5) With or without a hearing, the principal selects a policy based on the information she has, and payoffs are realised.

If a hearing is held, I assume that R has to invite two witnesses and B invites one. Thus, R is considered a majority member, and B a minority member. The reason for restricting the total number of witnesses to be invited to three is because it is the smallest possible number that makes one person invites more witnesses than the other so that the equilibrium solution is derived in the simplest fashion without loss of generality.[5]

The committee members can invite witnesses from three interest groups: Red, Blue, and Green. When a witness is called, she sends a message, m_x with $x \in \{0, 1\}$, supporting either of the two policy alternatives. I assume that Red witnesses always send a message in favour of policy 0, and Blues in favour of policy 1. However, Greens send a message that matches the true state with probability θ, given $.5 < \theta \leq 1$. Thus, θ is the level of accuracy of the Green witnesses. Therefore, prior to learning the true state of the world at the end of the game, Greens are considered a neutral information source

whereas Reds and Blues are biased. All players are assumed to be aware of different information quality of the three groups of witnesses. The witnesses in this model are non-strategic actors.

The witness selection stage in this model symbolises committee members' strategic commitment of their resources to either or a combination of two different types of behaviour they can choose from when participating in a hearing: information-seeking and grandstanding. Such a commitment choice is modelled as selecting either an informative witness or an advocacy type, and the number of witnesses each member can call represents the asymmetric amount of discretion that each of a majority member and a minority member possesses over hearing procedures.[6]

Because the member R prefers policy 0 and B prefers policy 1 whenever $d > 0$, we can consider Red witnesses as advocates for R and Blues as advocates for B. Indeed, the equilibrium will solve that R does not invite any Blues and B does not invite any Reds since these strategies are strongly dominated. Let a_R be the number of Reds invited; a_B the number of Blues invited; g_i, for $i \in \{R, B\}$, the number of Greens invited by the member i such that $g = g_R + g_B$. Then, R invites $g_R + a_R$ number of witnesses which is two, and B invites $g_B + a_B$ which should be one.

At the final stage of the game, the principal chooses one policy alternative with or without information collected from a hearing. If a hearing is not held, she always chooses policy 0. If a hearing is held, she decides based on the Greens' messages which will update her posterior belief about the state.

For the equilibrium solution, backwards induction and the Perfect Bayesian Equilibrium are used. Solutions and proofs are provided in the online appendix. Now I explain equilibrium strategies and comparative statics.

First, the principal's policy decision is made as follows. Let g_m be the number of Greens sending a message $m \in \{0, 1\}$, such that $g = g_0 + g_1$. Since the principal is biased in favour of policy 0 by d, if a hearing is not held, the principal always selects policy 0. When a hearing is held, she selects policy 0, if $g_0 \geq g_1$, or if $g_0 < g_1$ and $d > 1 - ((\theta)/1 - \theta)^{(g_0 - g_1)}$; and policy 1, otherwise. However, if she is indifferent about choosing either of the policies, she randomises her choice with .5 probability.

Second, if a hearing is held, there are three types of pure-strategy equilibria for witness selection which translate to three different types of hearings. First, R invites two Reds, and B invites a Blue. This equilibrium is labelled as 'NG' meaning no Greens and implies a hearing where all committee members grandstand. Second, R invites two Greens, and B also invites a Green. This equilibrium is labelled as 'AG' meaning all Greens and stands for a fully informative hearing. The third type is characterised as a partially informative hearing in which only one Green is invited in total of three witnesses. This includes two equilibria: One in which R invites one Green and one Red, and B invites a Blue; the other in which R invites two Reds, and B invites a

Green. The former is labelled as 'SG1' and the latter as 'SG2,' and here SG means some Greens.

Let $\Delta P(n)$ be the marginal probability of implementing a correct policy by inviting the nth number of one additional Green witness such that $\Delta P(n) \equiv P(x = s|\ g = n) - P(x = s|\ g = n-1)$; φ the probability that the principal chooses policy 0 even if $g_0 < g_1$ such that $\varphi \equiv P(d > 1 - ((\theta)/1-\theta)^{(g_0-g_1)} | g_0 < g_1)$; φ_g the value of φ when the total number of Greens invited is g; and $\lambda \equiv \left(1 - \frac{1}{2}d\right)$ for notational brevity.

Each of the three equilibria exist under the following conditions: NG if $q \geq (1-\varphi_1)(\theta\lambda - ((1-d)/2))$; AG if $q \leq ((\Delta P(3) * \lambda(1-\varphi))/2)$; SG1 if $q \leq (1-\varphi_1)(\theta\lambda - ((1-d)/2))$; SG2 if $((\Delta P(3) * \lambda(1-\varphi))/2) \leq q \leq (1-\varphi_1)(\theta\lambda - ((1-d)/2))$. Figure 1 summarises the three equilibria of witness selection as a function of q and d assuming $\theta = .8$ and also marks the expected hearing decisions by a committee chair which will now be explained.

Third, the model predicts that a majority chair holds a hearing if $p\left(1 - \frac{1}{2}d\right)(1-\varphi) + ((\varphi)/2) + a_R * q - .5 > c$; a minority chair holds a hearing if $p\left(1 - \frac{1}{2}d\right)(1-\varphi) + ((\varphi(1-d))/2) + a_B * q - ((1-d)/2) > c$; and both chairs hold a hearing with .5 probability when indifferent. Thus, a majority chair is more likely to hold a hearing than a minority chair if $2q(a_R - a_B) > d(1-\varphi)$. The value of φ is either 0 or 1 depending on the

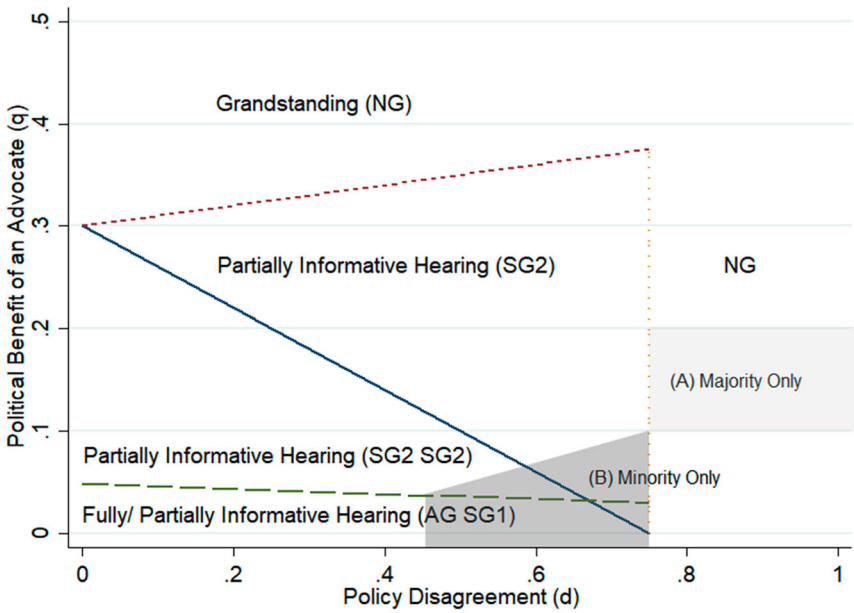

Figure 1. Equilibria for witness selection and a Chair's hearing decision.
Note: The graph assumes $\theta = .8$.

size of g_0, g_1 and d (See online appendix for computation of φ). When $\varphi = 1$, the majority chair is more likely to hold a hearing if $a_R > a_B$ which is satisfied when SG2 or NG is expected in the next stage. If $\varphi = 0$, the chair's hearing decision also depends on q and d. For example, if d is low and q is high enough and either SG2 or NG is expected ($a_R > a_B$), then a majority chair is more likely to hold a hearing than a minority chair. However, if q is low enough so that AG or SG1 is likely to occur ($a_R = a_B$), then a minority chair is more likely to hold a hearing than a majority chair.

These comparative statics make two interesting points. One is that a minority chair has a stronger incentive to hold a hearing as the benefit of inviting an advocate (q) becomes trivial and the level of disagreement (d) increases to some extent. More intuitively, when the majority member has less motivation for a hearing because the principal shares the common view, the minority would want to hold a hearing and let a Green witness testify. That is because inviting at least one Green may dramatically increase the chances of implementing the minority's preferred policy if the Green testifies in support of that policy while not holding a hearing will completely rule out this possibility.

The other more interesting implication is that a majority chair has a stronger incentive to hold a hearing when he intends to grandstand in a hearing without calling a Green himself (SG2 or NG) while the hearings that a minority chair is more likely to hold tend to be either fully or partially informative (AG or SG1). Thus, the majority chair's relatively stronger incentive to hold a hearing whenever it exists is mainly driven by his incentive to grandstand, reap private benefits, and in case of SG2, let the minority member provide the information which serves as public goods. In contrast, a minority chair's unilateral decision to hold a hearing is driven by information-seeking incentive which benefits all. Table 1 summarises a chair's decision to hold a hearing depending on his party's majority status and the expected selection of witnesses assuming $c = .2$ and $\theta = .8$ to be consistent with Figure 1.

Figure 1 displays point predictions of both majority and minority chairs' hearing decisions. In most of the equilibrium space, both types of chairs hold a hearing. However, when $q < .1$ and $d > .75$, neither holds a hearing. If $.1 < q < .2$ and $d > .75$, which corresponds to the space marked as (A), only a majority chair holds a hearing, and the resulting hearing will be

Table 1. Chairs' hearing decisions.

Expected witness selection	R chair holds a hearing if …	B chair holds a hearing if …
NG	$q > .1$	$q > .2$
AG	$d < .438$	*always*
SG1	$q > .4d - .1$	*always*
SG2	$q > .2d - .05$	*always*

Note: The utilities are calculated assuming c = .2 and $\theta = .8$ to be consistent with Figure 1. If a chair is indifferent, he holds a hearing with .5 probability.

intended for grandstanding. On the other hand, only a minority chair holds a hearing in a triangular space marked as (B) where SG1 or SG2 is expected and $q < .2d - .05$, or in a rectangular space marked also as (B) where AG or SG1 is expected and $.438 < d$. Therefore, this pattern confirms the most interesting and somewhat counterintuitive prediction of this research note: When a principal is moderately biased in favour of the majority member of a committee, having a minority chair as opposed to a majority chair is likely to help the principal make a more informed policy decision.

In addition, I also solved the model assuming a neutral principal that is indifferent between two policy alternative ex ante. Findings suggest that there are situations where only a majority chair holds a hearing, and such a hearing will be either partially informative (SG2) or uninformative (NG) at all. However, experimental evidence from Park discounts the possibility of the former, which implies that having a majority chair is likely to increase the frequency of hearings full of grandstanding. The solution and further discussion are presented in the online appendix.

Discussion

This research note explored which of the majority and minority committee chairs is more likely to hold an informative hearing under various conditions and provides new theoretical arguments about the informational role of committees as follows. When a floor pivot is biased in favour of the majority member of a committee there are some conditions in which only a minority chair holds a hearing while a majority chair does not, and that hearing is likely to be informative, which is unexpected and surprising. However, when only a majority chair holds a hearing, the hearing tends to be full of grandstanding. Similarly, when a floor pivot is unbiased, hearings that only a majority chair holds is likely to be used for grandstanding.

Therefore, this study makes an important, practical suggestion to legislative bodies with committees that assigning committee chairmanship to minority party members can be institutionally desirable not only for the representation of minority voice but also for the efficiency of the institution through enhanced information transmission.

Notes

1. 'Best Practices for Collaborative Policymaking' (n.d.) by Bipartisan Policy Center. https://d3n8a8pro7vhmx.cloudfront.net/fairvote/pages/611/attachments/original/1450119526/Best-Practices-for-Collaborative-Policymaking.pdf?1450119526
2. In their study of political parties in US state legislative committees, the authors report that in 98 chambers during the 1977–8 session, 28 out of the 1,643 committee chairs (1.7 per cent) were members of a minority party. These cases are

mostly from the following six chambers – the Senates in Alaska, California, Tennessee and Vermont, and the lower houses in California and Vermont, and their mean percentage of committees with a minority chair was 25.6 per cent. During the 1989–90 session, they find that the percentage of minority chairs increased three-fold to 5.1 per cent.

3. The US Congress has a similar rule such that minority members of a committee can invite witnesses for at least one day of hearings when majority of them sends a written request to the chairman (RULE XI, 2(j)(1) in the House, and Rule XXVI, paragraph 4(d) in the Senate).
4. Note that although the model assumes a two-party competition, it can be applied to a multi-party context given that coalition politics often results in a competition between two largest coalitions.
5. I tried other larger numbers of witnesses with one person inviting more witnesses than the other, but the major implications of the model remain almost the same.
6. Therefore, the witnesses are assumed to be a non-strategic actor although treating them as strategic actors may extend the model highlighting other interesting aspects on the interactions between the members and witnesses.

Disclosure statement

No potential conflict of interest was reported by the author.

Notes on contributor

Ju Yeon Park is a political scientist specialising in legislative processes and legislative behaviour in American politics. She holds PhD in Politics from New York University and is currently a postdoctoral research fellow at School of Computing and Information at University of Pittsburgh.

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