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The Continental Congress and the Origins of  
the U. S. House of Representatives

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#### INTRODUCTION

The primary role of committees in legislatures is to reduce decision making costs through a substantive and managerial division of labor. The use of committees, of course, is not limited to legislatures. Committees are used under a variety of circumstances, from local to International organizations and in public and private settings, in each instance, the primary advantage of a committee is to reduce decision making costs for the broader organization. These costs take various forms, ranging from those imposed by the Institution for building an agenda to those that are a part of searching for and processing information.

Legislative committees reduce decision making costs for their parent institution in two ways. First, they constitute a time-saving device for decision makers. Through a system of division of labor, legislators are not forced to investigate, distill, and analyze every piece of information relevant to every decision. Instead, committees are charged with organizing relevant information and reducing the wide array of alternatives proposed by legislators. Non-committee members, then, are presented with this distillation and compilation. This reduces the resources that non-committee members must spend when considering a piece of legislation.

A second reduction of decision making costs is obtained through the cumulative development of expertise within committees with non-overlapping jurisdictions. Division of labor implies more than simply splitting up tasks among subsets of members. Where committees are specialized and there is consistency in membership overtime, then, efficiencies are gained when gathering information. The committee members are much more likely to know where to obtain needed information. In addition, expertise enables informed committee members to quickly discount proposals without merit and

focus on that legislation which is meritorious.

While committees are useful mechanisms for reducing some decision costs, they may impose distinct costs of their own on the broader Institution. Allowing a subset of decision makers to distill the array of available alternatives opens the possibility for manipulating those alternatives. Where a committee holds monopoly rights over matters referred to it, committees can effectively manipulate an agenda. There is every incentive to do so, as well. Committees with jurisdiction in a domain are relatively specialized and they attract members with specific interests. The result is that the preferences of those on the committee may be much different from interests of those not on the committee. Therefore, those on the committee will use the powers at their disposal in order to obtain their preferred interests.

These considerations have led contemporary political scientists to focus on the formidable committee powers exercised in the modern Congress. In particular, work by Shepsle (1979), Denzau and Hackay (1963) Krenblel (1985, 1986), Wilson and Herzberg (forthcoming) point to the pernicious role that committees can play in the decision making process. Other researchers, notably Plott and Levine (1976) and McKelvey (1976, 1979), have noted the importance of agenda setting in the collective choice process. Taken together, these findings demonstrate that while committees can save time, they can also dramatically affect the policy process, either through protecting the status quo or manipulating proposals for change. The end result is policy that reflects the preferences of committee members rather than those of the broader membership on the floor. I

THE PROBLEM: THE ROLE OF COMMITTEES IN THE CONTINENTAL CONGRESS We focus on the Continental Congress for three reasons. First, the "7 A

Tension between keeping decisive Influence over legislative decisions on the floor of the Congress and reducing decision costs through the effective employment of committees was clear in these Congresses. State and local right! were Jealously guarded in the Continental Congresses and members were more likely to view themselves as Ambassadors from separate states than as citizens of a new nation (Jillson and Wilson, 1987). Therefore, their Instinct was to keep most decisions on the floor of the Congress and thereby, to seriously limit the Influence exercised by committees.

Second, we are concerned with the manner in which the committee structure evolved In the Continental Congresses. This concern with evolution Is of particular interest because the peculiar organizational structure of the Continental Congresses provided important lessons, most of them negative, for the Federal Congresses that succeeded them (Thach 1923, p. 57). A substantial proportion of the members in the first Federal Congresses (35 of 65 In the House and 19 of 26 In the Senate) had also served In the Continental Congresses.<sup>2</sup> Among this group of legislators with experience at the national level, there was near unanimity that the Confederation Congress had been inadequate. As a result, the frustrations accompanying membership in the pre-national Congresses influenced the development of new institutional structures In the Federal Congresses.

In light of this point, we have a third Interest in the Continental Congresses. Why would Individuals construct and then maintain over the course of more than a decade Institutional procedures that frustrated efficient performance? The historical record is clear that the Continental Congress was Inadequate for addressing many of the problems facing the new nation. Our discussion of the evolution and development of committees in the Continental Congress will show how they attempted to address these Inadequacies and why they did not go further.

#### THE PATTERN OF COMMITTEE ORGANIZATION AND DEVELOPMENT

The Continental Congress was not formed by the stroke of a single galvanizing event. Nor were its roles, responsibilities, and powers built on a deliberative foundation such as that provided for the Federal Congress by the Constitutional Convention. Instead the First Continental Congress began, on 5 September 1774, as a "meeting of committees" (McConachle, 189e, P. 6j Thach, 1923, p. 56) from the various colonies, which came together to discuss common grievances against the British Crown (Jensen, 1940. p. 561 see also the credentials of each colonial delegation as filed on t»»e first day of the First Continental Congress, Journals of the Continental Congress, volume 1, pages 15-24, hereafter Journals. 1\*15-24). Organized more as a coordinating committee and an Information clearinghouse, than as a legislative body, those in the First Continental Congress gave little thought to Institutional structure.

The first decision taken by the Continental Congress was to elect Peyton Randolph, the long-time Speaker of the Virginia House of Burgesses, as President. Charles Thomson, a prominent Philadelphia radical, was elected Secretary (Hendricks, 1979). Immediately, a Motion was made from the floor by New York's James Ouane that a committee be appointed \*to draw up some rules of conduct to be observed by the Congress in debating and determining questions" (Journals. It25). It was clear to everyone, however, that the motion for a rules committee was a stalking horse for an attempt by Duane, Patrick Henry, and other delegates from the larger states to achieve voting rights In the Congress In proportion to population, wealth, or some other principle that would differentiate them from their smaller colleagues. When John Adams asked Duane to "point out some particular regulations which he had in his Mind. He [Duane] mentioned

particularly the method of voting, whether It should be by Colonies, or by the poll, or by Interests" (Letters. Burnett, ed., I-.7; hereafter, all citations to Letters should be understood to be to the Burnett edition).

John Rutledge of South Carolina opposed appointment of a rules committee on other grounds. Rutledge simply observed that "doubtless the usage of the House of Commons would be adopted in our Debates, and that as every Gentleman was acquainted with that usage, it would be a Waste of Time to appoint a Committee on this Subject." (Letters. 1:9). This argument must have been persuasive, since the rules of parliament were also the rules of the colonial legislatures in which virtually all of these delegates had served. Nonetheless, the reference to Inconvenience was not to be ignored in a situation where novelty would require certain flexibility.

The conflated debates on rules and voting concluded on 6 September when the questions, "Shall a Committee be appointed to draw up rules," and "Shall a Committee be appointed to fix the mode of voting by allowing each province one or more votes, so as to establish an equitable representation," were both defeated on unrecorded votes. Instead, the Congress "Resolved, that...each Colony or Province shall have one Vote. - The Congress not being possessed of, or at present able to procure proper materials for ascertaining the Importance of each colony" (Journals. 1=25). Congress also passed three resolutions designed to give it the time and space to begin its work. First, It "Resolved. That no person shall speak more than twice (relaxing the practice of Parliament) on the same point, without the leave of the Congress." Second, It "Resolved. That no question shall be determined the day, on which it is agitated and debated, if any one of the Colonies desires the determination to be postponed to another day." And finally, since there was more than a whiff of treason in the air, the Congress "Resolved, that the doors be kept shut during the time of

business, and that the members consider themselves under the strongest obligations of honor, to keep the proceedings secret, until the majority shall direct them to be made public" (Journals. 1:26). The cumulative effect of these few formal rules adopted in the first Congress was to open debate and encourage frank discussion of the complex and sensitive Issues facing the body. By the same token such rules limited the power of the President to selectively lead discussion.

Following adoption of the rules, the Congress agreed that two committees should be formed, one to state the rights of the colonies and the Infringements that these rights had suffered, and another to examine and report on the British statutes affecting colonial trade and manufactures. Appointments to these committees the first of the Congress, were postponed to the following day. When Congress reconvened on 1 September, debate limed lately turned to the criteria by which to make assignments to committees. The choice was conceived to be between the experience and expertise of Individual delegates and the role and rights of the Individual states. South Carolina's Thomas Lynch "moved that the Appointment might be made out of the Members at large without Regard to Colonies alleging that In this way the Gentlemen who had made this point their study and were best qualified would be fixed upon." James Duane records that

This occasioned much debate - the difficulty of knowing who possessed this Qualification in the highest degree - The different Rights of the several Charter Governments and their infringements, which must be best known to their respective Representatives, were insurmountable objections; and it was accordingly -Resolved, That this Committee (on rights and violations of them) shall be composed of two members from each Colony, to be recommended by their associates. (Letters..

Both of these committees had their members selected by the members of the separate state delegations (31 of the 45 members attending on

7 were elected to one of the other of these committees). Such committees, usually composed of one member from each state, were regarded as "Grand" committees and came to be the Congress' common form for dealing with important matters (see Henderson, 1974, p. 157 for a discussion of the means by which the larger states achieved and enjoyed additional Influence). These two committees dominated Congress' attention until the end of September.

In late September, two smaller committees were formed to draw up a plan to boycott British goods and to prepare an address to the King. Unlike the relatively free hand given the two large committees, these smaller committees were given specific Instructions. The same was true of the remaining five committees appointed during the First Continental Congress. In four out of six cases where these committees were charged with reporting to the floor, the reports were read, discussed, and recommitted with additional Instructions. From the outset of the Continental Congress, then, committees were regarded with suspicion and closely scrutinized (HcConachle, 1898, p. 33).

Yet, debate in the Committee of the Whole proved to be painfully slow. After Congress had been in session for only a little over a month, John Adams wrote to his wife, Abigail; "I am wearied to death with the life I lead. The business of the Congress is tedious beyond expression. This assembly is like no other that ever existed. Everyman is a great man, an orator, a critic, a statesman;...The consequence of this is that business is drawn and spun out to an Immeasurable length" (Letters, 1970). Almost all important activity took place on the floor or. In this First Congress, in very large committees, and even simple matters referred to committees were accompanied by detailed Instructions. When the First Continental Congress adjourned on October 26, 1774. It left behind no standing

committees and no organization to monitor the deepening crisis.

In short, the First Continental Congress provided no detailed institutional basis for committees. A small number were appointed, with the largest tackling the major Issues over which the Congress had convened. However, members preferred that the bulk of the work be focused on the floor. John Adams no doubt echoed the feelings of others when he privately noted that the two Grand Committees had been appointed too soon and that the debate occurring in the committees should have been reserved for the Congress as a whole (Adams Works II: 373-374).

Although providing little precedent for subsequent Congresses, the rules of procedure adopted in 1774 were again put into effect in 1775. More detail and further elaboration was provided in 1776 and again in 1778. It was not until March of 1781 that the rules of Congress spoke directly to the way in which members would be selected to committees (Journals. 201476-482). Of the 26 rules approved on 4 March 1781 two, 19 and 20, dealt in explicit fashion with the manner of election of members to committees. Rule 19 dealt with "grand committees" and rule 20 with "small committees." Rule 19 read.

When any subject shall be deemed so important as to require mature discussion before it be submitted to the decision of the United States in Congress assembled. It shall be referred to the consideration of a grand committee consisting of one member present from each State, and in such case each State shall nominate its member. Every member may attend the debates of a grand committee and for that purpose the time and place of its meeting shall be fixed by the United States in Congress assembled.

Rule 19 confirmed that elections to "grand committees" would be conducted within each state delegation, as they informally had been since the opening days of the first Congress.

Rule 20 provided the first formal statement about how members to small committees were selected, though it seems very likely that this rule, like

the rule for selecting "grand committees," merely formalized the general practice of the Congress, as opposed to initiating some new system. Rule 20 read:

The states shall ballot for small committees, but if upon counting the ballots, the number required shall not be elected by a majority of the United States in Congress assembled, the President shall name the members who shall have been balloted for, and the house shall by a vote or votes determine the committee.

Small committees were elected on the floor by the assembled delegates.

The Second Continental Congress, which convened on 10 May 1775, faced a marked change in circumstances. The hostilities initiated at Lexington and Concord in April had inflamed a martial spirit throughout the continent. In this climate Congress simply readopted the rules and procedures of the first Congress (including the unit rule for voting by states) and set out to confront the demands and requests that began to pour in upon them. Once again, John Adams gave voice to his colleagues' concerns when he wrote to James Warren on 21 May 1775 that, "Our unwieldy Body moves very slowly...Such a Vast Multitude of Objects, civil, political, commercial and military, press and crowd upon us so fast, that We do not know what to do first" (Letters, 1:95; see also 1x111 for another delegate's very similar complaints). The Congress, with its simple rules of debate, insistence on legislating from the floor, and limited membership, turned increasingly to committees to handle the work load. Soon, delegates such as Silas Deane were complaining that "Committees take up all my spare time" (Letters, 1:133). Although Congress usually did not assemble until the late morning hours and ended in the late afternoon, committee activities took place both before and after meetings of the Congress. Moreover, Congress met six days a week (and some committees met more frequently).

The press of business and the multitude of committees appointed to handle the affairs of state inevitably gave rise to considerable confusion as to what business had been completed and what remained outstanding. One of the first attempts at making sense of the ad hoc committee appointments came in late 1775 with the formation of a committee to examine the Journals and compile a list of those committees which had not yet finished their business (Journals, 3:454; 4:59). It was found that a large number of committees had yet to report back to the floor and complaints were brought that many of the delays were due to absences.

Also in late 1775 and early 1776, a different way was sought to draw together and coordinate the work of the Congress' many ad hoc committees by creating standing committees of broad jurisdiction. It soon became obvious that members could not attend to their general duties in the Congress and give sufficient and continuous attention to the pressing executive business of the standing committees to which they were assigned. In response, Congress, generally during 1777 and 1778, sought to lighten the executive responsibilities of its standing committees by creating administrative boards, almost all of which were composed of two members of Congress and three non-members, selected by the Congress. Standing committees generally remained in place to instruct, monitor, and not infrequently, to investigate and accuse, the members and staff of the administrative boards. When these multi-member boards proved to be ineffective, generally by 1780 and 1781, Congress replaced them with individual secretaries who were not members of Congress. Once again, standing committees remained as mediators between the Congress and its new executive apparatus. Most of the executive and administrative business of the Congress was performed by these secretaries throughout the latter half of the Confederation period.

#### The Rise of Standing Committees.

Most of the committees appointed in the first months of the Second Congress were concerned with rather narrow matters, quickly reported to the floor, the discharge of which was simultaneously the dissolution of the committee. As a new piece of business came forward, a new committee was organized to handle it. For example, on 27 May 1775, a series of special committees, including a six member committee assigned "to consider of ways and means to supply these colonies with Ammunition and military stores," were named (Journals, 2<67). Other committees were soon named to "bring in an estimate of the money necessary to be raised," and to "to bring in a draft of Rules and regulations for the government of the army" (Journals. 2<80, 90). By the fall of 1775 Congress was attempting to create order through the construction of a number of standing committees. The most important of the new standing committees, given the rapidly deteriorating political situation, was the Secret Committee, created on 18 September 1775, to buy or arrange for the manufacture of arms, ammunition, and gunpowder. Nonetheless, its Jurisdiction was hardly exclusive as ad hoc committees, such as the Cannon Committee, established on 15 January 1776, continued to be appointed in closely related areas of responsibility.

Washington's complaints about the difficulty of dealing with Congress' myriad and often changing military committees led to the appointment of a new committee in January 1776 to consider appropriate reforms. The result was a resolution approved on 12 June 1776 to establish a Board of War and Ordnance. The Board was composed of five members of Congress, with John Adams in the Chair. Its responsibilities included raising troops, keeping records of the officer corps and the disposition of troops, coordinating the distribution of supplies and money to the army, and maintaining all of the records of the army. Even though the Board's Jurisdictional bounds

were well defined, numerous ad hoc committees continued to be appointed with duties that Infringed on the Board.

Eventually, though not quickly, the Board of War and Ordnance subsumed the Secret, Cannon, Medical, and several related committees. Not surprisingly. It became almost Immediately evident that sitting members of Congress could not. In addition to their other duties, superintend preparation for and conduct of a major war on land and sea. John Adams informed Abigail of the creation of the Board of War by noting, "The Congress has been pleased to give me more business.. .They have established a board of war and ordinance, and made me President of It...The Board sits every morning and every evening. This with constant attendance in Congress will...entirely engross my time" (Letters. 1:512). Congress' first response to complaints from member of the Board of War and Ordnance about the workload was both feeble and slow; it was the appointment of an additional member in March of 1777.

The committee which ultimately was charged with managing the Congress' naval affairs also grew from a series of ad hoc, task specific, committees appointed early in the Second Congress. On 5 October 1775 Congress created a three man committee to prepare a plan for Intercepting two British ships reported bound for Canada with supplies and munitions for the British troops (Journals. 3:277). On 13 October a second committee, which came to be called the Naval Committee, initially with three members but soon enlarged to seven, was appointed to carry out the plan and to arrange for fitting out two swift vessels (Journals. 3a294). Edmund Burnett relates that "having completed the task for which it was appointed, perhaps also because its membership had dwindled in consequence of absences. It was allowed to die a natural death" (Burnett, 1941, p. 120).

The demise of the Naval Consult tee was hurried forward by the appointment on It December 1775 of a grand com It tee, one member from each state, to prepare a general plan for setting the naval defenses of the country. Typically, only three days later, a new grand committee, though it included ten of the same delegates, was named to carry out the program for naval defense. This second grand committee came to be known »s the Marine Committee. The Marine Committee, like the Board of War and Ordnance In regard to land forces, was responsible for managing naval affairs on a day to day basis. Again, like the Board of War and Ordnance, It was soon overwhelmed by administrative detail and in November of 1776 a Navy Board of three commissioners was appointed "to perform the work of the Marine Committee under fits direction" (Guggenheinter. 1969, p. 140).

The congressional apparatus for finance also had its origins in committees created early in the Second Congress. Congress began printing money to finance its military preparations in the Summer of 1775. Initially, two treasurers were appointed to secure the money and oversee its distribution. On 23 October 1775 Congress supplemented its treasurers with the Grand Committee of Claims, to evaluate and report to the Congress on all charges filed against the funds of the united colonies. As financial demands on the Congress continued to grow over the course of the Winter, a five member committee of congressmen was appointed on 17 February 1776 to supervise the growing number of treasury officials and to oversee future emissions of bills of credit. Finally, In April a new standing committee called the Treasury Board was appointed to oversee the new Treasury Office of Accounts which was to keep all government financial records. By July the Treasury Office of Accounts subsumed the responsibilities of the old Committee of Claims. Though standing committees now existed to oversee both the procurement and the expenditure

of funds, "special committees were continually being appointed to assist treasury officials, usually to devise plans for raising money" (Guggenhelmer, 1889, p. 131).

The third administrative area following the military and the financial, that the Second Congress had to deal with immediately was foreign affairs. Congress initially charged a committee of five on 29 November 1775 with "the sole purpose of corresponding with our friends In Great Britain, Ireland, and other parts of the world" (Burnett, 1941. p. 118). This Committee of Secret Correspondence had responsibility for all foreign correspondence and for instructions to ministers and agents at foreign courts. Though the membership of the committee changed frequently and its name was eventually changed to the Committee of Foreign Affairs, its jurisdictional bounds remained largely unchanged for several years.

Pressure on the Congress and Its committee system continued to build through the Summer of 1776. On 10 June 1776 William Whipple wrote to John Langdon that, "Congress never were so much engaged as at this time, business presses on them exceedingly.. .There are so many irons in the fire. I fear some of them will burn" (Letters. 1»479). By the end of 1776 it was apparent to many members of Congress that standing committees alone would not solve Congress' administrative deficiencies. First, many ad hoc committees were appointed that duplicated or took away matters fro» the standing committees. Second, members simply did not have the time to attend full sessions of Congress, work in committees, and exercise their administrative responsibilities. Robert Morris warned In a sternly worded letter to the Committee of Secret Correspondence on 16 December 17J6; that "If Congress mean to succeed in this contest, they must pay good executive men to do their business as It ought to be, and not lavish millions away by their own mismanagement. I say mismanagement," he explained, "because no



man living can attend the daily deliberations of Congress and do executive parts of business at the same time" (Letters, 2:176).

#### The Rise of Commissions.

Congress, as was its habit, dealt with its most pressing emergencies first, while lesser problems piled up in the hopper. As early as July of 1777 Congress resolved to create a three member Board of War, composed of persons not members of Congress to supplement its struggling Board of War and Ordnance. After additional consideration, the new Board was increased to five members, with General Gates in the Chair. In addition, the Board of War was immediately empowered to hire a secretary and clerks to help with its day to day affairs. A year later, in October 1778, Congress partially repented giving up these critical responsibilities to non-members by adjusting the character of the new Board in a way that became the pattern for executive boards named later. The Board of War was to be composed of two members of Congress and three non-members. Congress' reticence to give up authority to its boards is further highlighted by the fact that

the assumption of control by the new officials in the latter part of 1778 (the Board of War) was not...a signal for the retirement of those already in office (the Board of War and Ordnance). Work was still found for both. Properly enough, the ordinary routine work was left to the Board of War; while the Board of War and Ordnance, whose members had seats in Congress, served as a superintending committee, transmitted messages from Congress to its commissioners and back again, and sometimes acted as a mouthpiece of the latter in the legislative body\* (Guggenheimer, 1889, pp. 125-126).

Congress' more general response was to watch the board very closely and to impose itself on them frequently. Henderson argues that the fact that "the Board of War never obtained independence from Congress can be seen in the constant formation of special committees to consider the condition of the army." Further, "no authority over the formation of policy was granted to

the Board, and many of its relatively insignificant decisions had to be reviewed by the Congress" (Henderson, 1974, p. 265).

Congress worked through the summer of 1778 to address its administrative deficiencies. However, as was common with the Congress, even during the active war years, absenteeism, turnover, and the constant stream of purported emergencies, conspired to slow reform. One of the most important implications of absenteeism and turnover was its impact on institutional memory and the capacity of individual members to develop and apply expertise. Throughout the summer, Josiah Bartlett worked to interpret the deficiencies of the Congress for his correspondents. Bartlett identified the crush of normal business, inadequate organization, and turnover, as the key problems hindering the Congress' ability to meet the demands being placed upon it. In late July, he wrote that "The almost innumerable letters and business that daily crowd upon Congress for want of regular Boards, properly appointed and filled, and the time it takes in such large Assemblies, to transact business, keeps us forever behindhand in our affairs" (Letters. 3:351). In mid-August, he wrote to John Langdon, saying, "I am sorry to say our Treasury, Marine and Commercial Affairs are in a very bad situation owing to their being conducted by members of Congress who can spare but little of their time to transact them, and are so constantly changing that before they get acquainted with the business they leave Congress and new members totally ignorant of the past transactions are appointed in their stead" (Letters. 3:379} see also 3:420).

In 1778 and 1779 Congress moved to supplement several of its principal standing committees, marine, treasury, and foreign affairs, with joint member/non-member boards. Working with the Marine Committee, Congress approved a resolution on 28 October 1779 to put all marine and naval

affairs under the superintendence of a five member (three non-members and two members) Board of Admiralty (Journals. 15:1216-1218). The board, which Mass granted essentially the same responsibilities as the Marine Committee which it replaced, was "to be subject in all cases to the control of Congress." The Board of Admiralty executed the Congress' naval affairs until well into 1781.

Reform of the congressional finances was undertaken as early as August, 1778. When a committee of five, named the Standing Committee of Finance and chaired by Robert Morris, was appointed. Morris' committee issued a series of reports, culminating in the report of 26 September 1778 by which the whole department was reorganized (Journals, 12:956-959). As part of Morris' plan the Treasury Office of Accounts was dismantled, but the Treasury Board, the original grand committee appointed early in 1776, was retained as Congress' link to its growing but inefficient treasury establishment, finally, on 30 July 1779 the old Treasury Board was replaced by a new Treasury Board composed in the now standard division of three non-members and two members of Congress (Journals, 14:903-908).

Alone among the major standing committees of the early Congress, the Committee of Foreign Affairs avoided the major spurt of reforms of 1778 and 1779. Nonetheless, absenteeism and turnover affected this committee as it did all others, making the Committee of Foreign Affairs the subject of increasing complaints for tardiness and inattention to detail in 1779 and 1780. During much of this time a single member of Congress, Massachusetts' James Lovell, had almost sole responsibility for the committee's day to day business. The Committee of Foreign Affairs, like the boards administering war, marine, and finance, were, as Guggenheimer points out, "rarely entrusted with the determination of weighty questions of policy, such matters usually being left to special committees" (Guggenheimer, 1889, p. 145).

Thomas Burke, after spending two years in the Congress, concluded that the Institutions' deficiencies ran deeper than mere flaws in its committee structure. In August 1779 Burke wrote a long and very thoughtful letter to the North Carolina Assembly concerning the general nature, character, and conduct of the Congress. He began by addressing its inefficiency, saying, "It is obvious that much time is spent on unimportant subjects, that many questions of order are defeated and some of them perhaps decided in a manner that may appear extraordinary to legislative assemblies." Burke explained that "the latter is occasioned by the nature of Congress which is a deliberating executive assembly, to whose proceedings the rules of order established for deliberating legislative assemblies will not always apply." Worse though, absence of workable rules, well adapted to the nature and needs of the Congress, "make the rules of order in that assembly very arbitrary and uncertain, hence frequent disputes arise thereon. Much time and debate are wasted" (Letters. 4:367). The characteristic consequence of ill-adapted and uncertain rules of debate and procedure had been described some time earlier by South Carolina's Henry Laurens when he wrote to fellow South Carolinian John Gervais that he had "been witness to a report made by a committee of the whole, which had been entered upon the Journal, superseded by a new resolution even without reference to the report. A resolution carried almost nem con - entered, and half an hour after reconsidered and expunged. When I add that such irregularity is the work of almost every day, you will not wonder that I wish to be any where but in Congress" (Letters. 2:482; see also 2:488).

The Congress Organizes 'Civil Executive Departments.'

During the late 1780 and early 1781, the inefficiency of the states in forwarding the men, supplies, and money called for by congressional

regulations quickly led to calls within Congress and from the states, particularly those in New England, for Congress to retake control of the war. Over the winter, several committees were given overlapping charges to propose plans for organizing "civil executive departments." Several Members of Congress reported Congress' determination to appoint non-member department heads to assume much of Congress' traditional administrative burden. William Floyd, writing to George Clinton, Governor of New York, noted that, "Congress have, from a conviction of the impossibility of their doing the whole business of this Continent within themselves, agreed to appoint a person at the head of each great department... These officers are each to take the charge of their respective departments, and to be accountable" (Letters. 5:564; see also 5:545).

Over the Fall and Winter of 1760 and 1781 a new executive structure was created and then haltingly implemented during the Summer and Fall of 1781. This last major series of administrative reform commenced with a resolution of 29 August 1780 in which a committee of five—Robert R. Livingston, Joseph Jones, James Love I!, John Henry, and Timothy Matlack—was charged with reporting a plan for the arrangement of the "civil" executive departments." More than three months earlier, 15 May 1780, James Duane had moved for a committee to rearrange the Committee of Foreign Affairs. Duane, Lovell, and William Churchill Houston had been appointed the committee and had issued their report on 12 June, but Congress did not take it up until December. The Congress' characteristically poor winter attendance slowed the committee of five's work virtually to a halt as every member of the committee save Lovell drifted away (Burnett, 1941, p. 490).

On 6 January 1761 four new members were appointed to join Lovell as the only remaining member of the committee of five. Congress' full attention was, for a time at least, directed to the issue of executive reform. On 10

January the earlier Deane committee report providing for a Secretary for Foreign Affairs was adopted, while on 13 January the new Lovell committee made its report concerning the remaining departments (Journals. 19:57). Finally, on 7 February, after much discussion, but in a climate of remarkable consensus, the Congress decided to place the departments of war, marine, and treasury. In addition to foreign affairs, under single responsible Secretaries (Journals. 19:125-128).

Initially, elections to these executive department headships went smoothly. Robert Morris seemed the obvious choice for the critical position of Superintendent of Finance and was duly elected to the position on 20 February. Alexander McDougall, a General in the army and a delegate to the Congress from New York, was elected Secretary of the Marine Department on 27 February, but Congress refused to allow him to take up the position when he declined to resign his military post. After additional attempts to fill the office failed, the position of Agent of Marine was created and its duties were assigned to Robert Morris. Initial balloting for the position of Secretary of War was held on 28 February but the final decision, in which General Benjamin Lincoln was selected, was not reached until 1 October. The office of Secretary of Foreign Affairs, the first of the Secretaryships to be approved, was not filled until 10 August, when, after several ballots, Robert R. Livingston was chosen over Arthur Lee.

By the time the duties of these offices were taken up by their incumbents the land war in the colonies was all but over—Cornwallis surrendered his entire army to Washington at Yorktown on 19 October. This reduction in immediate pressure, both military and financial, together with the salutary effects of the administrative reforms themselves dramatically reduced the burdens under which the Congress had struggled for so long. What is more, the new executive departments proved to be more «table than

the Congress could have hoped for. For example, the office of Secretary of War was held by only two men, General Benjamin Lincoln and General Henry Knox, with a brief break between the two In 1784 and early 1785, from the creation of the office to the rise of the Washington administration. In fact, Henry Knox continued in this post well into President Washington's second term, resigning on 31 December 1794.

Creation of the executive departments, particularly Morris' Department of Finance, relieved Congress of some of the time consuming minutia that long had clogged and delayed its proceedings. In early July, James Barnum informed Governor Greene of Rhode Island that Morris was taking hold quickly and that great benefits were expected. (Letters. 6:134; see also 6:284 and 6:352). Congress' relief at having its administrative burdens so noticeably lightened was palpable through the latter half of 1781 and into 1782. As late as mid-October 1782 David Howe could write to Nathaniel Greene that "the affairs of the United States are at this day so well digested and reduced to such good Order and System under the Heads of the great Departments...little remains to be done" (Letters. 6:510).

Not surprisingly, however, several of the old revolutionaries were less sanguine about executive departments headed by non-members. In mid-July 1781, soon after Morris took over his duties, Thomas McKean wrote to Samuel Adams, saying, "there are some amongst us, who are so fond to have a great and powerful Man to look up to, that.. they.. seem anxious to confer kingly powers, under the titles of Dictator, Superintendent of Finance, or some such" (Letters, 6:139). Arthur Lee was so enraged by the elevation of Morris that he complained to James Warren that "the rapacity of a certain person [Morris] after power and profit, and the little caution or wisdom that governs appointments," together with "promises of relief from his

wonderful abilities, operate like a charm upon weak minds" (Letters. 6:389-390). The opposition directed against Morris eventually led to his resignation and Congress replaced the Super Intendency of Finance with a three-member Board of Treasury whose members were chosen by Congress.

#### CONGRESS IN ITS WANING YEARS

Formal adoption of the Articles of Confederation early in 1781 changed the rules for representation of the states in Congress – each state had to have two delegates on the floor to cast a vote. The number of positive votes needed to decide issues also changed. Before the Articles were approved a simple majority of the states present and voting could decide matters. After the Articles were ratified, seven votes were required to conclude regular business; nine votes were required to decide important business. In addition, the victory at Yorktown in mid-1781 greatly reduced the sense of immediate danger from British troops. After the war, when attendance began to slip badly, sometimes weeks, even months, would pass with a quorum only very rarely present. As quorums became increasingly difficult to achieve and sustain, business languished and discouragement deepened.

Thomas Jefferson expressed to Governor Harrison on 16 January 1784 the belief that "If we had thirteen states represented by three members each we could clear off our business in two or three months, and that hereafter a session of two or three months in the year could suffice" (Letters, 7:420). Circumstances were, in fact, much less propitious. Six weeks later, Jefferson wrote that, "a ninth state appeared today, but eight of the nine being represented by two delegates each, all important questions will require not only an unanimity of states, but of members, for which we have no reason to hope" (Letters. 7:458; see also William Every's comments at

8t15). Given the politics of the Congress after 1784, dominated as they were by struggles over the western lands, commerce, and the Mississippi, all of which cut a deep north/south fissure through the Congress, such unanimity was almost Inconceivable (Jillson, forthcoming, pp. 23-39).

John F. Mercer made precisely this point in a letter to Madison, who had been forced out of the Virginia delegation after serving the Articles' allowable maximum of three years in a row, saying, "those repellent qualities the seeds of which are abundantly sown in the discordant manners and sentiments of the different States have produced great heats and animosities in Congress, now no longer under the restraint imposed by the Mar...The feeble and disconnected efforts, of the different States, have dwindled almost to nothing" (Letters, 7: 610). Ephraim Paine made a similar point more colorfully to Robert Livingston in saying that "the Southern nabobs behave as though they viewed themselves a superior order of animals when compared with those of the other end of the Confederacy; this Sir, you know, does not agree with the great spirits of the Northern gentry" (Letters. 7:534).

Throughout 1785 and 1786 attendance remained so low that little could be accomplished and delegates came increasingly to believe that broad scale changes were needed. 1786 was perhaps the most despairing year in the entire history of the Continental and Confederation Congresses. The delegates were almost obsessed with the steady deterioration of an institution in obvious dissolution. In January, John Hancock, who served as President of the Congress through June of 1786, wrote to "Certain States." saying, "three months of the federal year are now completed and in that whole period no more than seven states have at any one time been represented. No question except that of adjourning day to day can be carried without perfect Unanimity" (Letters, 8:291). And in June, James

Manning, a new delegate to the Congress, informed his absent colleague Nathan Miller, also a new delegate, that "Matters highly interesting to this Confederacy? and indeed I think to the Question whether the federal government shall long exist, are now before Congress, and there are not States sufficient to transact the necessary Business" (Letters. 8:300-301. 332, 354-355, 383; see also McLaughlin, 1905. p. 86).

While Congress struggled to achieve a quorum, sometimes waiting months at a time, the executive departments carried on the day to day responsibilities of government and gave the Confederation whatever continuity and stability it enjoyed during its waning years. Nonetheless, because Congress gave the departments little policymaking authority and required that many of their actions, even the most trivial, receive approval prior to execution, the departments were often as frustrated with the Congress as the Congress was with the states and the members in attendance were with their absent colleagues.

#### ANALYSIS OF COMMITTEE APPOINTMENT PATTERNS

To this point we have only sketched an outline of committee development in the pre-national Congresses. Committees were used from the outset of the Continental Congress. However, they were largely ad hoc arrangements appointed in order to deal with any and all matters brought to the attention of the Congress. They lacked any clear jurisdictional bounds, were commonly instructed from the floor, and given little leeway. Although some committees were later appointed with quasi-executive functions, somewhat independent of Congress, the Executive committees lacked formal jurisdictional boundaries that precluded other committees from performing similar tasks. Finally, there was little consistency in policy making due to the large number of committees and turnover in

arship.

Much of what we have said so far has been Interpretative. Now we must deploy systematic evidence on the nature of committees in the Continental Congress. It is necessary to show that three points hold in order to support the interpretation we have given above. Our first contention is that a committee system based on jurisdiction, division of labor evolved only fitfully, and then incompletely, in the Continental Congresses. Second, we contend that the pattern of appointments failed to lead to the rise of expertise among members. Finally, we contend that rates of attendance were so low that it was difficult to support a committee system whereby consistency in policy making could be achieved.

The data analyzed here is derived from the Journals of the Continental Congress. The Journals provide a record of the activities of the Continental Congresses, describing motions made, legislation passed, and most importantly for our purposes, committees appointed. This project is an exploratory effort focusing on the development of committees. We collected data on committee assignments for the years 1774 - 1776, 1779, 1780 and 1785. Including the earliest years is obviously important for establishing a baseline against which the development of the Congress and its committees can be studied. The middle years, 1779 and 1780, represent years in which the Continental Congress was under the greatest pressure, facing the prospect of economic and military collapse. The final year, 1785, represented one of the last years in which the Continental Congress continued to meet and serve as an effective decision making body.

Our primary interest is in committee appointments. We took each committee that was formed and coded the members appointed to it. At this point, our analysis focuses on the initial appointments made to the committees even though some committees sat for extended periods and

additional appointments were made along the way. Another convention selected here is that committee assignments were coded by year. Following the First Continental Congress in 1774, there were almost no identifiable "sessions" held by the Congress. Following a short adjournment in the summer of 1775, Congress met year-around without interruption until 1783 (aside from fleeing Philadelphia ahead of British troops in 1776 and from their own troops in 1783). By 1783, "sessions" were roughly defined as extending from November of one year to November of the next. However, credentials of members came before the Congress at a variety of times and there was little interruption between the "sessions." We coded a total of 1076 distinct committees over the period, with a total of 4056 committee members. The bulk of the committees included 3 or 5 members (70.61 for the former and 20.4% for the latter). Other committees ranged in size from 2 to 22.

#### Committee Jurisdiction

Our first expectation was that if a committee jurisdictions system developed in the Continental Congresses, and then we should see a steady decline in the absolute number of committees formed each year. Even in the face of increased workloads over time, our expectation was that work previously referred to "ad hoc" committees would find its way into standing committees appointed to specialize in distinct subject matters. For much the same reason that the committees on War, Finance, and Foreign Affairs were appointed to ensure some degree of specialization and consistency in the matters they handled, we thought that additional standing committees would be formed and that the total number of new committees appointed each year would decrease.

Figure I contains a chart of the raw number of committees appointed during the years we examined. The small number of committees formed during the first Congress (1774) is obviously explained by the very short term and the peculiar circumstances of that Congress. Meeting for less than two months and for purposes of setting out the grievances of the assembled colonies, the administrative duties of that Congress were minimal. The Second Congress (1775), which began in Aid-Hay and recessed for a number of weeks during the summer, still appointed 105 committees. This number doubled to 209 new committees in 1776. It will be recalled that by late-1776 Congress had established standing committees in its most critical policy domains - military affairs, finance, and foreign policy. If more of the Congress' business following the rise of these standing committees was being transacted by specialized committees with well-defined Jurisdictions, then we would expect some decline in the number of new committees appointed each year. In fact, 1779 does show a modest decline (to 192) from 1776 levels. It is difficult, however, to attribute this small decrease in the creation of new committees to the increasing importance of standing committees because in the next year, 1760, fully 251 new committees were formed, and in the last year for which we have complete data, 1765, the number jumps to an all time high of 311 new committees. In sum, looking across the years 1779 to 1785, we find not a decrease, but an actual increase of more than 501 in the number of new committees formed (from 192 in 1779 to 311 in 1785).

<Figure 1 About Here>

The modal type of committee formed in these years remained stable while the total number grew steadily. Committees that treated letters, petitions, and memorials from various citizens were by far the most common. In 1779 45.8% (88 of 192) of the committees dealt with such letters (this includes

letters from various Officers in the Army and from Individuals empowered to do Congress' bidding). In 1785 a somewhat larger 55.31 (172 of 311) of the new committees created by the Congress dealt with letters referred to them from the floor. Surprisingly, even though substantial numbers of letters came in, many on similar topics, net, committees were appointed as readily in 1785 as they had been in 1779. Typically these letters and petitions also took up a good deal of the full Congress' time as they were rarely on the floor prior to the appointment of a committee to consider them.

This is not to say that Jurisdictional bounds did not exist. Many of the standing committees held Jurisdiction over matters that naturally came their way. Often letters or other matters would be sent directly to one of the Executive Boards. Those matters would be referred to the Congress and to the appropriate committee overseeing the Board. Members also noted the workload associated with being on committees with some reasonably clear Jurisdictional bounds. In 1779 James Duane made a motion seeking in the future to prevent appointment of members to both the Treasury and Foreign Affairs committees. As a member of both, he complained that the duties were so onerous that Individuals could not do Justice to the important work of either committee (Journals. 13 : 488). However, Jurisdictional boundaries even on these major committees were weak. Occasionally a matter would be referred both to a standing committee and to a newly appointed "ad hoc" committee (an early precursor to multiple referrals). Likewise, reports from standing committees were often referred directly to a newly appointed ad hoc committee (or vice versa). By all appearances such strategies were intended to prevent standing committees from dominating the agenda, since their work would, at least occasionally, be checked by another committee.

expertise

Jurisdictional boundaries never really developed in the Continental Congresses. The way in which appointments to committees were made over the years we investigated allowed little expertise to develop along specific policy dimensions. Without jurisdictional boundaries and in the absence of pockets of expertise across members the approach to handling matters brought to the Continental Congress remained piecemeal.

As a first cut, we looked for committees with duplications in membership. Appointing the same groups of individuals to committees would have implications for the rise of expertise. For example, if fairly distinct sets of delegates were viewed as experts in particular policy areas and were named to new committees each time an issue in this policy area came up, then the result would be that the same committee would be formed time and again. As can be seen from Table I, the proportion of duplicate committees is quite low, never exceeding 10%. Of the three identical pairs of committees appointed in 1775, only one pair dealt with a similar matter - both committees were delegated to draw up commissions for newly appointed officers to the Continental Army. Again, only one of the duplicate committees in 1776 had the common task of examining sundry letters and were appointed only a day apart. The pattern was much the same in 1779, with only two of the four pairs of duplicate committees treating similar types of duties. In both 1760 and 1785 we find a larger proportion of duplicated committee memberships. For 1780 there is little evidence that any consistent pattern developed in which appointments were made to committees charged with tackling similar tasks. Only four of the twenty-two duplicate committees handled similar matters. The same was true in 1785 with seven of twenty-eight duplications pertaining to similar matters. In addition, three of the other duplications concerned committees

re-appointed to tackle matters that they had forgotten or that were referred back to them after some delay. Generally, most of the duplications in committee membership that we observe involved quite different matters, matters over which members could not accumulate any expertise on a policy area. Nor was it the case that these duplications involved important "substantive" committees charged with directing war policy, foreign policy or financial matters. There is little pattern to these duplicate appointments.

(Table I About Here)

Another way of approaching this matter is to calculate the total number of matches for pairs, triples, and quadruples of members for each year (n) which we have data. For example, in 1775 we took each pair of individuals in the first committee and counted the number of matches with the same pair in all subsequent committees. We then did the same for the second pair found in the first committee, matched on all subsequent committees. Once all possible pairs were found in the first committee and matched on subsequent committees, we moved on to the second committee, and so on. For each pair, triple, or quadruple the maximum number of matches was calculated from formula (1).

$$(1) \quad \text{Maximum Matches} = \sum_{j=1}^n (n_j \cdot C_k^j)$$

where: k = a constant element from the set {2,3,4};  
j = a committee of size j; and  
n<sub>j</sub> = the number of committees of size j.

Obviously there are a large number of ways of matching on pairs, triples, and quadruples. Results calculated from (1), based on the frequencies of committees of size j by year, are used as our denominator in calculating the ratios reported in Table 2. The numerator for these ratios is based on the observed matches. The closer the ratio is to 1, the



more we will see the same groupings of individuals assigned to committees.

<Table 2 About Here)

As noted from the table only in the case of pairs of individuals do there appear to be a significant number of groupings. This is especially pronounced for 1780. Very few groupings of triples or quadruples of members ever occur.

Why do we observe such a large proportion of matches on pairs of individuals? Do these matches represent factional clusterings? If the same small subset of members consistently showed up, this would support a factional argument and also point to some basis for the development of expertise. As we note below, however, part of the reason so many pairs of individuals turn up in the later years is that as attendance declined while the number of committees created held steady or increased, the number of shared assignments among the delegates had to increase as well.

Members claimed that they sought regional balance in committee appointments. There is reasonable empirical support for this claim, since for all appointments, each of the regions had almost identical representation—the four New England states, 32.1%, the five Middle Atlantic states, 37.5%, and the four Southern states, 30.5% of the appointments (see also Henderson, 1974, pp. 16\*-170). However, these figures only indicate aggregate percentages. If we look specifically at three-person committees, we can see that regional balance was not the sole influence affecting committee assignments. If the process had been strictly random we would expect only 28 committees would have one member from each region (the total number of three-person committees multiplied by  $(\frac{4}{13})^2(\frac{5}{13}) + (\frac{4}{13})(\frac{5}{13})^2$ ). We find instead that 195 (25.6%) of these committees had balanced regional representation. This is far above the predicted number under a random model and consequently it is clear that

some pattern is present when making appointments. Yet, these proportions describe far from perfect regional representation.

In general our findings show that institutional or committee-wide expertise was unlikely to develop given the manner in which committees were appointed. There were few patterns to these appointments as a whole. At least one appointment to a committee was typically the member who made the motion referred to the committee. If there was any claim to expertise arising in these committees, it derived from the fact that the member initiating the proposal was likely the most knowledgeable about its subject matter. Almost anyone could ensure a committee appointment through making a motion. Since the rules on the floor encouraged open debate, there was little way in which the introduction of motions could be constrained. Committee appointments were constrained chiefly by two simple decision rules: appoint the delegate making the motion referred to a committee and seek some regional balance in the remainder of the committee's membership.

Attendance.

Firm committee jurisdictions were rare in the Continental Congress and so too were opportunities for members to cultivate expertise in specific policy areas. This made the caucus system very weak and unable systematically to deal with many of the critical issues facing the Congress. A third problem turned on the low attendance rates in the Continental Congress. This undermined much of the consistency to decision making that could have arisen, even with the multiplicity of committees. If the same set of individuals were always present.

Attendance at the Continental Congress was abysmal. Although anywhere from 45 to 75 different members attended the Congress in a given year, frequently no more than twenty were present at any time. As early in the

history of the Congress as 19 May 1778, Richard Henry Lee noted in a letter to his brother Arthur, that, "The members of Congress are so perpetually changing that it is of little use to give you their Names—It is not worth while to mention others, you know them not and they are new Men" (Letters, 3t257).

Figure 2 plots the average quarterly attendance figures for the years over which we have committee data. The figure only lends credence to our point that attendance levels were low — especially at the beginning and end of the year. Another point worth noting from the figure is that attendance in 1785 was consistently lower than in the earlier years. This was the case even though the Articles of Confederation adopted several years earlier established that each state could have no fewer than two members in attendance in order to cast the state's vote.

<Figure 2 About Here>

Low attendance also translated to heavy committee assignments for members. The average number of committee assignments are displayed in Figure 3. While there is not too much variation across the earlier years, for the final year we have data on, 1785, the average is considerably higher. Since this year not only had the largest number of committees appointed, but also had a smaller number of members in attendance, each member's committee workload was substantial.

<Figure 3 About Here>

Not surprisingly, we also find that committee assignments were not evenly distributed among all members. In 1775 Silas Oeane was appointed to 38 committees, while George Washington served on only four. Such differences were also common in the other years we examined. Part of the reason for this may be that members varied considerably in the amount of time they spent in the Continental Congress. For instance, in the case

above. Deane was present throughout 1775, while Washington was only present for a month before being elected to command the Continental Army. To test whether length of time in service made any difference for the number of committee assignments we regressed the total number of months a member was present in the Congress on the number of assignments. A separate regression was calculated for each year. These results are given in Table 3.

<Table 3 About Here>

The results given in Table 3 are quite interesting. In three of the five years for which we report data (1774 is omitted due to the small number of committees and lack of variation in the independent variable), the length of time in the Continental Congress is unrelated to the number of committees to which a member is appointed. These findings are peculiar because committee assignments were not long-term. Most committees accomplished their tasks in under a week, reported to the floor, and were discharged. This meant that even those staying a short period of time could serve on many committees. The story is different in both 1775 and 1785 where the parameter estimates are strong and in the predicted direction. As we previously noted, 1785 is partly explained by the low levels of attendance and the high number of committee assignments in that year. In 1775, the Continental Congress only met for half the year. Substantial work was carried out at the outset of the session and attendance was reasonably stable. Meanwhile, in the last quarter of 1775, attendance was more erratic and the workload was reduced.

The low and changing levels of attendance created severe problems for the Continental Congress. First, with low attendance and the appointment of many committees, members often had to serve on a wide variety of committees. This meant they were unable to concentrate on any specific

policy arena, and instead were swept along by the ad hoc nature of the committees to which they were appointed. Second, with members moving in and out of the Continental Congress, there was little basis for consistency in policy making.

#### CONCLUSION

We find it intriguing that a legislative and executive body such as the Continental Congress could have relied on the committee system like that we have described here. It is little wonder that this pre-national Congress lasted less than two decades before being abandoned. Clearly there were other problems facing Congress and the new nation that led to the demise of the Continental and Confederate Congresses. However, the institutional organization of the Congress contributed considerably to members being unable to resolve the manifold problems confronting the States.

Committee systems commonly develop in legislative settings in order to reduce decision costs. Typically committees are organized by substantive areas and are limited in number. This ensures that members are not overburdened with serving on too many committees and develop some expertise within the committees on which they serve. This was certainly not the pattern that developed in the Continental and Confederate Congresses. Quite the opposite was true. Committees were used to excess in these Congresses. However, there is little evidence that expertise was allowed to develop or that committees were given leeway to focus on substantive policy concerns. If anything, it appears that members went out of their way to avoid such possibilities.

As we mentioned at the outset, while committees can reduce decision costs, they can also increase the likelihood that an agenda is manipulated

by those serving on the committee. It is likely that from the outset members, in the process of overthrowing one tyrant, wished to avoid instituting another by granting committees too much control. Frequent appointments, in which all members had opportunities to serve on committees, meant that no one could control one of the primary apparatuses of Congress for long. Furthermore, by insisting that the Congress' work be conducted on the floor, manipulation of matters before Congress was difficult.

Once committees were appointed on an ad hoc basis without developing any substantive jurisdictional bounds, it was nearly impossible for members to institute a new committee system. Although attempts were made at establishing various standing and executive committees, by and large these were unsuccessful. While suspicions about committees were initially understandable given the nature of the first Congresses, these early decisions to ensure equal access led to a committee system that was quickly untenable. Members who had served in the Continental and Confederate Congresses took some of these lessons with them to the first Federal Congresses. These lessons were not quickly learned (though they were recognized) since, as Cooper (1970) details, the committee system did not overnight.

Endnotes

1. Here we do not go into the more pervasive results noted by formal theorists that "representative" collective choices may be an impossibility. This of course is the point made by Arrow (1963). For an interesting update on the possibility of equilibrium in collective choice settings familiar to political scientists, see McKelvey (1986).

2. The vast majority of those members of the first Federal Congress who had served in the Confederation Congress had done so during its last years, when, in James Madison's words, its "imbecility" was most clearly on display. Fully 94% of the members of the first Federal House of Representatives with prior service in the Confederation Congress had served in that body in or after 1783, while fully 71% of those with prior service had served in or after 1785. Similarly, 74% of those in the first Federal Senate who had previously served in the Confederation Congress had served in or after 1783, while 58% had served in or after 1785 (see also Henderson, 1974, p. 3).

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Table 1  
Percentage of Duplicate Committees by Year  
(n)

1775	2.9% (3)
1776	3.3% (7)
1779	2.1% (4)
1780	8.8% (22)
1785	9.0% (20)

Table II  
Ratio of Observed Matches to Maximal Matches  
(Number Observed)

	Pair of Individuals	Triple of Individuals	Quadruple of Individuals
1775	.218 (300)	.022 (77)	.002 (16)
1776	.359 (563)	.044 (111)	.005 (22)
1779	.290 (412)	.026 (79)	.002 (12)
1780	.496 (823)	.008 (78)	.001 (1)
1785	.378 (1329)	.140 (342)	.016 (57)

Table III  
Regression Estimates by Year

Estimated Committee Assignments for the Year:	Intercept (Std. Error)	Months of Service (Std. Error)	R <sup>2</sup>
1775	0.05 (1.95)	1.29* (0.40)	.20
1776	6.74 (3.66)	0.97 (0.60)	.04
1779	11.18* (3.40)	0.04 (0.62)	.00
1780	9.51* (3.04)	0.96 (0.70)	.05
1785	3.66 (7.13)	3.72* (1.19)	.23

\* significant at  $\alpha < .01$

Figure 1

Number of Committees Appointed,  
By Year

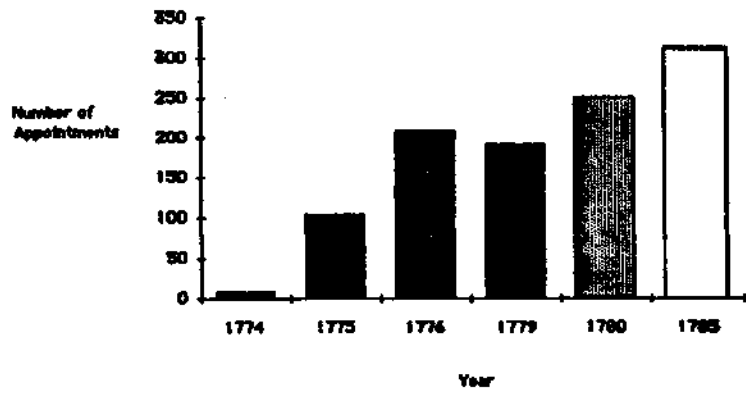
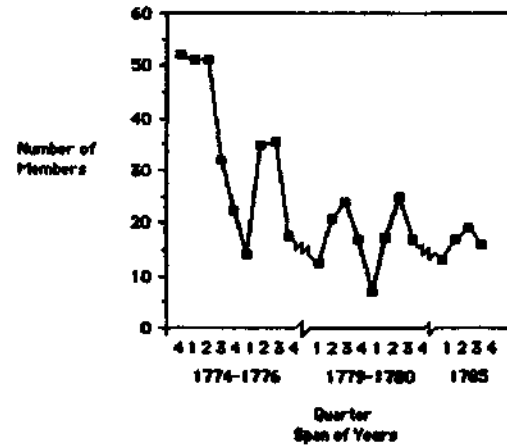


Figure 2

Average Number of Individuals Attending the  
Continental Congress, By Quarter



**Figure 3**

**Average Number of Committee Assignments,  
By Year**

