

THE SIFTING COMMITTEE AS A LEGISLATIVE EXPEDIENT

Among criticisms commonly directed at the procedure of the State legislature is its use of a Sifting Committee near the close of the session. Such a committee, it is said, places too much power in the hands of a few legislators and makes impossible sufficient consideration of the large number of bills placed in its hands. The expedient of appointing a committee to determine what bills shall be acted upon in the closing days of a legislative session is, however, in general use, and for this reason, if for no other, the Sifting Committee would appear to warrant careful study before judgment is passed on it. It is the purpose of this paper to survey briefly the operation and effects of Sifting Committees in the Forty-third, Forty-fourth, and Forty-fifth General Assemblies of Iowa.

LEGISLATIVE EXPERIENCE OF MEMBERS OF THE IOWA GENERAL ASSEMBLY

In Iowa, all the members of the House of Representatives and approximately one-half of the Senators are elected every two years. Thus at each session of the General Assembly at least half of the Senators have had experience in a legislative session. In the House of Representatives the number of new members is always large. In the Forty-fifth General Assembly 70 members had had no previous legislative experience and 22 had been in the legislature for only one session. Out of the 108 members only 16 had had more than one session of legislative experience.

In the beginning, few of the members who have not had previous legislative experience really understand the com-

plicated and technical rules of parliamentary practice, and a mastery of such procedure is not easily gained in one session.

When the General Assembly convenes some experienced member promptly moves that the rules of the previous session be adopted. To this motion the new members, unfamiliar with the rules of legislative procedure, promptly agree. Little do they realize that they have bound themselves to a system of rules which was designed to make the insurrection of new members extremely difficult.

Moreover, the new members are often completely bewildered by the complex problems with which the modern legislature is confronted. Yet when a vote is taken they must either take a stand or be recorded as absent or not voting. Naturally they seek advice from the more experienced party leaders. The writer once sat beside an old classmate in the State Senate on a busy afternoon near the end of the session when bills were being called up and acted upon at a rapid rate. At least a dozen members came to this man's desk during the afternoon with the question: "Which is our side on this bill?" He told them and they seemed relieved to know how to vote.

EARLY LEGISLATIVE PROCEDURE

In the pioneer days the problems of legislation were few and comparatively simple. The Common Law was administered by the courts and there was little pressure of special interests. The maintenance of public order, the protection of property, the establishment of roads, and the organization of local governments were the problems which chiefly occupied the time of the legislators of our young and growing Commonwealths.

In these early days in Iowa, following the precedents of other States, a legislator had to obtain permission of the

house of which he was a member to introduce a bill. In other words he had to show that there was some need for the proposed legislation before he could introduce it. The rule which established this procedure in the Territorial Council read: "Every bill shall be introduced by motion for leave, or by order of the Council on the report of a committee; and in either case a committee to prepare the same shall be appointed. In cases of a general nature one day's notice at least shall be given, of the intention to bring in a bill."

The journals of the early legislative sessions are full of entries such as the following: "Mr. Payne gave notice that on tomorrow, or some future day, he would move for leave to introduce a 'Bill to provide for common Schools'." If no objection was made the chair promptly appointed a committee of which the mover was usually made chairman to prepare and submit such a bill. A later entry in the journal reads: "Mr. Payne, on previous notice and leave granted introduced 'A Bill to provide for Common Schools'; which was read, ordered to be laid upon the table and printed."

Thus a proposed law had not only to justify its existence before introduction, but also to run the risk of dying on the table after its submission to the house. Under such procedure the privilege of introducing numberless bills by merely dropping them in a hopper at the desk of the presiding officer did not exist, and as long as the sifting process was applied before legislative proposals assumed the dignity of bills it was easy to check trivial and unworthy propositions.

THE COMMITTEE SYSTEM

As legislative problems became more complex and the volume of bills increased, the request to introduce a bill became a mere formality, and the privilege was seldom or

never denied. As a result the creation of standing committees to give preliminary consideration to legislative projects and to exercise a censorship over the mass of legislative proposals became universal. This system, says Bryce, "was recommended not only by its promising a useful division of labour, but by its recognition of republican equality."

In view of the number of bills introduced in the average State legislature, the committee system would seem to be a very useful expedient in sorting out the worthy from the unworthy proposals. But the committee system frequently fails to perform this function, just as the old rule requiring leave to introduce a bill did; and near the end of a session each house, almost buried under a mass of bills, finds it necessary to create a super committee and give it dictatorial powers to determine what bills shall be acted upon.

Commenting upon the fact that most legislative proposals are referred to a standing committee without debate, Lord Bryce said: "not having been discussed, much less affirmed in principle, by the House, a bill comes before its committee with no presumption in its favor, but rather as a shivering ghost stands before Minos in the nether world. It is one of many, and for the most a sad fate is reserved."

George Matthew Adams says: "a committee is a cold storage warehouse for business", and he declares that the chief function of a legislative committee is "to sit on new legislation with all of the fervor and patience of a hen trying to hatch a granite door knob."

The selection of a Speaker of the House of Representatives often seals the fate of many legislative proposals. There are, usually, numerous candidates for the office of Speaker, most of whom ultimately trade their support to the most likely candidate in return for promises of committee chairmanships. A candidate who withdraws in favor

of the winner is sure to be handsomely rewarded in the make-up of the standing committees. The Speaker and the chairmen of the committees constitute an organization which is capable of determining the fate of most measures.

The desire of members to be on important committees gives the Speaker the opportunity to trade committee places for support upon his policy, and many a Speaker has adopted the philosophy of Speaker Cannon that the Speaker has a right to a policy of his own instead of being merely an impartial presiding officer.

In the effort of the Speaker to satisfy the demand for places on important committees the standing committees often become unwieldy. When nearly half of the members of a house are appointed to the most important committees, it is evident that real deliberation on the bills referred to them is not possible. In such cases the chairman of the committee becomes the real judge of what measures shall be reported for passage. Each bill is given to a sub-committee for study and report. The sub-committees are hand picked by the chairman and usually a word from him is sufficient to determine the report made. When the full committee meets to hear the report of any sub-committee the presumption is in favor of the sub-committee's report, and if it is accepted by the committee, the committee's report to the House is likely to be favorably received, for already the bill has the approval of nearly half of the membership.

In the smaller committees the use of sub-committees is not necessary, yet even here the chairman plays an important part. He may not call his committee together to consider bills to which he is opposed or he may not present them to the committee when it meets.

The Iowa legislative journals show that many small committees, consisting of only from 10 to 15 members, with only a few bills referred to them, have acted on none or on

only a few at the time the Sifting Committee took charge. Individual members often complain that their bills are "smothered" in the committees. On the other hand there is also common complaint that too few bills are checked at the committee stage.

There is, no doubt, a certain amount of log-rolling among the committee chairmen. A chairman of a committee usually has bills he is very anxious to have passed, and in order to get support for his own measures he hesitates to antagonize the authors of freakish or objectionable bills, especially if party or faction divisions are close. He may therefore deem it expedient to report out favorably measures of which he does not approve, hoping that they will ultimately be killed by the Sifting Committee, or he may plead with his colleague in the other house to see that such measures are killed there.

In the appointment of committees the presiding officer must make a show of fairness and he usually appoints a few members of the minority party or faction to places on the important committees; but he likes a number of "safe" committees — committees to which any doubtful bill can be referred with the assurance that no report will be made if the bill is objectionable to the organization. This is, perhaps, the chief explanation for the many legislative committees whose functions are overlapping. Committees such as those on "Code Revision", "Judiciary", and "Departmental Affairs" may be given bills of a similar nature. The same may be said of the committees on "Conservation" and "Fish and Game". Separate committees are maintained for "Public Utilities", "Railroads", "Aeronautics", and "Telegraph and Telephone", although the number of bills referred to all of them in recent sessions should not burden a single committee.

There are, no doubt, too many useless committees. In

the Forty-third, Forty-fourth, and Forty-fifth General Assemblies twelve committees handled from 76 to 78 per cent of all the bills introduced in both houses. Most of the other committees were chiefly for the purpose of supplying political patronage or to satisfy the desire of the majority members to be chairman of a committee. The Iowa Senate has frequently had as many committees as there are Senators, so that each Senator could be a chairman.

No doubt many citizens have wondered why the Iowa Senate with 50 members needed two Committees on Judiciary, while the House with 108 members got along with one — until the special session of the Forty-fifth General Assembly.

The writer asked this question of a Senator of many sessions and he replied that there had been much complaint that the lawyers monopolized the Judiciary Committees and that the creation of a second Judiciary Committee not only afforded an additional chairmanship, but also permitted more laymen to serve on this important committee. He added that one of these committees is always made "safe" so that those measures which it is desired to kill or upon which favorable action is wanted can be referred to the "safe" committee, while harmless and unimportant bills can be assigned to the other.

It is frankly admitted by men of long experience in the General Assembly that if the chairman of a committee is against a bill it may not be reported to the house at all. The rule that "it shall be the duty of each committee to report back all bills on its hands within ten days after the order of reference unless longer time is granted by a vote of the house" is seldom insisted upon. Nor will a house usually force the chairman to do so if the question is put to a vote. No one wants to be forced to report bills, and inasmuch as the majority of the members in the Senate and sometimes a

majority of the Representatives in the House are also chairmen of committees, they follow the golden rule and usually support the chairman even though he does not comply with the legislative rule.

LEGISLATIVE METHODS

A careful study of the bills introduced, the number reported out by the committees, and the number left to the mercy of the Sifting Committees sometimes suggests that it is a part of the game for the leaders to bring about such a state of confusion that the average member will welcome strong arm methods to wind up the business of the Assembly and permit him to return to his own business and family fireside. This is particularly true in States where the legislators are paid a fixed sum for each regular session. When the pay is by the day, however, the members are not in a hurry to go. In this case, the leaders must decide the psychological moment to suggest the creation of a super committee to take charge of all unreported bills, except appropriation bills, in order to wind up the business of the session.

How the few, whom we generally designate as leaders, actually control the legislative product was explained to the writer by a veteran legislator with seven or eight sessions of legislative experience. The experienced and sophisticated members of the legislature do not, he said, introduce and press for passage their bills in the early days of the session. There are always many new members, especially in the lower house. They are not yet well acquainted with their colleagues, and are often suspicious that something may be put over on them. These new members take themselves seriously at first. They diligently read all the bills introduced in the first few weeks of the session and prepare to take a stand on them.

About mid-session when they are better acquainted, and perhaps disillusioned, many new members begin to recognize that their own interests are bound up with certain men who are party or faction leaders. Their zeal for reading bills subsides. It is easier to ask the party leaders to explain the significance of blind amendments and blanket repeals than it is to study them out. About this time the leaders put forward some of their bills. Toward the end of the second month the rules forbid individual members to introduce any more bills. The committees, however, may introduce bills, and committee bills as a rule go directly to the calendar.

Many members go home on Friday evening to spend the week end at home and look after their personal affairs, and so it frequently happens that on Saturday morning there is scarcely more than a quorum present, but these are the ones who know how to run the legislative machine and bills called up on Saturday morning usually encounter little opposition.

That committee bills have a better chance of passage than those of the individual members is readily seen from the following statistics. In the Forty-third General Assembly the House passed 55.4 per cent of its committee bills while only 22.8 per cent of non-committee bills were passed. In the Senate the percentages were even more convincing — 58.1 per cent of the Senate committee bills were passed while only 18.8 per cent of the non-committee bills were passed. These percentages are about the same for the Forty-fourth and Forty-fifth General Assemblies as well.

THE SIFTING COMMITTEE

The use of Sifting Committees in both houses of the General Assembly seems to be firmly established in Iowa. A Sifting Committee was first appointed in the House in 1860 and in the Senate in 1864. From 1892 to 1929 the Sifting

Committee in both houses was always authorized by a simple resolution near the close of the session. For the most part the members have been appointed by the presiding officers of each house. Inasmuch as it is the function of the Sifting Committee to guide the house through a calendar congested with bills — like a pilot guiding an ocean liner into New York harbor — positions on this committee are much prized.

In 1929 a Sifting Committee was provided for in the rules of the Senate of the Forty-third General Assembly — instead of by resolution — and the presiding officer (the Lieutenant Governor) was authorized to submit the proposition to the Senate at any time, and if it was agreed to he was then to appoint the committee. No motion from the floor for a Sifting Committee was allowed.

The writer interviewed the chairman of the Senate Rules Committee of the Forty-third General Assembly to ascertain why the long established custom of having the Sifting Committee authorized by resolution from the floor had been discarded in favor of the new rule. His explanation ran as follows. It had long been a custom in the Senate for the presiding officer to name as chairman of the Sifting Committee the Senator who introduced the successful resolution for the appointment of such a committee. The Republican party, which so long dominated both houses of the Iowa legislature, was at this time split into factions and each faction tried to time the psychological moment at which to offer the Sifting Committee resolution. As the chairman of the Rules Committee explained, the wrong man sometimes sprang the resolution at the right time, became the chairman of the Sifting Committee, and thus largely controlled the destiny of the unreported bills. By the new rule the President of the Senate could pick the right man for the chairmanship in advance and announce him whenever the

Senate decided that it was ready for a Sifting Committee.

The Senate of the Forty-fourth General Assembly changed the rule of the Forty-third General Assembly with reference to the Sifting Committee, and provided that such committee should be appointed by the Committee on Committees when the Senate had decided that it was ready for a Sifting Committee. At this session the House adopted a rule providing for the appointment of a Sifting Committee by the Speaker, almost identical with the rule adopted by the Senate of the Forty-third General Assembly.

In the Forty-fifth General Assembly, in both the regular and special sessions, the Senate returned to the earlier practice of permitting the President of the Senate (the Lieutenant Governor) to appoint the Sifting Committee whenever it was decided to create one. The House re-adopted the rule of the previous session permitting the Speaker to appoint the members of the Sifting Committee whenever the House voted for such a committee.

OPPOSITION TO THE SIFTING COMMITTEE

Much abuse has been heaped upon the Sifting Committees of Iowa General Assemblies and as far back as 1912 they were referred to as "much abused". The extra session of the Forty-fifth General Assembly, however, gave ample evidence that the houses feel that such an expedient is really necessary.

A few weeks before the Forty-fifth General Assembly was convened in extra session, Representative J. P. Gallagher of Iowa County, through the columns of his newspaper, the *Williamsburg Journal-Tribune*, vigorously attacked the use of Sifting Committees in the legislature of Iowa. The Sifting Committee, he declared, is a real menace. It is composed of nine members, and seven of the members are required to vote out a bill. The voting in the Sifting

Committee is by secret ballot, and three negative votes are sufficient to prevent the sending out of a bill.

"There are", he continued, "always interests that are naturally bitterly opposed to any legislation that might deprive them of privileges they have long enjoyed, and it is a comparatively easy matter to secure the necessary three votes required to garrote or strangle a bill, especially when secrecy marks the casting of every ballot." He designated the methods of the Sifting Committee as "Star Chamber" methods and said: "When very meritorious legislative offerings will meet their second death in the same consecutive assembly, the proof is conclusive that such an efficient genius of defeat can be traced directly to design rather than to accident." And he concluded by saying: "The 'sifting' committee must be driven out of the Iowa legislative assembly — unless the plan is to fashion it into a last line of defense for the increasing tribe of rats and racketeers."

When the General Assembly was convened in November, 1933, Mr. Gallagher, convinced that Sifting Committees could not be prohibited by law, inasmuch as the Constitution provides that each house shall determine its own rules of procedure, sought to change the rules of the House so that there would be little occasion for a Sifting Committee.

To Rule 58, which provides that "no committee shall retain possession of any bill longer than ten days, except by the consent of the house", he offered the following amendment: "The Chief Clerk shall cause a special record to be kept carrying the date on which every bill was introduced or sent to their respective committees and noting on this record the time on which the ten-day period will have expired and on this date he will give to the Speaker of the House the list containing the numbers of all the bills upon which the ten day period applies and the Speaker of the House shall then call these bills from the committees and

place them on the calendar." This amendment was adopted by a vote of 85 to 15.

To Rule 61 which defines committee procedure and reports he offered the following amendment: "A majority vote will be sufficient to send any bill out to the floor; all votes in the committee shall be record votes." The provision concerning the majority vote would have applied only to the Sifting Committee since that was the only committee requiring a two-thirds vote to place a bill on the calendar. The Journal of the House shows that this amendment was passed by a vote of 68 to 26. It was not, however, incorporated in Rule 61 of the House, but instead it was added to Rule 76 which relates to the Sifting Committee. This rule had already been amended, on recommendation of the Rules Committee, to the effect that "a bill may be taken from the Sifting Committee and placed on the calendar by a majority vote of the house."

The net results of Mr. Gallagher's opposition to the methods of the House Sifting Committee were: (1) bills might be reported out for passage by a majority instead of a two-thirds vote of the Sifting Committee; and (2) votes in the Sifting Committee were to be record votes, and not secret as heretofore. The Senate, however, adopted no such rules.

Representative Gallagher's victory in amending Rule 58 by which all bills unreported by the regular standing committees within ten days were to be placed on the calendar was, however, shortly turned into a bitter defeat. On November 23, 1933, in accordance with this rule, the Speaker recalled 21 bills from their respective committees and declared that they must, under the rule, go on the calendar. Immediately a motion signed by 69 members was introduced, proposing to amend the rules of the House by striking out the Gallagher amendment. In vain he pleaded to

extend the period to 20 days; but the new rule was repealed by a vote of 88 to 5. Three of the six members of the Rules Committee voted for the repeal. Thus ended the attempt to prevent the standing committees from holding bills referred to them until taken over by the all powerful Sifting Committee. The House promptly re-referred 20 of the 21 bills back to their respective committees.

Nor was the amendment concerning the Sifting Committee more successful. The rules of the House of Representatives of the regular session of the Forty-fifth General Assembly, as well as those of the special session of the Forty-fifth, provided for both a Steering Committee and a Sifting Committee and the Speaker was authorized in both cases to submit to the House, whenever he thought it advisable, the question: "Shall a steering committee (or a sifting committee) be appointed at this time?" A majority vote in the affirmative was sufficient to permit the Speaker to appoint such a committee. The House rule authorizing the appointment of a Steering Committee provided that "The Speaker of the House may discharge the steering committee at any time after the sifting committee shall have jurisdiction."

At this point it may be worth while to note the distinction usually made between a Steering Committee and a Sifting Committee. The usual function of a Steering Committee is to take all the bills reported by the regular committees and arrange them in a calendar, or order of consideration, for the House. This, no doubt, gives the committee the power to hold back bills to which it is opposed. In the past, friction has arisen between the Steering Committee and the Sifting Committee because the former insisted that it had the right to fix the order in which bills, reported out by the Sifting Committee, should come up for consideration. The provision in the rules for discharging the Steering Com-

mittee when the Sifting Committee begins work was, no doubt, intended to avoid this difficulty.

The function of a Sifting Committee is to take charge, near the end of the session, of all bills not yet acted upon and reported by the regular committees, and to pick out those deemed worthy of consideration by the House. In determining what is worthy, the committee usually holds the fate of all bills entrusted to its care. The introduction of bills by the Sifting Committee is a comparatively new assumption of power.

On January 30, 1934 (special session), the Speaker put the question of appointing a Steering Committee to the House, and the proposition was approved by a vote of 89 ayes to 7 nays, with 14 absent or not voting.

The Speaker immediately appointed a Steering Committee of nine members — 7 Democrats and 2 Republicans. Representative Burgess of Woodbury County was the chairman.

Immediately after the Speaker had announced the personnel of the Steering Committee, on January 30, 1934, Mr. Burgess, chairman of the committee, moved: "That all bills now on the calendar and in the hands of committees be re-referred to the steering committee." This motion was amended to exempt appropriation bills and tax revision bills and was then promptly passed without a record vote. Thus the authority given to the Steering Committee was essentially the same as that usually given to the Sifting Committee. Moreover, the record in the House *Journal* shows that the Steering Committee acted as a Sifting Committee from the time of its appointment to the end of the special session; nor did the Speaker propose the appointment of a Sifting Committee to the House.

The Steering Committee not only took charge of the bills on the calendar and the bills in the hands of the committees,

but it proceeded at once to introduce bills of its own, and between the time of its appointment and the end of the session it introduced 18 bills. Moreover, Senate bills which came to the House for consideration were promptly referred to the Steering Committee.

Within three days after the appointment of the Steering Committee (February 2, 1934), Representative Gallagher, evidently sensing the rôle to be played by the Steering Committee in the special session of the Forty-fifth General Assembly, offered an amendment to House Rule 75 (providing for a Steering Committee) by adding the words: "A majority vote will be sufficient to send any bill out to the floor and all votes in the committee shall be record votes." These were the identical words which Mr. Gallagher had used to limit the power of the Sifting Committee at the beginning of the special session.

On February 14, 1934, Mr. Gallagher called up this amendment and moved its adoption. Unsuccessful attempts were made to amend the amendment and to offer a substitute for it, and when the amendment itself was voted upon, it was defeated by a vote of 35 ayes to 59 nays, with 14 absent or not voting. This vote was in no way a party vote. There were 34 Republicans in the House, but only 10 of those voting for the Gallagher amendment were of that party.

Thus, on the direct issue of amending the rules, the House refused to require the Steering Committee to follow the policy of determining by a simple majority and a record vote what bills should be brought up for consideration by the House. This was, no doubt, a high expression of confidence by the House in its Steering Committee, and probably explains why no Sifting Committee was appointed. The Steering Committee was, to all intents and purposes, a sifting committee from the time it was appointed, and ap-

parently the House was satisfied with its leadership. Not until March 9th, three days before adjournment, did the House take a bill from the Steering Committee and put it on the calendar. In this case four of the members of the Steering Committee voted in the affirmative, one in the negative, with four absent or not voting.

THE SIFTING COMMITTEE IN ACTION

In a bicameral system bills must pass both houses. Thus many bills recommended for passage by the House Sifting Committee and passing the House may still be killed in the Senate Sifting Committee when they reach that chamber. And the same may be said of the Senate bills which successfully run the gauntlet of the Senate Sifting Committee, pass the Senate, and meet an unhappy end in the House Sifting Committee. In the Forty-third General Assembly the House Sifting Committee killed 56.73 per cent of all the bills that had been referred to it. The percentage of such bills killed in the Forty-fourth General Assembly was 65.14 per cent while the percentage dropped to 60.054 per cent in the Forty-fifth General Assembly.

The percentage of House bills that have survived the House Sifting Committee and passed the House which are later killed by the Senate Sifting Committee is larger than the percentage of Senate bills killed in the House Sifting Committee. In the Forty-third General Assembly the Senate Sifting Committee killed 52.1 per cent of the measures committed to it. In the Forty-fourth General Assembly the percentage of such bills killed by the Senate Sifting Committee rose to 62.13 per cent, but dropped to 61.376 per cent in the Forty-fifth General Assembly.

Some wit once said that statistics showed chiefly the patience and industry of the compiler. They frequently put the reader to sleep. A few more figures may, however, be

submitted to show what power and influence the Sifting Committees enjoy.

In the Forty-third General Assembly, 555 bills were introduced in the House of Representatives and 520 in the Senate. Of these the House sent 161 or 29+ per cent to its own Sifting Committee. While the Senate sent 164 or 31½ per cent to its Sifting Committee. Of the 161 House bills which went to the House Sifting Committee, nearly 79 per cent were killed by the committee, while the Senate Sifting Committee killed nearly 67 per cent of the bills which had been referred to it.

The last two regular sessions of the General Assembly have shown an increasing number of bills falling into the hands of the Sifting Committees of both houses. Nearly 42 per cent of the House bills of the Forty-fourth General Assembly went to the House Sifting Committee and about 37 per cent of the Senate bills fell into the hands of the Senate Sifting Committee. The Forty-fifth General Assembly was in control of the Democratic party for the first time since the Civil War, but no change was made in the procedure. Indeed, the Sifting Committees assumed even greater importance. Of the House bills of the Forty-fifth General Assembly 44½ per cent went to the House Sifting Committee and 65¾ per cent of the Senate bills went to the Senate Sifting Committee. Thus in the three regular legislative sessions here under review, each house killed between 68 and 79 per cent of its own bills in its own Sifting Committees.

As already explained there is considerable evidence to show that it is no mere accident that the regular standing committees do not report on all of the bills referred to them. The number of bills recommended for indefinite postponement is comparatively small. When a committee of 10 or 15 members with only 3 or 5 bills referred to it makes no re-

port on any of them the evidence seems to justify the conclusion that it did not want to report on them. To report them for indefinite postponement might offend their sponsors and their friends. The votes of these people may be needed on other bills backed or opposed by the organization. It is easier to let bills go to the Sifting Committee and be killed there in the dark alley of a secret vote. A committee chairman has a perfect alibi. He can deny that he was against a bill. Inasmuch as every member is on from six to ten committees he can plead that it has been impossible to get the committee to take action before the Sifting Committee took charge. Thus the Sifting Committee becomes the villain of the play.

A study of the personnel of the important committees shows a considerable interlocking of membership in committees relating to corporate interests. This is also true of the Sifting Committee. Of the nine members of the Sifting Committee of the House of the Forty-third General Assembly, six were members of the Committee on Insurance, five were on the Committee on Railroads, four on the Banking Committee, and three on the Committee on Public Utilities. In the House Sifting Committee (also with nine members) of the Forty-fourth General Assembly, three were on the Insurance Committee, four on Public Utilities, four on Railroads, five on Banking, and one on Telephone and Telegraph. In the House Sifting Committee of the Forty-fifth General Assembly, there were four members of the Committee on Public Utilities, three from the Banking Committee, and two from the Committee on Insurance.

In the Senate of the Forty-third General Assembly, the Sifting Committee had five members from the Committee on Banking, two from Corporations, one from Insurance, three from Public Utilities, three from Railroads, two from Telephone and Telegraph, and three from Mining. One

member served on all of these committees. In the Senate of the Forty-fourth General Assembly, four members of the Sifting Committee served on the Banking Committee, four on Railroads, three on Aeronautics, three on Insurance, and two on Public Utilities. In the Senate of the Forty-fifth General Assembly, four members of the Sifting Committee served on the Banking Committee, two on Railroads and Aircraft, three on Insurance, and four on Public Utilities.

To be a member of the Sifting Committee is one of the high honors of a legislative session. The desire of influential members to be on the Sifting Committee has increased as the power and authority of the committee has increased. It is composed of members of the majority party, with one or two minority members included.

CHANGED POSITION OF SIFTING COMMITTEE

At first the Sifting Committee was considered as a mere custodian of the bills put into its hands, and it advanced them for passage only on the order of the house. Today the Sifting Committee, after its appointment, becomes virtually a dictator for the balance of the session. It not only determines what measures shall come up for a vote but it has assumed the right to introduce bills of its own. Sifting Committee bills are of necessity introduced during the end of the session rush. There is little time to study them and they are likely to be forced through with little or no debate. It is probably true that few members really know what these bills are about, until the newspapers print them or the laws are published. The substitution of the Steering Committee for the Sifting Committee in the House during the special session of 1933-1934 appears to be a substitution of one name for another, rather than a change in policy.

The House Sifting Committee in the Forty-third General Assembly introduced 6 bills; in the Forty-fourth, 7 bills;

and in the Forty-fifth, 19 bills. The Senate Sifting Committee's record is 6 bills for the Forty-third General Assembly, 8 for the Forty-fourth, and 34 for the Forty-fifth. The percentage of these bills enacted into law has always been at least 50 per cent and in some instances it has reached 83 per cent.

CONCLUSION

State legislation has become very complex. State sanction or State prohibitions or restrictions are sought by many pressure groups. Some of these are well organized and liberally financed. Some are motivated by a sincere interest in public welfare; others represent the efforts of individuals or groups whose chief interest is self-aggrandizement. Numerous associations of local officers, usually seeking increased compensation, urge their representatives to support their measures. Attorneys demand compensation for clients who claim tort injuries because of alleged State negligence. Scores of other measures crowd the legislative calendar.

It is simply impossible for a legislative assembly to give detailed consideration to all of these demands. Therefore, in spite of some alleged abuses of the system, the practice of resorting to some such legislative expedient as the Sifting Committee seems not only justified but necessary; a few must ultimately decide what is of sufficient importance to ask for legislative sanction. These few we usually designate as the leaders, and if they abuse the trust imposed upon them, democracy finds or can find a ready remedy.

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