

EIGHT

## The Impact of Moldovan Parliamentary Committees on the Process of Institutionalization

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UNLIKE THE POLISH OR HUNGARIAN PARLIAMENTS, WHICH ARE very active institutions, the Moldovan parliament has not developed characteristics that provide for political autonomy and consolidation. The weakness of Moldovan parliamentary development is at least in part the consequence of an underdeveloped committee system. Based on the framework developed in chapter 1, this chapter examines the internal and external environment in which Moldovan committees function.

### **Party and Parliamentary Development in Moldova**

Moldova's last census in 1989 reported a population of 4.2 million, with 65 percent ethnic Moldovans, 14 percent ethnic Ukrainians, and 13 percent ethnic Russians. Moldova's last Soviet-era parliament was also the country's first post-independence parliament. There was a direct institutional bridge between Moldova's communist past and democratic future. Moldova's last Soviet parliament was elected in spring 1990 and continued its activity until February 1994. This last Soviet parliament was elected during a period in which government authority was deteriorating while ethnic conflict was increasing. In August 1989, the Moldovan parliament, the Supreme Soviet, proclaimed Romanian, which uses the Latin alphabet, as the state language. This decision was supported by Communist Party reformers and opposed by the Russian-speaking community organized around the Edinstvo Movement.

This decision was particularly opposed by those Moldovans living in the heavily Russified areas of Transnistria (the left bank of the Dniester River) and what is now called Gagauzia (southern Moldova). Parliamentary elections were held in this ethnically polarized environment.

Unlike earlier elections to the Supreme Soviet, the spring 1990 elections were marked by generally fair and open competition. Opposition candidates had access to the media and were allowed to campaign. The 1990 electoral law maintained the Soviet practice of 380 single member districts. In districts in which a candidate did not receive 50 percent of the vote, there was a second-round election.

As evidenced by the 1989 language law, there was a strong pro-Romanian sentiment among many Moldovans. The pro-Romanian and pro-unionist party, the Popular Front, became the leading opposition party. This party also received tacit support from many communists, and several leading Popular Front candidates were actually ranking Communist Party members (Crowther and Roper 1996, 144). Following the election, the Popular Front entered into a coalition with several other parties and held over two-thirds of the parliamentary seats.

The 12th Parliament's first session opened in April 1990. This parliament's structure was based on the Soviet model, with a presidium that carried out legislative duties when the parliament was not in session. The leadership of the parliament and the government reflected the dominance of the Popular Front. During this period, the Popular Front pursued a pro-Romanian and pro-unionist agenda (in essence, Moldova's incorporation into Romania) that alienated the Russian minority. In August 1990, the Gagauzi (a Turkic Christian minority) announced the formation of their own republic followed shortly in September by the same announcement from Transnistrian authorities. This ethnic tension erupted into a civil war by May 1992.

By the end of the summer, a cease-fire was declared, but the Popular Front was perceived as largely responsible for the war. In August 1992, several changes within the Popular Front leadership increased the level of tension within the country and within parliament. Finally, parliament was dissolved and new elections for the 13th Parliament were held in February 1994.

### **Structural Attributes of the Moldovan Parliamentary Committee System**

Several trends are becoming evident through analysis of data from the 13th Parliament (March 1994 through February 1998) and the 14th

Parliament (convened in April 1998). The number of seats in the 13th Parliament was dramatically reduced (from 380 to 101). In addition, the 13th Parliament continued to be unicameral. Each member was assigned to one committee.

In the 13th Parliament, there were ten permanent committees.<sup>1</sup> Eight of these committees had ministerial oversight responsibility. While some of these committees had oversight responsibility for just one ministry (e.g., Committee for State Security and Public Order), many of the committees oversaw several ministries (e.g., Committee on Culture, Science, Education and Mass Media). Overseeing multiple ministries places a massive resource and time burden on committees, and erodes the ability of the committee to oversee the government.

Committee membership ranged from six to thirteen members with an average of 9.2, among the lowest in the region. The Moldovan parliament has no subcommittee system. There are no formal subcommittees, and the standing orders do not provide for the formation of permanent subcommittees. Parliamentary parties often carry out work that might otherwise be done through subcommittees.

In the 14th Parliament, several changes were made in the committee system. While previously, members of the Permanent Bureau (the institution responsible for organizing parliamentary activity and committee work) were not allowed to hold committee assignments, Permanent Bureau members in the 14th Parliament were allowed to do so. One Permanent Bureau member actually held a leadership position on a legislative committee. Moreover, the Committee for Social Protection, Health Assistance and the Family counted two Permanent Bureau members among its numbers. The number of permanent committees was increased from ten to eleven.<sup>2</sup> This increase in the number of committees, coupled with a reduction of MPs, slightly decreased the average committee size to 8.9 (see Table 8.2). As in the previous parliament, over half of the committees had multiple ministerial oversight responsibilities, thus limiting their specialization. During the 13th Parliament, there were only six temporary special or investigatory committees on issues such as corruption, privatization and the criminal code. These inquiry or special committees were composed of both MPs and external experts.<sup>3</sup>

One of the complaints raised by Moldovan MPs is that there are too few committee staffers. For the 13th Parliament, there was an average of 3.4 staffers per committee. Considering the volume of bills and the relative small size of the committees, MPs do not have the staff necessary to provide expertise on legislation or assist in ministerial oversight.

## Membership

Both the American and comparative literatures on legislatures recognize the central importance of committees. Much of the committee research examines the relationship between committees and the parent chamber in order to understand the distribution of power (Shepsle and Weingast 1987; Hall and Grofman 1990; Krehbiel 1991). Proponents of distributive theories of institutional power (Shepsle 1978; Weingast and Marshall 1988) maintain that committees are composed of preference outliers and that a committee system creates a system of binding jurisdictional agreements for purposes of reelection. Others such as Krehbiel (1991) argue that committees are developed to provide information to the parent chamber. Like Polsby (1968), Krehbiel argues that member specialization yields rewards for the entire organization. While these two perspectives differ, both attempt to understand how committees influence the institutionalization of organizations.

There are some obvious difficulties in applying a distributive model to committee assignments in the Moldova parliament. First, Moldova has been constructed as a single national district since the 1994 parliamentary elections (in 1990 the country did use single member districts). Because MPs are no longer elected from individual districts, the basis of representation has little to do with constituency service. Results of a June 1997 survey of Moldovan MPs in the 13th Parliament conducted by William Crowther and myself highlight the difficulties that result from this electoral system. While 41 percent responded that they represent their party's constituency, 11 percent stated that they represented their party, and almost 39 percent responded they represent the entire electorate.<sup>4</sup> In the 14th Parliament, almost 75 percent of MPs came from the capital, Chisinau. Because MPs are elected from a national single district with closed party lists, it is doubtful that committee preferences are motivated by reelection.

In many ways, parliamentary parties have supplanted committees as the locus of power within the parliament. Parliamentary parties not only exert considerable influence on the composition of committees, but they exert influence on voting in plenary sessions. A committee staff member noted that it was not uncommon for members of the committee to change their vote in plenary session because of the demands of the parliamentary party. The "gatekeeper" function so often attributed to committees in the U.S. congressional literature, resides with parliamentary parties in Moldova.

Because of this situation, it is not surprising that MPs have a negative view of committee power. Our survey of MPs found that over 45 percent

regarded their committee's influence as either poor or very poor. In my interviews with Moldovan MPs, policy specialization and expertise were often given as a basis for committee assignments. One indicator of policy specialization is the background of committee members. If members are assigned to committees in which they already have prior expertise, then the committee assignments allow them to further specialize, providing support for the informational model of committee memberships (Krehbiel 1991). In the 14th Parliament, on the Committee for Economy, Industry and Privatization, for example, 60 percent of members were economists and 40 percent are industrial engineers. The Committee for Culture, Science, Education and Mass Media contained 71 percent academicians and 29 percent journalists or other writers. The process of policy specialization was further increased because Moldovan MPs were assigned to only one committee.

The development of policy expertise takes time, and unfortunately in Moldova there is a high rate of committee turnover. During the 13th Parliament, the committee membership turnover rate was 40 percent.<sup>5</sup> This high turnover rate affected all committees. Such a high turnover rate has a negative impact on the ability of MPs to further develop policy specialization, and as a result members also develop a negative attitude towards the committee system itself. In our survey of MPs, over 30 percent believed that the activity of committees was inefficient or very inefficient.

The overall turnover rate for the 13th Parliament was 70 percent, and the rate for the 14th Parliament was 75 percent. As a consequence, in the 14th Parliament there was not an incumbent in two of the eleven committees, including the important Committee for Budget and Finance. Based on our survey responses, the three committees considered most important only averaged 20 percent membership incumbency. In the three most important committees, 80 percent were new members with no parliamentary experience.

### Party Composition

Party representation on Moldovan committees deviates from proportionality. For example, in the 14th Parliament there were four parliamentary groups: The Bloc of the Democratic Convention of Moldova (BCDM), the Bloc for a Democratic and Prosperous Moldova (BMDDP), and the Party of Democratic Forces (PFD) formed a parliamentary coalition called the Alliance for Democratic Reform with just over 60 percent of parliamentary

seats. The Party of Communists of the Republic of Moldova (PCRM) was the fourth party.

As previously noted, the organization responsible for committee assignments is the Permanent Bureau. The Permanent Bureau has historically been composed of nine members (three members of the parliament's presidency and six members from the parliamentary parties chosen by proportional representation). The Permanent Bureau is responsible for directing parliamentary activity and works in consultation with the parliament's presidency, parliamentary parties, and committees. The Permanent Bureau oversees the administration of the parliament, including committee and general staff.

Committee assignments and committee leadership positions are determined by parliamentary party negotiation. The Permanent Bureau sometimes has to modify the parliamentary party choices because of a disagreement between parties.<sup>6</sup> There was substantial deviation from party proportionality in the committees of the 14th Parliament. For example, while the PFD should have 10 percent of the committee assignments, there were two committees in which the PFD had no representation. Even more surprising, the BMDDP, which had 25 percent of the parliamentary seats, had no representation on the Committee for Control and Petitions. In fact, the composition of almost every committee deviated from party proportionality, partly due to the small number of members on each committee. These committee assignments reflected party preferences. For example, the BMDDP was most overrepresented on the powerful Committee for Budget and Finance.

In the 13th Parliament, defections from parliamentary parties had a significant impact on committee representation. By the end of the last session of the 13th Parliament, approximately 25 percent of MPs had left their parliamentary party, including several committee presidents and vice-presidents.<sup>7</sup> The numerous parliamentary party defections are not surprising, given the general attitude towards parliamentary parties among many MPs. In our survey of the 13th Parliament, over 35 percent indicated that the activity of their parliamentary party was poor or very poor. Because the Moldovan parliament, like many parliaments in this region, does not allow for the creation of new parliamentary parties after the first sitting, independent members had no party affiliation in committee (as in Romania).

Committee leadership positions are also supposed to be assigned based on party proportional representation. Each committee has a president (chairperson), vice president (several committees have more than one), and a secretary, proposed by parliamentary parties. However in the 13th Parliament, there was substantial deviation from proportionality in

**Table 8.1**

Party Share of Committee Officer Positions with Changes in the 13th Moldovan Parliament, 1994–1998

Party	Officer Positions		
	February 1994	January 1998	Change ±
Democratic Agrarian Party of Moldova (PADM)	26	13	-13
Socialist Party and Movement Unity Edinstvo (PSMUE)	5	9	+4
Bloc of Peasants and Intellectuals (BTI)	0	0	0
Christian Democrat Popular Front Alliance (AFPCD)	0	0	0
Independents	0	13	+13
Total	31	35	+4

**Table 8.2**

Comparison of the 13th and 14th Moldovan Parliaments

Factors	13th Parliament	14th Parliament
Number of Seats	104	101
Number of Committees	10	11
Average Number of Committee Members	9.2	8.9
Turnover Rate (%)	70.0	75.0
Deviation from Proportionality for Committee Presidencies (%)	26.5	5.0

the assignment of committee presidencies (see Table 8.1). Approximately 26.5 percent of committee presidencies were shifted from some parliamentary parties to other parties, particularly to the ruling Democratic Agrarian Party of Moldova (PDAM).<sup>8</sup> In the 14th Parliament, by contrast, the committee presidencies were generally assigned based on parliamentary party proportionality. There was only a 5 percent shift in committee presidencies (see Table 8.2). While the principle of proportionality in the 14th Parliament was violated in the membership of committees, the Permanent Bureau ensured parliamentary party proportional representation in committee leadership positions.

While committee leadership positions in the 14th Parliament were based on proportionality, the importance of committees to which MPs were assigned varied by party. In our survey of the 13th Parliament, the Committee for Legal Affairs, Appointments and Immunities, the Committee for Economy, Industry and Privatization, the Committee for Budget

and Finance, the Committee for Human Rights and National Minorities, and the Committee for Agriculture and Industry Processing were considered the most important. In the 14th Parliament, the PCRM had the most committee presidencies (four), but it did not hold the presidency on any of these important committees. The ruling coalition excluded the PCRM from these key committee leadership positions. Instead, the PCRM was given the presidency of committees such as the Committee for Youth, Sports and Tourism and the Committee for Control and Petitions.

### Power from Procedures and Rules

All Moldovan MPs have the right to initiate legislation. All draft legislation must be submitted to the Permanent Bureau, which is responsible for creating the legislative agenda. Draft legislation is then distributed immediately to all MPs; however, it is not assigned to a committee until fifteen days later. Unlike most other parliaments, the Moldovan parliament requires every committee to examine draft legislation. While each committee has a primary jurisdiction, each draft goes to every permanent committee for review before the first reading. The Permanent Bureau determines which committee will be designated as the “primary committee,” and which committees are advisory. Every “advisory committee” must issue a report.<sup>9</sup>

Committee meetings occur on Tuesday, Wednesday, and Thursday afternoons for three hours. The standing orders provide for closed meetings; although committees can allow the media to attend. Government officials may as a rule attend committee meetings. MPs with amendments to draft legislation have the right to attend meetings, but they do not have the right to vote in committee.

The Permanent Bureau decides the amount of time a committee has to review a draft. While primary committees have up to fifteen days to review drafts, it is normal for a committee to take no more than five days.<sup>10</sup> Moreover, all drafts must be reported out of committee to the Permanent Bureau. No committee can refuse to report a draft to the plenum. While many drafts are unanimously approved, the standing orders allow for minority reports. Because of the large number of drafts, there is no time to carefully consider legislation. One staff member labeled committees and the parliament a “law machine.”<sup>11</sup>

The committee report must contain four sections: First, the committee must address the urgency of the legislative issue. Second, the committee must comment on the integrity of the draft’s solution in respect to the “sphere of social relations” (*Parlamentul Republicii Moldova* 1996, 55).

Third, the committee must examine the economic and political impact of the draft. The committee can only make modifications to the draft with the author's consent. While the primary committee has much more influence in the legislative process, advisory committees issue reports that can serve as the basis for subsequent amendments.

Another example of the erosion of committee jurisdiction involves committee participation. The standing orders provide the president of a committee the opportunity to participate in the proceedings of another committee. While a primary committee report may request two or three readings of a draft, ultimately it is the Permanent Bureau, not the primary committee, that establishes the number of readings.

### **Committee Activity**

Measuring post-communist committee activity can be very difficult because of poor record keeping. In countries such as Moldova, with limited parliamentary experience, maintaining a legislative history has not been a priority. Especially for early sessions (1992 and 1993), there is a lack of data on committee activity. Most of the data available provide only an imprecise measure of committee activity. However, the data allow us to compare the activity between committees.

The data for the first four sessions (March 29, 1994–December 26, 1995) of the 13th Parliament indicate that certain committees were more active than others in reviewing laws and decrees (referred to as parliamentary documents). The three most active committees included the Committee for Legal Affairs, Appointments and Immunities (156 documents), the Committee for Budget and Finance (141 documents), and the Committee for Economy, Industry and Privatization (107 documents).<sup>12</sup> While all committees must review legislation, these committees were most often designated as the primary committee. As previously noted, these three committees were considered by Moldovan MPs to be the most important. The least active committees included the Committee for Control and Petitions (thirteen documents), the Committee for Human Rights and National Minorities (fifteen documents) and the Committee for Agriculture and Industry processing (thirty-one documents). In the fifth session of the 13th Parliament, 98.5 percent of reported committee documents (either drafts or decrees) were adopted by the parliament (some with and without amendments).<sup>13</sup> Because of the influence of party factions at the committee level, agreement between committees and the chamber indicates the supremacy of the chamber (i.e., party faction leaders) over committees in the legislative process.

### **Government Relations**

One of the complaints raised by many MPs is that the government and president have too much influence in the legislative process.<sup>14</sup> For example during the first four sessions of the 13th Parliament, 592 legislative drafts and decisions were considered. Out of this total, the government initiated 78 percent. Not only is the government the most active branch, government initiatives were adopted by the parliament at a higher rate than initiatives proposed by members (79 percent compared to 68 percent). The influence of the Moldovan government in the legislative process follows a general Western European pattern, in which the legislative process in Europe is often dominated by the cabinet (Olson 1994).

Members do not have the right to compel government officials to provide information during committee meetings. As a consequence, most information gathering occurs at plenary sessions devoted to questions and interpellations. Several MPs have argued that these sessions do not provide effective control of government officials. The written responses of government officials to questions submitted by the plenary were considered insufficient.<sup>15</sup>

### **A Case Study of the Committee System: Public Administration Reform**

One of the most important issues facing the parliament over the last few years has been reform of local government. During the 13th Parliament, the International Monetary Fund (IMF) placed great importance on the reorganization of Moldovan local government. The IMF urged the adoption of a draft law that would significantly reduce the number of territorial units and thus provide a cost savings to the central government. During the 13th Parliament, MPs refused to pass the legislation. Some MPs feared that a consolidation of local administrative units would result in a loss of political power at the local level.

Territorial reform was one of the significant issues during the 1998 elections, and several parties favored the proposed reform. The Permanent Bureau of the 14th Parliament placed this issue high on the legislative agenda; however, rather than reexamining the drafts that had already gone through committee during the 13th Parliament, the drafts that were ultimately submitted to the 14th Parliament were initiated by the government. Once again the government, rather than committee members, originated important legislation.

The Legal Affairs, Appointments and Immunities Committee was delegated primary authority over the public administration drafts. The committee considered a draft on local public administration and administrative-territorial reform. Eugen Rusu, president of the committee, was responsible for gathering the proposals from the advisory committees and issuing the committee's report. This report was presented in a plenary session and approved by the parliament in December 1998.

Immediately after the bill was approved, President Lucinschi voiced concerns over the new administrative structure and vetoed the bill. He argued that the bill failed to create a separate administrative unit for the country's ethnic Bulgarians. He proposed the creation of an administrative county in the Taraclia area (where most of the country's ethnic Bulgarians reside). However, the parliament reconfirmed its prior vote and the law on administrative reorganization was promulgated in December 1998.

During 1999, there was a great deal of discussion concerning the creation of a separate Taraclia county. The government established a commission to examine the status of ethnic Bulgarians in this area, and the Council of Europe also sent representatives to investigate the issue. Lucinschi and members of the BMDP and the PCDM supported amending the administrative reorganization law, and in October 1999 the government submitted to parliament an amendment to the law. Committee President Rusu, a member of the BCDM, argued that the government's position was politically motivated. Moreover, he stated that those MPs who supported the amendment risked destroying the parliamentary coalition. The amendment was passed by the parliament in October. However, because of Rusu's objections, the issue was placed on the plenary agenda by the Permanent Bureau without full examination by his committee. Party power rather than committee power was fundamental to the passage of the law and the amendment. This provides a further example of how the plenary and the parliamentary leadership control committee power.

## Conclusion

Several features of the Moldovan committee system hinder the development of parliamentary institutionalization. First, the turnover rate of the parliament and committees limits the ability of members to develop policy expertise. As a consequence, policy formation becomes concentrated in the government. While this is a general feature of parliamentary (and even semi-presidential) systems, the lack of policy specialization undermines the authority of members, committees, and ultimately the parliament.

Second, the small size of Moldovan committees and lack of staff support limit the ability of committees to oversee the government and to perform effectively. Committees are inundated with drafts that they must report out. The lack of personnel and resources constrains MPs and provides a motivation for expediting legislation without extensive discussion. As previously noted, drafts are often reported out of committee in five days. The deliberative function which parliaments serve is thwarted in Moldova because of a lack of resources and small committees. As a consequence, Moldova does not fit either a distributive or informational model of parliamentary committee organization.

Third, much of the legislative process occurs in parliamentary party meetings and plenary sessions, and therefore committee power is supplanted by these other organizations. Moldovan MPs consider committees ineffective in the legislative process because of the power of parliamentary parties. Committees could provide members autonomy from parliamentary parties and the chamber. Parliamentary parties are often accountable to institutions outside of the parliament (e.g., party leadership, government or presidency). Because of the need for a vote of confidence, party discipline supplants member or institutional autonomy.

Without a developed committee system, the Moldovan parliament loses its autonomy to the government and even to the president. Most drafts come from the government, and the government is able to pass its legislative agenda. Until the parliament concentrates on developing the committee system and consequentially becomes more institutionalized, other political institutions will continue to exert primary influence on the creation of policy.

## Notes

This research was made possible by the financial support of a Fulbright Fellowship to Moldova. I want to thank Andrei Onea and Ion Umanik of the Foreign Relations Division of the Moldovan parliament for all their assistance. I also want to thank Dr. Yuri Josanu for his support.

1. The ten permanent committees during the 13th Parliament included the Committee for Legal Affairs, Appointments and Immunities; the Committee for Economy, Industry and Privatization; the Committee for Budget and Finance; the Committee for State Security and Public Order; the Committee for Foreign Policy; the Committee for Human Rights and National Minorities; the Committee for Agriculture and Industry Processing; the Committee for Culture, Science, Education and Mass Media; the Committee for Social Protection, Health Assistance and Ecology; and the Committee for Control and Petitions.

2. The Committee for Youth, Sports and Tourism was added during the 14th Parliament.
3. Interview with Tudor Olaru, Permanent Bureau Secretary for the 13th Parliament, Chisinau, November 1997.
4. This data set will be deposited at the Parliamentary Documents Center at the University of North Carolina-Greensboro.
5. Some of this turnover was due to members becoming part of the government or assuming a leadership position in the parliament. The Moldovan constitution does not allow an MP to simultaneously hold a government office, and by January 1, 1996, fifteen members had resigned their position. In addition, the 13th Parliament standing orders did not allow members to hold parliamentary leadership positions.
6. Interview with Tudor Olaru, Permanent Bureau Secretary for the 13th Parliament, Chisinau, November 1997.
7. By the end of the last session of the 13th Parliament, four committee presidents and one acting president had either resigned or were expelled from their parliamentary party.
8. I calculated the deviation from proportionality for committee presidencies based on the general formula for deviation from proportionality:  $D = (1/2) \sum |s_i - cpi|$  where  $D$  stands for total deviation,  $\Sigma$  stands for the summation across all parliamentary parties,  $s_i$  stands for the percentage of parliamentary seats for the  $i$ -th parliamentary party, and  $cpi$  stands for the percentage of committee presidencies for the  $i$ -th parliamentary party.
9. Most advisory committees will issue a statement saying: "We have no recommendation for this draft." Sometimes they might issue a substantive statement.
10. The standing orders provide advisory committees ten days in which to issue their report.
11. Interview with staffers from the Committee for Budget and Finance and the Committee for Foreign Policy, May 1997.
12. The Committee for Foreign Policy also had proposed 107 legislative documents.
13. I want to thank Ion Umanik for providing me these data.
14. This complaint was voiced by many MPs at a workshop entitled "On the Aspects of Parliamentary Practice: The Organization and Activities of Parliament and the Relations Between Parliament and Government," Chisinau, Moldova, February 27-March 1, 1997.
15. The number of government ministries was reduced in May 1998 from twenty to thirteen. This change should assist the parliament in performing its oversight duty.

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