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THE CONGRESSIONAL COMMITTEE SYSTEM OF THE CHILEAN LEGISLATURE,
1834-1924**

RESUMEN

Este es un estudio histórico-institucional acerca del sistema de comisiones parlamentarias del Congreso chileno desde 1834 a 1924. Usando una perspectiva longitudinal para centrarse en los orígenes, funciones, procesos y autoridad de dichas comisiones, este artículo muestra que el Congreso chileno desarrolló un sistema de comisiones tempranamente, a partir de experiencias previas y de experimentación. En este sistema las comisiones redactaban leyes, se encargaban de asuntos internos y fiscalizaban la burocracia con resultados variados. Los líderes del Congreso tenían a su cargo la conformación de la comisiones, para lo cual se apoyaban en la mayoría parlamentaria y la persuasión. A pesar del impacto del diseño institucional sobre el desempeño de las comisiones, la evidencia muestra que estas se desempeñaron como agencias especializadas y autoritativas aun antes del surgimiento de los partidos políticos modernos, a fines de la década de 1850.

Palabras clave: Congreso, comisiones, trámite de comisión, autoridad.

ABSTRACT

This is a historical, institutional study about the congressional committee system of the Chilean legislature from 1834 through 1924. This study uses a longitudinal perspective to focus on committee origins, functions, processes, and authority. It shows that the Chilean legislature developed a committee system early by taking stock of previous, short-lived congressional experiences and trial-and-error. Congressional committees dealt with bill drafting, housekeeping matters, and bureaucratic oversight therein with varying results. Congressional leaders presided over the committee appointment process by relying on majority support and

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** Abreviaturas: SCL: Sesiones de los Cuerpos Legislativos; SCN: Sesiones del Congreso Nacional; SCD: Sesiones de la Cámara de Diputados; SCS: Sesiones de la Cámara de Senadores; Ord.: Sesión Ordinaria; Ext.: Sesión Extraordinaria; Reglamento (1831): 1831 Reglamento Interior de la Cámara de Diputados; Reglamento (1840): 1840 Reglamento del Senado; Reglamento (1846): 1846 Reglamento Interior de la Cámara de Diputados.

persuasion. The impact of institutional design on committee performance, notwithstanding, the evidence shows that committees performed as specialized, authoritative agencies even before the emergence of modern political parties in the late 1850s.

Key words: legislature, committees, committee referral, authority.

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INTRODUCTION

Committees play a policy-making and socialization role in the legislative process of Western democracies. Wilson thus pointed out early to the importance of committees for congressional work and members' goals¹, while Fenno addressed the role of congressional committees in a study of half-a-dozen House committees².

The study of Third World legislatures seldom focuses on committees. In a review of this research field, Mezey concluded that it focuses mostly on the relationship between the legislature and the external environment³. The same focus characterizes the study of the Chilean legislature that functioned from 1834 to 1924. Thus, Reinsch pointed out to the aristocratic origins of this legislature⁴; Gil stressed the independence acquired by this legislature during the Parliamentary Republic⁵; Valenzuela and Wilde focused on the role performed by this legislature in the democratization of the Chilean polity⁶, while Heise highlighted the role played by parliamentary politics in Chilean democratic development⁷.

Unfortunately, scholars have rarely studied the congressional committee system of this legislature. Besides Valencia's thorough compilation of committee

¹ Woodrow Wilson, *Congressional Government: A Study in American Politics*, Baltimore, The Johns Hopkins University Press, 1981, 58-59, 145.

² Richard F. Fenno, Jr., *Congressmen in Committees*, Boston, Little, Brown and Company, 1973, xiv-xvi.

³ Michael Mezey, "Third World Legislatures", in *Handbook of Legislative Studies*, edited by Gerhard Loewenberg, Samuel C. Patterson, and Malcolm E. Jewell, Cambridge, Harvard University Press, 1985, 766.

⁴ Paul S. Reinsch, "Parliamentary Government in Chile", *The American Political Science Review* 3:4, 1909, 509-510.

⁵ Federico G. Gil, *The Political System of Chile*, Boston, Houghton Mifflin Company, 1966, 117-119.

⁶ Arturo Valenzuela and Alexander Wilde, "Presidential Politics and the Decline of the Chilean Congress", in *Legislatures and Political Development*, edited by Joel Smith and Lloyd D. Musolf, Durham, Duke University Press, 1979, 192-195.

⁷ Julio Heise González, *Historia de Chile: El Período Parlamentario, 1861-1925*, Vol. I, Santiago, Editorial Andrés Bello, 1974; Julio Heise González, *El Período Parlamentario, 1861-1925: Democracia y Gobierno Representativo en el Período Parlamentario (Historia del Poder Electoral)*, Vol. II, Santiago, Editorial Universitaria, 1982.

membership⁸, there is only a couple of studies that provide a snapshot into Chilean committee history written by upper-level law students⁹, but hardly some scholarship about committee origins, functions, processes, and authority in this legislature. These questions about institutional history of congressional committees have largely gone unanswered so far, impairing thus a thorough understanding of Chilean congressional institutions from a historical, institutional perspective.

On this vein, this article shows that the Chilean legislature developed a congressional committee system by taking stock of previous, short-lived congressional experiences and trial-and-error experiences. This committee system consisted of standing and select committees at first, but congressional leaders expanded it to encompass joint committees and subcommittees later. This committee system remained untouched until the late nineteenth century, so it became the backbone of new committees by the turn of the century. Likewise, the evidence shows that committees socialized their members to handle variegated inputs, such as the drafting of legislation and resolutions, congressional housekeeping matters, and congressional oversight. By the same token, the data reveals that the House Speaker and the Senate President presided over the committee appointment process by relying both on majority support and persuasion most of the time, instead of outright coercion. Nevertheless, the dynamics of committee referral diverged in both houses due to the different role of committees therein. The House made committee referral mandatory from the start, while the Senate suppressed it in 1840. The latter impacted negatively the Senate committee workload until the late nineteenth century, as measured by the number of Senate committee reports. Besides collective action problems that affected congressional committee activity, committee chairs had considerable leeway to keep legislation in the committee dockets, so minority-supported legislation either died or lagged in committees. The latter implies that committees performed as specialized, authoritative agencies in the legislative process. Interestingly enough, committees emerged as such agencies before the emergence of modern political parties in the late 1850s, so a committee institutionalization process was under way even under the autocratic, Conservative Republic that lasted until 1861. In so doing, the institutionalization of Chilean congressional committees largely preceded similar processes that took place elsewhere later, as patterns of committee behavior and norms achieved stability, permanency, and self-sustaining status during the period of time analyzed herein¹⁰.

This research is based on evidence collected basically from primary, congressional data sources given the lack of secondary sources on this subject. The

⁸ Luis Valencia Avaria (comp.), *Anales de la República*, Tomo II, Santiago, Editorial Andrés Bello, 1986, 128-472.

⁹ Carlos Andrade Geywitz, *Las Comisiones Parlamentarias en la Cámara de Diputados (Desarrollo Histórico y Régimen Actual)*, Santiago, Universidad de Chile, 1945; Ingrid Ahumada Muñoz, *Las Comisiones Parlamentarias en Chile y otros Países*, Santiago, Editorial Jurídica, 1967.

¹⁰ Iván Mauricio Obando Camino, *Legislative Institutionalization in Chile, 1834-1924*, Albany, State University of New York at Albany, 2009, 21, 405, 423.

field work was conducted at Chile's Library of Congress and National Library, in Santiago de Chile, from November 2006 through June 2008, wherein I collected data from congressional journals and documentation. Although unexpected matters impeded to complete the time-series of Table 2, the data collected up till then was comprehensive enough of major periods of Chilean political and congressional history, which advised limiting the data analysis to the time-periods effectively reported therein, as follows: 1834-1905 (both houses), 1906 (House), 1909-1913 (House), and 1918-1920 (House). The length of these time-periods allowed making valid inferences about Chilean legislative development over time, as they show secular trends about committee workload¹¹.

This article consists of two sections, besides this introduction and conclusions. The first section provides a brief, historical introduction to the Chilean legislature and the early congressional committee system, as well as a thorough analysis of the different committees that made up the congressional committee system from 1834 through 1924. The second section focuses on committee processes and authority, for which purpose it analyzes both the appointment process and the referral process, and the authority exerted by committees in the legislative process.

THE CONGRESSIONAL COMMITTEE SYSTEM: COMMITTEE TYPES AND FUNCTIONS

The Chilean legislature and the early congressional committee system

The 1833 Constitution kept the bicameral legislature created by the 1828 Constitution. Congress shared in legislative initiative with the president, but the latter could restrain Congress through extraordinary prerogatives that could turn him into a republican dictator¹². However, the Grand Convention made sure that the president ruled with the advice of Congress by making mandatory the annual approval of the investment of public funds, the budget law, the authorization of the permanent ground and naval forces, the authorization to station permanent troops where Congress was in session and up to two-and-a-half miles, and the authorization to impose or suppress taxes every eighteen months. Likewise, Congress could impeach cabinet members, generals, admirals, high executive appointees, and members of the Court of Appeals and the Supreme Court in case of constitutional or legal transgressions, embezzlement, treason, extortion, and other ethical wrongdoings.

Needless to say, this constitution provided the legal framework for uninterrupted, aristocratic civilian government in Chile. The first three presidents elected after 1831 remained in office for a decade. They inaugurated the autocratic, Conservative Republic that consolidated the nation-state and government viability. A new Liberal

¹¹ *Idem.*

¹² José Victorino Lastarria, *Estudios Políticos i Constitucionales*, Vol. I, Santiago, Imprenta, Litografía i Encuadernacion Barcelona, 1906, 330-331; Luis Galdames, *Evolución Constitucional de Chile*, Tomo I, Santiago, Balcells & Co., 1925, 939; Gil, *op. cit.*

Republic developed from 1861 to 1891, in which prohibition of presidential reelection in 1871 and congressional policy-making became major staples of this regime. Congressional victory over the presidency in the 1891 Civil War inaugurated the Parliamentary Republic. From 1891 to 1925 Congress shifted the policy-making authority to the legislature, while parties took electoral authority away from the presidency once electoral liberty became ingrained in the Chilean polity.

Chilean legislatures had committees since 1811¹³, but their short-lived existence renders these committees an anecdotal episode. Later, each house of the Liberal Congress elected in 1828 created standing committees, after a favourable evaluation of the committees created that year by the General Constitutional Congress. These committees remained on the paper after the Conservative take over of 1831, which signalled the end of the 1828 Constitution. Nevertheless, the House Standing Orders of 1831 remained into effect for another decade-and-a-half, so both houses kept working according to these standing orders under the newly enacted 1833 Constitution, though the Senate reduced its standing committees from ten to six in 1834-1835¹⁴.

The House Standing Orders of 1831 created ten standing committees, while authorized the House Speaker to appoint select committees as the floor saw fit. Eventually, both houses' standing committees ebbed and flowed until the Senate passed its standing orders in 1840 and the House of Deputies passed its in 1846, drafted after the Senate's. In so doing, both houses streamlined their committee organization and processes, which had lasting effects thereafter as shown below.

The standing committees

The House Standing Orders of 1831 set the number of standing committees in ten, each of which had from five to seven members at least, except the Committee on Internal Police that consisted only of the Speaker, the Vice-Speaker, and the House Secretary. These standing committees were, as follows: Elections; Constitution; Legislation and Justice; Government and Foreign Affairs; Treasure, Agriculture, Commerce, Arts, and Mining; War and Navy; Education and Welfare; Ecclesiastical Affairs; Qualification of Petitions, and Internal Police¹⁵. Most of them remained in place until 1846.

¹³ Ahumada, *op. cit.*

¹⁴ SCD 1 Ord. (6/6/1834), in SCL 22: 285. The House of Deputies re-enacted the standing orders passed by the Federal Congress of 1826, whereas a select committee drafted the first standing orders in 1831. SCD Sesión Preparatoria 2da (5/28/1831), in SCL 20: 10; SCD 3 Ord. (6/3/1831), in SCL 20: 40; SCD 8 Ord. (6/14/1831), in SCL 20: 73-74; SCD 9 Ord. (6/15/1831), in SCL 20: 75-76; SCD 10 Ord. (6/17/1831), in SCL 20: 77-78; SCD 11 Ord. (6/18/1831), in SCL 20: 79-80; SCD 12 Ord. (6/12/1831), in SCL 20: 81-82; SCD 13 Ord. (6/21/1831), in SCL 20: 83-84; SCD 14 Ord. (6/22/1831), in SCL 20: 88; SCD 16 Ord. (6/24/1831), in SCL 20: 93-94; SCD 17 Ord. (6/27/1831), in SCL 20: 95-97; SCD 18 Ord. (6/28/1831), in SCL 20: 97-98; SCD 19 Ord. (6/30/1831), in SCL 20: 100-101; SCD 20 Ord. (7/1/1831), in SCL 20: 103-104; SCD 21 Ord. (7/2/1831), in SCL 20: 105-106; SCD 22 Ord. (7/4/1831), in SCL 20: 107-108; SCD 23 Ord. (7/5/1831), in SCL 20: 109-111; SCD 24 (7/6/1831), in SCL 20: 112; SCD 26 Ord. (7/8/1831), in SCL 20: 116-117; SCD 27 Ord. (7/9/1831), in SCL 20: 118-120; SCS 3 (6/9/1834), in SCL 23: 36-37; SCS 14 (7/9/1834), in SCL 23: 109-110.

¹⁵ Reglamento (1831): Articles 27-28.

The House Standing Orders of 1846 reformed the committee system created back in 1831 and set the number of standing committees in eight. Like their predecessors, these committees reflected the organization and mission of the bureaucracy. They remained in place for the next fifty years and kept the same number of members as before. This reform also effected changes in committee jurisdiction, as follows: Elections and Petitions; Constitution, Legislation, and Justice; Government and Foreign Affairs; Treasure and Industry; War and Navy; Education and Welfare; Ecclesiastical Affairs; and Internal Police¹⁶.

One problem that plagued House standing committees was that there were members that lacked committee membership, since the House Standing Orders of 1846 regulated a house smaller than the one that came into being years later. The latter drove the House Speaker to modify committee membership sometimes to allow more participation. In 1870 the House raised the number of committee members from six to seven members, except the Committee on Internal Police which consisted of five members. However, resentment among members excluded from standing committees –usually from the Conservative opposition, hardened in the 1880s, which persuaded to raise the number of committee members to eleven in 1885¹⁷.

In 1897 the House Committee on Government and Foreign Affairs split in two new committees, after the creation of the Ministry of Foreign Affairs in 1871. These committees were Government and Foreign Affairs, the latter consisting of seven members.

In 1901 the House passed a regulatory reform to create new standing committees and change committee jurisdiction. This reform increased the number of standing committees to eleven: Elections; Government; Foreign Affairs; Welfare and Cult; Legislation and Justice; Public Instruction; Treasure; War and Navy; Industry; Public Works; and Internal Police. This reform also shifted petitions of private persons from a standing committee to a select committee, in accordance with the September 10th, 1887 Act¹⁸.

The House vested authority upon the Committee on Government to deal with the colonization of inland territories in 1906 and created a Committee on Social Legislation to deal with industrial relations in 1912, pushing up the number of standing committees to twelve. Other standing committees met jurisdictional changes as well: colonization changed from the Committee on Government to the Committee on Foreign Affairs; the Committee on Welfare and Cult became the Committee on Public Assistance and Cult; and the Committee on Industry became the Committee on Industry and Agriculture, which provided the agricultural lobby with privileged access to the legislative process.

¹⁶ Reglamento (1846): Article 33.

¹⁷ In 1870 the House set the number of committee members from six to seven members, except the Committee on Internal Police which consisted of five members. SCD 2 Ord. (6/6/1876): 23; SCD 3 Ord. (6/5/1885): 29; SCD 2 Ord. (6/5/1888): 33-34.

¹⁸ September 10th, 1887 Act: Article 4°, in Ricardo Anguita (comp.), *Leyes Promulgadas en Chile*, Santiago, Imprenta, Litografía i Encuadernación Barcelona, 1912-1918, Vol. III: 38.

In 1918 the number of standing committees increased to thirteen, when the House created a Committee on Budget¹⁹. Finally, the House created a fourteenth standing committee in 1924: the Committee on Bill Drafting Style.

The Senate Standing Orders of 1840 set the number of standing committees in seven, each of which had either two or three members, except the Committee on Internal Police that consisted only of the President, the Vice-President, and the Senate Secretary. These standing orders stabilized the number of standing committees for the next fifty-six years, though the Senate President did not appoint members to the Committee on Ecclesiastical Affairs from 1885 through 1888. These standing committees were, as follows: Constitution, Legislation, and Justice; Government and Foreign Affairs; Treasure and Industry; War and Navy; Education and Welfare; Ecclesiastical Affairs; and Internal Police²⁰.

Like in the House, the jurisdiction of several of these committees reflected the three traditional ministries that dated back to the 1820s, which jurisdiction encompassed broad policy areas according to their by-laws, *e.g.* Interior and Foreign Affairs, War and Navy, and Treasure. The only standing committee which jurisdiction did not reflect bureaucratic goals was the Senate Committee on Internal Police, which dealt with housekeeping matters.

The Senate Standing Committee on Government and Foreign Affairs also split in two new committees in 1897: Government and Foreign Affairs, respectively. This reform brought the number of standing committees back to seven again, as the Senate stopped appointing members to the Committee on Ecclesiastical Affairs after 1891²¹.

In 1900 the Senate passed a regulatory reform that increased the number of standing committees to ten. The new committees dealt with new issues and agencies: Cult and Colonization; Public Instruction; Budget; and Public Works. Their jurisdiction changed later, but their number remained steady, *e.g.* industry shifted from the Committee on Treasure to the Committee on Public Works in 1907.

New Senate Standing Orders enacted in 1917 reformed extensively the jurisdiction of standing committees. New committees dealt with pressing policy issues: Government and Elections; Foreign Affairs and Cult; Public Works and Colonization; Legislation and Justice; Treasure and Municipal Loans; and Agriculture, Industry, and Railways. Committee membership grew to five members per committee by now. Finally, the Senate created a short-lived Committee on Bill Drafting Style in 1924, which raised the number of standing committees to eleven.

Last but not least, both houses' standing orders also authorized the appointment of joint standing committees of a single house to draft legislation, albeit it seems

¹⁹ The Committee on Budget dealt with bills that supplemented funds to the budget law. Deputy Ramírez requested the creation of this committee in late 1913. SCD 13 Ext. (11/15/1913): 284.

²⁰ Reglamento (1840): Article 35.

²¹ SCS 16 Ord. (7/12/1897): 284-286.

that select committees and joint select committees displaced them in parliamentary practice by the 1850s²².

Looking back into the development of both houses' standing committees, both houses increased their number in response to bureaucratic changes, a growing scope of government activities, and new policy issues that appealed both to the government and law-makers by the turn of the century, *e.g.* colonization, social legislation, hygiene, railways, etc.

Table 1 provides data on the number of both houses' standing committees from 1834 through 1924. These data allow a longitudinal, historical view about the development of these committees. This table shows that the number of standing committees remained relatively steady in both houses after the 1840s. The number of Senate standing committees suffered a sudden drop in 1837, after which it went up in 1839. This drop took place in the heyday of the war against the Peruvian-Bolivian Confederation, just as the Senate voted to resume military operations. Senate standing committees returned to their pre-war number two years later, after Chile's military victory, which suggests that the war effort disrupted the activity of Senate standing committees in 1837 and 1838. The number of Senate standing committees went down again from 1891 to 1896, as the Senate stopped appointing members to the Committee on Ecclesiastical Affairs, after which it was replaced by a newly created Committee on Foreign Affairs. The number of House standing committees, in turn, experienced a downward trend before 1846 and an upward trend in the late 1890s. Indeed, the House locked-in into the standing committee system created by the House Standing Orders of 1831 until the early 1840s, even though it might not have satisfied work requirements. More likely than not, trial and error, as well as adjustment, presided over the varying number of standing committees that existed until 1846, just as some old standing committees merged with others, *e.g.* the Elections and Petitions committees, whereas others simply ceased into existence, *e.g.* the Committee on Constitution. The upward trend of the late 1890s reveals a more responsive House regarding newly mobilized social groups and changes in the national bureaucracy, *e.g.* the creation of new ministries and agencies.

²² Reglamento (1840): Article 37; Reglamento (1846): Article 34. A case in point was the Joint Committee on Treasure and Legislation that drafted the Mining Engineers Corp Bill in the early 1880s. SCD 35 Ord. (9/15/1853), Report of the House Joint Committee on Treasure and Legislation about the Corp of Mining Engineers Bill.

TABLE 1

Standing committees in the Chilean Congress

Year	House	Senate	Year	House	Senate	Year	House	Senate
1834	10	6	1865	8	7	1895	8	6
1835	10	6	1866	8	7	1896	8	6
1836	10	6	1867	8	7	1897	9	7
1837	10	4	1868	8	7	1898	9	7
1838	....	....	1869	8	7	1899	9	7
1839	10	6	1870	8	7	1900	9	10
1840	9	6	1871	8	7	1901	11	10
1841	9	7	1872	8	7	1902	11	10
1842	9	7	1873	8	7	1903	11	10
1843	8	7	1874	8	7	1904	11	10
1844	7	7	1875	8	7	1905	11	10
1845	7	7	1876	8	7	1906	11	10
1846	8	7	1877	8	7	1907	11	10
1847	8	7	1878	8	7	1908	11	10
1848	8	7	1879	8	7	1909	11	10
1849	8	7	1880	8	7	1910	11	10
1850	8	7	1881	8	7	1911	11	10
1851	8	7	1882	8	7	1912	12	10
1852	8	7	1883	8	7	1913	12	10
1853	8	7	1884	8	7	1914	12	10
1854	8	7	1885	8	7	1915	12	10
1855	8	7	1886	8	7	1916	12	10
1856	8	7	1887	8	7	1917	12	10
1857	8	7	1888	8	7	1918	13	10
1858	8	7	1889	8	7	1919	13	10
1859	8	7	1890	8	7	1920	13	10
1860	8	7	1891	8	6	1921	13	10
1861	8	7	1892	8	6	1922	13	10
1862	8	7	1893	8	6	1923	13	10
1863	8	7	1894	8	6	1924	14	11
1864	8	7						

Source: Author's creation from Valencia, *op. cit.*

The select committees

Both houses' standing orders authorized the appointment of select committees to deal with any type of business pending before the floor²³. Membership in select committees ranged from a minimum of two members to more than a dozen of members, depending on the complexity of issues and the criteria of the nominating agents, e. g. representativeness, majority veto, expertise, leaders' commitment, etc. Select committees normally ceased into existence once they reported to the floor.

Sometimes select committees performed better than standing committees, especially if the absence of one or more members prevented a standing committee to meet at all. Nevertheless, select committees failed to report to the floor often, probably because of the circumstances surrounding their appointment. Besides multiple committee appointments of members and distractions arising from members' economic occupations, it is surmised that referral of legislation to select committees might have been a means to by-pass standing committees, so that disfavoured legislation lagged or died in a select committee²⁴. As a matter of fact, on November 11th, 1878 Deputy Allende found out that a House select committee appointed to draft legislation based on his plan for general vaccination –instead of the House Standing Committee on Education and Welfare, failed to meet at all, because several of committee members believed– out of religious reasons, that “forced vaccination was an attack against individual freedom”²⁵. Deputy Allende did not protest; instead, he accepted the committee members' suggestion to have his plan implemented only in public schools, jails, and military barracks, after which the committee reported on his bill project soon²⁶.

Though select committees -like all other committees, did not have a final, decisional authority, there was a committee that had this type of authority: the House Committee on Order of Legislative Business (*Comisión de Tabla*). The House created this committee on September 15th, 1870 to schedule the businesses of the floor because members were tired of endless debates about bill scheduling, for which purpose they granted upon it a final, decisional authority. The House agreed on the definite membership of this committee on June 5th, 1885, as follows: the House Speaker, the House Vice-Speakers, and the standing committee chairs. Notwithstanding the authority of this committee, House Speaker Valdés clarified that members could amend the bill schedule by absolute plurality in 1904²⁷.

A cursory review of congressional journals shows that both houses appointed select committees often, even for purposes other than law-making. Select

²³ Reglamento (1840): Article 37; Reglamento (1831): Article 29; Reglamento (1846): Article 34.

²⁴ Something like this might have happened in the 1870s with the vaccination bills. The House referred two different plans for general vaccination of the population to select committees instead of the more appropriate Standing Committee on Education and Welfare, which dealt precisely with health and medical facilities, where they stalled because of the opposition of the Catholic Church.

²⁵ SCD 18 Ext. (11/2/1878): 173.

²⁶ SCD 32 Ext. (11/28/1878): 331.

²⁷ Ismael Valdés Valdés, *Prácticas Parlamentarias: Cámara de Diputados i Senado*, 2nd ed., Santiago, Sociedad Imprenta-Litografía Barcelona, 1918, 80-82.

committees drafted relevant legislation, even during the congressional recess once²⁸; reported on consultations referred by their houses²⁹; handled specific tasks for their houses³⁰, and even upheld legislation before the other house³¹. Indeed, the House Standing Orders of 1831, the Senate Standing Orders of 1840, and the House Standing Orders of 1846 authorized the other house's committees to uphold legislation on the floor³², so a widely accepted parliamentary practice developed in the legislature, as House Speaker García de la Huerta confirmed it to a fellow member: "There is no danger, Mr. Deputy: the parliamentary practices authorize that procedure that has been used in other occasions"³³. Furthermore, select committees collected information about election frauds, impeachment charges, foreign policy, and misadministration cases too³⁴, performing thus a semi-administrative or semi-judicial function³⁵.

There was also a temporary committee that verified the legality of House elections. This committee was the House Committee on Qualification of Electoral Mandates (*Comisión Calificadora de Poderes*), which reported about the legality of the election documents exhibited by newly elected members³⁶. This committee dated back to 1828, though like committees existed before in several short-lived, unicameral legislatures too. A regulatory reform passed on January 10th, 1885

²⁸ See, among others, SCS 3 Ext. (10/6/1848), Report of the Senate Select Committee on Primogeniture States; SCS (7/18/1851), Report of the Senate Select Committee on Municipal Legislation; SCS 3 Ord. (6/18/1860); SCS 26 Ext. (11/11/1874), Report of the Senate Select Committee on the Mining Law Code; SCD 22 Ext. (10/17/1874), Report of the House Select Committee on the Mining Law Code; SCD 17 Ord. (7/13/1875), Report of the House Select Committee on Criminality; SCD 40 Ord. (9/12/1877); SCD 32 Ext. (11/28/1878), Report of the House Select Committee on the General Vaccination Law; SCD 61 Ext. (1/14/1878), and SCD 18 Ord. (7/9/1878), Report of the House Select Committee on Treasure.

²⁹ See, among others, SCS 2 Ord. (6/6/1870); SCD 17 Ord. (7/6/1878), Report of the House Committee on the Education Bill.

³⁰ Roldán reported that both houses appointed committees to draft a response to the annual presidential address from 1842 to 1847, though the House kept appointing them until 1852. They appointed new committees for the last time in 1863. Alcibiades Roldán Álvarez, *Elementos de Derecho Constitucional de Chile*, Santiago, Imprenta Laguna, 1924, 270-272. See, among others, SCS (11/26/1848), Report of the Senate Select Committee on Archives; SCD 46 Ord. (9/16/1870), Report of the House Select Committee on Order of Legislative Business; SCS 2 Ord. (6/5/1878), Report of the Senate Select Committee on Backlog; SCD 19 Ord. (7/11/1878), and SCD 20 Ord. (7/13/1878), Report of the House Select Committee on the Preference Order of Private Bills.

³¹ The House appointed committees to uphold before the Senate the Individual Guarantees Bill in 1875 and the Abolition of the Tobacco Monopoly Bill in 1879. SCD 9 Ext. (11/3/1877); SCD 49 (9/6/1879).

³² Reglamento (1840): Article 65; Reglamento (1831): Article 94; Reglamento (1846): Article 103.

³³ SCD 49 (9/6/1879): 537.

³⁴ See, among others, SCS (8/26/1853), Report of the Senate Select Committee on Sequestration of Foreign Property; SCD 1 Ext. (10/27/1863), Report of the House Select Investigative Committee on Electoral Irregularities in Petorca; SCD 26 Ext. (4/28/1864), Reports of the Select Committees on Accusations against the Intendants of Colchagua and Aconcagua; SCD 10 Ord. (7/1/1876), Report of the House Select Committee on Elections about the Annulment of Elections; SCD 21 Ext. (11/28/1893), Report of the House Investigative Committee about the Inspection of Lands and Colonization, and SCD 16 Ord. (8/17/1895), Report of the House Select Investigative Committee about Railways.

³⁵ Valdés, *op. cit.*

³⁶ Reglamento (1846): Article 4.

substituted five temporary, five-member election committees for the House Committee on Qualification of Electoral Mandates, just like in Britain's House of Commons since 1770³⁷. These five committees reported about the legality of election documents of newly elected members to the floor at the first ordinary session, but whereas four of these committees dealt with electoral complaints on contested House elections, the other one dealt with uncontested House elections³⁸.

The Senate did not have a Committee on Qualification of Electoral Mandates until the 1876 election, even though it appointed a like committee in 1828, 1831, and 1833. The 1876 election was the first one after a constitutional reform made senators directly elected by the people at the provinces. Traditionally, the Senate qualified the elections of would-be members in a preparatory session before 1874, but the qualification of electors was in the hands of municipal committees (*juntas*) until the 1873 election³⁹. The new 1874 Election Law prescribed that a congressional committee decided about the annulment of House or Senate elections; subsequently, the Senate appointed a Committee on Qualification of Electoral Mandates on May 30th, 1876, which reported to the floor at the first ordinary session, notwithstanding the silence of the Senate Standing Orders⁴⁰. Interestingly enough, the Senate President followed the same appointment process used for standing committees⁴¹. A regulatory reform passed on January 22nd, 1906 substituted three temporary, five-member election committees for the Senate Committee on Qualification of Electoral Mandates. These three committees qualified the mandates of newly elected senators at the first ordinary session too⁴².

Although the constitution discarded conference committees, both houses appointed joint select committees (*comisiones mixtas*) early based on their regulatory authorization to appoint select committees⁴³. These bicameral committees drafted legislation⁴⁴; handled congressional housekeeping matters⁴⁵;

³⁷ Spencer Walpole, *The Electorate and the Legislature*, London, Macmillan and Co., 1881, 85.

³⁸ SCS 22 Ext. (1/14/1885): 341.

³⁹ Senator Larraín Moxó asked the Senate President to appoint a Committee on Qualification of Electoral Mandates in the second ordinary session of 1858. Senate President Benavente replied that the Senate was not directly elected by the towns, which decided the annulment of elections of Senate electors. Though the Senate appointed a Committee on Qualification of Senate Elections, there is not evidence that this committee ever reported to the floor. SCS 2 Ord. (6/4/1858): 13-15.

⁴⁰ The Senate could appoint this committee more than once during a session, e.g. SCS 28 Ord. (8/26/1894): 425.

⁴¹ SCS Sesión Preparatoria (5/30/1876): 1; SCS 1 Ord. (6/2/1876): 5-6, Report of the Senate Committee of Electoral Mandates.

⁴² Valdés, *op. cit.*

⁴³ Reglamento (1840): Article 37; Reglamento (1831): Article 29; Reglamento (1846): Art. 34.

⁴⁴ See, among others, SCS 7 Ext. (12/22/1843), in SCL 33 and SCD 11 Ext. (12/22/43), in SCL 32, Reports on the Regime of Internal Administration Bill; SCD 7 Ord. (6/13/1849), Report on the National University Wage Reduction Bill; SCS 13 Ext. (11/5/1873), Report on the Reorganization of Administrative Offices Bill; SCS 27 Ext. (10/10/1873), Report on the Public Education Bill, and SCD 21 Ext. (11/6/1875), Report on the Election Law.

⁴⁵ Both houses appointed a joint select committee on portraits of "public men" for the new building of the National Congress in 1875-1876, integrated again in 1879 and a two-member joint select committee on the appointment and demotion of the congressional staff in accordance with the Act N° 1,351, of 1900. SCS 8 Ord. (6/19/1876); SCD 2 Ord. (6/5/1879): 22-23; SCD 3 Ord. (6/7/1879): 34.

reported on consultations⁴⁶, and did fact-finding for their houses⁴⁷. Interestingly enough, lawmakers used joint select committees to introduce “risk control” in the legislative process, as suggested by a comment from Senator and then Minister of Interior José Victorino Lastarria, in 1876, as follows:

“The Senate seems to welcome the idea persuaded, just like me, that the experience is demonstrating that the analysis of businesses of some extent, done by joint select committees, is much more complete, expeditious, and faster than the separate analysis done by two different committees, one from each House”⁴⁸.

Finally, Congress created some joint select committees by law to draft a Civil Law Code and to examine re-printed editions of the 1833 Constitution⁴⁹.

The Joint Committee on Budget and the subcommittees

There was also a very important bicameral committee: the Joint Committee on Budget. Neither house’s standing orders mentioned this committee, but both houses appointed it based –presumably, upon their regulatory authorization to appoint select committees⁵⁰.

This joint committee analyzed and drafted the budget bill, although both houses used either the standing committee on treasure or select committees to deal with this bill project in 1836, 1839, 1840, 1841, 1872, 1878, 1879, 1880, 1881, and 1882⁵¹. Much earlier, the Joint Committee on Budget also dealt with the tax bill and the public account of the investment of public funds, but parliamentary practices drove both houses to handle the tax bill through the standing committees on treasure and the public account of the investment of public funds through select committees later⁵².

⁴⁶ See SCD 30 Ord. (7/23/1868), Report of the Joint Select Committee on Secret Expenditures for the War against Spain of 1868.

⁴⁷ Both houses appointed a Committee on the State of Public Finances in 1876 to study the public treasure and a \$3,000,000 pesos internal loan requested by the government. The committee reports superseded the work of the Joint Committee on Budget. SCS 28 (8/11/1876); SCS 3 Ext. (10/23/1876); SCS 5 Ext. (10/27/1876); SCS 6 Ext. (10/30/1876); SCS 14 Ext. (11/16/1876); SCS 16 Ext. (11/20/1876); SCS 35 (34) Ext. (1/8/1877).

⁴⁸ SCD 2 Ext. (10/19/1876): 16.

⁴⁹ The Committee on Legislation of the National Congress created on September 10th, 1840; the Reviewing *Junta* of the Civil Law Code Project created on October 29th, 1841; the Joint Select Committee on the Civil Law Code created on July 17th, 1845, and the Reviewing Committee on Re-printed Editions of the Political Constitution of the State created on December 28th, 1844.

⁵⁰ Reglamento (1840): Article 37; Reglamento (1831): Article 29; Reglamento (1846): Article 34.

⁵¹ SCD 33 Ord. (9/12/1836), in SCL 24: 304; SCS 31 Ord. (9/16/1836), in SCL 25: 208; SCD 27 Ord. (8/28/1839), in SCL 24: 617; SCS 19 Ord. (8/28/1839), in SCL 26: 374; SCS 28 Ord. (8/26/1840), in SCL 28: 515; SCD 32 Ord. (8/28/1840), in SCL 27: 198; SCD 37 Ord. (9/10/1841), in SCL 30: 480; SCD 48 Ord. (10/19/1841), in SCL 30: 526; SCS 18 Ext. (10/27/1841), in SCL 29: 96; SCS 1 Ord. (6/3/1872): 5-8; SCS 16 Ord. (8/7/1878): 122-123; SCS 7 Ord. (6/23/1879): 43; SCS 18 Ord. (8/7/1880): 157; SCS 6 Ext. (12/20/1880): 61; SCS 34 Ord. (8/24/1881): 367; SCS 2 Ext. (11/10/1882): 18. The government did not introduce a budget bill into Congress in 1837 and 1838, because Chile was at war with the Peruvian-Bolivian Confederation.

⁵² SCD 32 Ord. (9/6/1853), Report of the Joint Committee on Budget about the Tax Bill; SCD 27 Ord. (9/14/1872), Report of the House Select Committee on the 1869 Investment Account.

The committee reported on the budget bill to any house floor until 1849, but this practice changed in 1850, when the government introduced the budget bill into Congress through the Senate for the first time. The Senate dealt with the committee report -and passed the budget bill, before the House from then on⁵³.

The committee issued one report on the budget bill at first. The growing complexity of the public finances and the convenience of giving a say to more members about the budget bill advised committee members to issue more than one report later, for which purpose they created as many joint subcommittees as the number of ministries funded by the budget bill, each of which reported about the ministry under its purview.

The September 26th, 1884 Act wrote into the law the Joint Committee on Budget⁵⁴. This act dealt with the drafting of the budget and the account of the investment of public funds, making mandatory the referral of both bills to this committee⁵⁵. In 1912 Congress passed Act N° 2,672 that streamlined the committee process to reach a balanced budget⁵⁶.

Finally, congressional journals are almost silent about the appointment of subcommittees, other than the Joint Committee on Budget's. Nevertheless, congressional journals show that select committees appointed subcommittees to fulfil their mission sometimes, *e.g.* the Joint Committee on the State of Public Finances of 1876, the House Select Committee on Treasure of 1877-1878⁵⁷.

COMMITTEE PROCESSES AND AUTHORITY

The committee appointment process

The committee appointment process took place on a triennial basis after 1834, with the exception of the annual appointment of Senate committees in 1837 and 1839⁵⁸. Usually, the House Speaker and the Senate President proposed the membership of the standing committees to the floor at the first ordinary session⁵⁹. This process experienced a twist after 1878, because both houses confirmed committee membership (either by not appointing members or by

⁵³ The executive introduced the budget bill into Congress through the House in early June 1892, but the House voted to forward the bill to the Senate "in accordance with parliamentary practices and the Standing Orders". SCD 3 Ord. (6/14/1892): 22

⁵⁴ September 26th, 1884 Act, in Anguita, *op. cit.*, Vol. III.

⁵⁵ Senator Lamas introduced a bill to substitute the standing committees of both houses for the Joint Committee on Budget in 1896, but Congress never passed this bill. SCS 19 Ext. (12/24/1896): 294-296.

⁵⁶ Act N° 2,672, in Anguita, *op. cit.*, Vol. IV: 437.

⁵⁷ SCS 34 Ord. (8/28/1876): 359; SCD 16 Ord. (7/4/1878), Report of the House Select Committee on Treasure; SCD 21 Ord. (7/16/1878): 316.

⁵⁸ Because of the War against the Peruvian-Bolivian Confederation, the Senate did not appoint committees in 1838.

⁵⁹ Reglamento (1840): Article 11 Paragraph 8.º; Reglamento (1831): Article 22 Paragraph 7.º; Reglamento (1846): Article 28 Paragraph 8.º

integrating committees) or appointed committees sometimes. The latter suggests that a negotiation process took place in advance before the inauguration of Congress's ordinary sessions. This negotiation occurred among congressional parties at first and among party caucuses later, just as political parties emerged in the late 1860s.

The House Speaker and the Senate President could also propose the appointment of members to more than one committee, although under some limitations. The House Standing Orders did not authorize the appointment of members to more than two committees, whereas the Senate's were silent about this matter⁶⁰. Nevertheless, the House Speaker disregarded the standing orders sometimes to please members, to surmount membership restrictions, and to integrate committees that suddenly had one or more vacant seats during sessions.

It was not uncommon that members asked to have their names deleted from the proposal on committee membership based on health or aged related reasons, having an appointment in other committee, or simply lack of time. Members also asked to shift their appointment to another committee more of their liking. Members even asked being replaced by more knowledgeable or experienced members, particularly in budgetary matters. These changes took place frequently in the House not only because committee activity was a distinctive feature of the House legislative process, but also because the House Standing Orders and practices authorized to do so⁶¹.

It goes without saying that both houses could reject the proposal on committee membership, but this was a rare event⁶². Indeed, the House Speaker and the Senate President took great pains both to accommodate the policy interests of members and to make their house a workable legislature. The latter drove them to go out their way to persuade reluctant members sometimes, but they knew they could not push members too far, because disgruntled members could fail deliberately to attend committee sessions and cause bottlenecks in the legislative process (as they did many times). In other words, dissent swelled the floor during the committee appointment process sometimes, forcing thus leaders –and their supporting majority, to come to terms with dissenting members. As a matter of fact, Deputies Matta and Lastarria objected the unrepresentative composition of the House Select Committee on Electoral Reform appointed in 1869, whereas Deputy Vicuña objected the integration of the House Committee on Treasure with a member who had interests in vineyards in 1874⁶³. All in all, the authority of the House Speaker and the Senate President in the committee appointment process relied both on majority support and persuasion, instead of outright coercion.

⁶⁰ Reglamento (1831): Article 34; Reglamento (1846): Article 39.

⁶¹ Reglamento (1831): Articles 34-35; Reglamento (1846): Article 39.

⁶² House Speaker Toro had his proposal objected by the floor in 1900, especially by the Conservative Party members. SCD 35 Ord. (8/6/1901): 429.

⁶³ SCD 9 Ord. (6/24/69): 87; SCD 16 Ord. (7/9/1874): 210. In 1903 Senator Ballesteros objected the underrepresentation of the Liberal Alliance in the Senate committees. SCS 17 Ord. (7/8/1903): 393-395.

The burden of unpaid legislative service took its toll on the functioning of committees often. Members who represented provincial districts could not stay away from their offices, occupations, or homes for long time, especially if they held government positions. Existing means of transportation also made difficult to stay in touch with the districts. Thus, it was not a rare event that some members stop attending committee sessions to run errands in their districts or to attend their private occupations, so some committees failed to meet at some point or another. To surmount these difficulties, both houses' standing orders authorized both to replace and to substitute members for the absentees⁶⁴, a practice known as integration of committees, with respect to which an early House resolution stipulated that the House Speaker had absolute leeway to select the nominee⁶⁵.

The authority of the House Speaker in the committee appointment process changed with respect to the House Committee on Qualification of Electoral Mandates. The House Standing Orders of 1846 granted upon the House Speaker exclusive authority to appoint the membership of this committee without a floor vote, after each congressional election⁶⁶. The extent of this exclusive authority was contested once by opposition members, during the preparatory congressional session held on May 29th, 1870. Needless to say, the majority sided with the incumbent House Speaker, who fervently defended the exclusive authority vested upon the office⁶⁷. This exclusive authority persisted even after the regulatory reform that substituted five temporary, five-member electoral committees for the Committee on Qualification of Electoral Mandates in 1885⁶⁸.

Conversely, the Senate President lacked this exclusive authority to appoint the membership of the Senate Committee on Qualification of Electoral Mandates from 1876 to 1903. The Senate President followed the standard committee appointment process, that is, to propose the committee members to the floor at the first or second preparatory session before ordinary sessions. The Senate President followed this practice because the Senate Standing Orders of 1840 lacked any provision about this committee, until a regulatory reform passed on January 22nd, 1906 granted upon the Senate President exclusive authority to appoint members to three election committees created that year.

The standard appointment process applied to a great extent both to select committees and the Joint Committee on Budget. Regarding the latter, the House Speaker and the Senate President proposed to their floors the appointment of members to different joint budget subcommittees⁶⁹. According to parliamentary

⁶⁴ Reglamento (1840): Article 11 Paragraph 8.º; Reglamento (1831): Article 22 Paragraph 7.º; Reglamento (1846): Article 28 Paragraph 8.º

⁶⁵ SCD 19 Ord. (7/13/1864): 272-273.

⁶⁶ Reglamento (1846): Articles 4, 28 Paragraph 8.º

⁶⁷ SCD (5/29/1870) Sesión Preparatoria: 2-4.

⁶⁸ Reglamento (1846), 1885 version: Article 3, in SCS 22 Ext. (1/14/1885): 341.

⁶⁹ Although congressional journals mentioned different "joint committees on budget" often, these committees actually were subcommittees.

practice, the Senate appointed its members to the Joint Committee on Budget first from 1850 on. The House of Deputies appointed its members later, once it received the Senate communication about the senators appointed to the committee. Nevertheless, the Senate appointed a smaller number of members than the House, based on its smaller membership size. House Secretary and Deputy Riesco confirmed this practice on August 28th, 1877, when he asserted: “Mr. Riesco (Secretary).- There has been a custom in this House to appoint to these Committees twice as many members as the number appointed by the Senate”⁷⁰.

The Senate deviated from this practice in 1897, after Senator Balmaceda introduced a motion to invite the House to appoint five-member, select committees from each house. The House replied by passing a resolution that stated that each house could appoint the number of members that sees fit. Finally, the Senate appointed the same number of members –eleven, to the Joint Committee on Budget in 1903, after the House did not pay heed to a like request⁷¹.

The committee referral process

The role of committees in the legislative process differed somewhat in both houses. The bigger House depended more on committees, so standing orders reflected this phenomenon by regulating committee referral differently in the 1840s.

According to the House Standing Orders of 1831 –also used by the Senate after 1834, the House Speaker could refer a bill to a committee after the floor admitted it to congressional debate by a one-third vote, but this roll-call could only take place after two consecutive readings held in two different sessions by the House Secretary⁷². The House Standing Orders of 1846 expedited committee referral by authorizing the House Speaker to refer a bill to a committee after a second reading –done in a second congressional session, by the House Secretary⁷³. There was, however, one way to circumvent the committee stage. Cabinet members frequently asked the House Speaker to skip the second reading and the committee stage with respect to money bills through a roll-call, because the House Standing Orders of 1846 allowed an absolute plurality to modify parliamentary procedures. Members also asked the House Speaker to do likewise with respect to private bills, especially as election times or congressional recess approached. Later, a House resolution passed on June 7th, 1879 substituted the publication of a bill or petition in the government gazette (*Diario Oficial*) for the second reading. Finally, the House authorized the Speaker to refer bills to committees immediately after an

⁷⁰ SCD 33 Ord. (8/28/1877): 446.

⁷¹ SCS 26 Ext. (1/11/1897): 479; SCD 54 Ord. (8/18/1897): 867; SCS 45 Ord. (8/27/1903): 876-882, 888; SCS 49 Ord. (9/4/1903): 961; SCS 52 Ord. (9/11/1903): 1,038, 1,042; SCS 53 Ord. (9/14/1903): 1,057. The Senate appointed two additional members to the Joint Committee on Budget on July 7th, 1902, which increased its representatives from six to eight members, to counterbalance the eight House members appointed that year. SCS 16 Ord. (7/7/1902): 280.

⁷² Reglamento (1831): Articles 36-40.

⁷³ Reglamento (1846): Article 55.

account of their introduction (*cuenta*) to the floor by the House Secretary in 1904, suppressing thus the two readings procedure⁷⁴.

Petitions constituted a different matter for some time. The House Standing Orders of 1831 did not have special regulations regarding petitions, so the same committee referral rules applied both to petitions and bills. The House Standing Orders of 1846 prescribed that the House Speaker could refer a petition to a Committee on Petitions after the first reading by the House Secretary. This committee reported whether or not the House had jurisdiction to deal with a petition. The floor, in turn, voted on the committee report and, if the petition consisted of a grace pension, on the merits of the petitioner. After the floor passed a petition on both counts, the House Speaker referred it to another standing committee⁷⁵. Nonetheless, the 1904 reform ended up submitting petitions to the same committee referral rules applicable to bills⁷⁶.

This procedure changed in the Senate according to the Senate Standing Orders of 1840, which suppressed mandatory committee referral. The referral of a newly introduced bill or petition to a committee was conditional upon the fulfilment of four requisites. First of all, the Senate Secretary had to read it twice in different sessions, but the floor could skip the second reading by having a bill or petition printed in the government gazette. Secondly, the floor had to admit a bill or petition to congressional debate by casting only four votes, although both government bills and House bills did not go through this admittance vote. Thirdly, the general discussion of a bill or petition had to take place immediately after being admitted to debate by the floor, albeit a resolution passed on July 28th, 1854 ruled that the discussion of petitions had to be secret. Fourthly, the floor had to pass in general a bill or petition, after which it was scheduled for particular discussion in another session, unless the floor directed the Senate President to refer a bill or petition to a committee by simple plurality. Senate resolutions, in turn, followed the same committee referral process, but they had one floor discussion only; however, the floor could submit resolutions to the same number of discussions of a bill by simple plurality⁷⁷. A regulatory reform passed in 1897 authorized the Senate President to refer bill projects to committees immediately after their second reading, if the floor voted to do so⁷⁸. Summing up, contrarily to the House, committee referral was not a frequent, parliamentary practice in the Senate –presumably, due to collective action problems that aroused from a smaller membership, until bigger legislative workload and membership changed somewhat parliamentary practice by the turn of the century.

Besides standing committees, the House Speaker, the Senate President, and members had a complete menu of committee choices. Members could propose select committees, joint standing committees, and joint select committees to their

⁷⁴ Reglamento (1846), 1904 version: Article 55.

⁷⁵ Reglamento (1846): Articles 77-81.

⁷⁶ Reglamento (1846), 1904 version: Articles 55, 77.

⁷⁷ Reglamento (1840): Articles 78-86.

⁷⁸ SCS 8 Ext. (10/26/1897): 221.

leaders. Likewise, the House Speaker and the Senate President did not hesitate to refer legislation and petitions to successive committees when there were issues that could split a majority vote on them, *e.g.* private bills granting retirement benefits to non-commissioned or commissioned army officers of Liberal leanings after the 1891 Civil War.

On this vein, Table 2 provides data on the number of committee reports issued in both houses, including select committee reports. These data reveal secular trends in committee workload under the dynamics of committee referral described above.

This table suggests that institutional design became a prime, causal factor that impacted on both houses' committee workloads, instead of the broad political context having a differential impact on them. Indeed, a small Senate membership that hampered committee activity persuaded Senate leaders to suppress mandatory committee referral in 1840, affecting thus negatively committee workload. The evidence shows that Senate committees issued fewer reports from 1834 to 1840, which encompasses the heyday of the authoritarian, Conservative rule of President General Prieto. Senate committees issued more reports in 1839, but this happened after Congress resumed sessions in the aftermath of an external war. The 1839 surge died shortly, as committee reports did not reach the same numbers until 1893, after the suppression of mandatory committee referral in 1840. Thus, the political context more amenable to legislative politics, inaugurated in late 1839, did not have great impact on committee workload.

On the contrary, a bigger House membership affected positively committee workload through mandatory committee referral from the start, though political context had an impact in half of the time-series reported for the 1830s. House committees issued fewer reports from 1834 to 1837, namely, during the heyday of authoritarian rule, but they issued more reports from 1839 to 1844, which mostly encompasses the first administration of Conservative President General Bulnes (1840-1845), who liberalized authoritarian rule. Although the number of House committee reports went down for two years in a row thereafter (1845, 1846), it was still higher than in the mid-1830s. Last but not least, this table shows that the number of House committee reports was on the rise most of the time after 1839 (75%), reaching still high numbers in 1845 and 1846.

The authority of congressional committees

After referral of a bill or petition to a committee, it was incumbent upon committee members whether or not to report to the floor, so congressional leaders lacked any means to take a bill or petition away from a committee.

The House Standing Orders prescribed that the House Speaker only could file the necessary requests before a committee that delayed the dispatch of businesses, acting upon the advice of House members⁷⁹. Members interested in some piece of legislation, then, addressed the House Speaker on the lack of committee activity at the beginning

⁷⁹ Reglamento (1831): Article 33; Reglamento (1846): Article 40.

of each congressional session, during the incidents hour (*hora de incidentes*), and asked him to recommend committees to report on legislation promptly. The House Speaker, in turn, recommended committee members to issue their report.

TABLE 2

House and Senate committee reports, 1834-1924

Year	House	Senate	Year	House	Senate	Year	House	Senate
1834	83	100	1865	68	15	1895	76	16
1835	40	38	1866	30	16	1896	77	43
1836	29	37	1867	20	14	1897	217	200
1837	6	4	1868	76	11	1898	165	63
1838	...	...	1869	76	13	1899	174	188
1839	23	36	1870	81	18	1900	n/a	n/a
1840	48	22	1871	64	14	1901	183	92
1841	53	18	1872	51	28	1902	139	140
1842	76	35	1873	76	35	1903	122	71
1843	107	19	1874	68	16	1904	135	139
1844	113	20	1875	120	22	1905	176	122
1845	85	16	1876	50	20	1906	111	55
1846	53	15	1877	82	21	1907	n/a	n/a
1847	62	10	1878	37	21	1908	n/a	n/a
1848	58	28	1879	59	9	1909	255	160
1849	42	10	1880	92	15	1910	371	375
1850	72	12	1881	107	11	1911	202	349
1851	10	14	1882	73	17	1912	464	n/a
1852	57	12	1883	101	14	1913	211	n/a
1853	35	10	1884	78	29	1914	n/a	n/a
1854	86	13	1885	95	6	1915	n/a	n/a
1855	n/a	n/a	1886	85	14	1916	n/a	n/a
1856	60	8	1887	134	23	1917	n/a	n/a
1857	48	2	1888	123	21	1918	199	n/a
1858	68	14	1889	70	32	1919	200	n/a
1859	42	9	1890	n/a	n/a	1920	176	n/a
1860	55	9	1891	47	20	1921	n/a	n/a
1861	41	6	1892	182	33	1922	n/a	n/a
1862	60	2	1893	89	39	1923	n/a	n/a
1863	102	3	1894	129	24	1924	n/a	n/a
1864	124	10						

Source: Author's creation from Valentín Letelier M. (comp.), *Sesiones de los Cuerpos Legislativos de la República de Chile*, Vols. XXII-XXXVII, Santiago, Imprenta Cervantes, 1887-1908; Chile, Congreso Nacional, *Sesiones del Congreso Nacional* (1846-1864); Chile, Congreso Nacional, Cámara de Diputados, *Sesiones de la Cámara de Diputados* (1865-1924), and Chile, Congreso Nacional, *Sesiones de la Cámara de Senadores* (1865-1924).

Sometimes it was the other way around, that is, either the House Speaker or the Senate President informed the floor on the lack of committee activity, so he recommended committee members to report to the floor. In any case, congressional leaders merely recommended, but they did not imply punishment to enforce their recommendations.

In this regard, congressional journals are filled with petitions and exhortations addressed to committees. Indeed, the reluctance of a committee drove a desperate House Speaker to claim in 1845: “there is almost nothing to deal with; because the businesses that concern us today, whether introduced by the executive or forwarded by the Senate, shall conclude in two or three more sessions”⁸⁰.

Eventually, a House parliamentary practice developed in the 1860s to have members’ petty projects voted by the floor in these circumstances, but this practice did not affect the core of committee authority. Thus, members could request from the House Speaker, during the incidents hour, to ask committees to return legislation to the floor for a vote, for which purpose lack of committee activity due to an incomplete membership became a plausible argument. Nevertheless, the final word was in the hands of committees, which could turn down the House Speaker request either by asking for the integration of the committee or by doing business as usual.

As a matter of fact, a cursory review of congressional journals shows that doing business as usual was not a far-fetched option, *e.g.* Deputy Cuadra asked the House Speaker to recommend the Joint Committee on Budget to report on the account of the investment of public funds of previous years on October 10th, 1876; Deputy González asked the House Speaker to recommend the Committee on Government and Foreign Affairs to report on a bill about the pavement of the streets of Curicó on October 13th, 1877, and Senate President Covarrubias urged committee members to report on the bills included in the presidential summon to extraordinary sessions on October 29th, 1877, among others⁸¹.

Committees met no deadlines to report to the floor, other than deadlines that aroused from either constitutional requirements or budgetary requirements. Indeed, regarding bills that supplemented the current budget law during the discussion of the annual budget law, congressional committees stretched out timelines as much as they could after 1880, just as the balance between Congress and the Presidency changed.

Committees promptly reported on majority-supported legislation. Committees issued written reports most of the time; exceptionally, they appointed one of their members to deliver an oral report before the floor, when they did not have time to put their report into written⁸². If one or more committee members disagreed with

⁸⁰ SCD 6 Ord. (6/18/1845), in SCL 36: 53.

⁸¹ SCD 2 Ext. (10/10/1876):17; SCD 53 Ord. (10/13/1877): 705; SCS 1 Ext. (10/29/1877): 2.

⁸² See, among others, SCD 23 Ext. (3/22/1864), oral report of the House Select Committee on the Complaints addressed to the President of the Republic about Freedom of Suffrage; SCD 22 Ext. (10/17/1874), oral report of the House Select Committee on the Mining Law Code; SCS 24 Ord. (1/13/1892), oral report of the Joint Select Committee on Elections to the Committee on Recess; SCS 36 Ext. (12/6/1892), oral report of the Senate Standing Committee on Legislation and Justice about elections in the district of Nascimiento.

respect to the committee report, then they issued at the same time a minority report⁸³. In so doing, committee reports gradually changed from brief documents that supported a piece of legislation in the early 1830s to extensive documents that dealt with the considerations entertained by committee members to support, amend or reject a piece of legislation later.

Legislation that did not please most members –usually introduced by opposition members, met an uncertain future in committees, because committee leaders had considerable leeway to keep legislation in the dockets. In addition, shortage of committee staff delayed committee work by the early twentieth century, straining thus further the capability of committees to process incoming legislation⁸⁴. By the same token, multiple committee appointments caused either bottlenecks or delays in the legislative process⁸⁵, as evinced in the following reply by Deputy Huneeus to a recommendation of the House Speaker to report on legislation, in 1878, as follows:

“Mr. Huneeus.- The committee work overwhelm us. Precisely, Mr. Fabres, Mr. Gandarillas, Mr. Zegers, and I are members of the Reviewing Committee on the Mining Law Code.... Materially speaking, we do not have time to discuss the different businesses pending before our consideration”⁸⁶.

Likewise, some committees had more to do than others. House Speaker Matta recognized it in 1876, as follows: “There are committees that maybe, throughout the time I have spent in this House, have not issued more than three reports, and others have had to issue in each session up to twenty, thirty or more reports”⁸⁷.

The result was always the same: disfavoured legislation either died or lagged in committees⁸⁸.

Congressional journals provide plenty of evidence on this end result. On June 15th, 1876 House Secretary and Deputy Blanco proposed a parliamentary resolution (*acuerdo*) that authorized House committees to file documentation and petitions that ought to be postponed indefinitely or which processing was unnecessary. The House Secretary informed members that there were one-hundred or more documents in that situation since 1830 or 1833 and, furthermore, that the Secretariat compiled eight volumes of approximately one-

⁸³ Reglamento (1840): Article 39; Reglamento (1831): Article 32; Reglamento (1846): Article 38.

⁸⁴ Senator Montt asked for the appointment of auxiliary committee staffers by August 1904, precisely to keep up with committee work. SCS 26 Ord. (8/3/1904): 531-532.

⁸⁵ Simultaneous floor and committee sessions disrupted proceedings by the early 1900s, notwithstanding that a resolution passed on July, 7th, 1901 forbade them. The floor ratified this resolution on August, 24th, 1904. SCD 58 Ord. (9/5/1903): 1,159; SCD 71 Ord. (9/29/1903): 1,444-1,445; SCD 61 Ord. (8/24/1904): 1,241, 1,243-1,245.

⁸⁶ SCD 21 Ord. (7/16/1878): 303.

⁸⁷ SCD 2 Ord. (6/6/1876): 23.

⁸⁸ The House still had 1,010 businesses pending before twenty standing and select committees by June 1st, 1905. Chile, Congreso Nacional, Cámara de Diputados, *Catálogo de los asuntos pendientes en las comisiones de la Cámara de Diputados: Junio 1° de 1905*, Santiago, Imprenta Nacional, 1905.

thousand pages each in the last years, all of which were filed into the House archives. The House passed this resolution the very same day⁸⁹. Pursuant to this resolution the House Committee on War and Navy filed eighteen petitions and two bills into the House archives⁹⁰, whereas the House Committee on Treasure filed thirty-two petitions (introduced from 1848 to 1872) into the House archives⁹¹. Moreover, Deputy Sanfuentes bitterly complained that “good ideas die in committees”⁹² on July 16th, 1869, while Deputy Barros Luco introduced a bill on income tax and pointed out that committee members prevented the passage of similar legislation on December 12th, 1876⁹³. Furthermore, on July 15th, 1877 an exchange between Senator and then Secretary of Interior Lastarria and House Speaker Matta confirmed the discretion of committee leaders to keep legislation in their dockets, as follows:

“Mr. Lastarria.- Generally, committees file those bills that they consider unimportant or that, in their judgement, are not urgent and can wait indefinitely ...]

Speaker.- I understand that the different Committees have arranged their dockets and filed into the House archive all those projects about which they believe they should not report”⁹⁴.

Last but not least, the inauguration of a 5,500 square meters legislative palace in downtown Santiago, in 1876, designed precisely to host a variegated number of congressional activities, confirmed the permanent place of committees in the congressional institution as they had congressional facilities of their own for the first time, without fear of being evicted by other congressional organs⁹⁵.

The evidence offered so far confirms that committees and their chairs had a lever to pull the strings in the legislative process. Committee chairs -and the majority, had a great deal of leeway to report on legislation to the floor, in terms of opportunity, convenience, merit, etc.⁹⁶. The latter was reinforced by the need to integrate committees every year, which made many committees to lag behind schedule and caused bottlenecks in the legislative process.

Likewise, the evidence points to a pervasive aspect of congressional influence on law-making throughout the period under study. The executive introduced few

⁸⁹ SCD 6 Ord. (6/15/1875): 86.

⁹⁰ SCD 19 Ord. (7/17/1875).

⁹¹ SCD 22 Ord. (7/24/1875).

⁹² SCD 12 Ord. (7/16/1869): 117.

⁹³ SCD 26 Ext. (12/1/1876): 374.

⁹⁴ SCD 16 Ord. (7/15/1876): 247.

⁹⁵ Congress used the second floor of the legislative palace to hold the congressional library, archives, and offices. Gonzalo Vial Correa *et al.*, *Historia del Senado de Chile*, Santiago, Editorial Andrés Bello, 1995, 72. Interestingly enough, the only executive office that functioned in this palace – until the 1895 fire, was the Directorate of Public Works.

⁹⁶ In a sense committee authority was another means –often overlooked, for congressional obstructionism. On other means for congressional obstructionism, Gertrude Matyoka Yeager, “Political Obstructionism in the Chilean Senate 1920-1924; A Study in Legislative Behavior”, *Revista de Historia de América* 84, julio-diciembre 1977, 122-125.

vetoed against legislation passed by Congress, but most public and private bills spent a considerable time in Congress due to different reasons (structural constraints of Congress, ideological disagreements in the ruling elite, economic constraints on policy making, etc). Regardless frequent budget supplement laws, private honorific bills, and war legislation, a perusal of congressional journals shows that most bills that finally became law spent from one-and-one half to four or more calendar years in Congress. Likewise, both public and private bills underwent modifications in both houses' committees frequently, notwithstanding the electoral influence of the executive. Conversely, public or private bills disfavoured by congressional elites had a hard time either to go beyond the congressional leaders' dockets or, if referred to committees, to emerge as a committee report out of a committee docket. The House and Senate committee reports on backlog and archives mentioned above constitute evidence on this assertion.

CONCLUSION

This article showed that the Chilean legislature developed a congressional committee system that took stock of previous experiences and remained untouched until the late nineteenth century. In a sense, both houses locked-in into the institutional design agreed upon early, so committee reforms built upon the institutional framework passed in the 1840s. Interestingly enough, both houses' committee systems reflected bureaucratic goals at first and newly emergent policy issues by the turn of the century.

The committee appointment process emphasized the importance of floor majority support and congressional leaders' persuasion skills most of the time. Otherwise congressional leaders risked turning committees into unworkable agencies, which was detrimental for a smooth functioning of the legislature, especially the House. The latter suggests the existence of a decentralized power structure in both houses, which impacted negatively the authority of both the House Speaker and the Senate President in the committee appointment process.

The dynamics of committee referral diverged in both houses due to the different role played by committees in the legislative process therein. Institutional design had an impact on both houses' committee workloads. This factor justified their different regulation of committee referral. Mandatory committee referral impacted positively on House committee workload, while the suppression of mandatory committee referral impacted negatively on Senate committee workload for quite a while, regardless of the external environment of the legislature.

The evidence suggests that committees socialized members in the ins-and-outs of the legislative and committee processes. In this respect, committees dealt with different types of legislative inputs, such as bill drafting, congressional housekeeping, and bureaucratic oversight. In so doing, committee leadership exercised considerable authority by deciding either to report or not to report on legislation to the floor. The latter implies that committees performed as

specialized, authoritative congressional agencies throughout the time-span analyzed herein.

Needless to say, the evidence also points to a committee institutionalization process that took off before the emergence of modern political parties and even under the autocratic, Conservative Republic that lasted until 1861. In so doing, Chilean congressional committees largely preceded the parliamentary committees of some contemporary Western polities, *i. e.* Italy and Portugal, as patterns of committee behavior and norms achieved stability, permanency, and self-sustaining status for most of the period of time analyzed herein, which contributed to democratization in the long-run by making Congress a key decision-making actor⁹⁷. Interestingly enough, Chilean congressional committees reached this state several decades later than American congressional committees, which became leading decision-making actors in the US. House by 1814, but earlier than Britain's House parliamentary committees, usually displaced by the Committee of the Whole in the legislative process⁹⁸. More likely than not, the evolving institutional design of the Chilean legislature had an impact on this outcome, as the Chilean legislature gradually became an intermediate case between the US. Congress and Britain's House by the 1890s, a phenomenon that pushed it further above in the path of institutionalization⁹⁹.

⁹⁷ Obando, *op. cit.*; Walter C. Opello, Jr., "Portugal's Parliament: An Organizational Analysis of Legislative Performance", *Legislative Studies Quarterly* XI:3, 1986, 291-319; Vincent Della Sala, "The permanent committees of the Italian Chamber of Deputies: Parliament at Work?", *Legislative Studies Quarterly* 18:2, 1993, 157-183; Robert Leonardi, Rafaella Nanetti and Gianfranco Pasquino, "Institutionalization of Parliament and Parliamentarization of Parties in Italy", *Legislative Studies Quarterly* 3:1, 1978, 181.

⁹⁸ Polsby, Nelson W., "The Institutionalization of the U.S. House of Representatives", *The American Political Science Review* 62:1, 1968, 156; John R. Hibbing, "Legislative Institutionalization with Illustrations from the British House of Commons", *Legislative Studies Quarterly* 32:3, 1988, 697.

⁹⁹ Obando, *op. cit.*; John R. Hibbing, "Legislative Careers: How and Why We Should Study Them", *Legislative Studies Quarterly* 24:2, 1999, 161.

