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A Parliamentary-Style Question Period: Proposals and Issues for Congress

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Summary

In May 2008, Senator and presidential candidate John McCain stated that, as President, he would "ask Congress to grant me the privilege of coming before both Houses to take questions and address criticism, much the same as the Prime Minister of Great Britain appears regularly before the House of Commons."

Such a "question period," in which the chief executive official appears before the legislature to answer questions, is a feature of most parliamentary systems. Prime Minister's Questions is a major component of British politics, receiving substantial press, radio, and television coverage. In many national parliaments, including the British House of Commons, questions are also directed to other Cabinet Ministers, serving as a major form of legislative oversight and constituency service.

In the early years of the U.S. government, the President and members of his Cabinet appeared occasionally on the floor of the House and Senate to advise on treaties and to consult on pending legislation. But the practice fell into disfavor as stronger notions of the separation of powers took hold. A variety of proposals have been offered in the 19th and 20th centuries to establish a formal question period in one or both congressional chambers, but no proposal has ever been formally voted upon by the House or Senate.

Scholars and other observers have debated the merits of introducing a question system in Congress. Advocates argue that a question period will improve the performance of executive departments by improving congressional oversight capabilities, promote inter-branch dialogue and relations, increase public knowledge and interest in government affairs, and strengthen the institutional position of Congress within the government relative to the President. Opponents contend that a question period is ill-adapted for a non-parliamentary system, provides poor oversight, will intensify partisanship, will undermine the committee system, will be generally filled with theatrics and manipulation, may be expensive, and will give the executive branch an unnecessary forum within Congress.

This report surveys how question periods are conducted in Britain and other parliamentary democracies, examines previous proposals for question periods in the United States, considers potential advantages and disadvantages of a question period, and outlines some legislative considerations for policy makers considering a question period for Congress.

This report will be updated as events warrant.

Contents

Most Recent Developments 1
Introduction 1
Cross-National and Historical Context 2
The Question Period in Parliamentary Practice 3
Question Time in Britain 3
Submitting Questions 3
Oral Questions 4
Floor Procedure For Oral Answers 5
Urgent and Topical Questions 6
Answers to Written Questions 6
Prime Minister's Questions 6
Additional Parliamentary Models 7
Canada 7
Germany 9
France 10
Historical Proposals for a Question Period in Congress 10
18th and 19th Century Practices and Proposals 11
Taft Proposal 12
Kefauver Proposal 12
Mondale Proposal 13
Gejdenson Proposal 14
Candidate McCain Proposal 14
President Obama Takes Questions from Members 15
Other Contemporary Proposals 15
Evaluating a Question Period for Congress 16
Potential Advantages of a Question Period 16
Improved Oversight 17
Inter-Branch Relations 20
Public Stage for Congress 21
Public Interest/Knowledge 21
Criticism of a Question Period 22
Non-Parliamentary System 22
Poor Oversight 25
Intensification of Partisanship 26
Undermining the Committee System 27
Quality of Debate 27
Cost 28
Forum for the Executive Branch 28
Legislative Considerations for Congress 29
Which Executive Branch Officials? 29
What Form Would Questions Take? 30
How Often Would Question Time Occur? 30
How Would Questions be Chosen? 30
Would a Question Period be Bicameral? 31
What Rules Would Govern Floor Procedure? 31
Who Would Referee? 32

Conclusion 33

Contacts

Author Information 34

Most Recent Developments

On January 29, 2010, President Obama spoke at a meeting of Republican Members of the House, in Baltimore.[1] After speaking for approximately 20 minutes, President Obama took eight questions, for a total of approximately 65 minutes.[2] The questions were asked by individual Members of the conference, with conference chairman Representative Mike Pence selecting those who posed questions.[3] On February 3, 2010, President Obama spoke at a meeting of Democratic Senators, in Washington, DC.[4] After speaking for approximately 15 minutes, the President took eight questions for a total of approximately 60 minutes.[5] The questions were asked by individual Senators, with conference chairman Senator Reid selecting the questioners.[6]

The two appearances by the President generated significant media attention, and a number of prominent observers called on both the President and Congress to continue such interactions on a regular basis.[7] Although the question and answer sessions were not conducted as formal House or Senate actions, some proponents of a question period may view this as an advantage. The unofficial nature of the interactions avoided the procedural issues associated with instituting a question period in the House or Senate, and the apparent lack of strict rules or procedures regarding questions arguably improved the quality and candidness of the exchange. On the other hand, if such interactions were to continue on a regular basis, the lack of formal procedures for selecting questioners or the lack of rules regarding the content of questions could potentially become problematic. Similarly, the unofficial nature of such interactions may not produce as much public interest as a formal question period on the floor of the House or Senate.

Introduction

In May 2008, Senator and presidential candidate John McCain stated that, as President, he would "ask Congress to grant me the privilege of coming before both Houses to take questions and

[1] The White House, Office of the Press Secretary, "Remarks by the President at GOP House Issues Conference," press release, January 29, 2010. Available at http://www.whitehouse.gov/the-press-office/remarks-president-gop-house-issues-conference, February 4, 2010; video available at http://www.c-spanvideo.org/program/291730-1, February 4, 2010.

[2] Ibid.

[3] Ibid.

[4] The White House, Office of the Press Secretary, "Remarks by the President at the Senate Democratic Policy Committee Issues Conference," press release, February 3, 2010, available at http://www.whitehouse.gov/the-press-office/remarks-president-senate-democratic-policy-committee-issues-conference, February 4, 2010; video available at http://www.c-spanvideo.org/program/291897-1.

[5] Ibid.

[6] Ibid.

[7] For example, see Katrina vanden Heuvel, "Question Time in Our Democracy," *The Nation*, February 5, 2010, available at http://www.thenation.com/blogs/edcut/526723/question_time_in_our_democracy, April 26, 2010; Peggy Noonan, "Question Time Isn't the Answer," *Wall Street Journal*, Feb 5, 2010, available at http://online.wsj.com/article/SB10001424052748704041504575045670067292154.html, April 26, 2010; Howard Kurtz, "Strange Bedfellows," *The Washington Post*, February 4, 2010, available at http://www.washingtonpost.com/wp-dyn/content/article/2010/02/04/AR2010020401187.html, April 26, 2010; Mathew Continetti, "Bipartisan Coalition Supports Question Time," *The Weekly Standard*, February 3, 2010, available at http://www.weeklystandard.com /blogs/bipartisan-coalition-supports-question-time, April 26, 2010; and Mike Allen, "Left and Right Push for President Obama 'Question Time,'" *Politico*, Feb 3, 2010, available at http://www.politico.com/news/stories/0210/32449.html, April 26, 2010.

address criticism, much the same as the Prime Minister of Great Britain appears regularly before the House of Commons."[8]

Such a "question period," in which the chief executive official appears before the legislature to answer questions, is a feature of most parliamentary systems. Prime Minister's Questions is a major component of British politics, receiving substantial press, radio, and television coverage. In many national parliaments, including the British House of Commons, questions are also directed to other Cabinet Ministers, serving as a major form of legislative oversight and constituency service.

Proposals to permit, or require, executive branch officials to appear before Congress to answer questions and to explain policy have been made periodically in the United States. In 1991, Representative Sam Gejdenson introduced a proposal that provided for a two hour question period each month.[9] In the early 1970s, Senator Walter Mondale proposed various forms of a "question period" for executive branch officials.[10] During World War II, Representative Estes Kefauver offered a series of similar proposals, but none was ever acted upon by the House.[11] Similar inaction took place regarding proposals offered by President Taft in 1912,[12] and by George Pendleton, a Representative and Senator during the late 19th century.[13]

Scholars and other observers have debated the merits of introducing a question system in Congress. Advocates argue that a question period will improve the performance of executive departments, enhance congressional oversight capabilities, promote inter-branch dialogue, increase public knowledge and interest in government affairs, and strengthen the institutional position of Congress within the government relative to the President.

Opponents contend that a question period is ill-adapted for non-parliamentary system, provides poor oversight, will intensify partisanship, will undermine the committee system, will be generally filled with theatrics and manipulation, may be expensive, and will give the executive branch an unnecessary forum within Congress.

This report surveys how question periods are conducted in Britain and other parliamentary democracies, examines previous proposals for question periods in the United States, considers potential advantages and disadvantages of a question period, and outlines some legislative considerations for policy makers considering a question period for Congress.

Cross-National and Historical Context

To analyze the possible options for structuring a question period in Congress and the potential effects of a question period on legislative-executive relations, an initial examination of the question period practices in other countries, and into proposals for a similar procedure in the American Congress, is necessary. Existing question periods in parliamentary democracies vary

[8] John McCain, "Prepared Remarks" (speech, Greater Columbus Convention Center, Columbus, OH, May 15, 2008). Available at http://www.johnmccain.com/Informing/News/Speeches/e8114732-e294-4a0d-b0b6-e5fa16857f61.htm, July 22, 2008.

[9] H.Res. 155, 102nd Cong., 1st sess.

[10] S.Res. 123, 93rd Cong., 1st sess.; S.Res. 136, 94th Cong., 1st sess.

[11] H.Res. 327, 78th Congress, 1st sess.

[12] U.S. Congress, Senate, *Message of the President of the United States*, 62nd Cong., 3rd sess., December 19, 1912, S. Doc. 989 (Washington: GPO, 1912); "Message of the President," House debate, *Congressional Record*, vol. 49, part 1 (January 3, 1913), p. 946.

[13] H.R. 214, 38th Cong., 1st sess.; S. 227, 46th Cong., 3rd sess.

widely in their format and procedures. Likewise, historical proposals in the United States have involved a range of question period procedures.

The following sections of the report survey the use of Question Time in Britain, Question Period in Canada, Question Hour in Germany, and Oral and Government Questions in France. Afterward, a variety of historical proposals for a question period in the United States are discussed.

The Question Period in Parliamentary Practice

Question Time in Britain

The British Parliament engages in the most familiar question period process. Members of Parliament (MPs) submit written and oral questions to Ministers, seeking information about government actions and policies, which in turn requires Ministers to explain and defend their actions.[14] The system thus allows for both opposition party scrutiny of the government as well as governing party defense of current policy. Prime Minister's Questions, in which the Prime Minister fields oral questions regarding important national policies from the opposition parties in Parliament, is the most visible and well-known aspect of question time in Britain. The system, however, also serves as a primary means of constituent service; Members often pose detailed written questions to Ministers in regard to specific constituent casework concerns.[15]

Question Time in Great Britain dates to 1721.[16] The system has evolved considerably over the course of 300 years, and some aspects of its procedures and functioning are based on custom rather than written rule.[17] In the 19th century, MPs had relatively unlimited opportunities to ask questions, but gradual restrictions on the number of questions a Member could ask and the total amount of time available for questions occurred between 1909 and the present.[18] The modern format of question time was largely achieved by 1965, although procedural reviews and minor changes have occurred regularly since then.[19]

Submitting Questions

Questions by Members are submitted in advance to the Table Office (the British equivalent of the Parliamentarian's Office).[20] The Table Office then puts the draft question into acceptable form according to the practices of the House of Commons and determines whether a proposed question falls under the jurisdiction of the Minister to whom the question is put.[21]

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[14] United Kingdom, House of Commons Information Office, *Parliamentary Questions*, FS No. P1, Ed 3.6 (London: The Stationery Office, 2007), p. 2.

[15] A.H. Burch, *The British System of Government* (New York: Praeger, 1967), p. 207.

[16] United Kingdom, House of Commons, Procedure Committee, *Parliamentary Questions: Third Report of Session 2001-02*, HC 622 (London: The Stationery Office, 2002), p. 6. For more detail, see Patrick Howarth, *Questions in the House: The History of a Unique British Institution* (London: The Bodley Head, 1956), pp. 11-14.

[17] House of Commons, Procedure Committee, *Parliamentary Questions: Third Report of Session 2001-02*, p. 6.

[18] Ibid., p. 6.

[19] Ibid., pp. 7-9.

[20] Since 2003, Members have been allowed to submit questions electronically. During the 2006-07 financial year, 36% of questions were submitted electronically. United Kingdom, House of Commons Library, *Parliamentary Questions - Current Issues*, SN 04148 (London: The Stationery Office, 2007), p. 5.

[21] United Kingdom, House of Commons Information Office, *Parliamentary Questions*, p. 3. The nonpartisan Speaker

At the time of submitting a question, Members specify whether they require an oral or a written response. Members are limited to two oral questions per day and no more than eight in any 10-day period.[22] Members who seek a written response categorize their question as either ordinary or named. Ordinary questions have no deadline for answer (but are usually answered within a few weeks); named questions must be answered within a set period (usually two or three days). There is no limit on ordinary questions, but Members are restricted to a daily maximum of five named questions.[23] Although oral questions receive substantial press coverage and are the subject of much political commentary, written questions are far more common, accounting for between 80% and 90% of all questions submitted in a given year.[24]

Most British MPs are active questioners. A survey of Members during the 2001-2002 financial year indicated that 93% of Members reported submitting[25] at least one oral question per week, and 91% reported submitting at least one written question per week. Despite increased restrictions on the number of questions Members may submit, since 1970 there has been a sharp increase in the total number of questions, from approximately 18,000 questions in financial year 1972-1973 to over 74,000 questions in 2006-2007.[26]

Oral Questions

Department Ministers appear daily in Parliament to answer questions on a pre-arranged, but informal, rotating basis.[27] In practice, each Minister appears before Parliament about once every four weeks, except for the Prime Minister, who answers questions once a week. Members seeking to ask an oral question must submit it three days in advance of a Minister's appearance. Thus, to

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of the House of Commons is the first judge of whether a question is permissible. Among the grounds upon which a question had been ruled inadmissible have been that the question was not a genuine question (it was instead a short speech); that it sought the interpretation of a statute; that it sought information already available elsewhere; that it was frivolous. Complete references to the rulings of the Speaker regarding questions may be found in Sir David Lidderdale, ed., *Erskine May's Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*, 19th ed. (London: Butterworth, 1976), pp. 323-336. See also Anthony King and Anne Sloman, *Westminster and Beyond* (London: Macmillan, 1973), pp. 121-122.

[22] United Kingdom, House of Commons Information Office, *Parliamentary Questions*, p. 5. During the 19th century, Members were not restricted in the number of oral questions they could submit. In 1909, a daily limit of eight oral questions per Member was put in place, and in1972 the current maximum of two was adopted. See United Kingdom, House of Commons, Procedure Committee, *Parliamentary Questions: Third Report of Session 2001-02*, pp. 6-7. Despite these restrictions, not all questions submitted for oral answer can be accommodated in the daily time periods set aside for questions. For example, in the 2005-06 financial year, 5,353 questions were successfully submitted for oral answer. Of these, 2,734 (51%) received a reply on the floor of the House. See United Kingdom, House of Commons Information Office, *Parliamentary Questions*, p. 8.

[23] Ibid., pp. 12-13.

[24] United Kingdom, House of Commons, Procedure Committee, *Parliamentary Questions: Third Report of Session 2001-02*, p. 48; United Kingdom, House of Commons Library, *Parliamentary Questions - Current Issues*, p. 5.

[25] The technical phrase for submitting a question in England is to *table* a question. Submit is used here, however, to avoid confusion with the American legislative use of table (to indefinitely postpone action).

[26] Data on the number of questions submitted from 1946-2000 is available in United Kingdom, House of Commons, Procedure Committee, *Parliamentary Questions: Third Report of Session 2001-02*, pp. 9,48. Data on questions submitted from 2001-2007 is available in United Kingdom, House of Commons Library, *Parliamentary Questions - Current Issues*, p. 5. See also Dermot Englefield, *Whitehall and Westminster: Government Informs Parliament* (London: Longmans, 1985) p. 52.

[27] Paul Evans, *Dod's Handbook of House of Commons Procedure*, 6th ed. (London: Dod's, 2007), p. 59; United Kingdom, House of Commons Information Office, *Parliamentary Questions*, p. 7.

question a Minister appearing on Thursday, a Member must submit his question by noon on Monday, although questions are often submitted further in advance.[28]

All questions submitted are placed in the Notice Paper of the House of Commons, which is published on a daily basis. Therefore, department Ministers and their staff have at least three days to prepare their answers for oral questions (except for supplementary follow-up questions, discussed below). At 12:30 p.m. daily, after the deadline for submitting oral questions for the session three days forward, the questions for oral response are shuffled and drawn at random, and are numbered on the Order Paper in the order drawn.[29] A quota system determines the number of questions that are listed, based on the length of time a given department is slated to answer questions.[30] Members whose questions are drawn lower in the shuffle may request a written answer or submit their question again for a future oral reply.

Floor Procedure For Oral Answers

The time for oral questions fills about one hour each day Monday through Thursday when the House of Commons is in session. Some Cabinet Ministers (such as Treasury or Defence) are scheduled for the entire hour, while Ministers from departments that typically receive fewer questions may appear for only part of the hour. At noon each Wednesday, a 30-minute block of time is reserved for questions to the Prime Minister.[31] Question Time, like other official parliamentary proceedings, is chaired by the nonpartisan Speaker.[32]

On the day assigned for a question, the Speaker calls for the first question as determined by the order set in the shuffle. The text of the question is printed in full in *Hansard* (the British equivalent of the *Congressional Record*). Therefore, the inquiring Member need only identify for the Speaker the numbered question he is asking. The Minister typically responds with the prepared response drafted by the civil service. The content and delivery of answers are governed similarly to questions; if the Speaker believes a Minister is not answering the question or using the time to make a speech, he may interrupt and urge the Minister to finish.[33]

After the answer is given, supplementary questions are in order. The Speaker may use his discretion, but will typically allow the original questioner one follow-up, and then will alternate between majority and opposition party Members. As supplemental questions are not known to the Minister beforehand, it is here that spontaneous and strategic debate is most evident, both in an unforeseen supplemental and in the Minister's response to an unexpected inquiry. The Speaker has sole authority to decide when to stop accepting supplementary questions. Once the Speaker so decides, he calls for the second printed question, and the process begins again. Any printed question that does not get asked prior to expiration of a Minister's allotted time is required to receive a same-day written response.[34]

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[28] Ibid., p. 5.

[29] Ibid., pp. 8-9.

[30] The quota system assumes a large number of questions in short period of time. For instance, department Ministers appearing for 10 minutes have a quota of eight questions and Ministers appearing for 55 minutes have a quota of 25 questions. On average, 14 printed questions (and their supplementaries) are answered each day. United Kingdom, House of Commons Information Office, *Parliamentary Questions*, pp. 6, 9.

[31] Ibid., p. 7.

[32] United Kingdom, House of Commons Information Office, *The Speaker*, FS No. P2, Ed 3.2 (London: House of Commons, 2003), p. 2.

[33] House of Commons, Procedure Committee, *Parliamentary Questions: Third Report of Session 2001-02*, p. 17.

[34] Ibid., p. 6. This is not a particularly burdensome requirement, since in most cases the department will have already

A Minister is not required to answer a question nor to assign a reason for so refusing.[35] Ministers occasionally decline to answer an oral question because a formal government response to the question is forthcoming or because an answer would be detrimental to national security interests. Additionally, a substantial body of precedent exists in Britain whereby the Speaker rules questions on certain subjects out of order, such as the Royal Family, commercial information regarded as confidential, personal information pertaining to civil servants, and some matters relating to defense and national security, among other subjects.[36]

Urgent and Topical Questions

Oral questions not listed on the daily Order Paper may be asked in unusual circumstances. Called "Urgent Questions,"[37] these are normally reserved for emergencies that do not permit the required notice. The Member seeking to ask an urgent question is required to consult the Speaker, who determines if the question warrants immediate reply. If it does, the Speaker notifies the Minister of the question. It is not uncommon for this notice to be as short as a half hour before the question is asked.[38] In 2007, Parliament began experimenting with a process known as "topical questions," in which the last 10 to 15 minutes of each Question Time hour would be reserved for rank and file MPs to ask supplementary questions on any topic.[39]

Answers to Written Questions

Oral questions account for only a small percentage of the questions asked of Ministers by MPs. The remainder of the questions specify a written answer. As with questions for oral response, questions for written response are normally submitted to senior civil servants to draft an appropriate reply. It is common practice for a Member to submit a constituent issue question first for written response, and then only require an oral answer if the original reply was unsatisfactory. Written responses are delivered to the inquiring Member and are printed in Hansard.[40]

Prime Minister's Questions

The Prime Minister appears before Parliament each Wednesday at noon to answer oral questions for 30 minutes.[41] Parliamentary questions directed toward the Prime Minister now receive substantial press, radio, and television coverage in the United Kingdom, and are routinely rebroadcast in the United States on the C-SPAN network.[42]

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drafted a response for oral delivery.

[35] United Kingdom, House of Commons Information Office, *Parliamentary Questions*, p. 2.

[36] Englefield, *Whitehall and Westminster: Government Informs Parliament*, p. 53.

[37] Prior to the 2002-03 session of Parliament, Urgent Questions were known as Private Notice Questions.

[38] United Kingdom, House of Commons Information Office, *Parliamentary Questions*, p. 12; Evans, *Dod's Handbook of House of Commons Procedure*, p. 59; Kenneth Bradshaw and David Pring, *Parliament and Congress* (London: Quartet Books, 1981), p. 364.

[39] United Kingdom, House of Commons, Select Committee on Modernisation, *Revitalising the Chamber: Role of the Backbench Member*, HC 337 (London: The Stationery Office, 2007), p. 28; United Kingdom, Office of the Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: Role of the Backbench Member* (London: The Stationery Office, 2007), p. 7.

[40] Ibid., p. 13; A.H. Burch, *The British System of Government*, p. 207.

[41] Prior to 1997, Prime Minister's Questions occurred for 15 minutes on Tuesday and Thursday each week, from 3:15 to 3:30 p.m. See United Kingdom, House of Commons Information Office, *Parliamentary Questions*, p. 7.

[42] Timothy J. Burger, "British-Style 'Question Period' Would Let All Members Grill Administration Officials," *Roll*

Procedures for Prime Minister's Questions differ somewhat from the procedures used for all other oral question periods. Oral questions to the Prime Minister may be submitted as with ordinary oral questions to other Ministers. In practice, however, submitted questions to the Prime Minister typically ask only about his engagements for the day;[43] once this question is asked, all further questions are effectively unknown supplementals, which allows the discussion to cover the full range of government policies. This practice reflects the differing role of the Prime Minister from other Ministers, and allows for a lively and unscripted debate about timely policies.[44]

The almost universal use of such "open" questions to the Prime Minister has both benefits and drawbacks. Proponents of the open question system argue that it makes it easy for the opposition to raise topical issues and is the only existing mechanism by which to hold the Prime Minister publicly accountable for his policies and decisions. Critics of the system argue that "open" questions tend to create fiercely partisan debates and result in a lack of depth in the scrutiny of the Prime Minister, due to the questions jumping around from issue to issue.[45]

The availability of the Prime Minister for frequent questioning is a relatively new development in the British Question Time. In the 19th century, the Prime Minister was liable to questioning in the same proportion of the time as were his Cabinet colleagues. As a courtesy to the elderly Prime Minister at the time, William Gladstone, the Prime Minister's questions were put last in the order to permit him to come late to the daily session. As the number of questions increased, the number of occasions when the Prime Minister was questioned decreased. The Gladstone exception became custom, and it was not until 1961 that a separate time period for directing questions to the Prime Minister was established.[46]

Additional Parliamentary Models

Many, if not most, parliamentary democracies provide for some form of question period in which MPs can scrutinize the government.[47] The particulars of these question periods vary widely. Often custom and tradition are as important as institutional structure in determining how a given question period functions in practice and how effectively it serves its stated goals.

Canada

The "Question Period" in the Canadian House of Commons is similar in structure to British Question Time, but differs in several important respects. Most importantly, there is no requirement that oral questions be submitted in advance; as a matter of routine, Members of the

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Call, December 13, 1990, p. 5.

[43] United Kingdom, House of Commons Information Office, *Parliamentary Questions*, pp. 10-11.

[44] The Prime Minister is permitted to transfer a question to another Minister if he or she feels the question rightfully should be answered by another. This practice, however, has largely fallen out of favor over the past 30 years. United Kingdom, House of Commons, Procedure Committee, *Parliamentary Questions: Third Report of Session 2001-02*, pp. 18-19; G.W. Jones, "The Prime Minister and Parliamentary Questions," *Parliamentary Affairs*, vol. 27, no. 2 (Summer 1973), p. 268.

[45] United Kingdom, House of Commons, Procedure Committee, *Parliamentary Questions: Third Report of Session 2001-02*, p. 20.

[46] Patrick Dunleavy et al., "Prime Ministers and the Commons: Patterns of Behavior," *Public Administration*, v. 68 (Spring 1990), pp. 123-140.

[47] Question periods, however, are not necessarily historically rooted institutions in parliamentary systems. For instance, Japan adopted a question period for the first time in the 1990s. Howard W. French, "Hear, Hear, Please! 'Question Time' in Japan," The New York Times, November 22, 1999, p. 28.

Canadian Parliament ask questions of Ministers without advance notice.[48] Thus all oral questions, in theory, operate under the same spontaneous context as Prime Minister's Questions in Britain. In practice, however, some Members may notify Ministers in advance of their questions, and questions from the governing party rarely contain unpleasant surprises.[49]

A second important difference between the British and Canadian systems is that all Ministers appear at Question Period in Canada each day, unless a prior obligation of official business prohibits their attendance.[50] Members can thus question any Minister on any day. Questions, however, are not directed toward specific Ministers; any individual Minister may answer any posed question. The nonpartisan Speaker has no authority to compel an individual Minister to respond to a particular question.[51]

Procedurally, Question Period in Canada is structured to allow opposition parties the opportunity to question the government.[52] Typically, the lead opposition party is given the first three questions, with smaller opposition parties allowed one or two questions, based on arrangements between the Speaker and the leaders of the various parties.[53] Individual questions to be asked are organized by the parties; the parties decide on a daily basis which Members will participate in the questioning and deliver a list of names and suggested order of recognition to the Speaker.[54] Once the Question Period has begun, the Speaker calls on the Members at his discretion, and also may allow supplementary follow-up questions.[55]

Finally, the Canadian Parliament augments Question Period with Adjournment Proceedings, commonly called the "late show."[56] Any Member who is dissatisfied with the answer to a question posed during the afternoon Question Period may petition the Speaker to discuss the matter further at the conclusion of the day's legislative business, usually 6:30 p.m.[57] Due to the large number of petitions received, the Speaker will designate up to five for debate. When directed, a Member may then speak for up to four minutes on the topic, with a Minister getting two minutes to respond. At the conclusion of the 30-minute period, the House stands in adjournment.[58]

The procedures and customs of Canadian Question Period tend to create an atmosphere of spontaneity and excitement, which occasionally includes parliamentary heckling, normally recorded verbatim in the Canadian *Hansard*, thereby serving as a vehicle for many Members' opinions to be recorded.[59] A Canadian observer has commented:

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[48] Robert Marleau and Camille Montpetit, eds., *House of Commons Procedure and Practice* (Montreal: McGraw-Hill, 2000), p. 415.

[49] Ibid., p. 422.

[50] Ibid., p. 422.

[51] Ibid., p. 433.

[52] Ibid., p. 422.

[53] Ibid., pp. 422-423.

[54] Ibid., p. 423.

[55] Ibid., p. 23.

[56] Ibid., p. 433. In Britain, a similar system called "adjournment debates" is used to allow for extended remarks by MPs and Ministers. Unlike the Canadian system, however, topics for adjournment debate in Britain must be submitted the week prior to the desired date, and only one topic is discussed each day. Thus, adjournment debates do not allow for as much participation as Adjournment Proceedings in the Canadian Parliament.

[57] Ibid., pp. 433-437.

[58] Ibid., p. 436.

[59] For example, on February 5, 2008, a question was put forth regarding what the government had done in response to

> What usually ensues is a verbal fencing match with precocious opposition members sparring with ministers, attempting to bait them into saying something that is an embarrassment to the government. The minister must "keep his cool" and not allow himself to be goaded into saying anything more than is necessary to provide factual information or, as is often the case, to gracefully avoid the question.[60]

The arrival of live television coverage in the Canadian Commons in 1977 increased the visibility of this daily exchange as well as chamber attendance during questions. As a result, the Speaker felt compelled, in light of the placement of microphones on each desk, to rule that the traditional expression of support for a speaker (the slamming of desks lids in unison by one party or another) was too noisy and disruptive of the new electronic coverage.[61]

Germany

In the Bundestag, up to 180 minutes per week may be allotted for Question Hour, a question period styled similarly to the British system.[62] Deputies may submit oral or written questions for Cabinet Ministers and the Chancellor. Deputies must submit oral questions during the week prior to when they wish to receive an answer; urgent questions may be allowed on a day's notice.[63] Deputies are also allowed to submit up to four questions per month for written response.[64] Although questions are becoming more common in Germany, their number does not begin to equal the number submitted and responded to in Great Britain or Canada; a total of 15,000 oral and written questions were asked between 1998 and 2002.[65]

A German variant of the system is the "interpellation" procedure in which a group of deputies (typically from the opposition parties) can petition the President of the chamber to call a special question period.[66] If 31 or more deputies sign the petition, then a plenary session debate is held on the questions and the government's reply. Such "major interpellation" sessions occur with regularity; between 1998 and 2002, 156 were held.[67] Some scholars, however, suggest that major interpellations have become less frequent during the past few decades, in part because investigating committees of the Bundestag have the right to compel testimony from federal or state government officials.[68] Groups of Members may also petition for written replies to a so-

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corruption scandals. After the question was asked, Hansard records opposition party members chanting "Oh! Oh!" The answering Minister then recognized the heckling by saying, "I welcome the enthusiastic response of the opposition." (42 Hansard 1445 (2008).) In another instance, on the same day, a question from a Member was interrupted by hecklers and required the Speaker to call the chamber to order. (42 Hansard 1440 (2008).)

[60] Richard J. Van Loon and Michael S. Whittington, *The Canadian Political System: Environment, Structure, and Process*, 2d ed. (Toronto: McGraw-Hill Ryerson, 1976), pp. 429-430.

[61] C.E.S. Franks, "The Problem of Debate and Question Period," In John Courtney, ed. *The Canadian House of Commons*, (Calgary: The University of Calgary Press, 1985), pp. 3-5.

[62] Germany, Bundestag, *Rules of Procedure of the German Bundestag* (Berlin: Administration of the German Bundestag, 2004), Rule 105, p. 40; Ibid., Annex 4, p. 58.

[63] Ibid., pp. 58-59.

[64] Ibid., p. 59.

[65] "Questions to the federal government," available at http://www.bundestag.de/htdocs_e/parliament/04plenar/02itembusi/itembus5.html, July 7, 2008.

[66] Germany, Bundestag, *Rules of Procedure of the German Bundestag*, Rule 101, p. 40.

[67] "Instruments of Scrutiny," available at http://www.bundestag.de/htdocs_e/parliament/function/scrutiny/instruments.html, July 7, 2008.

[68] David B. Conradt, *The German Polity* (New York: Longman, 1982), pp. 145-146.

called minor interpellation, in which the government issues a written reply, but no debate is held.[69]

France

The 1958 constitution established the right of Assembly Members to question the government on a weekly basis.[70] Two procedures are now used for oral questions: one period called "oral questions" and one called "government question time." Oral questions, which typically involve questions local in nature, are currently asked on Tuesday. Such questions are screened in advance by the President's Conference, a steering committee comprised of the heads of all the parties represented in the chamber. Seven minutes are allotted for each question, including the answer and follow-up questions from the Member. In the 2005-2006 ordinary session, 384 questions were asked.[71]

The second procedure, government question time, usually considers issues more national and political in character. Government question time takes place for one hour each Tuesday and Wednesday. Five minutes are allotted per question (including answer and follow-ups), and thus 12 questions are asked each day.[72] The process is overseen by the President's Conference, which allots the questions to parties based on numerical strength. The questions are not screened in advance.[73] The President's Conference may decide to permit a brief period of chamber debate after a Minister responds to a particularly important question, but most oral questions are simply followed up by one or two supplementals from the inquiring Member.[74]

Questions for written response form the bulk of inquiries in the assembly. Members are allowed unlimited written questions, and the questions often reflect constituent casework inquiries. Written questions have gained significant popularity among Members in the past two decades; in the 2005-2006 session, 32,423 questions were submitted, up from approximately 12,000 in 1994. Answers are expected to be obtained within two months. Both questions and responses are printed in the *Journal Officiel*. Members may submit questions electronically, and all questions and answers are publically searchable on the Parliament's website.[75]

Historical Proposals for a Question Period in Congress

At various times, proposals have been offered by American scholars and public officials to increase the formal contact between the executive branch and Members of Congress. Most of these proposals favored various forms of a question period for Cabinet members, and even for the President. Others have tied the question period to proposals to permit Cabinet members to appear on the floor of the House and/or Senate as debate participants, but not to vote.

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[69] Germany, Bundestag, *Rules of Procedure of the German Bundestag*, Rule 104, p. 40.

[70] Article 48 reads, in part, "At one sitting a week at least precedence shall be given to questions from MPs and to answers by the Government."

[71] France, National Assembly, *The National Assembly in the French Institutions*, translated by Declan McCavana (Paris: National Assembly, 2007), file 47; France, National Assembly, *Rules of Procedure of the National Assembly* (Paris: National Assembly, 2007), Rule 133.

[72] *The National Assembly in the French Institutions*, file 47.

[73] Ibid.

[74] Prior to 1974, the practice of asking questions of the government was routinely paired with extended debate. Since 1974, however, question time has operated largely without debate.

[75] France, National Assembly, *The National Assembly in the French Institutions*, file 47.

18th and 19th Century Practices and Proposals

During the First Congress, it was not unusual for Cabinet members, and even the President, to appear before Congress to consult on matters of policy.[76] During the First Congress, Cabinet members appeared before the Senate 14 times, and 8 times before the House, in most cases delivering written messages in person.[77] It appears that the practice fell into disfavor in the Second Congress. A resolution calling for the Secretaries of War and of the Treasury to appear before the House to answer questions pursuant to the House investigation of the defeat of General St. Clair's Indian expedition was defeated. James Madison, a leader of the forces opposed to summoning the Secretaries, said that to do so would lead to "embarrassing and perplexing consequences."[78] Apparently the House concurred, and little effort to bring the Cabinet and Congress together officially was made until the Civil War.[79]

During the Civil War, Representative George H. Pendleton introduced the first of several bills permitting Cabinet Secretaries the privilege of the floor in the House and Senate with the right to debate matters affecting their departments.[80] Under the bill, the Secretaries were to be available for questions submitted by Members and by committees on two days of the week. The bill was referred to and reported from a select committee,[81] and debated by the House but never voted upon.

In 1881, Pendleton (then a Senator) again offered the proposal which was referred to a select, bipartisan committee, and was unanimously reported to the floor.[82] In its report, the select committee claimed the requirement that Cabinet officers answer questions and participate in floor debate would

> Require the selection of the strongest men to be heads of departments and will require them to be well equipped with the knowledge of their offices. It will also require the strongest men to be the leaders of Congress and participate in debate. It will bring these strong men in contact, perhaps into conflict, to advance the public weal, and thus stimulate their abilities and their efforts, and will thus assuredly result to the good of the country.[83]

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[76] For a description of President Washington's appearances in the Senate chamber to consult on a proposed treaty see William Maclay, *The Journal of William Maclay*, 1st ed. (New York: Ungar, 1970), pp. 125-129; and Senate debate, *Annals of Congress*, vol. 1 (August 22 and 24, 1789), pp. 68-72.

[77] For a recapitulation of Cabinet officer appearances before Congress, see U.S. Congress, House, *Heads of Executive Departments*, report to accompany H.R. 214., 38th Cong., 1st sess., H.Rept. 43 (Washington: 1864), pp. 6-7. For a Senate appearance by Secretary of State Jefferson, see Senate debate, *Annals of Congress* (July 21, 1789), p. 52. For an appearance on the Senate floor by Secretary of War Knox, see *Senate Journal*, August 7, 1789. The 1789 act establishing the Treasury Department permitted the Secretary of the Treasury, alone among the Cabinet Secretaries, to report to the Congress in writing or in person. There is no evidence that Secretary Hamilton ever appeared in person. See 1 Stat. 65, 66; Ron Chernow, *Alexander Hamilton* (New York: Penguin Press, 2004), p. 304.

[78] For debate on summoning the Secretaries, see House debate, *Annals of Congress*, vol. 3 (November 13, 14, 19, and 20, 1792), pp. 673-694, 696-701, 703-708, 711-712.

[79] Cabinet officials have made occasional appearances on the floor of Congress during the 20th century. Most recently, journalistic reports indicate that Secretary of Health and Human Services Tommy Thompson appeared on the House floor to support a Medicare bill in 2003. Jackie Koszczuk and Jonathan Allen, "Late Night Medicare Drama Triggers Some Unexpected Alliances," *Congressional Quarterly Weekly*, November 29, 2003, pp. 2958-2959.

[80] H.R. 214, 38th Cong., 1st sess.

[81] U.S. Congress, House, *Heads of Executive Departments*, report to accompany H.R. 214, 38th Cong., 1st sess., H.Rept. 43 (Washington: 1864).

[82] S. 227, 46th Cong., 3rd sess.

[83] U.S. Congress, Senate, *Principal Officer of Each Department Occupying a Seat on the House and Senate Floor*, report to accompany S. 227, 46th Cong., 3rd sess., S.Rept. 837 (Washington: 1881), p. 8.

Although the measure received the support of many senior Senators, the bill was never brought to a vote.

Taft Proposal

The next major proposal to bring the Cabinet into Congress was offered by President William Howard Taft in 1912, in his third message to Congress on the State of the Union.[84] Taft recommended that Cabinet Secretaries be available for questioning by Members of both Houses, and that they be permitted to participate in debate (but not vote) relating to their departments:

> I do not think I am mistaken in saying that the presence of the members of the cabinet on the floor of each House would greatly contribute to the passage of beneficial legislation. Nor would this in any degree deprive either the legislative or the executive branch of the independence which separation of the two branches was intended to promote. It would only facilitate their cooperation in the public interest.[85]

The Taft proposal was not acted upon in the brief period remaining in his term.

Kefauver Proposal

Proposals either for a question period, for the appearance of Cabinet officers in the House and Senate, or for variations of both were introduced at intervals over the next 40 years. One proposal came from Representative (later Senator) Estes Kefauver. In 1943, Representative Kefauver proposed a "question and report" period for Cabinet members and officers of independent agencies.[86] The officials would be invited to appear before the House or Senate at least twice per month to respond to written questions submitted by Members and approved by the committee of jurisdiction. After written questions were disposed of, Members would be permitted to ask oral questions, with the time for such oral inquiries equally divided between the majority and minority parties.

The Kefauver proposal received generally favorable comments from the press and from scholars.[87] A Gallup poll taken in December 1943 showed 72% of those interviewed supporting the question and report period. In 1943, Secretary of State Hull addressed a joint meeting of the House and Senate, and General Marshall appeared at the Library of Congress to report informally to the House on the conduct of the war, and to answer Members' questions. These successful meetings between executive branch officials and Congress aided the proposal to institutionalize such contacts.

Ultimately, opposition from congressional leaders worried about increased partisanship and concerns expressed by executive agency heads regarding legislative micro-managing of the executive were sufficient to kill the plan. The Judiciary Committee, to which the Kefauver bill was referred, did not conduct hearings on the bill, and never reported the measure.[88] Kefauver

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[84] U.S. Congress, Senate, *Message of the President of the United States*, 62nd Cong., 3rd sess., December 19, 1912, S. Doc. 989 (Washington: GPO, 1912); "Message of the President," House debate, *Congressional Record*, vol. 49, part 1 (January 3, 1913), p. 946.

[85] Ibid, p. 946.

[86] H.Res. 327, 78th Congress, 1st sess.

[87] See press excerpts in Kefauver's extension of remarks in *Congressional Record*, vol. 90, part 1 (January 19, 1944), pp. A303-5 and *Congressional Record*, vol. 90, part 2 (February 15, 1944), pp. A765-6.

[88] Stephen Horn, *The Cabinet and The Congress* (New York: Columbia University Press, 1960), pp. 159-164. Horn notes that the proposal was endorsed by several political scientists, including V.O. Key, Jr., who were in government service during wartime, and senior government officials including Harold Smith, Director of the Bureau of the Budget,

continued to promote question periods in Congress over the next 20 years, but none of his proposals were ever adopted.[89]

Mondale Proposal

In the 1970s, the leading congressional supporter of the question period proposal was Senator Walter Mondale.[90] In the 93rd and 94th Congresses, Mondale introduced resolutions permitting weekly question and report periods.[91] No more than two hours were to be consumed by the report periods in which agency and department heads would be invited to respond to written questions offered by Senators and approved by the committee having jurisdiction. At least one of the two hours would be devoted to oral questions, germane to the subject of the earlier written questions. The chairman and ranking minority Member of the committee approving the written questions would control the time for oral questions asked by their parties' Members. Under the Mondale resolution, television and radio coverage of the proceedings would have been permitted, under guidelines set by the Committee on Rules and Administration.[92]

Subsequently, support for the question period proposal came from a subcommittee of the House International Relations (now Foreign Affairs) Committee. In the second session of the 94th Congress, the Special Subcommittee on Investigations conducted a series of hearings on "Congress and Foreign Policy."[93] The subcommittee report concluded that "relations between the executive and legislative branches need urgent attention and improvement, lest existing frictions seriously impair the attainment of U.S. foreign policy objectives."[94] To minimize these perceived deficiencies, the subcommittee offered a series of policy and analysis recommendations. Among them was a proposal for a limited question period to enhance congressional oversight of national security matters.

> Early in the 95th Congress, the executive and legislative branches should agree to initiate a "question hour" period, during which ... Cabinet officers, answer questions from Members of Congress.... The use of such, procedure by the U.S. Congress will provide direct and regular access to the executive branch's senior foreign policy official. He should appear before each House of Congress separately and in alternation, once a month while Congress is in session. These sessions would be open to the entire membership of the House and Senate, and would take the form of "question and answer" periods. The practice would be limited to foreign policy matters, and the sessions would be open or closed depending on the sensitivity of the issues and on the will of the parties. This device would supplement,

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and Secretary of War Henry Stimson, who claimed to have suggested the idea to President Taft for inclusion in his 1913 State of the Union Message. Horn cites as the key opponents House Speaker Sam Rayburn and Rules Committee chairman Adolph Sabath.

[89] For example, see H.Res. 17, 80th Cong., 1st sess. (March 28, 1947); S. 190, 82nd Cong., 1st sess. (August 10, 1951); S.Res. 120, 88th Cong., 1st sess. (April 8, 1963).

[90] One other notable proposal, introduced by Representative John Lindsay in 1965, would have provided for question of the Secretary of State on the floor of the House. See H. Res. 262, 89th Congress; U.S. Congress, Joint Committee on the Organization of the Congress, *Organization of Congress*, 89th Cong., 1st sess., May 24-27, 1965 (Washington: GPO, 1965), pp. 443-444, 452-455..

[91] S.Res. 123, 93rd Cong., 1st sess.; S.Res. 136, 94th Cong., 1st sess.

[92] No provision was made in the Mondale proposal for obtaining committee approval where two or more committees share jurisdiction over a subject.

[93] U.S. Congress, House, Committee on International Relations, *Legislative Review Activities of the Committee on International Relations*, 94th Cong., 2nd sess., H.Rept. 94-1774 (Washington: GPO, 1976), p. 52.

[94] U.S. Congress, House, Committee on International Relations, Special Subcommittee on Investigations, *Congress and Foreign Policy*, Committee Print, 94th Cong., 2nd sess. (Washington: GPO, 1976), p. 1.

> but not be a substitute for, the Secretary of State's appearances before the standing committees of Congress. Other Cabinet officers who have foreign policy responsibilities should also appear for such sessions, when requested by Congress, although presumably not as frequently or periodically as the Secretary of State. A "question hour" period on a wide range of issues will help restore a dialogue and facilitate the flow of information between both branches on important matters of foreign policy and national security. Ground rules for this procedure would have to be determined between the two branches, taking into account Congress' right to know and query, and the executive branch's justified concern over the possible revelation of secret or sensitive information.[95]

No further action was taken on the question period proposals in the 94th or 95th Congress.

Gejdenson Proposal

In December 1990, the House Democratic Caucus endorsed a proposal by Representative Sam Gejdenson calling upon the House Rules Committee to study the feasibility of establishing a "question period" in the House.[96] In May 1991, Representative Gejdenson introduced H.Res. 155, which provided for a two-hour question period each month.[97] Members of the President's Cabinet would be invited by the Speaker of the House to come before Congress. Questions would alternate between the majority and minority, and the original questioner would be allowed to ask one unscripted follow-up question.

Under the Gejdenson plan, questions would be submitted in writing to the Cabinet member in advance, as well as published ahead of time in the *Congressional Record*. The questions would be chosen by the majority and minority leader from among questions submitted by Members. Each Member would be limited to submitting one question per month. During the question period, House committees would be prohibited from meeting or conducting business. Fifty-three Members cosponsored H.Res. 155. Hearings on the proposal were held by the Committee on Rules in March 1992, but no further action was taken.[98]

Candidate McCain Proposal

In May 2008, presidential candidate John McCain proposed that, as President, he would "ask Congress to grant me the privilege of coming before both Houses to take questions and address criticism, much the same as the Prime Minister of Great Britain appears regularly before the House of Commons."[99]

Although Senator McCain offered no specifics as to how he envisioned a question period operating had he become President, his statement implied that he would have personally appeared before Congress, as opposed to members of his Cabinet. His analogy to the Prime Minister of Great Britain suggests that he would have asked Congress for something like the "Prime

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[95] Ibid, p. 10.

[96] Timothy J Burger, "British-Style 'Question Period' Would Let All Members Grill Administration Officials," *Roll Call*, December 13, 1990, p. 5; "Question Period," *Roll Call*, December 17, 1990, p. 2.

[97] H.Res. 155, 102nd Cong., 1st sess.

[98] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, hearing on H.Res. 155, 102nd Cong., 2nd sess., March 18, 1992 (Washington: GPO, 1992). For journalistic impressions of the proposal and hearing, see Timothy J. Burger, "Even With a New White House, Gejdenson Still Wants Congressional Question Period," *Roll Call*, November 23, 1992, p. 18; Sarah Cagle, "Question Period Will Get Hearing," *Roll Call*, February 17, 1992, p. 20; Sarah Cagle, "British-Style Question Period for Congress Dismissed as 'Nice' But Not Really Urgent," *Roll Call*, March 23, 1992, p. 14.

[99] John McCain, "Prepared Remarks" (speech, Greater Columbus Convention Center, Columbus, OH, May 15, 2008).

Ministers Questions" component of the British question system. Beyond this broad outline, it is unclear whether Senator McCain would have sought support for individual aspects of past question time proposals regarding written questions, the appearance of Cabinet officials, or the various options for the format of the question and answer session.

President Obama Takes Questions from Members

On January 29, 2010, President Obama spoke at a meeting of Republican Members of the House, in Baltimore.[100] After speaking for approximately 20 minutes, President Obama took eight questions, for a total of approximately 65 minutes.[101] The questions were asked by individual Members of the conference, with conference chairman Representative Mike Pence selecting those who posed questions.[102] On February 3, 2010, President Obama spoke at a meeting of Democratic Senators, in Washington, DC.[103] After speaking for approximately 15 minutes, the President took eight questions for a total of approximately 60 minutes.[104] The questions were asked by individual Senators, with conference chairman Senator Reid selecting the questioners.[105]

The two appearances by the President generated significant media attention, and a number of prominent observers called on both the President and Congress to continue such interactions on a regular basis.[106] Although the question and answer sessions were not conducted as formal House or Senate actions, some proponents of a question period may view this as an advantage. The unofficial nature of the interactions avoided the procedural issues associated with instituting a question period in the House or Senate, and the apparent lack of strict rules or procedures regarding questions arguably improved the quality and candidness of the exchange. On the other hand, if such interactions were to continue on a regular basis, the lack of formal procedures for selecting questioners or the lack of rules regarding the content of questions could potentially become problematic. Similarly, the unofficial nature of such interactions may not produce as much public interest as a formal question period on the floor of the House or Senate.

Other Contemporary Proposals

Journalistic accounts suggest that both President Carter and President Clinton considered the possibility of creating a parliamentary-style question period in Congress. During the 1976 presidential election campaign, President Carter indicated his support for a question period.[107] At a speech announcing his candidacy, Carter stated the following:

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[100] The White House, Office of the Press Secretary, "Remarks by the President at GOP House Issues Conference," press release, January 29, 2010. Available at http://www.whitehouse.gov/the-press-office/remarks-president-gop-house-issues-conference, February 4, 2010; video available at http://www.c-spanvideo.org/program/291730-1.

[101] Ibid.

[102] Ibid.

[103] The White House, Office of the Press Secretary, "Remarks by the President at the Senate Democratic Policy Committee Issues Conference," press release, February 3, 2010, available at http://www.whitehouse.gov/the-press-office/remarks-president-senate-democratic-policy-committee-issues-conference, February 4, 2010; video available at http://www.c-spanvideo.org/program/291897-1.

[104] Ibid.

[105] Ibid.

[106] http://demandquestiontime.com/.

[107] Jimmy Carter, *Why Not the Best?* (New York: Bantam, 1975), p. 147. See also James Sundquist, *The Decline and Resurgence of Congress* (Washington, DC: The Brookings Institution, 1981), p. 467.

> We must insure better public understanding of executive policy, and better exchange of ideas between the Congress and the White House. To do this, cabinet members representing the President should meet in scheduled public interrogation sessions with the full bodies of Congress.[108]

Journalistic accounts also suggest that President Clinton considered proposing that he answer questions from Congress the day after the State of the Union address in 1993. House majority leader Richard Gephardt promoted the idea after observing Clinton's rhetorical ability at a party caucus meeting.[109] Although White House spokespersons revealed that the idea was under consideration, negative reactions from congressional leaders prevented the idea from going further.[110]

Evaluating a Question Period for Congress

As previously discussed, existing question periods in parliamentary democracies vary widely in their format and procedures. Likewise, historical proposals in the United States have suggested a range of question period procedures. An assessment of the potential merits and drawbacks of any particular proposal for a question period in Congress will be influenced by the specific format selected. Similarly, the effects of a question period on the congressional policy process and congressional-executive relations might be somewhat dependent on the specific format.

Two dimensions of particular importance that differentiate various question time formats are (1) which executive officials will answer questions, and (2) whether questions and answers will be written, oral, or both. Legislators seeking to structure a presidential question period that consists only of oral answers may need to consider different issues than legislators seeking a structure that includes both written and oral questions to Cabinet officials.

In practice, a presidential question period with oral answers only might resemble the Prime Minister's Questions portion of Question Time in Britain. This would perhaps limit the time and resources expended while also generating a high level of public interest and coverage of national issues. A more extensive question period that included Cabinet officials or written answers, however, might allow for greater oversight and scrutiny of the executive branch, and allow for Member questions about more specific policy or oversight concerns.

The following sections of the report examine the potential advantages and disadvantages of a question period, and then discuss some of the legislative concerns for policy makers considering the adoption of a question period in Congress. Given the variety and scope of different proposals, not all of the advantages or disadvantages are applicable to all question time formats; in such cases, differences are noted in the text.

Potential Advantages of a Question Period

Advocates of adopting a parliamentary-style question period in Congress have advanced a variety of arguments in its favor. These arguments generally advance four themes:

- that a question period will improve the performance of executive departments by improving congressional oversight capabilities;

[108] Jimmy Carter, "Prepared Remarks" (speech, National Press Club, Washington, DC, December 12, 1974).

[109] Mary McGrory, "Let Congress Ask Questions of Clinton," *Buffalo News*, February 15, 1993, p. 18.

[110] Anne Groer, "Clinton May Face Congress' Shouts," *Orlando Sentinel*, February 16, 1993, p. A7; Timothy J. Burger, "Foley Nixes a Presidential 'Question Period' on Floor," *Roll Call*, February 18, 1993, p. 4.

- that a question period will promote inter-branch dialogue and relations;
- that a question period will promote increased public knowledge and interest in government affairs; and
- that a question period will strengthen the institutional position of Congress within the government relative to the President.

Improved Oversight

Many supporters of a question period for Congress believe that a question and answer period with Cabinet officials could lead to improved accountability of the executive branch.[111] By serving as a complement to the committee oversight system, a question period could allow Members frequent, direct public access to Cabinet-level officials. Some critics of the current system of committee oversight hearings believe that a question period could help alleviate perceived problems of timeliness, access, and shared interests that currently exist. A question period could allow for routine, timely oversight by the entire congressional membership.

Wider Oversight Participation

Typically, under the current committee-based oversight system, only committee members are allowed to question executive branch officials. A committee might permit Members of Congress who are not members of the committee to sit with it to question witnesses if they have a recognized concern in the committee's inquiry, but such instances are infrequent. Junior members of the committee may also have little opportunity for participation.[112] The large number of committees and high volume of committee and subcommittee work inherently limits Members in the number of oversight areas in which they can participate.[113] The question period might allow all interested Members of Congress both to hear the officials' explanations of policy, and to offer questions if they wish, time permitting.[114]

It also has been charged by some scholars that some congressional committees have become uncritical supporters of the agencies they have been responsible for overseeing, and thus no longer perform their institutional roles as effectively as they might.[115] By allowing the full membership of Congress to question Cabinet officials, proponents believe that such relationships between agencies and committees would not preclude serious scrutiny of executive departments. As Representative Derrick stated during a hearing,

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[111] A question period that involved only the President would likely focus on policy issues of national prominence rather than particular issues within executive departments. Thus, the oversight capacity of such a question period might differ significantly from a question period that included Cabinet officials.

[112] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 42.

[113] Ibid., p. 80.

[114] Ibid., p. 42.

[115] One of the complaints lodged against the Joint Committee on Atomic Energy was that it had become an advocate for the interest of the private nuclear industries it was responsible for regulating. See J. Dicken Kirschten, "Doomsday at Hand for the Joint Atomic Energy Committee?" *National Journal*, vol. 8 (November 20, 1976), pp. 1658-1665. Various academic studies have noted the uneven oversight performance among congressional committees. See Joel Aberbach, *Keeping a Watchful Eye: The Politics of Congressional Oversight* (Washington: The Brookings Institution, 1990) and Christopher Foreman Jr., *Signals from the Hill: Congressional Oversight and the Challenge of Social Regulation* (New Haven: Yale University Press, 1989).

> Over the years there becomes a somewhat incestuous relationship between the committees of jurisdiction and the areas they oversee. Over a period of time, in many instances, rather than becoming disciplinarians of the areas they oversee, committees become advocates.[116]

In the British Parliament, observers have noted that backbenchers tend to develop subject expertise through the question period.[117] Although it could be argued that this subject specialization in the U.S. Congress generally develops through congressional committee membership, there are a limited number of committee positions available. Thus, a Member of the House might be interested in and knowledgeable about tax law but may not have a seat on the Ways and Means Committee. Arguably, the Member is effectively cut off from contact with the appropriate officials formulating tax policies, although many Members may now channel such interest into membership in informal groups and caucuses. With a question period, such Member interest in subjects outside the purview of their committees could arguably be harnessed more effectively.

Faster Answers

Proponents of a question period also argue that the committee system cannot produce timely answers from the executive branch; it is not a speedy means of obtaining information. Oversight hearings may occur weeks or months after the events that triggered them.[118] A regular question period would allow Members to raise concerns about any contemporary matter, including administration policy or responses to events that occurred in a timely manner. As stated by Colin Campbell, former president of the Canadian Study of Parliament group, in hearing testimony,

> One of the great difficulties I find in the United States is that it does take time, nonetheless, to get the inquiry system through committees running, and sometimes the most crucial period of a crisis is lost in terms of galvanizing public opinion, in giving people a sense of how the executive branch is dealing with it because there is no more immediate way of having officers of the executive branch come and answer questions.[119]

A question period might also effectively speed up constituent casework. In the British parliamentary experience, questions submitted for written response constitute a major means of constituent service for MPs.[120] Matters of a purely local nature, or involving individual citizens' complaints against government bureaus, are frequently resolved by means of parliamentary questions submitted for written response. The parliamentary requirement that named questions receive a written response within days of submission enforces an efficient constituent service program for MPs.[121]

Members of Congress devote considerable time to constituent service, including inquiries to agencies on behalf of constituents. This casework activity is frequently a protracted procedure. Adopting the British parliamentary requirement of a quick response time to questions for written response might improve the casework performance of Members of Congress, assuming that

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[116] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 50.

[117] Peter G. Richards, *The Backbencher* (London: Faber and Faber, 1972), p. 44.

[118] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 93.

[119] Ibid., p. 93.

[120] United Kingdom, House of Commons, Procedure Committee, *Parliamentary Questions: Third Report of Session 2001-02*, p. 10.

[121] United Kingdom, House of Commons Information Office, *Parliamentary Questions*, p. 13.

agencies provided comparably thorough service in a shorter time period. If Congress were to follow British practice and publish agency responses to written questions in the *Congressional Record*, a more public record of agency responses would be available than the current practice, with casework responses forwarded directly to individual Members.[122]

Written response questions can also serve to notify a government agency of an individual Member's attitude toward a proposed policy. One observer of the British parliament recorded an instance in which the government intended to shut an aircraft factory, resulting in the loss of 400 jobs in one parliamentary district. The MP representing the district sent the Defence Ministry more than 250 questions for written response. Work virtually ceased at the Ministry in an attempt to reply within 48 hours. The Defence Minister, who previously had been unwilling to meet with the MP from the affected district, then did so, and a compromise was reached.[123]

Participation of High-Level Officials

Some proponents of the current committee oversight system contend that a question period would result in a greater number of Cabinet officials taking part in the oversight process. As Representative Gejdenson testified,

> Presently, committee chairmen have a very difficult time getting Cabinet members to come before their committees ... [L]ower level staffers and appointees are sent.[124]

Scholars have also noted that it is often subordinate department officials who testify at hearings.[125] If top Cabinet officials knew that they would be making regular public appearances before all of Congress and (presumably) wide media exposure, it might induce greater top-to-bottom knowledge regarding the day-to-day workings of the executive departments among the Cabinet-level leaders. In Canada, for example, it is widely believed that question time is responsible for producing executive branch leaders who are exceptionally well-versed in the inner workings of their respective departments.[126]

A possible secondary benefit of such direct scrutiny of top Cabinet officials is improved internal oversight within the executive branch departments.[127] Cabinet members might become more watchful of their staffs and their administrative actions, since the Cabinet Secretaries themselves might be instantly called to account for their subordinates.[128] As one scholar put it,

> [P]arliamentary questions take top priority in the departments, for the political career of the minister depends on how well he is able to meet his adversaries in the House…. [E]very

[122] The constituent workload for MPs, however, is significantly lower than that for Members of Congress. An Englishman visiting an American friend who was a Congressman was astonished at the number of constituents writing and visiting Members of Congress. "The (Englishman) said 'I wouldn't think of going to see my MP.' The American said 'Well, there isn't an American that I know of who does not think that he has a right to walk right into a Congressman's office and tell him off.'" Former Speaker Carl Albert, quoted in Anthony King, "Capitol Hill—a whole lot of people, but no time to talk," *The Listener* (August 26, 1976), p. 231.

[123] Anthony King, *The British Member of Parliament* (London: McCullen, 1974), pp. 70-80.

[124] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 36.

[125] Joseph P. Harris, "Legislative Control of Administration: Some Comparisons of American and European Practice," *The Western Political Quarterly* vol. 10. No. 2 (June 1957), pp. 465-467.

[126] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 94.

[127] Anthony King, *The British Member of Parliament* (London: McCullen, 1974), p. 70-80.

[128] Peter G. Richards, *The Backbencher*, pp. 109-110.

> policy of the department must be defended, not merely in general terms, but as it affects particular persons and groups.[129]

In Britain, some observers believe this is the primary benefit of question time. One scholar noted that question time is successful even when the Ministers are evasive of the questions, because "what [an MP] is trying to do is put the fear of God in the civil servants."[130]

Procedural Efficiency

One final concern about the committee oversight system is that it may be viewed as procedurally inefficient. Witnesses appearing before a committee frequently read, at length, prepared remarks into the hearing record. Members of the committee generally question the witnesses sequentially. Since Members often have scheduling conflicts, it is not uncommon for them to be present for only part of the hearings, and thus, they may inadvertently ask many of the same questions offered by other Members in their absence. In complex subjects involving the jurisdiction of several committees, agency heads and other officials may be required to appear before several committees and subcommittees to respond to questions which are often duplicative.

Similarly, in comparison with a question time system, the committee oversight procedures tend not to produce substantial spontaneous interaction between differing points of view. An observer has noted, "[in the hearing process] there is little opportunity for interaction among witnesses of varying views. This problem was highlighted when President Ford forbade Administration witnesses from appearing at congressional hearings simultaneously with their critics."[131]

Inter-Branch Relations

Proponents of a question time also believe it would promote a more positive relationship between the legislative and executive branches of the government. Regular availability of the President or executive branch officers to questions by Congress might lower the institutional barriers between the legislative and executive branches. Currently, there is little formal public interaction between Members of Congress and the executive branch.[132] Cabinet officers tend to testify before a limited number of committees, and consequently, come into direct contact most frequently with only a limited number of Members. Questions by the general membership of both Houses would expose Cabinet officers to a wider variety of congressional opinion. At the same time, executive branch accountability to Congress would be emphasized in a visible and public manner.[133]

From the position of the executive branch, the question period has several advantages. It could permit increased, direct access to the legislative branch. Member opinions, suggestions, and complaints could be dealt with in a timely and public fashion. Executive branch accountability has a corollary: if the question period can expose inefficient executive management, it can also

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[129] Harris, "Legislative Control of the Administration," p. 467.

[130] King, *The British Member of Parliament*, p. 81.

[131] U.S. Congress, Senate, Commission on the Operation of the Senate, *Overview of the Senate Committee System*, Prepared by Walter J. Oleszek, Committee Print, 94th cong., 2nd sess. (Washington: GPO, 1976) p. 13.

[132] For example, Rep. Alan Wheat stated during the 1992 hearings that "[m]ost people in this country somehow have the idea or the impression that the Congress has a healthy and ongoing dialogue with the members of the cabinet. One of things you first learn when you get here is that you don't, unless you serve on a committee of jurisdiction that occasionally has a Cabinet member agree to come in." U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 35.

[133] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 42.

provide a means for presenting executive agency successes.[134] If the executive agency can convince the House or the Senate of the need for a specific policy or program, such popular support throughout the respective Houses could provide the leverage needed to gain agency support, within or circumventing hostile committees.

Public Stage for Congress

Some proponents of a question period believe that it could strengthen the political power of Congress as an institution relative to the executive branch. Scholars and other political observers contend that the institutional advantages of the presidency over Congress, such as unity of thought and the ability to plan political strategy, have been expanded in the age of mass media. They argue that the President's single voice allows him to dominate public discussion while individual Members of Congress have difficulty even being heard.[135] As Representative Gejdenson testified,

> It seems to me that we have frankly lost power as an institution, not by any Supreme Court decision ... but by the fact that the President, no matter who he is, speaks with one voice and the number of voices that we have here at the Congress tend to not make for a clear debate. I think a question period would frankly give Congress more equal footing with the President ... in that it would place us on the same plane, at least with the leading Cabinet Secretary on a particular issue.[136]

From this perspective, by placing the executive branch on the same stage as Congress, two things might occur: first, Congress might come to occupy a stronger institutional position in the mind of the public. Proponents maintain that by appearing alongside the President in a position of equality, or perhaps even strength, Congress might reclaim institutional power lost in the past.

Second, public communication between the legislative and executive branch about important issues may increase, as well as public attention to key issues. As Representative Gejdenson testified,

> Often, there is such a wide variety of responses from House/Senate Members [to Presidential issue positions] that you don't get a real dialogue between the legislative and executive branches, and that by [instituting a question period] in the well of the House, without other legislative business going on, it would give a very direct focus.[137]

Public Interest/Knowledge

Supporters of a question period believe that it would raise public awareness of contemporary issues and generate increased public interest in legislative activity and policy options. Many proponents of question time believe this to be its greatest virtue; even if it has little ability to provide Members with substantial information from the executive branch, they argue, it certainly makes for lively debate, which in turn attracts a wider public audience to public affairs.[138]

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[134] Ibid., p. 81.

[135] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 44; Samuel Kernell and Gary C. Jacobson, "Congress and the Presidency as News in the Nineteenth Century," *The Journal of Politics*, vol. 49, no. 4 (November 1987), pp. 1016-1035. See also John Kingdon, *Agendas, Alternatives, and Public Policies* (Boston: Little, Brown, 1995), pp. 45-47.

[136] Ibid., p. 43.

[137] Ibid., p. 44.

[138] Ibid., p. 79. Some scholars have also suggested that a question period might serve to focus the policy formulation process of the minority party in Congress, to the benefit of the entire political system. See David Fromkin, "Leader of

Experiences with question time in other countries indicates that it is very popular among the general public. The parliamentary question period is widely reported in the British press.[139] Question time in Canada is now the most widely seen portion of televised Commons proceedings.[140] The C-SPAN network routinely rebroadcasts question time in both parliaments to its American audience.[141] It was this frequent broadcasting that led Representative Gejdenson to initially suggest his proposal in December 1990. At the time, he stated, "I think it was Thomas Jefferson who said, 'If the electorate isn't informed, don't exclude them, inform them.'"[142]

In addition to raising public awareness about contemporary issues and the different policy options available, a question time may make Cabinet officials more readily known to the public. Supporters argue that Cabinet-level officials have significant authority in the United States, but are largely unknown to the public at large.[143]

Criticism of a Question Period

Opponents of adopting a parliamentary-style question period in Congress have criticized the idea on a number of grounds. These arguments generally assert seven points:

- that a question period is ill-adapted for non-parliamentary system;
- that a question period is a poor form of oversight;
- that a question period will intensify partisanship;
- that a question period will undermine the committee system;
- that a question period will be generally filled with theatrics and manipulation;
- that a question period may be expensive; and
- that a question period will give the executive branch an unnecessary forum within Congress.

Non-Parliamentary System

Critics of a question period have argued that systems such as the one in place in the British parliament are not institutionally suitable for the American system of government, which is based on separation of powers between co-equal branches.[144] Such objections have been raised on structural, constitutional, and institutional grounds.

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the Opposition: An American Lacuna," Reprinted in Senate Debate, *Congressional Record*, vol. 115, part 4 (March 4, 1969), pp. 5231-5232; Norman Ornstein, "Professorial Skills Cry Out for Obama Q&A Sessions," *Roll Call*, March 4, 2009, p. 6.

[139] Questions and answers from Question Time are publicly available on parliament's website at http://www.parliament.uk/about/how/business/questions.cfm, July 14, 2008. Past Prime Minister's Questions are available for viewing on the Internet at http://www.number10.gov.uk/output/Page306.asp, July 14, 2008.

[140] Question Period is available for viewing on the internet at http://parlvu.parl.gc.ca/parlvuen%2Dca/, July 14, 2008.

[141] Timothy J. Burger, "British-Style 'Question Period' Would Let All Members Grill Administration Officials," *Roll Call*, December 13, 1990, p. 5.

[142] Ibid., p. 5.

[143] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 80.

[144] James Sundquist, *The Decline and Resurgence of Congress* (Washington, DC: The Brookings Institution, 1981), pp. 467-469; Stephen Horn, *The Cabinet and The Congress* (New York: Columbia University Press, 1960), pp. 156; George Galloway, *Congress at the Crossroads* (New York: Crowell, 1946), pp. 216-217.

Structural Concerns

As a structural matter, the relationship between executive officials and the legislature in the American system is different from that in a parliamentary democracy. The President is neither a Member of Congress nor entirely reliant on Congress for his governing authority. He is independently elected and has constitutional authority separate from Congress. In a parliamentary system, the Prime Minister derives his authority from the consent of the majority of the legislature.[145] His office is beholden to the Parliament; as a political actor, he is ultimately responsible to the legislature, much the way the Speaker of the House is beholden to the membership of Congress.

Similarly, department Ministers in parliamentary systems are drawn from the membership of the parliament. In the United States, Members of Congress are constitutionally prohibited from simultaneously holding offices in the executive branch.[146] Legislators appointed to Cabinet positions by the President must resign their legislative office. Thus, the nature of any question period in the United States—and in particular a question period involving the President—would necessarily adopt a different institutional character than a parliamentary question period.[147]

The nature of party governance is also different in the United States than in most parliamentary systems. In Britain, for example, the government has the implicit backing of the majority of the legislature; failure to capture a majority on a key legislative item would signal a loss of confidence in the executive and the need to call elections.[148] In the United States, Members organize into parties, but party cohesion in the legislature is not necessary to maintain control of the executive branch. Voters may individually choose to elect a Member of Congress from one party and a President from another.[149] Thus unlike most parliamentary systems, the American system does not generate a discernable party of government and a clear Opposition. As political scientist Hugh Heclo has pointed out, this means "question periods are therefore unlikely to clarify the fundamental choice as to which party is more fit to govern."[150]

Constitutional Objections

Some critics of a question period have raised concerns that the constitutionally based separation of powers doctrine might prohibit the establishment of mandatory appearances by the President and/or other executive branch officials before Congress.[151] In particular, because the President is an independent constitutional office, a presidential question period probably could not be established without the implicit support of the sitting President. Although Cabinet members do not have the same constitutionally based status, it is similarly unclear whether Congress could establish mandatory appearances for such officials.[152] Without any constitutional duty to appear

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[145] Bradshaw and Pring, *Parliament and Congress*, pp. 369-371.

[146] Article I, sec. 6.

[147] Dean Acheson, *A Citizen Looks at Congress* (New York: Harper, 1957), pp. 81.

[148] Bradshaw and Pring, *Parliament and Congress*, pp. 10-15.

[149] Ibid., p. 12.

[150] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 124.

[151] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 50.

[152] Generally, refusals of Cabinet officers to provide subpoenaed documents to congressional committees have been resolved by informal agreement between the committees and the officials rather than by resorting to judicial enforcement. For further information, see CRS Report RL30240, *Congressional Oversight Manual*, by Todd Garvey et

before Congress upon request, a President might refuse to appear (or refuse to allow Cabinet members to appear) unless conditions were made so favorable that Congress would no longer be interested.[153]

As a practical matter, subjecting executive branch officials to direct questions by Members of Congress could increase the frequency with which claims of executive privilege are invoked as a basis for withholding certain requested information.[154] Such increased use of executive privilege may endanger the success of the question period as an informational device, and might potentially strain inter-branch relationships in general.

Institutional Objections

As an institutional matter, critics of a question period have also raised concerns about the propriety of unelected Cabinet officials speaking on the floor of the House or Senate. In committee testimony, Hugo Heclo noted the following:

> [A] question period [that included Cabinet officials] would compromise the integrity of the floor of the House as a forum for debate among the people's elected Representatives ... [t]he floors of the House and the Senate ... are the embodiment of a master idea ... government by discussion ... [which] can be legitimately carried out only by the elected Representatives of the people. The floor of the Congress is no place for unelected Presidential appointees to be sharing in the debate.[155]

Representative Robert Michel made similar comments:

> Proponents of the Question Period might argue that the House already questions administration officials in committee, so what difference would it be if we questioned them on the floor? My answer is that the floor of the House of Representatives is a special place ... [each] Member on the floor is equal to every other member. But to have an administration official come to the floor to answer questions alters the chemistry of the place ... the kind of question period we are being asked to consider could transform it from a meeting place of equals to an interrogation room.[156]

A presidential question period would probably not raise this specific concern, as the President is an elected official. In addition, the President has historically made periodic appearances in Congress in times of crisis, and modern Presidents have delivered their State of the Union addresses to Congress in person.

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al.; and out-of-print CRS Report RL30319, *Presidential Claims of Executive Privilege: History, Law, Practice and Recent Developments*, by Morton Rosenberg, available from the author to congressional clients upon request.

[153] As one observer has noted, the President might reject any proposal as one that would "put Daniel into the lion's den," in hopes of tricking Congress into offering a system that would "put the fox in the hen house." U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 128. Others have suggested that either the President or Members of Congress might assess any proposed question time as too risky, even if its terms seemed favorable. Kruse, Meredith, "Questioning Government Accountability" (B.A. thesis, Dickinson College, 2007), p. 25.

[154] For further information on presidential claims of executive privilege, see out-of-print CRS Report RL30319, *Presidential Claims of Executive Privilege: History, Law, Practice and Recent Developments*, by Morton Rosenberg, available to congressional clients upon request.

[155] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 121.

[156] Ibid., p. 67.

Poor Oversight

Significant disagreement exists regarding question period effectiveness in obtaining information about federal agency programs and administration. Many observers of the parliamentary question period contend that Ministers answering questions provide only such information as they want, and that the information obtained might not warrant the expenditure of time and effort required.

> One of the first things learned by a rising politician in any democracy is how to artfully avoid giving information he does not want to give. A question period might elicit some marginal information not now obtainable through congressional hearings and official news conferences, but I doubt it would be worth the additional demands of time and energy it would impose on administrative officers.[157]

British parliamentary observers, it should also be noted, are not uniformly satisfied with the question period as a device to obtain information about government policy. In recent years, proposals have been made to require Cabinet officials not only to appear for question period, but also to appear before the growing number of parliamentary standing committees. It is thought that information of a general character can best be obtained through the question period, but that more detailed responses could be gathered through ministerial testimony to committee.[158]

In comparing the investigative tools already available to Congress and to various parliamentary bodies, some students of parliament and Congress have rated the question period as an inferior legislative device. Colin Campbell, a Canadian academic and former president of the Canadian Study of Parliament group, testified that "people in parliamentary systems look longingly ... to the committee system, because you can really get into detail in a way you can't in [a Parliamentary question system]."[159] Similarly, other scholars have noted, because Congress is more directly involved in administration of programs—due to hearings, appropriations, and confirmations—than is the House of Commons, a question period in Congress would not "carry the punch of an investigative committee on American lines."[160]

The committee system also arguably provides a wider set of oversight tools for Members than simply questioning executive officials. Through hearings, travel, staff investigations, review of appropriations and authorizations, and other means, members of congressional committees become specialists on the subjects and agencies within their committee's jurisdiction. Committee hearings also give diverse interest groups and private citizens ready access to the legislative

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[157] James Sundquist, "Parliamentary Government and Ours," *The New Republic*, v. 171 (October 26, 1974), p. 11. In 1980, Sundquist, White House Counsel Lloyd Cutler, and former Secretary of State William Rogers formed a policy planning group to recommend structural reforms in the U.S. government to minimize "deadlock" between the Congress and the President. They did not endorse a question period as part of their reform proposals. See Committee on the Constitutional System, *A Bicentennial Analysis of the American Political Structure: Report and Recommendations of the Committee on the Constitutional System* (Washington: Committee on the Constitutional System, 1987); Lloyd Cutler and Donald Robinson, "Breaking our Political Gridlock," *The Washington Post*, February 1, 1987, p. D4.

[158] There is some support for the belief that British Cabinet Ministers are often chosen for their parliamentary qualities (how do they handle questions in Commons) rather than for their administrative capacity. Whether a question period would reinforce a similar view of American Cabinet officers is subject to discussion. Of course, the effectiveness of Cabinet officers currently is judged to some degree by their success in dealing with committees of the Congress. See U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 87.

[159] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 93.

[160] Bradshaw and Pring, *Parliament and Congress*, p. 370.

process. A question period would not involve such outside political actors to make their case regarding public policy proposals and the implementation of governmental programs.

Of course, a congressional question period would not be the only information source available to the legislative branch. None of the past proposals consider *replacing* the committee system with a question period; instead, they see the two systems as complementary. Congressional committees would continue to be responsible for review of executive branch policies. Should a question period be introduced in Congress, it is likely that committee hearings would continue to focus on detailed examination of policy issues, and that the question period would feature broader discussions of issues reflecting the less specialized policy knowledge of Members not serving on the relevant committees.[161]

Intensification of Partisanship

Many critics—both in countries with existing question periods and in the United States—believe that question periods encourage partisanship and foster unnecessary partisan strife. It has been noted that Question Time in the British parliament is "debate at its most partisan."[162]

During debate on the Kefauver bill in 1944, Representative Clarence Cannon, a leading parliamentary theorist in the House, claimed the proposal would unnecessarily increase party strife in Congress and would upset delicate balances between the executive and legislative branches.

> Such a question hour would degenerate immediately and inevitably into a political fencing match.... The device would be used for partisan political advantage.... The questions submitted from the floor ... would probe excruciatingly into the depths of the rawest nerve centers of current campaign issues. It would give rise to bad taste, bad manners, and bad blood. Instead of bringing about better teamwork between the Congress and the executive departments, it would drive a wedge of discord between the legislative and executive branches.[163]

Similar concerns were echoed by Members during the 1992 hearings on the Gejdenson resolution. Members thought question time "would just be another opportunity for [the President's opponents] to try to embarrass the Administration" and would produce "more heat than light." Representative Benjamin Gilman described the idea of bringing Cabinet members to the floor as "an invitation to partisanship rather than a beneficial addition to the deliberative process."[164]

This argument presupposes that Members of Congress would value political point scoring more highly than pragmatic inquiry when given an opportunity to question executive branch officials appearing before the respective Houses. It also presumes that when presented with a similar opportunity in committees, Members act with more restraint than they would show on the floor. In rebuttal, an argument could be framed to assert that there appear to exist adequate rules in both Houses to enforce decorum and propriety on Members during legislative debate, and such rules could also be applied during a question period.

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[161] R.M. Punnett, *British Government and Politics*, 3d ed. (London: Heinemann Publishers, 1976) p. 236.

[162] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 68.

[163] House Debate, *Congressional Record*, vol. 90, part 3 (March 23, 1944), pp. 2014-2016.

[164] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, pp. 3-4.

Undermining the Committee System

It is likely that any question period in Congress that involved the questioning of Cabinet members would alter the practices of the standing committees in the House and Senate. Critics of a question period for Congress have raised concerns that such systems would undermine committee jurisdiction, increase the difficulty of getting high-ranking officials to appear before the committee, and reduce the overall quality of oversight interactions between Congress and the administration.

The standing committees of both the House and the Senate might find themselves sharing oversight responsibility with the entire membership of the chamber under a system of question time. If all Members were given the opportunity to ask any questions of Cabinet officials, the agendas of the standing committees would potentially compete with the policy preferences of individual Members of Congress. As a remedy, the standing committees might be given the power to control or pre-clear questions prior to their submission. However, this would arguably undermine one of the stated advantages of a question time, universal access to the administration for all Members.

Similarly, the question period could also frustrate administration officials used to receiving a limited set of committee oversight instructions. An executive department, accustomed to maintaining frequent consultations with particular authorizing and appropriating committees of the House and Senate, could suddenly be faced with substantially different and potentially conflicting indicators of policy preferences from questions received on the floor.

Of similar concern is the effect of question time on the willingness of administration officials to participate in committee hearings. Critics note that many administration officials "already feel harried with the amount of time they have to spend on the Hill before committees" and might not be amenable to taking part in both question time and committee oversight hearings.[165] During hearings on the question period in 1992, several committee chairmen submitted written testimony with concerns about the ability of committees to successfully call administration witnesses to committee hearings once a question time system was introduced.

> An appearance before the House for questioning might allow a Cabinet Member to argue that that fulfills his or her obligation to appear before Congress, and thus resist accepting an invitation from a Congressional Committee.[166]

Finally, a question period might result in a lower quality of interaction between Members and the administration. Questions from the floor are likely to be more general in their focus or more concerned with the local impact of proposed policies than questions initiated in committee hearings. Similarly, some Cabinet Secretaries may view the question periods as a less valuable forum than committee hearings for interacting with Members of Congress. There may also be some question by the agencies about the value of questions from the floor: in dealing with committees, the agency must respond to generally well-informed questions from Members knowledgeable about the agency's duties.

Quality of Debate

Critics of question periods in parliamentary systems often maintain that in practice the system rarely results in substantive policy debates. As James Sundquist testified in 1992, "the first thing

[165] Ibid., p. 61.

[166] Ibid., pp. 64-65.

an MP does in rising in the ministerial hierarchy is learn how to give a smooth and effective evasion of an unpleasant question."[167] British observers have similarly noted that the question period often has little substantive value, calling it "the twice-weekly exhibition of schoolboy humour" and "an undergraduate pastiche of a White House press conference."[168] MPs have similarly denigrated the substantive value of it. For instance, one Canadian Member said

> Anyone who has participated in question period knows its main purposes are to embarrass the government, to amuse the tourists and TV audiences, and to make life easier for reporters. It is a totally ineffective way to elicit significant information.[169]

The question period also has been manipulated for political or policy purposes. In 1971, the British Ministry of Environment distributed prepared questions (for oral response) to MPs who supported ministry policy, for the purpose of blocking awkward questions by opposition Members. A parliamentary select committee was named to investigate the situation and determined that in previous sessions both the government and the opposition had sought to rig questions. One Minister claimed that question rigging had become a common practice. Of course, question rigging cannot be entirely successful. Urgent questions may be submitted if conditions warrant, and a determined MP whose question is not reached may continue his question for oral response at a subsequent appearance by the Minister.[170]

Cost

Opponents of written response questions frequently cite the cost of providing such a service. In Great Britain, the written responses are generally provided by senior civil servants. The most recent statistics from the British government estimate the average cost at £140 (approximately $280) for a written question and £385 (approximately $770) for an oral question.[171] During the past few years, MPs have asked over 75,000 questions.[172] Supporters of a written response proposal could contend that preparation of written responses within a firm deadline would cost no more than current, fragmented casework activities already undertaken by federal agencies in response to congressional inquiries. Moreover, it could be argued that cost is an insufficient objection when weighed against the duty of Congress to oversee the administration of the programs it has enacted.

Forum for the Executive Branch

Opponents of a question period in Congress have often raised concerns that such a system would upset the institutional balance between Congress and the President, by giving the administration a new forum to promote its policies and positions, in the heart of the legislative branch.[173] Scholars

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[167] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 98.

[168] Ibid., p. 82. See also Kruse, "Questioning Government Accountability," pp. 18-19.

[169] Ibid., p. 83.

[170] Nesta Wyn Ellis, *Dear Elector: The Truth About MPs* (London: Coronet Books, 1974), p. 98.

[171] Gillian Merron, "Parliamentary Questions," Legislative Debates, House of Commons, December 4, 2007 (Hansard c240WH). The increased cost for oral questions reflects the time and resources required to research and prepare Ministers for supplementals. For historical estimates of British parliamentary question period costs, see Ellis, *Dear Elector: The Truth About MPs*, p. 134.

[172] United Kingdom, Parliament, House of Commons Commission, *29th Annual Report: Financial Year 2006-2007*, HC 708 (London: The Stationary Office, 2007), pp. 30-32.

[173] James Sundquist, *The Decline and Resurgence of Congress* (Washington, DC: The Brookings Institution, 1981), pp.

of Congress and the presidency have argued that the rise of mass media, particularly television media, has given the President a comparative advantage over Congress.[174] While the President can employ the resources of the executive branch to promote his unitary message, individual Members of Congress may lack the institutional resources to compete with the President, and Congress as a whole lacks a unity of message.[175] The introduction of a televised question period might serve to increase this presidential advantage.

Opponents also worry about the institutional and partisan balance of a question time period. Since the President is almost certain to have a significant number of ideological or partisan allies in Congress, it is likely that a significant portion of the time for questions and answers would be taken up by pro-administration positions. As James Sundquist testified in 1992,

> Half of the question would be asked by partisans of the administration in power who would undoubtedly, in baseball vernacular, toss up fat balls for the [administration] to knock out of the park. The question period would thus give the administration in power an extraordinary opportunity to score points in political debate before a national audience.[176]

Relative to the committee system, the structure of a question period, as Sundquist notes, also favors the administration. In committee hearings, the legislative majority can pursue their questions at length, offer commentary, and have the opportunity for the final word. In most proposals for question periods, this would not be the case.[177]

Legislative Considerations for Congress

As has been noted earlier, various format options for a question period exist. The potential effects, on both the procedures of the legislation branch and the relationships between the executive and Congress, will vary according to the question period format selected, and in particular according to the scope of the proposed question period: whether questions will be written, oral, or both; how often the question period will take place; and whether the question period will include questions to the Cabinet members or only to the President.

Which Executive Branch Officials?

Perhaps the most fundamental decision about any question period will involve *who* would be asked to appear. Popular perceptions in America of parliamentary question periods focus on the oral questioning of the Prime Minister. Prime Minister's Questions in England, however, comprise a tiny fraction of the questioning system. As discussed, past proposals for question periods in Congress have focused on the questioning of the Cabinet members, not the President; the Kefauver, Mondale, and Gejdenson proposals called for the appearance of Cabinet members only.

The involvement of the President, however, is perhaps more likely to produce the positive effects sought by proponents of the question period. Appearances by the President would presumably generate greater public interest than appearances by Cabinet officials. Similarly, appearances in Congress by Cabinet members already occur in committee hearings; a question period would be a

467-469; George Will, "McCain's Question Time," The Washington Post, May 29, 2008, p. A19.

[174] Samuel Kernell and Gary C. Jacobson, "Congress and the Presidency as News in the Nineteenth Century,", pp. 1016-1035. See also John Kingdon, *Agendas, Alternatives, and Public Policies*, pp. 45-47.

[175] Kernell and Jacobson, "Congress and the Presidency," p. 1017.

[176] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 99.

[177] Ibid., p. 99.

change in format, but not necessarily a sharp change in practice. A presidential question period, on the other hand, would be a wholly new development in American politics, and would presumably have an impact on the practice of politics.

What Form Would Questions Take?

A second important question for Congress to consider is whether question time would include both oral and written questions. In most parliamentary systems that employ question periods, written questions vastly outnumber oral questions due to time limitations. Oral questions, however, generate more public interest and typically involve questions of general interest and important contemporary public policy.

The Kefauver, Mondale, and Gejdenson proposals differed from the traditional question period in not providing for written responses to Members' questions. Moreover, if a British MP's question for oral response is not reached, he/she has the option of accepting a written response to the question in lieu of an oral answer. Within the limited time provided for oral questions in past American proposals (at most two hours weekly), few Members of the House and Senate would be able to receive an oral response.

If oral questions were to be used, a second issue would arise as to whether and how many unannounced questions would be allowed, either as initial inquiries or supplemental follow-up questions.

How Often Would Question Time Occur?

How much time Congress devoted to question periods would also affect the number of government officials appearing at these sessions. The British House of Commons devotes four hours weekly to the question period to permit roughly the same number of Cabinet members as there are in the United States to be questioned once monthly. But the United States, in addition to Cabinet department heads, has a number of other senior officials who do not hold Cabinet rank yet influence national policy enormously. Independent agency heads, directors of government corporations, and senior presidential staff subject to senatorial advice and consent might all be prime candidates for appearances at question periods. Yet, none of the earlier proposals has directly addressed what role, if any, these officials are to play in any question period plan.

How Would Questions be Chosen?

Since it is likely that the demand to ask oral questions will exceed the amount of time available, a system for choosing among Members questions will probably be needed. Oral questions in Britain are chosen by the shuffle; pre-clearance is not required either by committee or party. Both the Mondale and Kefauver proposals tied the administration of the question period into the committee system.[178] Questions by Members would first be cleared by the committee having jurisdiction over the subject area. The Gejdenson proposal placed the selection of questions with the majority and minority leaders.

Use of the committees to clear questions would potentially allow for a smooth integration of the question period and the committee system. Committees could select questions related to current policy and oversight debates within the committee and project them into public view through the question period. On the other hand, in subjects which span the jurisdictions of several committees

[178] The Mondale proposal would have also permitted impromptu questions from the floor with rigid time limits under the divided control of the committee chairman and the ranking minority Member.

(such as energy policy), it might be necessary to obtain the approval of a half dozen committees before the question could be put to the Cabinet official. It might also be unlikely that a committee would approve inquiries which questioned either the policy attitudes of the committee majority or of the department when the same party controlled Congress and the executive branch.

Use of the majority and minority leaders to select questions would potentially have the advantage of focusing the question period on the policy differences between the political parties. Arguably, congressional leaders would be likely to choose questions of national political prominence which highlight policy differences between the competing parties. Under such a system, however, rank and file Members may find themselves left out of the question process. Thus, the use of chamber leaders as selectors of questions might not be desirable if legislators perceive question time as a means to allow wider participation in congressional oversight.

Use of a random shuffle to choose among questions would potentially allow greater participation from rank and file or junior Members. On the other hand, a random shuffle might result in a greater number of questions that were not of general interest. As occasionally occurs in the British system, Members might use an oral question to seek a government answer in response to a particular constituent casework concern.

Would a Question Period be Bicameral?

Previous proposals for question periods in Congress have not provided for joint House and Senate participation. The Mondale and Gejdenson proposals would have established question periods only in the Senate and House, respectively. The Kefauver proposals would have established separate question periods for Members of each chamber. Such separation arguably avoids procedural issues that might arise under a combined House and Senate question period, such as which chamber's rules would govern the question period and who would preside. Additionally, a well-attended joint question period might raise practical concerns about how the full membership of Congress would be accommodated in (presumably) the House in a manner that is both physically comfortable and conducive to parliamentary procedure.

On the other hand, a question period involving the President, such as the one proposed by Senator McCain, might necessitate a bicameral arrangement. Given the schedule of the President and the logistical complexities of presidential travel, both the President and Members of Congress may prefer to conduct such a question period in a joint meeting or session. Such an arrangement would limit the number of appearances the President would need to make while also allowing for both House and Senate participation. Other contemporary joint sessions of Congress—such as the annual joint session for the President's State of the Union address—might serve as a logistical and procedural model for policy makers considering bicameral issues.

What Rules Would Govern Floor Procedure?

Parliamentary systems that employ a question period have complex rules regarding both the procedures and content of questions. For example, in the British system, the rules state that questions must be succinct, must either seek information or press for action, may not convey information or advance an argument, and must relate to a matter which is the responsibility of the Minister addressed. Similar rules are used to keep answers as short as possible.[179]

[179] United Kingdom, House of Commons Information Office, *Parliamentary Questions*, pp. 3-4.

For any question period in Congress, rules would have to be drafted regulating general question time procedures—such as the number and kind of supplementary questions which could be answered—as well as specific aspects of floor procedure, such as the control of time. Legislators might consider adopting entirely new chamber rules to govern question time, or they might consider conducting question time under existing rules for floor debate.[180] Modifying existing rules, however, might prove just as complicated, or even more complicated, as adopting entirely new rules.[181]

Issues of civility might also need to be addressed.[182] Question Time in Britain and other parliamentary systems often includes sharp verbal confrontations and heated exchanges.[183] A question period in Congress that followed the British norms would likely require at least a minimal relaxation of current congressional rules of decorum during debate.[184] Otherwise, concern needs to be taken to require that written questions and oral supplementals are delivered in a manner consistent with chamber standards of decorum and civility.[185]

Question period proposals would also require a general examination of House or Senate rules of procedure to permit the accommodation of a question routine. Establishing a regular time for questions in the House, for example, would force a reexamination of the time spent on other House business.[186] Should the length of daily House floor sessions be expanded to include 45 minutes to one hour of questions, or should other institutionalized presentations such as one-minute speeches or special order speeches be curtailed? Expanding session length would likely cause periods of substantial overwork toward the end of a session or Congress, while at other periods of relatively light floor schedules, the additional session time spent on questions may be relatively inconsequential.

Who Would Referee?

The enforcement of House or Senate rules might become more vital if a question period took on the partisan intensity shown in Britain and Canada. In those parliaments, the Speaker is a clearly recognized non-partisan—removed effectively from electoral and legislative politics by

[180] A complete set of rules of procedure for questions might not be necessary. Questions were a part of Parliament for 150 years before precedents limiting the subject matter and form of questions were first codified. It was another fifty years (1906) until the first formal parliamentary rules limiting the number of oral response questions a Member could ask were first adopted. See Punnett, *British Government and Politics*, p. 232.

[181] For example, the House might consider conducting a question period in the committee of the whole. Under the five-minute rule, however, typically only a dozen question blocks could be completed in one hour, as opposed to 25-30 questions disposed of in the British Commons in roughly the same amount of time. Guidelines would also need to be established as to whether the five minutes is controlled by the questioning Member, by the responding Cabinet Secretary, or by the chair.

[182] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 33.

[183] Ibid., p. 33.

[184] For example, during a recent British question period the opposition leader stated, "The Prime Minister has a nerve to lecture me on consistency. I said he was useless a year ago and I have not changed my mind since. But once again: absolutely no apology, no answer to the question." Similarly, the opposition leader declared that "I am beginning to think the only thing in Downing street with a spine is his book on courage." David Cameron, question during Prime Minister's Questions, July 16, 2008. See also "If Presidents Face Question Time," unsigned editorial, *New York Times*, June 1, 2008, p. A19.

[185] For example, the typical House procedure for enforcing appropriate standards of debate is for one Member to "demand that the words be taken down" when another violates debate standards. Enforcement of debate standards through this procedure could be time-consuming, and might also serve to heighten partisan feelings in the House.

[186] In addition, legislators would need to consider the time of day and day of week when a question period would occur.

precedents dating back (in the British Parliament) more than 200 years. The American Speaker is both a political leader and a presiding officer, and some observers have doubted whether intense political exchanges could be effectively managed by any Speaker having this dual role.[187] The same complication arises for the Vice President in the Senate.

Furthermore, in the British Parliament (and to a lesser degree in the Canadian Parliament), clear precedents have long been established regarding the content and form of appropriate questions, and the rulings of the Speaker are not challenged. In the U.S. Congress, rulings by the Speaker or Vice President about issues such as the proper form of questions may increase both partisan feeling and the number of appeals taken from the chair's rulings.

Conclusion

The question period is widely used in parliamentary systems as a means of informing MPs about the effects of government policies. Parliaments vary widely in the frequency with which question periods are held and in the number of questions submitted by Members. The data suggest that establishing a question period is no guarantee that it will develop into an effective information tool of the legislature.

Although executive branch officials periodically appeared on the floor during the first Congresses, by the late 1790s the practice had largely ceased. Proposals for a question period for Congress have been offered with relative regularity beginning in the mid-19th century. Initially, the proposals were endorsed by scholars who sought to increase executive branch influence in Congress at a time when the legislative branch was preeminent. In recent decades, the proposal has been offered as a means to assure greater executive branch accountability during periods of perceived executive dominance in the federal government.

Whether the question period would be successful in a system of separated powers depends in large part on the attitude of its participants and on the format the question period ultimately assumes. The question period has the potential of involving more rank-and-file Members in the policy-making process, and improving the means of communication between executive departments and Congress. It also could harden relations between Congress and the executive, and might increase the level of partisan controversy in Congress.

In crafting a question period proposal for use in Congress, attention would likely be given to balancing the interests of both parties and their leadership, the concerns of committees, the institutional interests of Congress, and the wishes of the general membership of the chambers.

[187] U.S. Congress, House Committee on Rules, *Congressional Question Period for Members of the President's Cabinet*, p. 46.

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