

Advanced Placement American Government
Unit VII: The Legislative Branch
Wilson: Chapter 13



- Monday 11/20 Video: House and Senate Operations
Intro to Mock Senate: Review Expectations, Parliamentary Procedure and select Party Affiliations based on 2017 composition in **U.S. Senate.**
- Tuesday 11/21 Dr. Peet's Annual JFK Assassination Presentation! An annual and spectacular Event!
- Monday 11/27 **Quiz: 297-305(Open) Mock Senate: Assign Parties and Roles.**
- Tuesday 11/28 **Critical Review:** Edmund Burke's "Speech to the Electors at Bristol." Class Discussion of article.
- Wednesday 11/29 **Summary Due:** "The Rise of the Washington Establishment by Fiorina" Class Discussion of article
- Thursday 11/30 **Quiz pp. 305-318 (13-3, 13-4) (Closed) Mock Senate Research.**
- Friday 12/1 **Summary Due:** "Why We love to Hate Congress" by Scott Neumann. **Mock Senate Research**
- Monday 12/04 **Quiz Ch. 13 pp. 319-329(Open)/ Video: TBA**
- Tuesday 12/05 **Practice:** Mock Senate Operations. **Summary Due:** "Pork: A Time Honored Tradition Lives On"
- Wednesday 12/06 **Summary:** "Congress Bashing for Beginners" by Nelson Polsby in packet/ Discussion: Explaining the complexities of the Speaker of the House job/

responsibilities. **Read Pelosi article in class.**

Thursday 12/07 60 Question multiple Choice Test: Unit VII. Chapter 13 Wilson. 45 Minutes

Friday 12/08 Essay Format Test: 2 Essays, 45 minutes, Unit VII.

Monday 12/11-12/15 Begin Mock Senate: Swearing in, Committees. Introduction of Bills. *Pass an EA- Good for Jan 3-8!! 2018.*

***An EA is commonly known as an extension act which, if passed by BOTH houses of Mock Senate, would go into a law and extend mock senate by 5 days,**

PART THREE

Institutions of Government

11

Congress

I. Reviewing the Chapter

A. Chapter Focus

The central purpose of this chapter is to describe the Framers' understanding of the role of Congress and to describe the roles and organization of Congress today. You should pay particular attention to the effects of organizational characteristics on the behavior of members of Congress and on the way that the House and the Senate perform their functions. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Explain the differences between Congress and Parliament.
2. Delineate the role that the Framers expected Congress to play.
3. Pinpoint the significant eras in the evolution of Congress.
4. Describe the characteristics of members of Congress.
5. Outline the process for electing members of Congress.
6. Identify the functions of party affiliation in the organization of Congress.
7. Explain the effect of committee reform on the organization of Congress.
8. Describe the formal process by which a bill becomes a law.
9. Identify the factors that help to explain why a member of Congress votes as she or he does.
10. Explain the ethical problems confronting Congress.

B. Study Outline

- I. Uniqueness of the U.S. Congress
 - A. Only democratic government with a legislative branch
 - B. Comparison with British Parliament
 1. Parliamentary candidates are selected by party
 - a. Members of Parliament select prime minister and other leaders
 - b. Party members vote together on most issues
 - c. Renomination depends on loyalty to party
 - d. Principal work is debating of national issues
 - e. Very little actual power, very little pay
 2. Congressional candidates run in a primary election, with little party control
 - a. Vote is for the man or woman, not the party
 - b. Result is a body of independent representatives
 - c. Members do not choose president
 - d. Principal work is representation and action
 - e. Great deal of power, high pay; parties cannot discipline members
- II. The evolution of Congress
 - A. Intent of the Framers
 1. To oppose concentration of power in a single institution
 2. To balance large and small states: bicameralism
 3. To have Congress be the dominant institution
 - B. General characteristics of subsequent evolution
 1. Congress generally dominant over presidency for more than 140 years
 - a. Exceptions: brief periods of presidential activism
 2. Major political struggles were *within* Congress
 - a. Generally over issues of national significance, such as slavery, new states, internal improvements, tariffs, business regulation
 - b. Overriding political question: distribution of power within Congress
 - (1) Centralization—if the need is for quick and decisive action
 - (2) Decentralization—if congressional constituency interests are to be dominant
 - (3) General trend toward decentralization
 - C. The period of the Founding
 1. Congressional leadership supplied by the president in first three administrations
 2. Preeminence of House of Representatives; originated legislation and nominated presidential candidates
 - D. Decline of the House in 1820s
 1. Assertiveness of Andrew Jackson, who vetoed bills if he opposed policy
 2. Caucus system disappears
 3. Issue of slavery and Civil War shatter party unity
 - E. The importance of the Senate
 1. Increasing importance of issues that Senate alone could deal with
 2. Opportunity for unlimited debate
 3. Close association with local parties and use of patronage
 - F. The rise of party control in the House (1889–1910)
 1. Powerful leaders produced central leadership
 2. Party caucus control; Speaker selects committees and chairs
 3. Rules Committee decides what legislation comes up
 - G. The decentralization of the House
 1. House Speaker has power taken away (1910–1911)
 - a. Party caucus increases in power
 - b. Rules Committee increases in power; decides what bills voted on and debated
 - c. Committee chairs' powers increase; decides what bills taken up and sent out

- H. Recent changes in House: 1960s and 1970s
 - 1. Chairs become elective
 - 2. Subcommittees strengthened
 - 3. Congressional staff increased
- III. The "democratization" of the Senate
 - A. Popular election of senators in 1913—17th Amendment
 - B. Filibuster restricted by Rule 22
- IV. Who is in Congress?
 - A. The beliefs and interests of members of Congress can affect policy
 - B. Sex and race
 - 1. House has become less male and less white
 - 2. Senate has been slower to change
 - a. But several blacks and Hispanics hold powerful positions
 - C. Incumbency
 - 1. Membership in Congress now a career: low turnover
 - 2. Marginal districts are decreasing, especially in House
 - a. Name recognition of incumbents
 - b. Emphasis on constituency service
 - D. Party
 - 1. Democrats are beneficiaries of incumbency
 - 2. Gap between votes and seats: Republican vote higher than number of seats won
 - a. One explanation: Democratic legislatures redraw district lines to favor Democratic candidates
 - b. But research does not support; Republicans run best in high turnout districts, Democrats in low turnout ones
 - c. Another explanation: incumbent advantage increasing
 - d. But not the reason; Democrats field better candidates whose positions are closer to those of voters
 - 3. Electoral convulsions alter membership
 - a. Important because members do not always vote party line
 - b. Size of majority is significant
 - c. Conservative coalition sometimes prevents majority party from passing legislation
- V. Getting elected to Congress: each state has two senators but House based on population
 - A. Determining fair representation
 - 1. Now elected from single-member districts
 - 2. Problem of drawing district boundaries
 - a. Malapportionment: deliberately creating disparity in number of people in each district
 - b. Gerrymandering: drawing boundaries to ensure party victory
 - 3. Congress decides size of House
 - 4. Congress reapportions representatives every ten years
 - 5. 1964 Supreme Court decision requires districts to be drawn to assure "one man, one vote"
 - 6. Majority-minority districts remain vexing question
 - a. Districts drawn to make it easier to elect minority representatives
 - b. *Shaw v. Reno*: Supreme Court allows constitutionality of majority-minority district to be raised and rules it permissible if narrowly tailored to further compelling interest
 - c. Pitkin: descriptive versus substantive representation
 - d. Research reveals liberal white members of Congress represent black interests
 - B. Winning the primary
 - 1. Candidate needs to win the party primary in order to appear on the ballot in the general election

2. Reduces influence of political party
 3. Incumbents almost always win: "sophomore surge" due to use of office to run personal campaign
 4. Candidates run personalized campaigns—offers them independence from party in Congress
 5. How people get elected has two consequences
 - a. Legislators closely tied to local concerns
 - b. Affects how policy is made: office geared to help people, committee pork for district
- VI. The organization of Congress: parties and caucuses
- A. Party organization of the Senate
 1. President pro tempore presides; member with most seniority in majority party
 2. Leaders are the majority leader and the minority leader—elected by their respective party members
 3. Party whips—keep leaders informed, round up votes, count noses
 4. Policy Committee—schedules Senate business
 5. Committee assignments
 - a. Democratic Steering Committee
 - b. Republican Committee on Committees
 - c. Emphasize ideological and regional balance
 - d. Other factors: popularity, effectiveness on television, favors owed
 - B. Party structure in the House
 1. Speaker of the House as leader of majority party; presides over House
 - a. Decides whom to recognize to speak on the floor
 - b. Rules on germaneness of motions
 - c. Decides to which committee bills go
 - d. Appoints members of special and select committees
 - e. Has some patronage power
 2. Majority leader and minority leader
 3. Party whip organizations
 4. Democratic Steering and Policy Committee, chaired by Speaker
 - a. Makes committee assignments
 - b. Schedules legislation
 5. Republican Committee on Committees; makes committee assignments
 6. Republican Policy Committee; discusses policy
 7. Democratic and Republican congressional campaign committees
 - C. The strength of party structure
 1. Loose measure is ability of leaders to determine party rules and organization
 2. Tested in 103d Congress: 110 freshmen
 - a. Ran as outsiders
 - b. Yet reelected entire leadership and committee chairs
 3. Senate different since transformed by changes in norms, not rules
 - a. Now less party centered, less leader oriented, more hospitable to freshmen
 - D. Party voting
 1. Problems in measuring party votes
 2. Party voting quite low today but increasing
 3. Ideology an important variable explaining party voting as is supporting leaders for reward
 - E. Caucuses: rivals to parties in policy formulation
 1. Examples: Democratic Study Group (DSG), staff delegations, Congressional Black Caucus and other specialized caucuses
- VII. The organization of Congress: committees
- A. Legislative committees—most important organizational feature of Congress
 1. Consider bills or legislative proposals
 2. Maintain oversight of executive agencies
 3. Conduct investigations
 - B. Types of committees

1. Select committees—groups appointed for a limited purpose and limited duration
 2. Joint committees—those on which both representatives and senators serve
 3. Conference committee—a joint committee appointed to resolve differences in Senate and House versions of the same piece of legislation before final passage
 4. Standing committees—most important type of committee
 - a. Majority party has majority of seats on the committees
 - b. Each member usually serves on two standing committees
 - c. Chairs are elected, but usually the most senior member of the committee is elected by the majority party
 - d. Subcommittee “bill of rights” of 1970s changed several traditions
 - (1) Opened more meetings to the public
 - (2) Allowed television coverage of meetings
 - C. Committee styles
 1. Decentralization has increased individual member’s influence
 - a. Less control by chairs
 - b. More amendments proposed and adopted
 2. Ideological orientations of committees vary, depending on attitudes of members
 3. Certain committees tend to attract particular types of legislators
 - a. Policy-oriented members
 - b. Constituency-oriented members
- VIII. The organization of Congress: staffs and specialized offices
- A. Tasks of staff members
 1. Constituency service: major task of staff
 2. Legislative functions: monitoring hearings, devising proposals, drafting reports, meeting with lobbyists
 3. Staff members consider themselves advocates of their employers
 - B. Growth and influence of staff
 1. Rapid growth: a large staff itself requires a large staff
 2. Larger staff generates more legislative work
 3. Members of Congress can no longer keep up with increased legislative work and so must rely on staff
 4. Results in a more individualistic Congress
 - C. Staff agencies—offer specialized information
 1. Congressional Research Service (CRS)
 2. General Accounting Office (GAO)
 3. Office of Technology Assessment (OTA)
 4. Congressional Budget Office (CBO)
- IX. How a bill becomes law
- A. Bills travel through Congress at different speeds
 1. Bills to spend money or to tax or regulate business move slowly
 2. Bills with a clear, appealing idea move fast
 - a. “Stop drugs,” “End scandal”
 - B. Introducing a bill
 1. Introduced by a member of Congress: hopper in House, recognized in Senate
 2. Most legislation has been initiated in Congress
 3. Presidentially drafted legislation is shaped by Congress
 4. Resolutions
 - a. Simple—passed by one house affecting that house
 - b. Concurrent—passed by both houses affecting both
 - c. Joint—passed by both houses, signed by president (except for constitutional amendments)
 - C. Study by committees
 1. Bill is referred to a committee for consideration by either Speaker or presiding officer
 2. Revenue bills must originate in the House

3. Most bills die in committee
4. Hearings are often conducted by several subcommittees: multiple referrals
5. Markup of bills—bills are revised by committees
6. Committee reports a bill out to the House or Senate
 - a. If bill is not reported out, the House can use the discharge petition
 - b. If bill is not reported out, the Senate can pass a discharge motion
7. House Rules Committee sets the rules for consideration
 - a. Closed rule: sets time limit on debate and restricts amendments
 - b. Open rule: permits amendments from the floor
 - c. Restrictive rule: permits only some amendments
 - d. Use of closed and restrictive rules growing
 - e. Rules can be bypassed by the House
 - f. No direct equivalent in Senate
- D. Floor debate—House
 1. Committee of the Whole—procedural device for expediting House consideration of bills but cannot pass bills
 2. Committee sponsor of bill organizes the discussion
- E. Floor debate—Senate
 1. No rule limiting debate or germaneness
 2. Entire committee hearing process can be bypassed by a senator
 3. Cloture—three-fifths of Senate must vote for a cloture petition
 - a. Cloture sets time limit on debate
 4. Both filibusters and cloture votes becoming more common
 - a. Easier now to stage filibuster
 - b. Roll calls are replacing long speeches
 - c. But can be curtailed by “double tracking”: disputed bill is shelved temporarily—makes filibuster less costly
- F. Methods of voting
 1. To investigate voting behavior, one must know how a legislator voted on amendments as well as on the bill itself
 2. Procedures for voting in the House
 - a. Voice vote
 - b. Division vote
 - c. Teller vote
 - d. Roll call vote
 3. Senate voting is the same except no teller vote
 4. Differences in Senate and House versions of a bill
 - a. If minor, last house to act merely sends bill to the other house, which accepts the changes
 - b. If major, a conference committee is appointed
 - (1) Decisions are by a majority of each delegation; Senate version favored
 - (2) Conference reports back to each house for acceptance or rejection
 5. Bill, in final form, goes to the president
 - a. President may sign it
 - b. If president vetoes it, it returns to house of origin
 - (1) Either house may override president by vote of two-thirds of those present
 - (2) If both override, bill becomes law without president's signature
- X. How members of Congress vote
 - A. Representational view
 1. Assumes that members vote to please their constituents
 2. Constituents must have a clear opinion of the issue
 - a. Very strong correlation on civil rights and social welfare bills
 - b. Very weak correlation on foreign policy
 3. May be conflict between legislator and constituency on certain measures: gun control, Panama Canal treaty, abortion
 4. Constituency influence more important in Senate votes

5. Members in marginal districts as independent as those in safe districts
6. Weakness of representational explanation: no clear opinion in the constituency
- B. Organizational view
 1. Assumes members of Congress vote to please colleagues
 2. Organizational cues
 - a. Party
 - b. Ideology
 3. Problem is that party and other organizations do not have clear position on all issues
 4. On minor votes most members influenced by party members on sponsoring committees
- C. Attitudinal view
 1. Assumes that ideology affects a legislator's vote
 2. House members tend more than senators to have opinions similar to those of the public
 - a. 1970s—senators more liberal
 - b. 1980s—senators more conservative
 3. Southern Democrats often align with Republicans to form a conservative coalition
- XI. Reforming Congress
 - A. Numerous proposals to reform Congress
 - B. Representative or direct democracy?
 1. Framers: representatives refine, not reflect, public opinion
 2. Today: representatives should mirror public opinion
 3. Move toward direct democracy would have consequences
 - C. Proper guardians of the public weal?
 1. Madison: national laws guarantee public interest that transcends local prejudices
 2. Madison: legislator should make compromises and not be captive of special interests
 3. Problem is that many special interest groups represent professions and public interest groups
 - D. A decisive Congress or a deliberative one?
 1. Framers designed Congress to balance competing views and thus act slowly
 2. Today, complaints of policy gridlock
 3. But if Congress moves too quickly it may not move wisely
 4. Benefits to acting slowly include weighing all sides
 - E. Imposing term limits
 1. Antifederalists distrusted strong national government; favored annual elections and term limits
 2. Today, 95 percent of House incumbents reelected but 80 percent of public supports term limits
 3. 14 states in 1992 approved term limit proposals
 4. Effects of term limits vary according to type of proposal
 - a. Lifetime limits produce amateur legislators who are less prone to compromise
 - b. Limiting continuous sequence leads to office hopping and outrageous behavior
 - c. Constitutionality of term limits questionable
 - F. Reducing power and perks
 1. Ban legal bribes such as gifts
 2. Fence in the frank as taxpayer subsidy supporting members' campaigns
 3. Place Congress under law, not exempt from laws
 4. Trim pork to avoid wasteful projects
 - a. Main cause of deficit is entitlement programs, not pork
 - b. Some spending in districts represents needed projects
 - c. Members supposed to advocate interests of district

- d. Price of citizen-oriented Congress is pork
- 5. Cut number of committees and assignments to slow pace and allow reasoned consideration of bills
 - a. Downsize staff as well
 - b. But staff size same as 1980s
 - c. Cutting staff makes Congress more dependent on executive
- XII. Ethics and Congress
 - A. Separation of powers and corruption
 - 1. Fragmentation of power increases number of officials with opportunity to sell influence
 - a. Example: senatorial courtesy offers opportunity for office seeker to influence a senator
 - 2. Forms of influence
 - a. Money
 - b. Exchange of favors
 - B. Problem of defining unethical conduct
 - 1. Violation of criminal law is obviously unethical
 - a. Since 1941, almost a hundred charges of misconduct
 - b. Most led to convictions
 - c. Most infamous: Abscam (1980–1981) and Jim Wright (1989)
 - d. Fewer crimes since Abscam
 - 2. Other issues are more difficult (how can campaigns be paid for in ways that are both fair and honest?)
 - C. New ethics rules (1989)
 - 1. Disclosures: annual financial statement
 - 2. Honoraria: House banned, senators permitted up to 27 percent of salary
 - 3. Campaign funds: ban on retaining surplus
 - 4. Lobbying: ban former members for one year
 - 5. Gifts: \$200 House limit, \$300 Senate
 - 6. Free travel limited
 - D. Problems with ethics rules
 - 1. Rules assume money is the only source of corruption
 - 2. Neglect political alliances and personal friendships
 - 3. The Framers were more concerned to ensure liberty (through checks and balances) than morality
- XIII. Summary: The old and the new Congress
 - A. House has evolved through three stages
 - 1. Mid-1940s to early 1960s
 - a. Powerful committee chairs, mostly from the South
 - b. Long apprenticeships for new members
 - c. Small congressional staffs
 - 2. Early 1970s to early 1980s
 - a. Spurred by civil rights efforts of younger, mostly northern members
 - b. Growth in size of staffs
 - c. Committees became more democratic
 - d. More independence for members
 - e. Focus on reelection
 - f. More amendments and filibusters
 - 3. Early 1980s to present
 - a. Strengthening and centralizing party leadership
 - b. Became apparent under Jim Wright
 - c. Return to more accommodating style under Tom Foley
 - 4. Senate meanwhile has remained decentralized throughout this period
 - B. Reassertion of congressional power in 1970s
 - 1. Reaction to Vietnam and Watergate
 - 2. War Powers Act of 1973
 - 3. Congressional Budget and Impoundment Act of 1974

4. Increased requirement for legislative veto
- C. Congressional power never as weak as critics have alleged

C. Key Terms Match

Match the following terms and descriptions:

Set 1

- | | |
|---------------------------|--|
| a. bicameral legislature | 1. ____ The system under which committee chairs are awarded to members who have the longest continuous service on the committee |
| b. closed rule | 2. ____ Drawing a district boundary in an unusual shape to make it easier for a particular party's candidate to win election |
| c. cloture rule | 3. ____ An assembly of party representatives that chooses a government and discusses major national issues |
| d. congressional caucus | 4. ____ A Senate rule offering a means for stopping a filibuster |
| e. conservative coalition | 5. ____ A rule issued by the Rules Committee that does not allow a bill to be amended on the House floor |
| f. discharge petition | 6. ____ A means by which senators can extend debate on a bill in order to prevent or delay its consideration |
| g. filibuster | 7. ____ An alliance of conservative Democrats with Republicans for voting purposes |
| h. gerrymandering | 8. ____ A rule issued by the Rules Committee that permits some amendments to a bill but not others |
| i. House Rules Committee | 9. ____ Committee revisions of a bill |
| j. malapportionment | 10. ____ An association of members of Congress created to advocate a political ideology or a regional or economic interest |
| k. marginal districts | 11. ____ Congressional districts having unequal populations |
| l. markup | 12. ____ The difference between the number of votes candidates get when they are first elected and the number of votes they get when they run for reelection |
| m. multiple referral | 13. ____ An individual who assists the party leader in staying abreast of the concerns and voting intentions of the party members |
| n. parliament | 14. ____ The group that decides what business comes up for a vote and what the limitations on debate should be |
| o. party caucus | 15. ____ A means by which the House can remove a bill stalled in committee |
| p. party vote | 16. ____ The process through which a bill is referred to several committees that simultaneously consider it in whole or in part |
| q. party whip | 17. ____ A meeting of the members of a political party to decide questions of policy |
| r. restrictive rule | 18. ____ The extent to which members of a party vote together in the House or the Senate |
| s. riders | 19. ____ A lawmaking body composed of two chambers or parts |
| t. seniority | 20. ____ Districts in which the winner got less than 55 percent of the vote |
| u. sophomore surge | 21. ____ Unrelated amendments added to a bill |

Set 2

- | | |
|--------------------------------|---|
| a. caucus (congressional) | 1. ____ The correspondence between the demographic characteristics of representatives and those of their constituents |
| b. Christmas tree bill | 2. ____ The legislative leader elected by party members holding the majority of seats in the House or Senate |
| c. concurrent resolution | 3. ____ The correspondence between legislators' opinions and those of their constituents |
| d. conference committees | 4. ____ Congressional committees appointed for a limited time period and purpose |
| e. descriptive representation | 5. ____ The ability of members of Congress to mail letters to their constituents free of charge |
| f. division vote | 6. ____ An association of members of Congress created to advocate a political ideology or a regional, ethnic, or economic interest |
| g. double tracking | 7. ____ A congressional voting procedure that consists of members answering yea or nay to their names |
| h. franking privilege | 8. ____ The legislative leader elected by party members holding a minority of seats in the House or Senate |
| i. joint committee | 9. ____ A committee on which both representatives and senators serve |
| j. joint resolution | 10. ____ A resolution used to settle housekeeping and procedural matters in either house but does not have the force of law |
| k. majority leader | 11. ____ A resolution used to settle housekeeping and procedural matters that affect both houses but does not have the force of law |
| l. majority-minority districts | 12. ____ Legislation that deals with matters of general concern |
| m. minority leader | 13. ____ An order from the Rules Committee in the House that permits a bill to be amended on the legislative floor |
| n. open rule | 14. ____ A method of voting used in both houses in which members vote by shouting yea or nay |
| o. pork barrel legislation | 15. ____ A congressional voting procedure in which members pass between two tellers, first the yeas and then the nays |
| p. private bill | 16. ____ A procedure to keep the Senate going during a filibuster; the disputed bill is shelved temporarily |
| q. public bill | 17. ____ A special type of joint committee appointed to resolve differences in House and Senate versions of a piece of legislation |
| r. quorum call | 18. ____ A bill that has many riders |
| s. roll call vote | 19. ____ A congressional voting procedure in which members stand and are counted |
| t. select committees | 20. ____ The permanent committees of each house with the power to report bills |
| u. simple resolution | 21. ____ Legislation that deals only with specific matters rather than with general legislative affairs |
| v. standing committees | |
| w. substantive representation | |
| x. teller vote | |
| y. voice vote | |

(continued)

22. ____ A resolution requiring approval of both houses and the signature of the president and having the same legal status as a law
23. ____ Legislation that gives tangible benefits to constituents in the hope of winning their votes
24. ____ Congressional districts designed to make it easier for minority citizens to elect minority representatives
25. ____ A calling of the roll in either house of Congress to determine whether the number of members in attendance meets the minimum number required to conduct official business

D. Did You Think That . . . ?

Below are listed a number of misconceptions. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of the Handbook.

1. "The Founders desired and expected the president and Congress to have equal authority."

2. "In Congress Democrats and Republicans are loyal to their respective parties and vote accordingly."

3. "Congressional staffs have little opportunity to affect policy because they are closely supervised by senators or representatives."

4. "Most members of Congress must be very sensitive to public opinion in their districts or they will soon find themselves out of a job."

5. "Congressional procedures are of technical interest but need be of little concern to students of politics."

CONGRESS AND THE ELECTORAL CONNECTION

Edmund Burke was a quintessential eighteenth-century statesman and political philosopher. He served in the House of Commons during the 1760s, representing a county that was essentially "owned" by a wealthy peer. After the King dissolved Parliament in 1774 Burke was invited to stand for election in the thriving commercial city of Bristol, known as the "capital of Western England." Wealthy merchants controlled the city politically, and sought in their representative in Parliament a person who would open the trade with America that had been lost as a result of the American Revolution.

Following his electoral victory in October of 1774 Burke delivered to his constituents the following speech, which became a political classic. His speech perfectly reflects the underlying philosophy of the framers of the Constitution that government should be *deliberative* and carried out in the *national interest*.

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SPEECH TO THE ELECTORS OF BRISTOL



Edmund Burke

... I owe myself, in all things, to all the freemen of this city. My particular friends have a demand on me that I should not deceive their expectations. Never was cause or man supported with more constancy, more activity, more spirit. I have been supported with a zeal, indeed, and heartiness in my friends, which (if their object had been at all proportioned to their endeavors) could never be sufficiently commended. They supported me upon the most liberal principles. They wished that the members for Bristol should be chosen for the city, and for their country at large, and not for themselves.

So far they are not disappointed. If I possess nothing else, I am sure I possess the temper that is fit for your service. . . .

I shall ever retain, what I now feel, the most perfect and grateful attachment to my friends—and I have no enmities, no resentments. I never can consider fidelity to

engagements and constancy in friendships but with the highest approbation, even when those noble qualities are employed against my own pretensions. The gentleman who is not so fortunate as I have been in this contest enjoys, in this respect, a consolation full of honor both to himself and to his friends. They have certainly left nothing undone for his service. . . .

I am sorry I cannot conclude without saying a word on a topic touched upon by my worthy colleague.¹ I wish that topic had been passed by at a time when I have so little leisure to discuss it. But since he has thought proper to throw it out, I owe you a clear explanation of my poor sentiments on that subject.

He tells you that "the topic of instructions has occasioned much altercation and uneasiness in this city"; and he expresses himself (if I understand him rightly) in favor of the coercive authority of such instructions.

Certainly, Gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs—and above all, ever, and in all cases, to prefer their interest to his own.

But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure—no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

My worthy colleague says his will ought to be subservient to yours. If that be all, the thing is innocent. If government were a matter of will upon any side, yours, without question, ought to be superior. But government and legislation are matters of reason and judgment, and not of inclination; and what sort of reason is that in which the determination precedes the discussion, in which one set of men deliberate and another decide, and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments?

To deliver an opinion is the right of all men; that of constituents is a weighty and respectable opinion, which a representative ought always to rejoice to hear, and which he ought always most seriously to consider. But *authoritative* instructions, *mandates* issued, which a member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest conviction of his judgment and conscience; these are things utterly unknown to the laws of this land, and which arise from a fundamental mistake of the whole order and tenor of our constitution.

Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a *deliberative* assembly of one nation, with one interest, that of the whole—where not local purposes, not local prejudices,

¹Henry Cruger, also elected for Bristol.

ought to guide, but the general good, resulting from the general reason of the whole. You choose a member, indeed; but when you have chosen him he is not a member of Bristol, but he is a member of *Parliament*. If the local constituent should have an interest or should form a hasty opinion evidently opposite to the real good of the rest of the community, the member for that place ought to be as far as any other from any endeavor to give it effect. . . . Your faithful friend, your devoted servant, I shall be to the end of my life: a flatterer you do not wish for. . . .

From the first hour I was encouraged to court your favor, to this happy day of obtaining it, I have never promised you anything but humble and persevering endeavors to do my duty. The weight of that duty, I confess, makes me tremble; and whoever well considers what it is, of all things in the world, will fly from what has the least likeness to a positive and precipitate engagement. To be a good member of Parliament is, let me tell you, no easy task—especially at this time, when there is so strong a disposition to run into the perilous extremes of servile compliance or wild popularity. To unite circumspection with vigor is absolutely necessary, but it is extremely difficult. We are now members for a rich commercial city; this city, however, is but a part of a rich commercial nation, the interests of which are various, multiform, and intricate. We are members for that great nation, which, however, is itself but part of a great *empire*, extended by our virtue and our fortune to the farthest limits of the East and of the West. All these wide-spread interests must be considered—must be compared—must be reconciled, if possible. We are members for a *free* country; and surely we all know that the machine of a free constitution is no simple thing, but as intricate and as delicate as it is valuable. We are members in a great and ancient *monarchy*; and we must preserve religiously the true, legal rights of the sovereign, which form the keystone that binds together the noble and well-constructed arch of our *empire* and our constitution. A constitution made up of balanced powers must ever be a critical thing. As such I mean to touch that part of it which comes within my reach. . . .



Throughout the 1970s public opinion polls consistently revealed that Congress was held in low esteem by the American people. Very little has changed over the years in the way voters view Congress. Only 25 percent of voters polled by the *New York Times* and CBS before the Fall 2006 congressional elections expressed approval of Congress, and 77 percent said members of congress did not deserve reelection.

The origins of voter disillusionment with Congress began in the 1970s. The book *Who Runs Congress?*, published by the Ralph Nader Congress Project, reflected and at the same time helped to crystallize public disenchantment with Capitol Hill.* The book emphasized the need for citizens to take on Congress to prevent a further flagging of the institution. In his introduction, Ralph Nader summarized the contents of the book by stating that "the people have indeed abdicated their power, their money, and their democratic birthright to

*Compiler's note: Mark J. Green et al., Eds., *Who Runs Congress?* (New York: Bantam/Grossman, 1972).

so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizen the hemlock on one day, and statues on the next.

It may be suggested that a people spread over an extensive region cannot, like the crowded inhabitants of a small district, be subject to the infection of violent passions; or to the danger of combining in the pursuit of unjust measures. I am far from denying that this is a distinction of peculiar importance. I have, on the contrary, endeavored in a former paper to show that it is one of the principal recommendations of a confederated republic. At the same time this advantage ought not to be considered as superseding the use of auxiliary precautions. It may even be remarked that the same extended situation, which will exempt the people of America from some of the dangers incident to lesser republics, will expose them to the inconvenience of remaining for a longer time under the influence of those misrepresentations which the combined industry of interested men may succeed in distributing among them. . . .

❖❖ Congress and the Washington Political Establishment

The author of the following selection agrees with David Mayhew (see selection 56) that the principal goal of members of Congress is reelection. That incentive, the author suggests, has led Congress to create a vast federal bureaucracy to implement programs that ostensibly benefit constituents. Congress has delegated substantial authority to administrative departments and agencies to carry out programs, inevitably resulting in administrative decisions that frequently step on constituents' toes. Congress, which has gained credit for establishing the programs in the first place, steps in once again to receive credit for handling constituent complaints against the bureaucracy. The author's provocative thesis is that both the establishment and maintenance of a vast federal bureaucracy is explained by the congressional reelection incentive.

Morris P. Fiorina THE RISE OF THE WASHINGTON ESTABLISHMENT

DRAMATIS PERSONAE

In this [selection] I will set out a theory of the Washington establishment(s). The theory is quite plausible from a common-sense standpoint, and it is consistent with the specialized literature of academic political science. Nevertheless, it is still a theory, not proven fact. Before plunging in let me bring out in the open the basic axiom on which the theory rests: the self-interest axiom.

I assume that most people most of the time act in their own self-interest. This is not to say that human beings seek only to amass tangible wealth but rather to say that human beings seek to achieve their own ends—tangible and intangible—rather than the ends of their fellow men. I do not condemn such behavior nor do I condone it (although I rather sympathize with Thoreau's comment that "if I knew for a certainty that a man was coming to my house with the conscious design of doing me good, I should run for my life."). I only claim that political and economic theories which presume self-interested behavior will prove to be more widely applicable than those which build on more altruistic assumptions.

What does the axiom imply when used in the specific context of this [selection], a context peopled by congressmen, bureaucrats, and voters? I assume that the primary goal of the typical congressman is reelection. Over and above the [six-figure] salary plus "perks" and outside money, the office of congressman carries with it prestige, excitement, and power. It is a seat in the cockpit of government. But in order to retain the status, excitement, and power (not to mention more tangible things) of office, the congressman must win reelection every two years. Even those congressmen genuinely concerned with good public policy must achieve reelection in order to continue their work. Whether narrowly self-serving or more publicly oriented, the individual congressman finds reelection to be at least a necessary condition for the achievement of his goals.

Moreover, there is a kind of natural selection process at work in the electoral arena. On average, those congressmen who are not primarily interested in reelection will not achieve reelection as often as those who are interested. We, the people, help to weed out congressmen whose primary motivation is n

We admire politicians who courageously adopt the aloof role of the disinterested statesman, but we vote for those politicians who follow our wishes and do us favours.

What about the bureaucrats? A specification of their goals is somewhat more controversial—those who speak of appointed officials as public servants obviously take a more benign view than those who speak of them as bureaucrats. The literature provides ample justification for asserting that most bureaucrats wish to protect and nurture their agencies. The typical bureaucrat can be expected to seek to expand his agency in terms of personnel, budget, and mission. One's status in Washington (again, not to mention more tangible things) is roughly proportional to the importance of the operation one oversees. And the sheer size of the operation is taken to be a measure of importance. As with congressmen, the specified goals apply even to those bureaucrats who genuinely believe in their agency's mission. If they believe in the efficacy of their programs, they naturally wish to expand them and add new ones. All of this requires more money and more people. The genuinely committed bureaucrat is just as likely to seek to expand his agency as the proverbial empire-builder.

And what of the third element in the equation, us? What do we, the voters who support the Washington system, strive for? Each of us wishes to receive a maximum of benefits from government for the minimum cost. This goal suggests maximum government efficiency, on the one hand, but it also suggests mutual exploitation on the other. Each of us favors an arrangement in which our fellow citizens pay for our benefits.

With these brief descriptions of the cast of characters in hand, let us proceed.

TAMMANY HALL GOES TO WASHINGTON

What should we expect from a legislative body composed of individuals whose first priority is their continued tenure in office? We should expect, first, that the normal activities of its members are those calculated to enhance their chances of reelection. And we should expect, second, that the members would devise and maintain institutional arrangements which facilitate their electoral activities.

For most of the twentieth century, congressmen have engaged in a mix of three kinds of activities: lawmaking, pork barreling, and casework. Congress is first and foremost a lawmaking body, at least according to constitutional theory. In every postwar session Congress "considers" thousands of bills and resolutions, many hundreds of which are brought to a record vote. . . . Naturally the critical consideration in taking a position for the record is the maximization of approval in the home district. If the district is unaffected by and unconcerned with the matter at hand, the congressman may then take into account the general welfare of the country. (This sounds cynical, but remember that "profiles in courage" are sufficiently rare that their occurrence inspires books and articles.) Abetted by

best for a majority of congressional districts. This ideology provides a philosophical justification for what congressmen do while acting in their own self-interest.

A second activity favored by congressmen consists of efforts to bring home the bacon to their districts. Many popular articles have been written about the pork barrel, a term originally applied to rivers and harbors legislation but now generalized to cover all manner of federal largesse. Congressmen consider new dams, federal buildings, sewage treatment plants, urban renewal projects, etc. as sweet plums to be plucked. Federal projects are highly visible, their economic impact is easily detected by constituents, and sometimes they even produce something of value to the district. The average constituent may have some trouble translating his congressman's vote on some civil rights issue into a change in his personal welfare. But the workers hired and supplies purchased in connection with a big federal project provide benefits that are widely appreciated. The historical importance congressmen attach to the pork barrel is reflected in the rules of the House. That body accords certain classes of legislation "privileged" status: they may come directly to the floor without passing through the Rules Committee, a traditional graveyard for legislation. What kinds of legislation are privileged? Taxing and spending bills, for one: the government's power to raise and spend money must be kept relatively unfettered. But in addition, the omnibus rivers and harbors bills of the Public Works Committee and public lands bills from the Interior Committee share privileged status. The House will allow a civil rights or defense procurement or environmental bill to languish in the Rules Committee, but it takes special precautions to insure that nothing slows down the approval of dams and irrigation projects.

A third major activity takes up perhaps as much time as the other two combined. Traditionally, constituents appeal to their congressman for myriad favours and services. Sometimes only information is needed, but often constituents request that their congressman intervene in the internal workings of federal agencies to affect a decision in a favorable way, to reverse an adverse decision, or simply to speed up the glacial bureaucratic process. On the basis of extensive personal interviews with congressmen, Charles Clapp writes:

Denied a favorable ruling by the bureaucracy on a matter of direct concern to him, puzzled or irked by delays in obtaining a decision, confused by the administrative maze through which he is directed to proceed, or ignorant of whom to write, a constituent may turn to his congressman for help. These letters offer great potential for political benefit to the congressman since they affect the constituent personally. If the legislator can be of assistance, he may gain a firm ally; if he is indifferent, he may even lose votes.

Actually congressmen are in an almost unique position in our system, a position shared only with high-level members of the executive branch. Congressmen possess the power to expedite and influence bureaucratic decisions. This capability flows directly from congressional control over what bureaucrats value most: higher budgets and new programs.

Every year the federal budget passes through the appropriations committees of Congress. Generally these committees make perfunctory cuts. But on occasion they vent displeasure on an agency and leave it bleeding all over the Capitol. The most extreme case of which I am aware came when the House committee took away the entire budget of the Division of Labor Standards in 1947 (some of the budget was restored elsewhere in the appropriations process). Deep and serious cuts are made occasionally, and the threat of such cuts keeps most agencies attentive to congressional wishes. Professors Richard Fenno and Aaron Wildavsky have provided extensive documentary and interview evidence of the great respect (and even terror) federal bureaucrats show for the House Appropriations Committee. Moreover, the bureaucracy must keep coming back to Congress to have its old programs reauthorized and new ones added. Again, most such decisions are perfunctory, but exceptions are sufficiently frequent that bureaucrats do not forget the basis of their agencies' existence. . . . The bureaucracy needs congressional approval in order to survive, let alone expand. Thus, when a congressman calls about some minor bureaucratic decision or regulation, the bureaucracy considers his accommodation a small price to pay for the goodwill its cooperation will produce, particularly if he has any connection to the substantive committee or the appropriations subcommittee to which it reports.

From the standpoint of capturing voters, the congressman's lawmaking activities differ in two important respects from his pork-barrel and casework activities. First, programmatic actions are inherently controversial. Unless his district is homogeneous, a congressman will find his district divided on many major issues. Thus when he casts a vote, introduces a piece of nontrivial legislation, or makes a speech with policy content he will displease some elements of his district. Some constituents may applaud the congressman's civil rights record, but others believe integration is going too fast. Some support foreign aid, while others believe it's money poured down a rathole. Some advocate economic quality, others stew over welfare cheaters. On such policy matters the congressman can expect to make friends as well as enemies. Presumably he will behave so as to maximize the excess of the former over the latter, but nevertheless a policy stand will generally make some enemies.

In contrast, the pork barrel and casework are relatively less controversial. New federal projects bring jobs, shiny new facilities, and general economic prosperity, or so people believe. Snipping ribbons at the dedication of a new post office or dam is a much more pleasant pursuit than disposing of a constitutional amendment on abortion. Republicans and Democrats, conservatives and liberals, all generally prefer a richer district to a poorer one. Of course, in recent years the river damming and stream-bed straightening activities of the Army Corps of Engineers have aroused some opposition among environmentalists. Congressmen happily reacted by absorbing the opposition and adding environmentalism to the pork barrel: water treatment plants are currently a hot congressional item.

Casework is even less controversial. Some poor, aggrieved constituent becomes enmeshed in the tentacles of an evil bureaucracy and calls upon Congressman George to do battle with the deacon. Again, Classen writes.

A person who has a reasonable complaint or query is regarded as providing an opportunity rather than as adding an extra burden to an already busy office. The party affiliation of the individual even when known to be different from that of the congressman does not normally act as a deterrent to action. Some legislators have built their reputations and their majorities on a program of service to all constituents irrespective of party. Regularly, voters affiliated with the opposition in other contests lend strong support to the lawmaker whose intervention has helped them in their struggle with the bureaucracy.

Even following the revelation of sexual improprieties, Wayne Hays won his Ohio Democratic primary by a two-to-one margin. According to a *Los Angeles Times* feature story, Hays's constituency base was built on a foundation of personal service to constituents:

They receive help in speeding up bureaucratic action on various kinds of federal assistance—black lung benefits to disabled miners and their families, Social Security payments, veterans' benefits and passports.

Some constituents still tell with pleasure of how Hays stormed clear to the seventh floor of the State Department and into Secretary of State Dean Rusk's office to demand, successfully, the quick issuance of a passport to an Ohioan.

Practicing politicians will tell you that word of mouth is still the most effective mode of communication. News of favors to constituents gets around and no doubt is embellished in the process.

In sum, when considering the benefits of his programmatic activities, the congressman must tote up gains and losses to arrive at a net profit. Pork barreling and casework, however, are basically pure profit.

A second way in which programmatic activities differ from casework and the pork barrel is the difficulty of assigning responsibility to the former as compared with the latter. No congressman can seriously claim that he is responsible for the 1964 Civil Rights Act, the ABM, or the 1972 Revenue Sharing Act. Most constituents do have some vague notion that their congressman is only one of hundreds and their senator one of an even hundred. Even committee chairmen may have a difficult time claiming credit for a piece of major legislation, let alone a rank-and-file congressman. Ah, but casework, and the pork barrel. In dealing with the bureaucracy, the congressman is not merely one vote of 435. Rather, he is a nonpartisan power, someone whose phone calls snap an office to attention. He is not kept on hold. The constituent who receives aid believes that his congressman and his congressman alone got results. Similarly, congressmen find it easy to claim credit for federal projects awarded their districts. The congressman may have instigated the proposal for the project in the first place, issued regular progress reports, and ultimately announced the award through his office. Maybe he can't claim credit for the 1965 Voting Rights Act, but he can take credit for Littletown's spanking new sewage treatment plant.

Overall then, programmatic activities are dangerous (controversial) on the one hand, and programmatic accomplishments are difficult to claim credit for, on the other. While less exciting, casework and pork barreling are best.

The key to the rise of the Washington establishment (and the vanishing marginals) is the following observation: *the growth of an activist federal government has stimulated a change in the mix of congressional activities*. Specifically, a lesser proportion of congressional effort is now going into programmatic activities and a greater proportion into pork-barrel and casework activities. As a result, today's congressmen make relatively fewer enemies and relatively more friends among the people of their districts.

To elaborate, a basic fact of life in twentieth-century America is the growth of the federal role and its attendant bureaucracy. Bureaucracy is the characteristic mode of delivering public goods and services. Ceteris paribus, the more government attempts to do for people, the more extensive a bureaucracy it creates. As the scope of government expands, more and more citizens find themselves in direct contact with the federal government. Consider the rise in such contacts upon passage of the Social Security Act, work relief projects and other New Deal programs. Consider the millions of additional citizens touched by the veterans' programs of the postwar period. Consider the untold numbers whom the Great Society and its aftermath brought face to face with the federal government. In 1930 the federal bureaucracy was small and rather distant from the everyday concerns of Americans. By 1975 it was neither small nor distant.

As the years have passed, more and more citizens and groups have found themselves dealing with the federal bureaucracy. They may be seeking positive actions—eligibility for various benefits and awards of government grants. Or they may be seeking relief from the costs imposed by bureaucratic regulations—on working conditions, racial and sexual quotas, market restrictions, and numerous other subjects. While not malevolent, bureaucracies make mistakes, both of commission and omission, and normal attempts at redress often meet with unresponsiveness and inflexibility and sometimes seeming incorrigibility. Whatever the problem, the citizen's congressman is a source of succor. The greater the scope of government activity, the greater the demand for his services.

Private monopolists can regulate the demand for their product by raising or lowering the price. Congressmen have no such (legal) option. When the demand for their services rises, they have no real choice except to meet that demand—to supply more bureaucratic unsticking services—so long as they would rather be elected than unelected. This vulnerability to escalating constituency demands is largely academic, though. I seriously doubt that congressmen resist their gradual transformation from national legislators to errand boy-ombudsmen. As we have noted, casework is all profit. Congressmen have buried proposals to relieve the casework burden by establishing a national ombudsman or Congressman Reuss's proposed Administrative Counsel of the Congress. One of the congressmen interviewed by Clapp stated:

Before I came to Washington I used to think that it might be nice if the individual had administration error have that would take care of necessary liaison

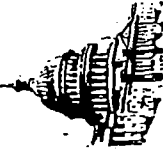
dream of giving any of this service function away to any subagency. As an elected member I feel the same way.

In fact, it is probable that at least some congressmen deliberately stimulate the demand for their bureaucratic fixit services. (See [Figure A].) Recall that the new Republican in district A travels about his district saying:

I'm your man in Washington. What are your problems? How can I help you?

And in district B, did the demand for the congressman's services rise so much between 1962 and 1964 that a "regiment" of constituency staff became necessary? Or, having access to the regiment, did the new Democrat stimulate the demand to which he would apply his regiment?

In addition to greatly increased casework, let us not forget that the growth of the federal role has also greatly expanded the federal pork barrel. The creative pork barreler need not limit himself to dams and post offices—rather old-fashioned interests. Today, creative congressmen can cage LEAA money for the local police, urban renewal and housing money for local politicians, educational program grants for the local education bureaucracy. And there are sewage treatment plants, worker training and retraining programs, health services, and programs for the elderly. The pork barrel is full to overflowing. The conscientious congressman can stimulate applications for federal assistance (the sheer number of programs makes



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it difficult for local officials to stay current with the possibilities), put in a good word during consideration, and announce favorable decisions amid great fanfare.

In sum, everyday decisions by a large and growing federal bureaucracy bestow significant tangible benefits and impose significant tangible costs. Congressmen can affect these decisions. Ergo, the more decisions the bureaucracy has the opportunity to make, the more opportunities there are for the congressman to build up credits.

The nature of the Washington system is . . . quite clear. Congressmen (typically the majority Democrats) earn electoral credits by establishing various federal programs (the minority Republicans typically earn credits by fighting the good fight). The legislation is drafted in very general terms, so some agency, existing or newly established, must translate a vague policy mandate into a functioning program, a process that necessitates the promulgation of numerous rules and regulations and, incidentally, the trampling of numerous toes. At the next stage, aggrieved and/or hopeful constituents petition their congressman to intervene in the complex (or at least obscure) decision processes of the bureaucracy. The cycle closes when the congressman lends a sympathetic ear, piously denounces the evils of bureaucracy, intervenes in the latter's decisions, and rides a grateful electorate to ever more impressive electoral showings. Congressmen take credit coming and going. They are the alpha and the omega.

The popular frustration with the permanent government in Washington is partly justified, but to a considerable degree it is misplaced resentment. Congress is the *linchpin of the Washington establishment*. The bureaucracy serves as a convenient lightning rod for public frustration and a convenient whipping boy for congressmen. But so long as the bureaucracy accommodates congressmen, the latter will oblige with ever larger budgets and grants of authority. Congress does not just react to big government—it creates it. All of Washington prospers. More and more bureaucrats promulgate more and more regulations and disperse more and more money. Fewer and fewer congressmen suffer electoral defeat. Elements of the electorate benefit from government programs, and all of the electorate is eligible for ombudsman services. But the general, long-term welfare of the United States is no more than an incidental by-product of the system.

❖ Committee Chairmen as Part of the Washington Establishment

In 1885 Woodrow Wilson was able to state categorically in his famous work, *Congressional Government*:

The leaders of the House are the chairmen of the principal Standing Committees. Indeed, to be exactly accurate, the House has as many leaders as there are subjects of legislation; for there are as many Standing Committees as there are leading classes of legislation, and in the consideration of every

measures of the particular class to which that topic belongs. It is this multiplicity of leaders, this many-headed leadership, which makes the organization of the House too complex to afford uninformed people and unskilled observers any easy clue to its methods of rule. For the chairmen of the Standing Committees do not constitute a cooperative body like a ministry. They do not consult and concur in the adoption of homogeneous and mutually helpful measures; there is no thought of acting in concert. Each Committee goes its own way at its own pace. It is impossible to discover any unity or method in the disconnected and therefore unsystematic, confused, and desultory action of the House, or any common purpose in the measures which its Committees from time to time recommend.

With regard to the Senate he noted:

It has those same radical defects of organization which weaken the House. Its functions also, like those of the House, are segregated in the prerogatives of numerous Standing Committees. In this regard Congress is all of a piece. There is in the Senate no more opportunity than exists in the House for gaining such recognized party leadership as would be likely to enlarge a man by giving him a sense of power, and to steady and sober him by filling him with a grave sense of responsibility. So far as its organization controls it, the Senate . . . proceedings bear most of the characteristic features of committee rule.

The Legislative Reorganization Act of 1946 was designed to streamline congressional committee structure and provide committees and individual members of Congress with increased expert staff; however, although the number of standing committees was reduced, subcommittees have increased so that the net numerical reduction is not as great as was originally intended. Further, because Congress still conducts its business through committees, (1) the senior members of the party with the majority in Congress dominate the formulation of public policy through the seniority rule; (2) policy formulation is fragmented, with each committee maintaining relative dominance over policy areas within its jurisdiction; (3) stemming from this fragmentation, party control is weakened, especially when the president attempts to assume legislative dominance.

Although Congress is often pictured as powerless in confrontation with the executive branch, the fact is that the chairmen of powerful congressional committees often dominate administrative agencies over which they have jurisdiction. They are an important part of the broad Washington establishment. This is particularly true of the chairmen of appropriations committees and subcommittees; because of their control of the purse-strings, they are able to wield far more influence over the bureaucracy than are the chairmen of other committees. The appropriations committees have a direct weapon—money—that they can wield against administrative agencies. And, the chairmen of all committees have seniority that often exceeds that of the bureaucrats with whom they are dealing. The secretaries and assistant secretaries

government more than two years, whereas powerful members of Congress have been around for one or more decades. This gives the latter expertise in that the political levels of the bureaucracy often lack. Political appointees in the bureaucracy must rely upon their professional staff in order to match the expertise of senior members of Congress. The power of the chairmen of the appropriations committees often leads them to interfere directly in administrative operations. They become, in effect, part of the bureaucracy, often dominating it and determining what programs it will implement. The constant interaction between committee chairs and agencies results in "government without passing laws," to use the phrase of Michael W. Kirst. (See Michael W. Kirst, *Government Without Passing Laws*, Chapel Hill: University of North Carolina Press, 1969.)

While committees remain an important part of the Washington power establishment, their chairmen often becoming informal "prime ministers" dominating the policy arenas their committees control, the chairmen are no longer the feudal barons Woodrow Wilson portrayed. The following selection contrasts the ease with which committee chairmen wielded power in the past with the obstacles to the exercise of unilateral power they face in the contemporary Congress.

51

Fred Barnes

CONGRESSIONAL DESPOTS, THEN AND NOW

Senator Trent Lott (R-Miss.) was working at his Capitol Hill office one March day in 1990 when an aide rushed in. "Bob Byrd's here," the aide said. Lott was puzzled. "You mean Senator Bob Byrd?" he asked. Yes, the aide said. Robert Byrd (D-West Va.)—a senator since 1959, the Senate majority leader until 1989, and now chairman of the Senate Appropriations Committee—was standing in Lott's outer office. He wasn't in the habit of casually dropping by to chat with other senators, particularly freshmen like Lott. And Byrd hadn't come for small talk this time either. He gave Lott a hand-written note, asking for his vote on an amendment to the Clean Air Act reauthorization. Byrd was deadly serious about the amendment, which would have provided lucrative benefits to coal miners who lost their jobs

because of new environmental restrictions on high-sulfur coal, the kind mined in West Virginia. The average displaced coal miner would have drawn \$41,000 the first year. If Lott voted with him, Byrd made it clear, he'd look favorably on Lott's requests for pork barrel for Mississippi. If Lott didn't—well, the implication was clear.

Byrd is in a unique position to reward friends and punish foes. As Appropriations chairman, he can put funds for special projects—roads, bridges, education grants, federal buildings, etc.—in spending bills, or he can delete them. So he's not a senator whose appeals for votes are taken lightly. On the miners' amendment, Byrd was strongly opposed by Senate Majority Leader George Mitchell and the Bush administration. Normally this would be sufficient to crush a single senator's pet cause. But as it turned out, only sixteen of fifty-five Democratic senators sided with Mitchell over Byrd. Ten of forty-five Republicans (Lott wasn't one of them) spurned the White House and voted with Byrd. Only a veto threat by President Bush prevented Byrd from winning. Three senators who'd promised him their support wound up opposing him. The vote was 50-49.

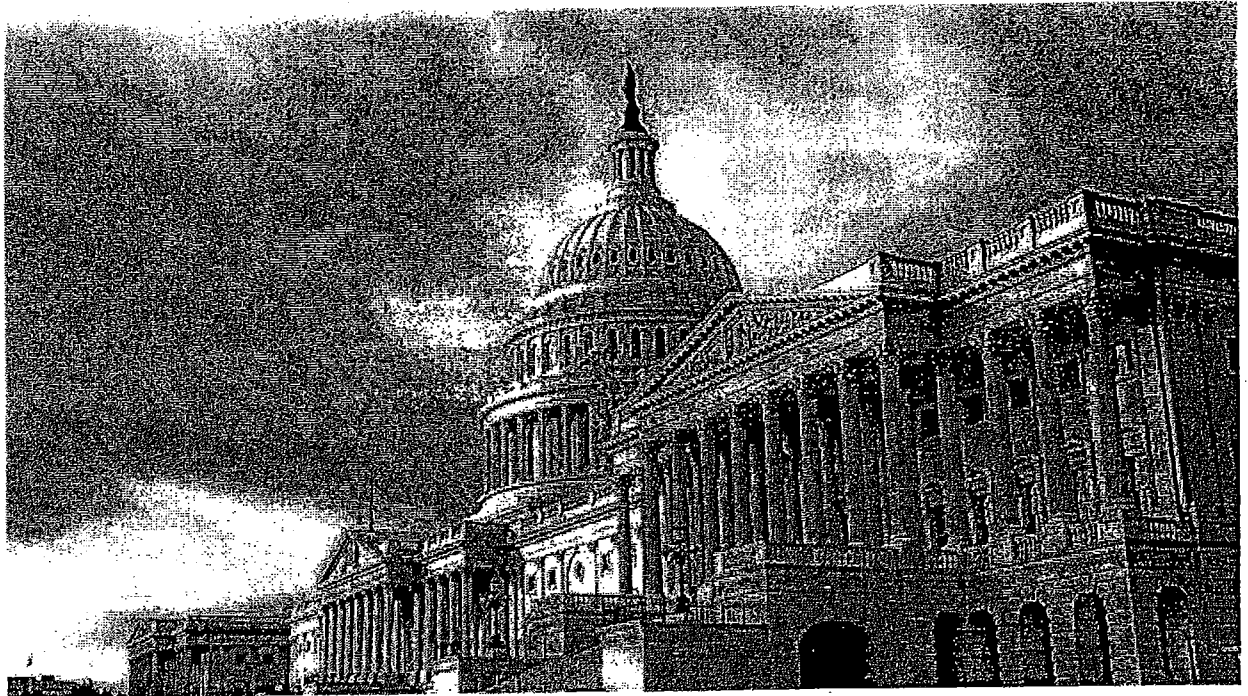
The Byrd episode reflects the status of congressional despots now: they're still around, but they don't have their former clout. Few members of Congress are terrified of them anymore. Look at poor Dan Rostenkowski (D-Ill.), the chairman of the House Ways and Means Committee, arguably the most powerful committee in Congress. He operates the old way, just like Byrd, assisting friends and penalizing enemies. Rostenkowski was furious at Representative Kent Hance (D-Tex.) for jumping ship in 1981 and cosponsoring President Reagan's sweeping tax cut. When Hance showed up at his first Ways and Means session after crossing Rostenkowski (and the Democratic leadership), he found the casters off his chair. Rostenkowski denied any knowledge of this. Later, Hance went to Andrews Air Force Base outside Washington to fly off on a junket with other Ways and Means members, only to have Rostenkowski bar him.

Disciplining the renegade did not have the desired effect. If the old rules of power still held, Rostenkowski would have solidified his position as a powerful autocrat by 1989. He hasn't. True, Ways and Means Democrats and a few Republicans constitute a "Rosty" bloc. But that didn't spare Rostenkowski three embarrassing defeats in 1989. Congress overwhelmingly terminated the catastrophic-illness insurance program that Ways and Means had hatched the year before. Worse, one of Rostenkowski's favorite provisions of the 1986 tax-reform bill was repealed. This was section 89, which forced employers to equalize fringe benefits such as health-care and tax-deferral plans for high- and low-paid workers. Worse still, six Democrats on Ways and Means bucked Rostenkowski, joined Republicans, and approved a cut in the capital-gains tax rate in the committee. The bill, with Rostenkowski still in opposition, later passed the House, then died in the Senate.

The last true despot in Congress was House Speaker Jim Wright, who resigned in 1989 after being accused of violating House ethics rules. He routinely cut corners on House procedures to have his way. He made Representative Jim Chapman (D-Tex.) the head of the Democratic class elected in 1986, though

Why We Love To Hate Congress

by SCOTT NEUMAN



[Enlarge](#)

J. Scott Applewhite/AP

Even when times are good, some experts say, members of Congress can't expect much better than about 40 percent approval. That would still be a vast improvement over where it stands today.

December 17, 2010

text size **A A A**

As the 111th Congress wraps up its term, incoming lawmakers have nowhere to go but up — maybe.

Only 13 percent of Americans currently approve of the job their federal lawmakers are doing, according to the latest Gallup survey. That's the lowest point since the poll started in 1974.

The poll, based on phone interviews with more than 1,000 people Dec. 10-12, comes as Congress finishes a contentious lame-duck session following bitter midterm elections in which voters vented their dissatisfaction by booting many incumbents — mostly Democrats — out of office. The 83 percent disapproval rate is the worst since July 2008, according to Gallup.

"Congress has never been a popular institution. No one defends it, not even the congressmen themselves, who tend to run against it," said Lee Hamilton, an Indiana Democrat who served in the House for more than three decades.

So what will it take for lawmakers to get back in Americans' better graces?

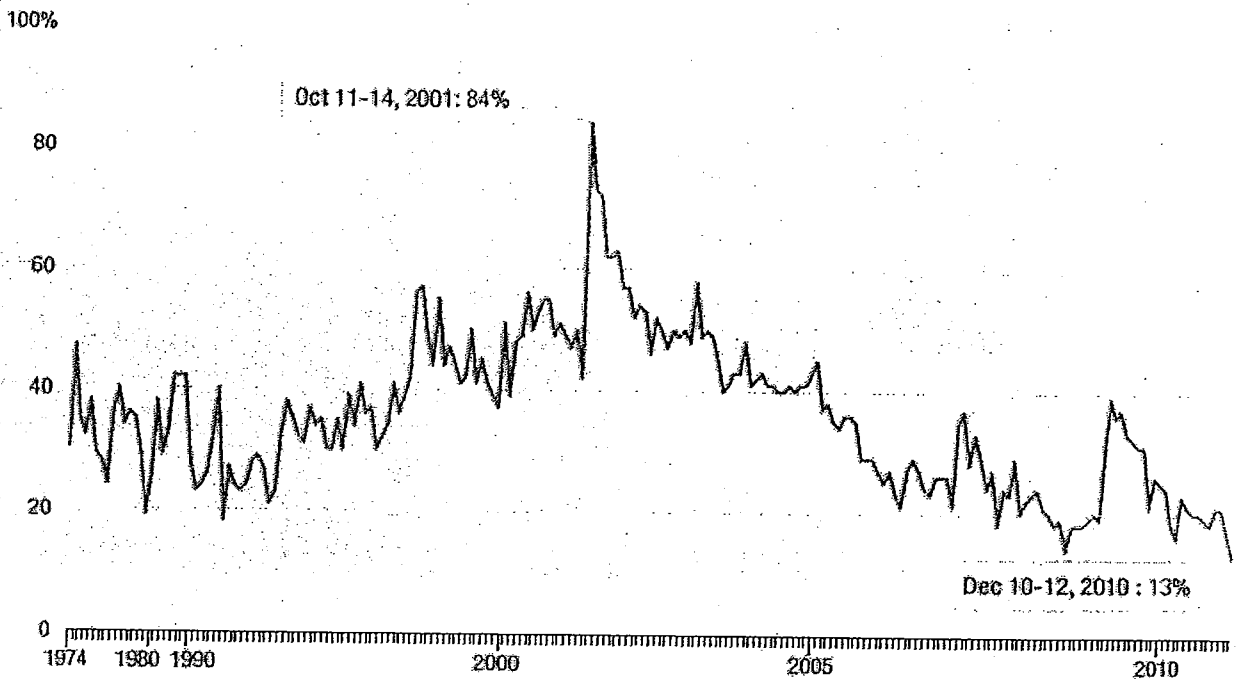
Congress Is A Favorite Target

Congress' popularity could rebound in the next few months the way it did after midterm power shifts in 1994 and 1997, but it's a long climb back to the break-even point. The last time voters approved as much as they disapproved of the legislative branch for an extended period was in the mid-1980s, when Barry Goldwater was still the senior senator from Arizona and Tip O'Neill was speaker of the House.

Losing The Popularity Contest

Americans have generally given members of Congress low approval marks since Gallup began tracking the numbers in 1974. The big exception was a spike in popularity after the attacks of Sept. 11, 2001.

— Congress job approval



Source: Gallup

Credit: Stephanie d'Otreppe/NPR

"When the public is pessimistic, as they are now, Congress takes a beating," said Hamilton, who is now director of the Center on Congress at Indiana University.

Warren Rudman, a Republican senator from New Hampshire from 1980 to 1993, agrees that the public loves to hammer on Congress, though when election time comes, incumbents tend to get returned — "with the exception of a year like this one."

The bottom line, he believes, is that Congress has no hope of burnishing its image with two wars and unemployment hovering around 10 percent.

"I can almost guarantee that if you woke up tomorrow and unemployment was at 5 percent, the Taliban were gone and Iraq had a stable government, Congress wouldn't look quite so bad," said Rudman, who is now chairman of the Albright Stonebridge Group, a Washington, D.C.-based business consultancy.

'Partisanship Has Become Weaponized'

Even when times are good, lawmakers can't expect much better than about 40 percent approval, according to Thomas

I can almost guarantee that if you woke up tomorrow and unemployment was at 5 percent, the Taliban were gone and Iraq had a stable government,

Mann, an expert on Congress at the Brookings Institution.

Congress wouldn't look quite so bad.

But in an era of "delay and discredit" and partisan bickering, it's no surprise that lawmakers have fallen so low in the eyes of voters, said Mann, author of *Broken Branch: How Congress Is Failing America and How to Get It Back on Track*.

- Former Sen. Warren Rudman
(R-NH)

"Some contentious debate in Congress is healthy if it is then followed by a process of bargaining and compromise," he said. "But that's not what we're getting."

Ross Baker, a professor of political science at Rutgers University, notes that Congress has always been a partisan place. "That's in its DNA," he said. "But the partisanship has become weaponized."

Baker points to the media and the "pernicious effect" of special interest groups in the past three decades as the proximate cause of the big, negative, shift in the political bedrock.

"The more outrageous you are, the more likely you are to appear on the evening news," Rudman agreed. "Obviously, we've become a more partisan nation. Most people don't like what they see — more squabbling."

That more lawmakers are having their voices heard these days is laudable, Hamilton said, though there's something to be said for institutionalists — members of Congress who had to earn admission to the club.

"When I went to the House, you weren't expected to say anything for the first four or five terms," he said. "Now, we have a big increase in the number of junior members who, through the media, have gained a national platform."

Baker also thinks interest groups that began rating politicians for their ideological purity are partly to blame for the polarization. Groups on both the left and the right began demanding "ironclad fidelity," he said.

"These groups were always putting Congress on notice that unless they do something that's pleasing to them, there will be negative consequences," said Baker, who has served as an adviser to both Republicans and Democrats.

Hamilton said Congress needs to "focus more on making the country work and less on gaining partisan advantage."

The Curse Of The 24-Hour News Cycle

As much as lawmakers seem to love the TV cameras, the rise of 24-hour news networks as well as the Internet and radio mega-networks has created more transparency about how Congress works. That may be more a curse than a blessing for Congress' image.

Baker said the coverage has shone a harsh light on a legislative process that is inelegant by nature and poorly understood by most Americans. "Much of what they do is incomprehensible to most people — it's labyrinthine and inscrutable," he said.

He added: "I suspect most people think Congress is inefficient, but what they don't realize is that it was designed to be inefficient."

A perfect example is the often unflattering spectacle of the Senate filibuster, whereby the minority can stymie the will of a majority of lawmakers, Baker says.

Mann of the Brookings Institution also points out that lawmakers may not get credit where it's due. Most people think of the president as the government, so the executive branch may win praise for a popular law even though it's Congress that wrote it.

"Even when Congress does good things, it seldom gets credit for it," he says. "It's just the nature of the institution."

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PAUL STAROBIN

Pork: A Time-Honored Tradition Lives On

Journalist Paul Starobin's look at congressional "pork" updates a classic subject. Pork, a project that a representative can secure for her or his district, has been a central part of congressional politics from the start. In times past, pork was easier to notice—edifices like canals, highways, bridges—as well as less controversial. The United States needed these infrastructure improvements, and the money was available for a generous pork barrel. Today, pork carries a different connotation. Starobin lists the new forms that pork takes in the "post-industrial" era. Modern pork projects don't look like those of the past. And the pork barrel, while as popular as always, isn't nearly as deep as it once was. Legislators are under pressure to cut, not spend, and pork—often called "earmarks" today—is a perfect target. But what is pork anyway? Some other district's waste-treatment plant.

POLITICAL PORK. Since the first Congress convened two centuries ago, lawmakers have ladled it out to home constituencies in the form of cash for roads, bridges and sundry other civic projects. It is a safe bet that the distribution of such largess will continue for at least as long into the future.*

Pork-barrel politics, in fact, is as much a part of the congressional scene as the two parties or the rules of courtesy for floor debate.

And yet pork-barrel politics always has stirred controversy. Critics dislike seeing raw politics guiding decisions on the distribution of federal money for parochial needs. They say disinterested experts, if possible, should guide that money flow.

And fiscal conservatives wonder how Congress will ever get a handle on the federal budget with so many lawmakers grabbing so forcefully for pork-barrel funds. "Let's change the system so we don't have so much porking," says James C. Miller III, director of the White House Office of Management and Budget (OMB). Miller says he gets complaints on the order of one a day from congressional members taking issue with OMB suggestions that particular "pork" items in the budget are wasteful.

*The interesting, little-known, and ignominious origin of the term "pork barrel" comes from early in American history, when a barrel of salt pork was given to slaves as a reward for their work. The slaves had to compete among themselves to get their piece of the handout.—EDS.

But pork has its unabashed defenders. How, these people ask, can lawmakers ignore the legitimate demands of their constituents? When a highway needs to be built or a waterway constructed, the home folks quite naturally look to their congressional representative for help. Failure to respond amounts to political suicide.

"I've really always been a defender of pork-barreling because that's what I think people elect us for," says Rep. Douglas H. Bosco, D-Calif.

Moreover, many accept pork as a staple of the legislative process, lubricating the squeaky wheels of Congress by giving members a personal stake in major bills. . . .

Not only does the flow of pork continue pretty much unabated, it seems to be spreading to areas that traditionally haven't been subject to pork-barrel competition. Pork traditionally was identified with public-works projects such as roads, bridges, dams and harbors. But, as the economy and country have changed, lawmakers have shifted their appetites to what might be called "post-industrial" pork. Some examples:

- *Green Pork.* During the 1960s and 1970s, when dam-builders fought epic struggles with environmentalists, "pork-barrel" projects stereotypically meant bulldozers and concrete. But many of today's projects are more likely to draw praise than blame from environmentalists. The list includes sewer projects, waste-site cleanups, solar energy laboratories, pollution-control research, parks and park improvements and fish hatcheries, to name a few. . . .

- *Academic Pork.* Almost no federal funds for construction of university research facilities are being appropriated these days, except for special projects sponsored by lawmakers for campuses back home. Many of the sponsors sit on the Appropriations committees, from which they are well positioned to channel such funds. . . .

- *Defense Pork.* While the distribution of pork in the form of defense contracts and location of military installations certainly isn't new, there's no question that Reagan's military buildup has expanded opportunities for lawmakers to practice pork-barrel politics. . . .

This spread of the pork-barrel system to new areas raises a question: What exactly is pork? Reaching a definition isn't easy. Many people consider it wasteful spending that flows to a particular state or district and is sought to please the folks back home. . . .

But what is wasteful? One man's boondoggle is another man's civic pride. Perhaps the most sensible definition is that which a member seeks for his own state or district but would not seek for anyone else's constituency. . . .

Thus, pork goes to the heart of the age-old tension between a law-

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maker's twin roles as representative of a particular area and member of a national legislative body. In the former capacity, the task is to promote the local interest; in the latter it is to weigh the national interest. . . .

Like other fraternities, the system has a code of behavior and a pecking order. It commands loyalty and serves the purpose of dividing up federal money that presumably has to go somewhere, of helping re-elect incumbents and of keeping the wheels of legislation turning. . . .

When applied with skill, pork can act as a lubricant to smooth passage of complex legislation. At the same time, when local benefits are distributed for merely "strategic" purposes, it can lead to waste. . . .

Just about everyone agrees that the budget crunch has made the competition to get pet projects in spending legislation more intense. Demand for such items has not shrunk nearly as much as the pool of available funds.



Nelson W. Polsby
CONGRESS-BASHING FOR
BEGINNERS

On a shelf not far from where I am writing these words sit a half a dozen or so books disparaging Congress and complaining about the congressional role in the constitutional separation of powers. These books date mostly from the late 1940s and the early 1960s, and typically their authors are liberal Democrats. In those years, Congress was unresponsive to liberal Democrats and, naturally enough, aggrieved members of that articulate tribe sought solutions in structural reform.

In fact, instead of reforms weakening Congress what they—and we—got was a considerably strengthened presidency. This was mostly a product of World War II and not the result of liberal complaints. Before World War II Congress would not enact even the modest recommendations of the Brownlow Commission to give the president a handful of assistants with “a passion for anonymity,” and it killed the National Resources Planning Board outright. After World War II everything changed: Congress gave the president responsibility for smoothing the effects of the business cycle, created a Defense Department and two presidential agencies—the NSC and the CIA—that enhanced the potential for presidential dominance of national security affairs, and laid the groundwork for the growth of a presidential branch, politically responsive to both Democratic and Republican presidents.

CONGRESS AND THE GORING
OF OXEN

Though it took time for the presidential branch to grow into its potential, the growth of this branch, separate and at arm's length from the executive branch that it runs in the president's behalf, is the big news of the postwar era—indeed, of the last half-century in American government. It is customary today to acknowledge that Harry Truman's primary agenda, in the field of foreign affairs, was quite successfully enacted even though Congress was dominated by a conservative coalition, and what Truman wanted in the way of peacetime international involvement was for the United States quite unprecedented. Dwight Eisenhower's agenda was also largely international in its impact. Looking back, it seems that

almost all Eisenhower reared of the United States from was expendable.

Congress responded right around John Kennedy roadblock in Congress, a Congress that had thwarted Supreme Court, and had stalled civil rights and the Bricker Amendment to list so short that we do not have a graveyard of the forward-looking Congress-bashers were liberal.

To be sure, Congress who found in its musty chambers (said) of old-time legislative scrutiny were performed, subjected to the sober second thought and so on.

Why rehash all this? That Congress-bashing the presidency but didn't control about now. Today, Republicans of the complaining. It is claimed that the separation of powers during the Johnson years—but no less FDR's scheme to pack the judicial status quo since I

There is nothing wrong we take in a political argument keep political arguments civil is something uncivil, in nature cure political ailments. What they enacted much of the age previous two decades. His and the enactment of the Johnson overreached. He created a credibility gap.

This, among other things no longer was altogether an unreliable information source to create a legislative bureau General Accounting Office.

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almost all Eisenhower really cared about was protecting the international position of the United States from diminution by Republican isolationists. Everything else was expendable.

Congress responded sluggishly and in its customary piecemeal fashion. It was right around John Kennedy's first year in office that liberals rediscovered that old roadblock in Congress, a "deadlock of democracy," as one of them put it. It was Congress that had thwarted the second New Deal after 1937, the packing of the Supreme Court, and Harry Truman's domestic program; it was Congress that had stalled civil rights and buried Medicare; it was Congress that had sponsored the Bricker Amendment to limit the president's power to make treaties. Are memories so short that we do not recall these dear, departed days when Congress was the graveyard of the forward-looking proposals of liberal presidents? Then, Congress was a creaky eighteenth-century machine unsuited to the modern age, and Congress-bashers were liberal Democrats.

To be sure, Congress had a few defenders, mostly Republicans and Dixiecrats, who found in its musty cloakrooms and windy debates a citadel (as one of them said) of old-time legislative virtues, where the historic functions of oversight and scrutiny were performed, where the run-away proposals of the presidency could be subjected to the sober second thoughts of the people's own elected representatives, and so on.

Why rehash all this? In part, it is to try to make the perfectly obvious point that Congress-bashing then was what people did when they controlled the presidency but didn't control Congress. And that, in part, is what Congress-bashing is about now. Today, Republicans and conservatives are doing most (although not all) of the complaining. It is worth a small bet that a fair number of editorial pages claimed that the separation of powers made a lot of sense during the Kennedy-Johnson years—but no longer say the same today. On the other side, backers of FDR's scheme to pack the Court have turned into vigorous defenders of the judicial status quo since Earl Warren's time.

There is nothing wrong with letting the goading of oxen determine what side we take in a political argument. In a civilized country, however, it makes sense to keep political arguments civil, and not to let push come to shove too often. There is something uncivil, in my view, about insisting upon constitutional reforms to cure political ailments. What liberal critics of Congress needed was not constitutional reform. What they needed was the 89th Congress, which, in due course, enacted much of the agenda that the Democratic party had built up over the previous two decades. History didn't stop with the rise of the presidential branch and the enactment of the second New Deal/New Frontier/Great Society. President Johnson overreached. He concealed from Congress the costs of the Vietnam War. He created a credibility gap.

This, among other things, began to change Congress. The legislative branch no longer was altogether comfortable relying on the massaged numbers and other unreliable information coming over from the presidential branch. They began to create a legislative bureaucracy to cope with this challenge. They beefed up the General Accounting Office and the Congressional Research Service. They created

an Office of Technology Assessment and a Congressional Budget Office. They doubled and redoubled their personal staffs and committee staffs.

Sentiments supporting this expansion began, oddly enough, after a landslide election in which the Democratic party swept the presidency and both houses of Congress. So mistrust between the branches in recent history has by no means been entirely a partisan matter. Nevertheless, Richard Nixon's presidency, conducted entirely in unhappy harness with a Democratic Congress, did not improve relations between the two branches of government. Johnson may have been deceitful, but Nixon, especially after his reelection in 1972, was positively confrontational.

It was Nixon's policy to disregard comity between the branches. This, and not merely his commission of impeachable offenses, fueled the impeachment effort in Congress. That effort was never wholly partisan. Republicans as well as Democrats voted articles of impeachment that included complaints specifically related to obstruction of the discharge of congressional responsibilities.

It is necessary to understand this recent history of the relations between Congress and the president in order to understand the provenance of the War Powers Act, the Boland Amendment, numerous other instances of congressional micromanagement, the unprecedented involvement of the NSC in the Iran-*contra* affair, and like manifestations of tension and mistrust between Congress and the president. These tensions are, to a certain degree, now embedded in law and in the routines of responsible public officials; they cannot be made to disappear with a wave of a magic wand. They are, for the most part, regrettable in the consequences they have had for congressional-presidential relations, but they reflect real responses to real problems in these relations. Congressional responses, so far as I can see, have been completely legal, constitutional, and—in the light of historical circumstances—understandable. The best way to turn the relations between the legislative and the presidential branches around would be for the presidential side to take vigorous initiatives to restore comity. As head of the branch far more capable of taking initiatives, and the branch far more responsible for the underlying problem, this effort at restoration is in the first instance up to the President.

PRESIDENT BUSH AND THE ITEM VETO

In this respect, President Bush is doing a decent job, giving evidence of reaching out constructively. It is not my impression that the Bush administration has done a lot of Congress-bashing. After all, what Bush needs isn't a weakened Congress so much as a Republican Congress. Over the long run (though probably not in time to do Bush much good) Republicans are bound to regret despairing of the latter and therefore seeking the former. We have seen enough turns of the wheel over the last half-century to be reasonably confident that sooner or later Republicans will start to do better in congressional elections. The presidential item veto, the Administration's main Congress-bashing proposal, won't help Republicans in Congress deal with a Democratic president when the time comes, as sooner or later it will, for a Democrat to be elected president.

The item veto would be a destructive process, and would undermine the Congress, majority and minority, with embarrassing public knowledge about its operations.

By allocating legislative power to the executive branch, the item veto trivializes the work process on each detail of legislative craft legislation. Their process is slow; only the marshaling of resources in Congress.

The item veto is, in my view, unconstitutional. To separate powers is a fundamental principle. There are plenty of ways to do that. I am not, nor are the liberals or anywhere in the world.

The separation of powers is one of the great heterogeneous nation-unequalities in world history. It would be a good idea to restate all the connections that are being restated anyway: the powers; it is a very rare

TERM LIMITATIONS

Less serious in its impact on the members of Congress. The population at large is not taking seriously the idea of a representative government. It is not.

The job of a member of Congress is to manage a small group of constituents, state and federal, and may have business with members of an opportunity to deal with citizens on committees that deal with subjects (such as in health policy) and the

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The item veto would effectively take congressional politics out of the legisla-
tive process, and would weaken Congress a lot. It would encourage members of
Congress, majority and minority alike, to be irresponsible and to stick the president
with embarrassing public choices. It would reduce the incentives for members to
acquire knowledge about public policy or indeed to serve.

By allocating legislative responsibilities to Congress, the Constitution as orig-
inally (and currently) designed forces representatives of diverse interests to co-
operate. Because what Congress does as a collectivity matters, legislative work
elicits the committed participation of members. The item veto would greatly
trivialize the work product of Congress by requiring the president's acquiescence
on each detail of legislation. Members would lose their independent capacity to
craft legislation. Their individual views and knowledge would dwindle in impor-
tance; only the marshalling of a herd capable of overturning a veto would matter
in Congress.

The item veto is, in short, a truly radical idea. It is also almost certainly
unconstitutional. To espouse it requires a readiness to give up entirely on the
separation of powers and on the constitutional design of the American govern-
ment. There are plenty of people, some of them well-meaning, who are ready to
do that. I am not, nor should people who identify themselves as conservatives or
liberals or anywhere in the political mainstream.

The separation of powers is actually a good idea. It gives a necessary weight
to the great heterogeneity of our nation—by far the largest and most hetero-
geneous nation unequivocally to have succeeded at democratic self-government in
world history. It would take a medium-sized book to make all the qualifications and
all the connections that would do justice to this argument. The conclusion is worth
restating anyway: the item veto is a root-and-branch attack on the separation of
powers; it is a very radical and a very bad idea.

TERM LIMITATIONS

Less serious in its impact, but still destructive, is the proposal to limit the terms of
members of Congress. This proposal relies heavily for its appeal upon ignorance in
the population at large about what members of Congress actually do. For in order
to take seriously the idea of limiting congressional terms, one must believe that the
job of a representative in Congress is relatively simple, and quickly and easily
mastered. It is not.

The job of a member of Congress is varied and complex. It includes: (1)
Managing a small group of offices that attempt on request to assist distressed
constituents, state and local governments, and enterprises in the home district that
may have business with the federal government. This ombudsman function gives
members an opportunity to monitor the performance of the government in its
dealings with citizens and can serve to identify areas of general need. (2) Serving
on committees that oversee executive-branch activity on a broad spectrum of
subjects (such as immigration, copyright protection, telecommunications, or
health policy) and that undertake to frame issues of national scope for legislative

action. This entails mastering complicated subject matter; working with staff members, expert outsiders, and colleagues to build coalitions; understanding justifications; and answering objections. (3) Participating in general legislative work. Members have to vote on everything, not merely on the work of their own committees. They have to inform themselves of the merits of bills, and stand ready to cooperate with colleagues whose support they will need to advance their own proposals. (4) Keeping track of their own political business. This means watching over and occasionally participating in the politics of their own states and localities, and mending fences with interest groups, friends and neighbors, backers, political rivals, and allies. (5) Educating all the varied people with whom they come in contact about issues that are high on the agenda and about reasonable expectations of performance. This includes the performance of the government, the Congress, and the member.

Plenty of members never try to master the job, or try and fail, and these members would be expendable. The objection might still be raised that constituents, not an excess of constitutional limitations, ought to decide who represents whom in Congress. But that aside, what about the rather substantial minority of members who learn their jobs, do their homework, strive to make an impact on public policy, and—through long experience and application to work—actually make a difference? Can we, or should we, dispense with them as well?

It is a delusion to think that good public servants are a dime a dozen in each congressional district, and that only the good ones would queue up to take their twelve-year fling at congressional office. But suppose they did. In case they acquired expertise, what would they do next? Make money, I suppose. Just about the time that their constituents and the American people at large could begin to expect a payoff because of the knowledge and experience that these able members had acquired at our expense, off they would go to some Washington law firm.

And what about their usefulness in the meantime? It would be limited, I'm afraid, by the greater expertise and better command of the territory by lobbyists, congressional staff, and downtown bureaucrats—career people one and all. So this is, once again, a proposal merely to weaken the fabric of Congress in the political system at large, and thereby to limit the effectiveness of the one set of actors most accessible to ordinary citizens.

The standard objection to this last statement is that members of Congress aren't all that accessible. Well, neither is Ralph Nader, who has long overstayed the dozen years that contemporary Congress-bashers wish to allocate to members. Neither is the author of *Wall Street Journal* editorials in praise of limitations. And it must be said that a very large number of members take their representational and ombudsman duties very seriously indeed. This includes holders of safe seats, some of whom fear primary-election opposition, some of whom are simply conscientious. A great many of them do pay attention—close attention—to their constituents. That is one of the reasons—maybe the most important reason—that so many of them are reelected. Much Congress-bashing these days actually complains about high reelection rates, as though a large population of ill-served constituents would be preferable.

CONGRESSIONAL

While we have Ralph Nader disrespects to his complicity of a crazed phalanx of Congress to deprive members of Congress of their salaries is a straightforward proposition. But some do. The expense of living in Washington and at home—expensive among upper-middle-class people—it is a job, requiring skill and ship in Congress brings an income encompassed by acts of legislators. People who are ordinarily paid considerable salaries how far down the organizational chart of other large corporations. What members of Congress and its members receive in compensation packages around \$100,000 a year certainly don't have a bad Congress.

There is a case for reform on grounds: one is the need to financially penalize those members who have no excuse and who have no excuse of failing to recognize the needs of people for whom they have family responsibilities. People who are a sane electorate.

Members of Congress propose a proposal of a congressional precaution of holding members grossly underpaid by senior civil servants. Congress-bashing of ordinary citizens of Congress to a mindless professional salary to Congress.

Members of Congress league baseball players of good law school graduates Congress and others

CONGRESSIONAL SALARIES

While we have Ralph Nader on our minds, it is certainly appropriate to pay our disrespects to his completely off-the-wall effort, temporarily successful, at the head of a crazed phalanx of self-righteous disk jockeys and radio talk-show hosts, to deprive members of Congress of a salary increase. The issue of congressional salaries is a straightforward one. Many members, being well-to-do, don't need one. But some do. The expenses of maintaining two places of residence—in Washington and at home—make membership in Congress nearly unique and singularly expensive among upper-middle-class American jobs. Here is the point once more: it is a job, requiring skill and dedication to be done properly. Moreover, membership in Congress brings responsibilities. National policy of the scope and scale now encompassed by acts of the federal government requires responsible, dedicated legislators. People with far less serious responsibilities in the private sector are ordinarily paid considerably better than members of Congress. Think, for example, how far down the organizational chart at General Motors or at CBS or at some other large corporation one would have to go before reaching executives making what members of Congress do, and compare their responsibilities with those of Congress and its members. Actually, most corporations won't say what their compensation packages are like. But at a major auto company, people who make around \$100,000 a year are no higher than upper middle management, and certainly don't have responsibilities remotely comparable to those of members of Congress.

There is a case for decent congressional salaries to be made on at least two grounds: one is the rough equity or opportunity-cost ground that we ought not financially to penalize people who serve, and the second is the ground of need for those members who have the expense of families or college educations to think of, and who have no extraordinary private means. The long-run national disadvantage of failing to recognize the justice of these claims is of course a Congress deprived of people for whom these claims are exigent, normal middle-class people with family responsibilities and without money of their own. These are not the sorts of people a sane electorate should wish to prevent from serving.

Members of Congress, knowing very well of the irrational hostilities that the proposal of a congressional pay raise can stir up, have taken the unfortunate precaution of holding hostage the salaries of federal judges, who are now ludicrously underpaid by the admittedly opulent standards of the legal profession, and senior civil servants. An unhealthy impasse has been created owing, at bottom, to Congress-bashing of the most unattractive kind, which exploits the ignorance of ordinary citizens of the dimensions of the members' working lives, and incites citizens to a mindless social envy, in which it is assumed that paying a decent professional salary to professional officeholders is automatically some sort of rip-off.

Members of Congress now make about \$98,000. The bottom salary for major-league baseball players is \$100,000. Some law firms in New York start new graduates of good law schools at \$90,000 or more. How can we argue that members of Congress and others at the top of the federal government should not be paid at

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er people one and all. So this
of Congress in the political
of the one set of actors most

that members of Congress
who has long overstayed the
sh to allocate to members.
n praise of limitations. And
e their representational and
s holders of safe seats, some
m are simply conscientious.
ion—to their constituents.
it reason—that so many of
s actually complains about
l-served constituents would

least a modest premium above these beginners' wages? There is, evidently, no talking sense to the American people on this subject.

I believe we can dismiss out of hand the charge that large numbers of members individually, or Congress collectively, live in a world all their own, divorced from realities of everyday life. The sophomores who have written attacks of this sort in recent years in the *Atlantic*, *Newsweek*, and elsewhere simply don't know what they are talking about. They abuse their access to large audiences by neglecting to explain the real conditions that govern the lives of members, conditions that provide ample doses of everyday life.

No doubt scandals involving various members have in recent times made Congress as an institution vulnerable to criticism. But much of this criticism is irresponsible and irrelevant. Suppose we were to discover instances of cupidity, unusual sexual activity, and abuses of power among the rather sizable staff of an important daily newspaper? Or a symphony orchestra? Or, God forbid, a university? I suppose that would shake our confidence in at least part of the collective output, but one would hope for relevant discriminations. One might distrust the ticket office, perhaps, but not the symphony's performance of Mozart; the stock tips, perhaps, but not the Washington page; the basketball program, but not the classics department. I do not think that the existence of scandal excuses us from attempting to draw sensible conclusions about institutions and their performance.

This sort of balanced and discriminating analysis isn't what proposals for item vetoes, limitations on terms of service, or depressed rates of pay are all about. They are about the ancient but now slightly shopworn American custom of Congress-bashing.

❖❖ A commonly held assumption about members of Congress is that their primary incentive is to engage in activities that strengthen their prospects for reelection. David Mayhew, one proponent of this theory, argues in his book *Congress: The Electoral Connection* that both the formal and informal organizations of Congress are oriented principally toward the reelection of its members. For example, the dispersion of committees, which numbered close to three hundred in the 102nd Congress (1991–1992) maximizes the opportunities of committee chairmen to use their power to distribute benefits directly to their districts and states and to take positions on issues that will be appealing to their constituents. Moreover, the weak party structure of Capitol Hill allows individual members to go their own ways in dealing with their diverse constituencies. Unified congressional parties, argues Mayhew, would not allow Congress the necessary flexibility to advertise, claim credit, and take position to gain electoral support. In the following selection Mayhew illustrates the kinds of activities Senate and House members engage in to maximize their electoral support.

Whether they are so constantly engage in : emphasis, but all mem day in and day out du a short list of the kinds in. The case will be th to lay them out with

One activity is ad among constituents in having little or no issi to a brand name, whic in the same family. Th responsiveness, conce name across is difficul their House members' recognition carries a favorably." A vital ad better known among known because they s themselves better kn constituency, nonpoli care booklets and lett bers questioned . . . 1 stituents; 48 wrote se reported to their cons questionnaires. Some (D., Ill.) claims to h 200,000 people). For

From David R. Mayhew, *Congress: The Electoral Connection* (Chicago: University Press, 1974), pp. 49–72.

waste, insensitivity, ignorance, and bureaucracy."² The 1972 theme of the Nader project that Congress was in crisis continues to be accepted by the vast majority of people.

While Ralph Nader and his colleagues feel that the major cause of the demise of Congress is its detachment from the people, Richard Fenno in the following selection adopts a different viewpoint. He feels that people fault the *institution* of Congress, not their individual representatives on Capitol Hill. In fact, he points out that there is a close connection between legislators and constituents, and often, a feeling of affection by voters for their representatives. Fenno feels that we apply different standards in judging individual members of Congress than we do in assessing the institution, being far more lenient in the former than the latter case. The individual is judged for his or her personality, style, and representativeness, while the institution is judged by its ability to recognize and solve the nation's problems. But the institution cannot be thought of apart from the members that compose it. It is they who have given it its unique character. It is the individual member who, more often than not, has supported a decentralized and fragmented legislature because of the members' incentive to achieve personal power and status on Capitol Hill.

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Richard F. Fenno, Jr.

IF, AS RALPH NADER SAYS,
CONGRESS IS "THE BROKEN
BRANCH," HOW COME WE
LOVE OUR CONGRESSMEN
SO MUCH?

Off and on during the past two years, I accompanied ten members of the House of Representatives as they traveled around in their home districts. In every one of those districts I heard a common theme, one that I had not expected. Invariably, the representative I was with—young or old, liberal or conservative, Northerner,

From Richard F. Fenno, Jr., "If, As Ralph Nader Says, Congress Is 'The Broken Branch,' How Come We Love Our Congressmen So Much?" Originally written as part of an editorial project entitled "The Role of Congress: A Study of the Legislative Branch," © 1972 by Time, Inc., and Richard F. Fenno, Jr. Reprinted by permission.

Southerner, Easterner, . . . We "the best congressman in the accept the description as far (though I cannot claim to have Senate. Each of our 435 rep congressman in the United S of support and approbation a returns, this isn't much of an House incumbents who ran incumbents who ran were re average reelection rates of inc love our congressmen."

On the other hand, it se Louis Harris reported in 197 gress a positive rating on its themselves negatively on the matized recently by the critica an institution. On the eviden more than we do our legislat congressmen are so good, ho that make up the institution ments? What follows are a f

A first answer is that we apply to the individual being For the individual, c and policy views. Stylist we us so that we, in turn, can district, concern for local p sorts, for example. On the p does not get too frequently national leader in some poli standards are admittedly va applied, they are consistent : rules of thumb to meet them the standards, thereby mak recognition as "the best in t relationship for a representa

For the institution, how problems—a far less tractabl Given the inevitable exister happy with congressional p has met our standards of rep measure of legislative succe familiar and most human of of the Presidency and the C

Congress vote to fund in their districts that may not be particularly worthy, at least to the national taxpayers who foot the bill. In the fourth piece, a political science professor and a statistician analyze the reasons behind remarkably uncompetitive congressional elections. The final selection is a 1950 speech made by Sen. Margaret Chase Smith, decrying the incivility and damage to personal liberty that came with the attempt by her colleague Sen. Joseph McCarthy to root out what he saw as a communist threat in American government.



6.1 The Pelosi Factor

Julian E. Zelizer, Politico.com

Why We Chose This Piece

Speakers of the House of the Representatives, particularly in recent years, have been lightning rods for criticism. This has been especially true of the current Speaker, Nancy Pelosi. Polls indicate that the public has been no more satisfied with a Democratic-controlled House than it was before 2006, when Republicans and Speaker Dennis Hastert were in charge. Here, Julian E. Zelizer, a professor of history and public affairs, argues that although the public appears to say otherwise, Pelosi has the potential to leave a positive legacy.

The article, however, is about much more than the strengths and weaknesses of Pelosi. It illustrates nicely the complexities of being Speaker, a position that any student of Congress must understand. As you read, ask yourself what powers—both formal and informal—the Speaker has to accomplish her goals. What limitations are there on those powers?

In November 2004, the day after President George W. Bush's reelection and the padding of Republican congressional majorities, Richard Viguerie, a pioneer of the modern conservative movement, said, "Now comes the revolution.... If you don't implement a conservative agenda now, when do you?"

Four years later, the situation looks very different. Democrats control the White House and Congress. Pundits are talking about the crisis in the Republican Party, and Democrats are pushing forward a bold domestic agenda—including health care and the environment—that has the potential to rival the Great Society.

House Speaker Nancy Pelosi (D-Calif.) has been instrumental to the reversal of Democratic fortunes even though most of the attention has been focused on President Barack Obama.

With new reports that Pelosi was briefed about the CIA's use of torture in 2003, there are likely to be some Democrats who raise questions about her future as a party leader.

But before they do, they should closely consider what they would lose. Since taking over as speaker 2½ years ago, Pelosi has proved to be a formidable leader who might

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very well amass the kind of legendary record that House Speaker Sam Rayburn (D-Texas) achieved in the 1940s and '50s. It is still too early to tell, but she is off to a good start. Pelosi's speakership has relied on ideas and muscle. She comes from the progressive Democratic tradition and has not been shy about taking on Republicans or centrist Democrats. Even though Republicans immediately tried to put her on the defensive after their losses in 2006 by warning voters of the "San Francisco values" that she would bring into the House, Pelosi has not shied away from defending progressive policies. Pelosi and House Democrats directly challenged Bush's policies in Iraq and called for an immediate withdrawal.

Pelosi has also been a driving force at pushing for progressive domestic policies, including with the current administration. In her first session, House Democrats obtained an increase in the minimum wage, higher benefits for veterans and improved gas standards. Since January 2009, House Democrats have shaped much of the economic stimulus package to include funding for progressive programs such as schooling, Medicaid, infrastructure and state assistance that had been neglected in the conservative era.

Nonetheless, Pelosi is also adept at using the carrot and the stick. She took power in an age of strong speakers and lives by these rules. She has proved to be skilled at fundraising, and members of the House realize that there is a high cost to be incurred to their campaigns if they break from the party line. When a fight broke out between Reps. Henry Waxman (D-Calif.) and John Dingell (D-Mich.) over who would chair the House Energy and Commerce Committee, the leadership stood behind the environmentally friendly Waxman.

At the same time, behind the scenes, she made sure that more progressive voices in the Democratic Party did not defect when Senate Democrats failed to obtain an immediate withdrawal from Iraq and when they were forced to agree to spending reductions in the economic stimulus bill.

The challenges for Pelosi will increase over the coming year. In some ways, the economic stimulus bill and the financial bailout were the easy part for House Democrats. Now come the two issues that have the potential to divide the party: health care reform and environmental regulation. Though there is general consensus that bold legislation is needed in both areas, the devil is in the details. House Ways and Means Committee Chairman Charles Rangel recently issued a warning to the leadership and the White House that he would oppose a tax on employer-provided benefits.

There has also been a notable drop in poll numbers about how Americans perceive Pelosi even at a time when favorable ratings for Democrats in Congress have risen. Now the torture briefing stories will cause more problems.

But if she can emerge from these struggles with her reputation and the party relatively intact, Pelosi might very well be on her way to joining the list of some of the legendary speakers of the House. She is certainly already one of the crucial forces behind the reconstruction of the Democratic Party.

Consider the source and the audience

- Zelizer is a well-known professor of American political history, especially regarding Congress. How might that influence his ability to evaluate the potential legacy of a sitting Speaker?