Congress is an exciting place. Real power resides in its members, real social conflicts are tamed or exacerbated by its actions, and thousands of people, most of them good public servants, work within its halls every day. Much good work is done there. In recent years, Congress has passed widely applauded bills that have, among other things, provided new protections for the environment; granted important civil rights to women, minorities, and the disabled; given parents job protection so they can care for sick children; forced states to reduce barriers to voter registration; expanded funding for college students; limited what lobbyists can give to legislators; and set the federal government on the road to a balanced budget.

Congress is a frustrating place as well. It is not easy to understand. Its sheer size—535 members and more than twenty-seven thousand employees—is bewildering. Its system of parties, committees, and procedures, built up over two hundred years, is remarkably complex and serves as an obstacle to public understanding. Perhaps most frustrating is that its work product, legislation, is spawned by a process marked by controversy, partisanship, and bargaining. Even some members of Congress are uncomfortable with the sharp rhetoric and wheeling and dealing that are hallmarks of legislative politics.

But Congress is also important. No other national legislature has greater power than the Congress of the United States. Its daily actions affect the lives of all Americans and many people around the world. If you want to understand the policies affecting your welfare, you must understand Congress.

Congress is always changing. It changes because it is a remarkably permeable institution. New problems, whatever their source, invariably create
new demands on Congress. Elections bring new members, who often alter
the balance of opinion in the House and Senate. And each new president
asks for support for his policy program. Members of Congress usually re-
spond to these demands by passing new legislation. But as lawmakers pur-
sue their personal political goals, compete with one another for control over
policy, and react to pressure from presidents, their constituents, and lobby-
ists, they sometimes seek to gain advantage or to remove impediments to
action by altering the procedures and organization of Congress itself. The
result is nearly continuous change within the institution.

Representation and Lawmaking

Congress is always serving two, not wholly compatible, purposes—repre-
sentation and lawmaking. Members of the House and Senate serve individ-
ual districts or states, yet they must act collectively to make law. Collective
action on divisive issues entails bargaining and compromise—among the
members of each house, between the House and the Senate, and between
Congress and the president. For compromise to be possible, at least some
members must retreat from their commitments to their individual state or
district. Determining who must compromise—and how to get them to do
so—is the guts of legislative politics. The process can be messy, even ugly. It
is not too surprising that “Congress bashing” is one of the constants of
American politics.

Congress can be properly evaluated only by understanding our own con-
flicting expectations about the institution and about the politicians who
work within it. To help you begin to sort out your own thoughts about Con-
gress, this text begins with a brief introduction to how representation and
lawmaking occur in practice on Capitol Hill. As we shall see as we investi-
gate Congress, achieving both perfect representation and perfect lawmak-
ing, in the ways we desire each of them, is impossible.

Representation

Representation in Congress takes several forms. The most obvious type is
that provided by each member for his or her district or state. Members of
Congress are expected to be representatives of their constituents back home.
But that is not a very precise job description. We might think of a represen-
tative’s job as that of faithfully presenting the views of his or her district or
state in Congress—that is, of being a delegate for his or her constituents. But
a delegate-legislator would not have an easy job because constituents often
have conflicting or ambiguous views (or none at all) about the issues be-
fore Congress. Alternatively, members of Congress might be considered—
trustees—representing their constituents by exercising their best judgment
about the interests of their district or state or the nation as a whole. But it is
impossible to be a good delegate and a good trustee simultaneously. We
must realize that we cannot have both faithful delegates and wise trustees.
A third possibility, one that is probably closer to everyday practice for most members, is to see the representative as a *políctico*—one who behaves as a delegate on issues that are important to his or her constituents but otherwise perceives leeway in setting a personal policy agenda and casting votes. Unfortunately, for many members of Congress constituents are not likely to agree either about which issues are important or about when legislators should act as delegates and when they should exercise their own discretion.¹

Even if individual legislators can be considered good representatives for their own constituents, we might still wonder whether Congress can adequately represent the nation as a whole. Congress could be considered a delegate or trustee of the nation. As a delegate, Congress would be expected to enact policies reflecting nationwide public opinion, which is at least as conflicted, ambiguous, or undeveloped as public opinion within individual districts and states. As a trustee, Congress would be expected to formulate policy in a manner consistent with its judgment about the nation’s interests, whatever the balance of public opinion happens to be at a particular moment. Members regularly invoke public opinion (a delegate perspective) or claim that Congress must do what is right (a trustee perspective) in their arguments for or against specific legislation.

In practice, the collective actions of Congress are the product of the actions of its individual members—the institution does not consciously assume the role of a collective delegate or trustee for the nation. In fact, the correspondence between the quality of representation at the district or state level and that at the national level might be quite weak. To see this, imagine an issue with five possible viewpoints. Now imagine that five different members, representing five separate districts, each hold a different view on this issue. As Table 1.1 illustrates, even if most of the members are not well matched to their district, collectively they represent the nation well. Congruence between policy and public opinion may be poor at the state or district level but perfect at the national level. As a general rule, each house of Congress will be at least as a good a delegate for the nation as are individual members for their district or state.²

The logic behind Table 1.1 does not guarantee that Congress will be a good trustee of the nation’s interests, however. The logic fits the houses separately, but it does not guarantee that the House, the Senate, and the president will agree or that they will enact specific legislation. Indeed, James Madison, the chief architect of the Constitution, argued that policy should not necessarily reflect majority public opinion. He justified the creation of an independent executive branch (the presidency) and a bicameral legislature (the two houses of Congress) on the grounds that policy should not simply reflect majority public opinion. For the same reason, he gave the president and the members of the two houses terms of different lengths, specified different means of selecting them, and gave the president the power to sign or veto legislation. He hoped that by increasing the probability that the two houses and the president would clash, proposals that disadvantage minority interests would be either blocked or compromised to incorporate minority
concerns. Madison argued that public opinion should not be equated with the public interest. If Madison is right, we cannot have a Congress that is simultaneously responsive to public opinion and committed to the public interest, at least not at all times.

A third type of representation is that provided by political parties and other groups. Members of Congress are usually recognized as either Democrats or Republicans and often are identified with other groups based on their gender, race, occupation, age, and other personal characteristics. Legislators, presidents, and the public usually see Congress in terms of its party composition. We speak of a “Republican Congress” or a “Democratic Congress,” reflecting the importance of party control of the institution. Although voters choose between congressional candidates only in a single district or state and no one votes directly for a Republican or Democratic majority in Congress as a whole, the party of the candidates and voters’ views about which party should control Congress influence many elections. In turn, legislators tend to join with others of their own party to enact or block legislation, to develop and maintain a good reputation with the public, and to seek or retain majority control. Plainly, a great deal of representation occurs through the party connection.

Although we do not often speak of a white-male-lawyer-dominated Congress, many people are conscious of the composition of Congress beyond its partisan or ideological makeup. A farming background is important for candidates in many areas of the country, whereas a union background is important in other areas. Organized caucuses of women, blacks, Hispanics, and other groups have formed among members of Congress, and groups outside Congress have developed to aid the election of more members from

<table>
<thead>
<tr>
<th>District</th>
<th>District Policy Position on a 5-Point Scale</th>
<th>Legislators Policy Position on a 5-Point Scale</th>
<th>Difference Between District and Legislator</th>
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</thead>
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</tbody>
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one group or another. It is often said that increasing the number of women and minorities in Congress is essential, because legislators’ personal experiences shape their policy agendas. Moreover, the presence of role models in Congress may help motivate other members of these groups to seek public office. We will return to this issue later in this chapter.

Party and group representation bring dilemmas of their own. For example, in recent decades African Americans, who are disproportionately Democrats, have debated whether it is more important to maximize the number of Democrats of any race in Congress or to focus their efforts on improving the prospects for black candidates of either party, such as by redrawing House districts to create black majorities.

We cannot hope for perfect representation in Congress. Our multiple expectations for representation can all be met only if Congress is filled with wise individuals who make policy choices just as we would if we were in their place. But given the diversity of Americans’ political perspectives, that is impossible. Tradeoffs and compromise between the different forms and levels of representation are unavoidable. For any single American, the representation provided by his or her senators or representative may not match the representation provided by the entire Congress or by the various groups within it. And neither individual members nor the institution as a whole can simultaneously be a perfect delegate and a perfect trustee. In practice, we muddle through with mixed levels and styles of representation.

Lawmaking

For Madison, representative government served two purposes. One was to make the law responsive to the values and interests of the people. The other was to allow representatives, not the people themselves, to make the law. This second purpose was, and still is, controversial. Madison explained in Federalist No. 10 that he hoped representatives would rise above the inevitable influence of public opinion to make policy in the public interest. These two purposes—responsiveness to the people and making policy in the public interest—are associated with two attractive but conflicting styles of lawmaking.3

Adversarial democracy is a model of lawmaking that is closely associated with the delegate model of representation. In this model, delegates representing conflicting interests compete for control over the policy choices of government. In Congress, delegate-legislators articulate their constituencies’ competing interests in debate and resolve conflict by the mechanics of voting and majority rule. Bargaining occurs when the interests are quite disparate and coalitions must be formed to create majorities. Policy changes over time as the number of members representing each conflicting interest changes with new elections.

Unitary democracy, or deliberative democracy, is associated with the trustee model of representation. Although conflicting interests may exist, this perspective emphasizes the presence of common interests. The purpose of the
The legislative process is to discover those common interests—the larger public interest, Madison might say—through a process of deliberation. Building a consensus, rather than resolving conflicts by force of majority vote, is the object of this process. As a multimember body representing the entire nation, Congress is uniquely suited to fostering the deliberation essential to building a consensus and enacting law in the larger public interest.

Both forms of lawmaking have appealing features. Adversarial democracy gets conflicts resolved and laws made without undue delay by allowing the majority to choose a policy. Unitary democracy slows down the process to encourage more complete deliberation and allow a consensus to emerge. Madison clearly preferred unitary democracy over adversarial democracy. And yet, powerful political forces make it likely that members of Congress will be strongly influenced by local and partisan interests and that the lawmaking process will take on a strongly adversarial cast. In fact, the more the people insist that members of Congress be faithful delegates for their districts and states, the more adversarial the lawmaking process will become.

In practice, we cannot have a Congress that meets the ideals of both adversarial and unitary democracy, although we sometimes pretend that we can. Commentators sometimes characterize the debate that goes on in committees or on the floor of the House and Senate as deliberative, but more often than not it is adversarial. It is conducted by members articulating established, partisan positions on issues who are quite unwilling to be persuaded by the arguments of the other side. Genuine deliberation is unlikely to take place in debates conducted in public forums; it is more likely to occur in face-to-face meetings among members, staff, and outsiders, away from the public spotlight. Debate and deliberation, although related, are in practice somewhat incompatible forms of discussion. It is not likely that we can have the best of both.4

Long-Term Trends

The tensions that arise from the multiple, sometimes conflicting goals of representation and lawmaking are played out on nearly every major piece of legislation. They have become more severe in recent decades as a byproduct of several changes in American politics. These changes—including changes in the way Congress is covered by the media, evolving standards for public ethics, the rise of plebiscitary politics and new information technologies, new forms of organized efforts to influence Congress, new kinds of issues, and even new types of members—have altered the context of congressional policy making in basic ways.

Bad News and Low Public Confidence

In recent years, Congress has been under siege. The number of incumbents who retired or were defeated at the polls reached a four-decade high in 1992 and 1994. In August 1993, a Gallup poll conducted for CNN and USA Today
showed that only 23 percent of respondents approved (and 69 percent disapproved) of how Congress does its job. A movement to limit the number of terms members of Congress may serve peaked after suffering defeat in Congress and in the courts (see Chapter 5), but public support for the idea remains strong. And criticism of how Congress performs has been intensifying among members themselves. The stress under which Congress and its members have been operating in recent years has been particularly severe. Former Speaker James Wright noted in late 1993 that “when I visit members in Washington, I feel like a psychiatrist and these guys are on my couch.”

Demands for reform have come from all points on the political compass. In fact, Congress has never been a very popular institution. As Figure 1.1 shows, confidence in Congress has not been high at any time in the last two decades (although it has been exceptionally weak in the 1990s). The legislative process is easy to dislike—it often generates political posturing and grandstanding, it necessarily involves compromise, and it often leaves broken promises in its trail. Also, members of Congress often appear self-serving as they pursue their political careers and represent interests and reflect values that are controversial.

Scandals, even when they involve a small fraction of the membership, add to the public’s frustration with Congress and have contributed to the

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**Figure 1.1**

Americans’ Confidence in Congress, 1973–1996

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*Question: As far as the people running these institutions are concerned, would you say that you have a great deal of confidence, only some confidence, or hardly any confidence at all in them?*

institution’s low ratings in opinion polls in the 1990s. Here are some of the highlights from the last decade or so:

In 1989, House Speaker James Wright (D-Texas) resigned after Republicans charged him with ethics violations in connection with his royalties on a book.

In 1991, Senator David Durenberger (R-Minnesota) was condemned in a unanimously approved Senate resolution for a book deal and for seeking reimbursement for expenses for staying in a condo that he owned.

The Senate’s handling of Anita Hill’s charges of sexual harassment against Supreme Court nominee Clarence Thomas raised questions about fairness and sensitivity in the Senate.

The disclosure that many House members had repeatedly overdrawn their accounts at the House bank led people to believe that members enjoyed special privileges, and it led to news stories about cheap haircuts, special parking privileges, and other perks for lawmakers.

Questions about the propriety of campaign contributions were raised in the “Keating Five” affair, which concerned the relationship between five senators and a prominent savings-and-loan owner seeking to block an investigation of his financial dealings.

Two top House employees pleaded guilty to charges of taking money from operations they had supervised.

In 1995, a long investigation of sexual harassment charges against Senator Robert Packwood (R-Oregon) led to his forced resignation from office.

In 1995, Representative Dan Rostenkowski (D-Illinois), former chairman of the House Ways and Means Committee, was found guilty of illegally receiving cash for personal use from the House post office. He later served a prison term.

In 1995, Representative Enid Waldholtze (R-Utah) retired after her husband was charged with felonies in conjunction with raising funds for her campaign.

In 1997, Speaker Newt Gingrich (R-Georgia) agreed to pay $300,000 in fines based on charges that he used nonprofit organizations for political purposes and misled the House Committee on Standards of Official Conduct.

In 1998, Representative Jay Kim (R-California) pleaded guilty to charges involving over $250,000 in illegal campaign contributions.

Congress seems to be a never-ending source of comic relief, like the joke about the senator who dozed off during a roll-call vote, was jerked awake when his name was called, and reflexively yelled out, “Not guilty.” Or the one about the member who kept referring to the presiding officer as “Your Honor.” But seriously . . . it seems fair to say that a large majority of today’s members behave ethically. It is even reasonable to argue that today’s cohort of members is at least as ethical as any past cohort. No doubt the standards of ethics applied by the public, the media, and Congress itself are higher.
today than at any other time. Yet, there is no denying that the disclosures and charges of the past few years have been unusually numerous and have harmed Congress’s standing with the American people.

The extended economic recession of the early 1990s, the struggle with the federal government’s budget deficit, and the festering problems of pollution, crime, and the nation’s decaying infrastructure may have contributed to Congress’s low ratings. Of course, Congress does not act alone, so it is not surprising that ratings for Congress paralleled those of the president and for government as a whole. People who give low ratings to the president and the government in general and who are dissatisfied with the economy tend to give Congress the lowest ratings. When the economy improved in the mid-1990s, particularly after President Bill Clinton and the Republican Congress managed to agree on a plan to balance the budget in 1997, both the president’s and Congress’s ratings improved.

Still, Congress seems to suffer generally from low ratings, which some observers believe represents a long-term trend. Political scientist Norman Ornstein notes that changes in the electronic and print media have led to a greater emphasis on the negative and sensational side of Congress. He refers to this as the “tabloidization” of media coverage:

The drive to emulate the *National Enquirer* and the *Star* has spread to the most respectable newspapers and magazines, while network news divisions have begun to compete with tabloids like “Inside Edition” and “Hard Copy” with their own tabloid shows like “Prime Time Live” and “Dateline: NBC,” and with changed coverage on the nightly news.

Stories or rumors of scandal—both individual and institutional—have dominated news coverage of politics and politicians in the 1990s more than at any time in modern history, and not just in terms of column inches or broadcast minutes but in emphasis as well:

The expansion of radio and cable television talk shows also seems to have increased the speed with which bad news about Congress is disseminated and the frequency with which bad news is repeated. On many of these programs, there is a premium on a quick wit and a good one-liner and little time for sober, balanced commentary.

Groups supporting term limits for Congress and other reforms probably have influenced public opinion as well. Such groups have made the case that congressional incumbents are a privileged class and have created a system in which various benefits of office—including free use of official resources, fund-raising leverage, cozy relations with lobbyists, and so on—give them an unfair advantage that can be overcome only through radical reform. The more extreme versions of this argument suggest that incumbents have been corrupted by their experience in Washington. Incumbents are said to have developed an “inside-the-beltway” mentality—a reference to the freeway that encircles the District of Columbia and its inner suburbs.
Politicians, of course, quickly latch on to themes that resonate with the public. As a result, running for Congress by running against Congress, an old art form in American politics, has gained an even more prominent place in recent campaigns. Indeed, many recent arrivals on Capitol Hill promised to end “business as usual” in Washington and to push through reforms to “fix” Congress—to end the system of congressional perks, to stop the influence of special interests, and so on. The repetition of anti-Congress themes in recent years has contributed, no doubt, to the declining ratings for Congress and its members in public opinion polls.

Plebiscitary Politics

Political scientist Robert Dahl argues that Congress suffers from the increasingly plebiscitary nature of American politics, referring to the trend toward increased direct communication between the public and elected officials and the demise of intermediaries—such as parties and membership organizations—that once served to represent public opinion to elected officials. Plebiscitary politics is facilitated by new technologies. For example, public opinion polls have become more affordable because of advancements in telephone and computer technology. Radio and television talk shows enable nearly every constituent to talk directly to a member of Congress from time to time. “Town meetings” broadcast on radio and television have the same function. Computerized mass mailings flow in and out of Washington every day. Satellite technology allows members to easily and inexpensively communicate with groups in their home state or district. Constituents can reach most members by electronic mail. To help members exploit these technologies, Representative Ron Klink (D-Pennsylvania) proposed that Congress create a bipartisan Congressional Office of Public Opinion Research and Assessment to help members gauge national opinion. (The idea was not pursued after the Republicans gained a majority in 1994, however.)

There seems to be a nearly irresistible temptation for members of Congress to take advantage of the new information technologies. Members love to demonstrate their commitment to keeping in touch with their constituents by being among the first to use a new innovation in communications. Besides, members face real problems reaching constituents in districts and states with ever-growing populations. The average member of the House now has about six hundred thousand constituents, up from about three hundred thousand in 1940 and four hundred thousand in 1960.

On its face, plebiscitary politics might seem to be a good thing: It seems better to have public opinion influencing members’ decisions than to have highly paid lobbyists representing organized interests swaying their votes. But as Dahl notes, the effects of direct communication between the people and their representatives on Capitol Hill may not be so desirable. For example, elected officials might manipulate direct communication to their advantage. If the politicians are the ones who choose the time and place for direct
communication, the process may create nothing more than a deceiving appearance of responsiveness.

More important, plebiscitary politics may undermine both representation and deliberation in legislative policy making. With respect to representation, the “public” that is likely to communicate directly to members may not be representative of members’ larger constituencies. They will be people who are intensely interested in politics generally or in a single issue and can afford and know how to use new information technologies. Thus, there is reason to worry that members’ impressions of public opinion may be distorted by such communication.

With respect to deliberation, direct communication with more constituents could lead members to make public commitments on more issues and consequently reduce their flexibility in negotiating compromises in the legislative arena. The likely result is that demagoguery, chest pounding, and grandstanding would take precedence over resolving conflicts and solving problems, and public opinion would hold sway over the public interest. Presidents and congressional leaders could find that reaching compromises to build majorities in Congress becomes a longer, more public, and more frustrating process.

If Dahl is right, then new information technologies may further intensify public frustration with Congress and encourage even more catering to public opinion by members. The emergence of a plebiscitary syndrome in Congress—marked by hypersensitivity to public opinion, grandstanding, rigidity, and paralysis, with new policy enacted only when the risk of inaction becomes too severe—may be the result. Furthermore, the natural response of elected officials and their challengers to such circumstances may be to encourage even more plebiscitary democracy.

**Governing as Campaigning**

A close cousin to the rise of plebiscitary politics is the weakening distinction between governing and campaigning. Elected officeholders can be expected to seek reelection whenever they view their offices as politically or personally valuable. And the desire for reelection is the primary means by which elected officials, or the government more generally, is held accountable to the people. In broad strokes, at least, campaign promises are (and should be) related to governing, and election outcomes are (and should be) shaped by performance in office. Inevitably, then, the line between governing and campaigning becomes blurred. But in recent decades, campaigning has become more fully integrated with governing. No longer is governing done in Washington and campaigning done at home.

The daily routines of rank-and-file members of Congress have been greatly affected by the demands of raising large sums of money for their campaigns. Few members retire from Congress without complaining about how much it costs to successfully seek reelection. Returning members may not have time to complain. In recent years, the average victor in a Senate
race spent $4.5 million dollars, and the average House victor spent well over $500,000. Many races were far more expensive. For an incumbent seeking reelection, that is an average of more than $11,000 for each week served during a six-year Senate term and about $5,000 for each week served during a two-year House term. These figures reflect a rapid rise in campaign expenditures in the 1970s and early 1980s, some leveling off in the mid-1980s, and significant increases since the early 1990s. Indeed, the new Republican majorities in Congress have demonstrated remarkable skill at raising and effectively leveraging campaign dollars. Competitive pressures have produced a never-ending search for cash on the part of the typical member.

Congressional leaders have changed their ways, too. To assist their party colleagues, most party leaders spend many evenings and weekends at fundraising events. Many leaders have developed their own political action committees (leadership PACs, they have been called) to raise and distribute money. Leaders have formed public relations task forces within their parties, and the campaign committees of the congressional parties have greatly expanded their activities. Perhaps most important, congressional leaders now often use technology developed for campaigning in legislative battles. Professional consultants and pollsters help fashion legislative priorities and tactics. Opposition research—digging up dirt on your election opponent—is now conducted against congressional colleagues of the opposite party. Media campaigns are now planned for major legislative proposals, with the assistance of television advertising specialists.

**New Forms of Organized Influence**

The number of interest groups in Washington and the rest of the country has multiplied many times over in recent decades. By one count, the number of groups increased from about one thousand in the late 1940s to well more than seven thousand in the early 1980s. This is primarily a by-product of the expanding scope of the federal government’s activity—as more interests were affected by federal programs, more interests sought representation in Washington. Technological developments in transportation, information management, and communications have enabled scattered people, firms, and even state and local governments to easily organize, raise money, and set up offices and staff in Washington. The process feeds on itself, with new groups forming to counter the influence of other recently formed groups. The result has been a tremendous increase in the demands placed on members of Congress by lobbyists from organized groups.

Not only have interest groups multiplied, they have also become more diverse. In addition to groups associated with economic interests, many of them representing new industries, “citizens’” groups sprouted in the 1960s and 1970s and continue to grow in number. These groups are often outgrowths of national movements—such as those for civil rights, women’s rights, children’s rights, the elimination of hunger, consumers’ rights, welfare rights, gay rights, environmental protection, the homeless, and so on.
Many of these groups now enjoy memberships numbering in the hundreds of thousands.

Campaign finance reforms in the early 1970s enabled all interest groups, including both profit and nonprofit organizations, to create political action committees and become active contributors to legislators’ election campaigns. Needless to say, campaign contributors have an edge over others in gaining the attention of legislators. More than that, the availability of money from political action committees has greatly reduced candidates’ reliance on parties for the resources critical to winning elections.

New technologies have altered lobbyists’ strategies. For decades, interest groups have used specialized magazines and other publications to educate and activate their membership on behalf of their causes. Efforts to use these publications to get the public to contact members of Congress came to be known as grassroots lobbying. By the early 1980s, interest groups were using computerized mass mailings to encourage their memberships and other targeted groups to generate public pressure on members of Congress. By the late 1980s, computerized telephone messages allowed groups to communicate with many thousands of people within a few hours. Technology now allows a group to telephone its own members, a targeted group (such as one House member’s constituency), or the general public; briefly interview the respondents about their views on a subject; and, for respondents who favor the group’s position, provide a few more facts to reinforce their views, solicit them to write letters to members of Congress, and quickly transfer the calls to the appropriate Capitol Hill offices before the respondents hang up. Several groups have developed television programs—some shown on the many cable television channels that are available in most communities—as a way of reaching specific audiences. Lobbyists are already planning ways to take advantage of electronic mail and interactive video technologies to flood Congress with constituents’ messages.

Plainly, the roots have been taken out of grassroots lobbying. New technologies provide the ability to make highly targeted, highly efficient appeals to stimulate constituency demands on Washington. As a result, for a group with money, the absence of a large membership is not much of an obstacle to generating public pressure on members of Congress.

These developments have reshaped the working environment of members of Congress. All members face demands from organized groups to champion specific causes. More lobbyists are at the door and on the phone asking that a member sponsor or block a particular bill or amendment. Of course, this gives members opportunities to pursue issues with the backing of groups and their staffs. Even junior members get approached, because they are viewed as being available and in the market for an issue that will attract attention. Some enterprising members take advantage of these opportunities to develop a nationwide constituency in a certain policy area, which may prove useful later for fundraising or when running for higher office. Thus, the entrepreneurial activity of lobbyists and members loads
more issues, often minor ones, onto the agendas of committees and their parent chambers.

These new forms of lobbying complicate the lives of most members. In addition to having to field more demands from lobbyists and constituents, members have difficulty distinguishing spontaneous surges in constituency communications from those that are stimulated by lobbyists. For example, not too long ago members could discount receiving hundreds of identical postcards on an issue because they knew that some interest group had simply included them in a mass mailing. But computer-generated letters, telephone calls, and e-mail make discounting a swell of communication on an issue an increasingly tricky business. Cutting through the avalanche of communications lawmakers receive to reach some reasonably valid assessment of how many constituents care about an issue, even an apparently unimportant one, is proving more and more difficult.

New Issues

New issues—such as national health care reform—always present some difficulty for Congress. They often create problems for congressional committees, whose official jurisdictions were defined years earlier when the new issues were not anticipated. Committees scramble to assert jurisdiction, and committee leaders or the parent chambers are asked to referee. After some amount of infighting and delay, committees eventually manage to adjust. In the view of some observers, however, new issues are surfacing at an increasing rate of speed, and Congress’s ability to adjust in a timely way is becoming more and more strained.

Beyond the velocity with which issues now appear, it is also fair to say that the issues facing Congress are becoming more technical and complex. Increasingly, expertise in science, engineering, economics, or other fields is required to understand policy problems and alternatives. Congress often solves this problem by setting broad policy goals and delegating the power to make the necessary technical decisions to experts in the executive branch. In this way, Congress is able to respond to demands for action—but it does so at the cost of enhancing the executive branch’s power over the details of public policy. At other times, Congress seeks to legislate the technical details, but the cost then is that only a few members and staff assistants can understand the legislation and participate effectively in making important decisions. Scientific and medical research, defense programs, environmental protection, the regulation of financial institutions, international trade, and many other fields of public policy are no longer within the common experiences of elected officials. Thus, most members must look to competing interpretations of proposed legislation offered by staff specialists, lobbyists, and a wide array of outside experts.

The increasing complexity of the issues facing Congress is a result of the increasing complexity of American society and of the integration of the international and domestic economies. Fewer major policies can be debated in
isolation from other major policies. Health care reform, for example, concerns employer-employee relations, economic growth, welfare reform, and tax policy, among other things. This complexity leads Congress to craft unwieldy bills, often written by multiple committees, laden with technical language, and reaching several hundred pages in length. (Figure 1.2 shows the increasing length of the average bill enacted by Congress in recent decades.) Even if the component parts of a bill are easily understood, the many ways in which they might interact can make it difficult to understand how a policy, or set of policies, will work in practice.

To make matters worse, Congress also confronts the politics of scarcity today. The services Americans expect government to provide—quality education, bridges and highways, water and sewer systems, medical and scientific research, and so on—require renewed financial commitments at a time when the federal government is struggling to maintain a balanced budget. Popular initiatives in health care, job training, information networks, and other fields are held back because of fiscal constraints. Congress is faced with choosing between basic priorities, often forcing some segments of society to go without the level of government services they have previously enjoyed. This task is not pleasant and may be politically impossible for elected officials.

**Figure 1.2**

Number and Length of Public Bills Enacted, 1947–1994

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Political scientist Lawrence Dodd believes that Congress, at least as it now operates, cannot cope with the important issues of our time. In his view, the problem lies in the relationship between members and their constituents:

The voters may see the decay of urban infrastructure, sense the declining educational and job opportunities of their children, acknowledge the ecological damage of industrial pollution, and worry about the long-term effects of a mounting deficit. But as they consider their vote for senator and representative, the citizens override any broad concerns they may have with collective issues and vote in accord with ensuring immediate benefits; they do so by voting for the powerful local incumbent who can assist with a desired local defense contract or who can help them with their veterans claim or Medicare benefits. They do so because of the immediate influence that a powerful incumbent legislator can have on their particularized interests. Likewise, the legislators may share a growing concern with collective societal and economic reversals. But their efforts to maintain electoral security and exercise personal influence in Congress are best served by focusing on those particularized programs that mobilize group support, that help them build a solid reputation as effective legislators, and that ensure election. The emerging collective problems of the new era thus go unacknowledged and tear away at the fabric of society. If Dodd is right, then the public’s ratings of congressional performance will be low for many years to come.

Congress’s tendency is to allow the president to define solutions to the nation’s problems and then to criticize those solutions from narrow, often parochial perspectives. Unfortunately, plebiscitary politics, the proliferation of interest groups, and the new ways technology has provided of influencing members of Congress reinforce this tendency. Rather than encouraging members to pursue the national interest and exercise good judgment about the complex issues they confront, modern politics puts more pressure than ever on members to explain themselves in terms that are readily understood by the folks back home. Scholar and congressman David Price (D-North Carolina) observes, “Members must constantly explain themselves and their actions in terms of ordinary knowledge. A decision that does not lend itself to such an explanation often has a heavy burden of proof against it. In the era of television journalism, of thirty-second ads and negative advertising, a defensive deference to ordinary knowledge has probably become more important in congressional behavior than it was before.” The gap between what legislators do and what they can explain seems to be widening.

Changing Membership

In recent decades, demographic and social changes in American society have altered the composition of Congress in important ways. One important change has been in the allocation of House seats to the states. The 435 seats of the House are reapportioned every ten years to reflect changes in
the distribution of the nation’s population across the states. Population shifts have allowed certain states in the South and West to gain seats in the House of Representatives at the expense of several Atlantic and midwestern states. The regional shifts are visible in the map shown in Figure 1.3. Census Bureau projections suggest that the South and West will gain even more seats after the national census in the year 2000—again at the expense of the industrial Northeast and Midwest.

The redistribution of seats away from the northern industrial states has reduced those states’ political clout at a time when they could use it. The need for infrastructure repairs, worker retraining, low-income housing, and other government services are more severe in the old industrial states than in other regions of the country. Yet, these states’ declining influence in the House is reducing their ability to acquire financial assistance from the federal government. Indeed, the shift of power to the more conservative regions of the country has undercut congressional support for a major federal role in the rehabilitation of the industrial cities of the northern-tier states.

The population growth in the South is the result of that region’s economic growth, an influx of workers from the older industrial states, and the expansion of the region’s middle class. The most obvious consequence of these developments is that the South is no longer a one-party region, as it was just three decades ago. Republicans are now competitive in Senate races throughout the South and hold many House seats as well. As recently
as 1960, Republicans held no Senate seats and only 6 of 104 House seats in the states of the old Confederacy. After the 1992 elections, Republicans held 13 of the 22 Senate seats and 48 of the 125 House seats in the region, with the largest numbers in Florida and Texas. The southern Senate seats were critical to Republicans between 1981 and 1986, when they controlled the Senate and again after 1994.

Beyond the changes in regional representation and partisan composition in Congress, Capitol Hill has also acquired a sizable contingent of women and minorities. The growing strength of women’s and minority groups, the acquisition of political experience by women and minority politicians in state and local government, and new voting laws have contributed to the recent improvement in these groups’ representation in Congress. In 1993, the Senate gained its first Native American, Ben Nighthorse Campbell (D-Colorado), who later switched parties, and its first black woman, Carol Moseley-Braun (D-Illinois). Figure 1.4 shows the gains that women and blacks have made in Congress in recent years, and even more—many more—women and blacks have been running for Congress. More than one hundred women have been major party candidates for Congress in each election since 1992.
To be sure, women and minorities are still underrepresented in Congress, but few doubt that women and minority lawmakers have already had a substantial impact. Most obviously, the Congressional Caucus for Women’s Issues, the Congressional Black Caucus, and, to a lesser extent, the Congressional Hispanic Caucus, which had fifteen members in 1993, have become important factions within the House Democratic party. More generally, issues important to these groups have been given higher priority by party leaders, and the interests of women and minorities have been given greater prominence in debates on many pieces of legislation. Indeed, social and economic problems seem to be more frequently discussed in the first person today—that is, more members refer to their personal experience when addressing their colleagues and constituents. And although female and minority members of Congress have not yet been elected to the top party leadership posts, several have held second-tier party positions, and even more have gained sufficient seniority to chair important committees and subcommittees.\(^\text{14}\)

For many Washingtonians, the increasing influence of congressional women and minorities was symbolized by Senator Moseley-Braun’s successful effort in 1993 to reverse a Senate vote extending a government design patent for an organizational insignia that many minorities found
deeply offensive. The Senate Judiciary Committee, at the senator’s request, turned down a request from the United Daughters of the Confederacy to renew the design patent for the group’s insignia—the flag of the Confederacy, encircled by a wreath. Senator Jesse Helms (R-North Carolina) then sought Senate approval of a floor amendment that would have granted the patent extension. With few senators giving the amendment much thought, the Senate approved a preliminary motion, 52 to 48. The action outraged Moseley-Braun, who came to the floor and delivered a blistering attack on the amendment. Threatening to filibuster if the Senate did not reject the Helms amendment, Moseley-Braun asserted that “the issue is whether or not Americans such as myself who believe in the promise of this country . . . will have to suffer the indignity of being reminded time and time again that at one point in this country’s history we were human chattel.”15

Still a Boys’ Club?

An excerpt of an interview with two members of the House of Representatives on CBS’s “This Morning” program on October 12, 1993, follows. The host was Paula Zahn.

PAULA ZAHN: . . . joining us this morning are Democrat Eva Clayton of North Carolina, who’s the president of the freshman class, and California Democrat Lynn Woolsey. . . . Let’s start off by talking about your attempts to crack the boys’ club. What is the biggest single challenge you’ve had in that regard in your first year in office?

REP. CLAYTON: Well, for me it’s to be taken seriously.

Ms. ZAHN: That is still a problem?

REP. CLAYTON: Well, I find it a problem.

Ms. ZAHN: Now, tell me how that manifests itself.

REP. CLAYTON: Well, it manifests itself when you want to put an idea on the table and you’re not given as serious debate as you think your male colleagues are. There’s not the rudeness, but it’s just the “How dare you?”

Ms. ZAHN: Do you find the attitude dismissive?

REP. CLAYTON: Well, it’s—surely it is. It’s not respectful. It’s not demanding. We came to Congress to be serious members of Congress, not to be placated, not to be put on a shelf, but to be taken seriously in our debate. That for me has been the most frustrating.

Ms. ZAHN: Have you had that same frustration?

REP. WOOLSEY: Well, my frustration, Paula, is that women’s issues aren’t yet concentrated on like they need to be. Really, being a woman or not being a woman doesn’t, I don’t think, play any part in my legislating. But I think our issues are on the second shelf. And until we get even more women—I think we’re making a big difference just having 24 more new women, but 48’s not enough out of 435.

Ms. ZAHN: What would be the consequences of having even more congresswomen on the Hill? What kind of issues are we talking about that
Senator Moseley-Braun’s speech and her later exchanges with other senators captured the attention of the entire Senate and of many congressional observers. Senators’ reactions were unusually emotional, and several of them commented on how important it was to have Moseley-Braun in the Senate. The Senate then voted 75 to 25 to set aside the Helms amendment. Moseley-Braun later observed that she had “given the Senate some hope that we can break out of the kind of business-as-usual mode that this institution has so long been known for.”

Notable changes have occurred as well in members’ occupational profiles. Congress is still dominated by lawyers and business executives, with nearly 250 lawyers and 150 executives. The number of farmers has declined—down from about seventy-five in the 1950s to about twenty-five in 1994. Educators have become more numerous. Overall, the occupational
backgrounds of members are now somewhat more diverse than they were three or four decades ago.

These trends in the membership of Congress—the shift to the Sunbelt, the increasing numbers of women and minority members, and the greater diversity in members’ previous experience—are likely to continue well into the next century. They are likely to continue as sources of change in the way Congress conducts its business and in the policy choices Congress makes.

**Changing Party Control**

Perhaps the most conspicuous change in Congress is recent years was the advent of Republican control after the 1994 elections. Although the Republicans did have a majority in the Senate from 1981 to 1986, they had not controlled both houses of Congress since 1954. Whether the Republicans can retain this control is an open question, but there is little doubt that they have substantially improved their competitiveness in congressional elections. The immediate consequences of the Republicans’ regaining control of Congress are noted throughout this book.

Political scientist Richard F. Fenno, Jr., argues that frequent changes in party control keep the arrogance of the majority party in check. It may also reduce the temptation for a new majority to overreach itself once in office.
According to Fenno, because the Democrats had dominated the House for forty years, when the Republicans took over in 1994 they were both inexperienced and impatient. The Republicans overstated their mandate from the 1994 elections, translated that inflated mandate into rigid and ultimately unsuccessful legislative strategies, and perhaps contributed to the reelection of Democrat Bill Clinton to the presidency in 1996.

Fenno also observes that the long era of Democratic rule led the Republicans, prior to their 1994 takeover, to adopt radical measures to end it. The Republicans assumed an uncompromising stance in Congress, making legislating more difficult and heightening partisanship. And after the Republicans gained control, Speaker Gingrich led a rhetorical assault on the very institution his party had fought to control, contributing to a further loss of public support for Congress.

If Fenno is right, then alternating control of Congress will produce greater flexibility in party policy positions, more pragmatic party strategies, greater civility in political discourse, and perhaps greater public support for the institution. Preliminary evidence may support his argument. In late 1996, hoping to do well in the upcoming elections, the House Democratic leadership was quoted as saying, “Our themes will be to make the institution look reasonable, to take moderate steps for average Americans and to make sure that the public understands what we are doing.” In 1997, after experiencing a lopsided defeat in the presidential election and a scare in the House elections of 1996, congressional Republicans proved considerably more willing to bargain with the president over the single most important matter before Congress, the budget (see Chapter 12). A political “uncertainty principle”—that an uncertain electoral future breeds political moderation—may have contributed to the outcome.

**Tempered Decentralization Within Congress**

These changes in public expectations; the issues before Congress; members’ policy preferences, strategies, and characteristics; campaigning; the interest group community; and party control have already produced great change in congressional rules, committee and party organization, and legislators’ decision-making processes in recent decades. The speed of change in Congress makes the identification of eras in congressional politics a precarious business. Nevertheless, political scientists see the Congresses of the 1980s and early 1990s as distinctive enough to warrant a special label. They call this period the “post-reform” era. This term requires some explanation.

The House and Senate went through a period of reform in the early 1970s that led observers of the day to warn about the dangers of fragmentation in congressional policy making. Power was flowing away from central party and committee leaders and toward subcommittees and individual members. The coordinating and integrating influence of the central leaders appeared to be waning, and Congress seemed to be losing whatever ability
it had to enact coherent policy. All of this happened at a time when the pressures brought by new interest groups, new lobbying strategies, and new issues were mounting. Although Congress had become a more open and democratic institution, its capacity to manage the nation’s affairs seemed diminished. The mixed legislative record of the Carter years (1977–1980) confirmed the fears of most proponents of a strong national legislature.  

By the mid-1980s, however, Congress—particularly the House—had not turned out as many had expected based on the experience of the 1970s. Members’ individualism had moderated a little, the congressional agenda had become more focused, party leaders and party organizations showed signs of revitalization, and the decentralization of power to the subcommittees had been tempered. Although Congress did not revert to its old ways, it acquired a new mix of characteristics that justified a new label. A brief review of the characteristics of the post-reform Congress serves as an introduction to many of the topics addressed in later chapters.

**Tempered Individualism.** Whatever other changes occurred between the 1970s and 1980s, the entrepreneurial spirit of individual members remained strong. In fact, it is almost a cliché to call members of today’s Congress political entrepreneurs. The term is used to indicate members’ relative independence from local and national parties. Candidates for congressional office now develop their own campaign organizations, raise their own money, and set their own campaign strategies. This independence from the national political parties tends to carry over when the winners take office. Once in office, members use official resources and exploit their relationships with interest groups and political action committees for political advantage. Knowing that they are on their own when it comes to getting reelected, they take full advantage of taxpayer-supported travel opportunities and communications technologies to maintain a high profile at home. They also have little reason to be deferential to party or committee leaders, who have relatively few resources that can influence members’ reelection prospects. These topics are addressed in Chapters 4 and 5.

By the late 1970s, members had become weary of the surge in committee and floor activity that was the by-product of reforms and unchecked individualism. Part of the concern was that members were spending longer days on Capitol Hill, away from their families and their home states and districts. And part of the concern was political—members faced more numerous and more hazardous political choices as their colleagues introduced more bills and offered more amendments in committee and on the floor. In the House, some members, even some of those responsible for the reforms, began to ask committee and party leaders to reassert some control. The most conspicuous response was more restrictions on floor amending activity in the House, a topic that is addressed in Chapters 5 and 7. But more generally, both representatives and senators now seem to appreciate leaders who are willing to
set some direction, narrow the agenda, and reduce scheduling and political uncertainties. Individualism appears to have tempered somewhat.

In recent years, the entrepreneurial spirit has taken on a new twist. Members have become quite sensitive to charges that congressional incumbents enjoy special benefits. To show their commitment to the values they share with their constituents, incumbents have engaged in one-upmanship to reduce the perquisites of office. Some members have refused to accept salary increases. Others have turned back unspent allocations for staff or office expenses. Still others have moved to reduce the extent to which parking, exercise facilities, restaurants, and haircuts are subsidized on Capitol Hill. More important, members have voted to trim budgets for staff and to eliminate some committees to show their commitment to cutting spending. Some members legitimately fear that these cuts will reduce their ability to meet their constituents’ demands and will undermine Congress’s ability to compete with the executive branch.

Individualism was tempered even further when the Republicans gained a majority in the House after the 1994 elections. Eager to demonstrate their ability to govern, and committed to passing a policy program, labeled the “Contract with America,” that they had campaigned on, the House Republicans licensed their leader, Speaker Gingrich, to set an extremely firm agenda. The House had not experienced such domination by the Speaker since the first decade of the twentieth century. The Republicans imposed cuts in committee budgets, which reduced the funding for subcommittee staffs, and dropped the rules the Democrats had adopted in the 1970s that guaranteed subcommittee chairs some independence from full committee chairs.

Changing Budget Constraints. The large federal budget deficit was a dominant force in legislative politics during the period from 1980 to 1995. Few new federal programs were initiated, and much, if not most, of the period’s important legislation consisted of large budget bills, particularly budget reconciliation bills. These bills, which are discussed in Chapter 12, are the handiwork of many congressional committees and affect the full range of federal programs over multiple years. This emphasis on large, all-encompassing budget bills further reduced the ability of committees and individual members to pursue policy initiatives.

During the same period, many members seemed to turn from wanting to claim credit for legislative accomplishments to seeking to avoid blame for making unpopular choices. Not only did this reduce comity on Capitol Hill and make service in Congress less enjoyable, it changed lawmakers’ basic approach to policy making. Major decisions were made in closed-door sessions between top party and budget leaders and top administration officials rather than in open meetings in dozens of committees and subcommittees. The desire to avoid blame was also evident in the policy choices Congress made. Instead of considering the merits of individual programs, lawmakers passed broad spending caps or across-the-board spending freezes. The House voted to automatically increase the national debt ceiling rather than
try to peg it at a specific level or reduce it. When faced with politically sensitive issues such as congressional salary increases and choosing which military bases to close, Congress created outside commissions to deal with the problem.

Now that it appears that the federal budget will be in balance for the foreseeable future, the politics of blame may be supplanted by a politics of claiming credit. At the start of 1998, the Congressional Budget Office, Congress’s budget and economic forecasting agency, projected no deficits and measurable surpluses to the year 2008. Predictably, new policy initiatives were proposed by Democratic president Bill Clinton on such issues as health care for the elderly and day care for the children of working parents. Republicans urged more tax cuts and a few initiatives of their own. This early experience with a balanced budget suggests that congressional politics will have a very different tone in the next decade compared with the past two.

**Revitalized Parties.** In the post-reform era, parties and their leaders have taken on greater importance than was predicted in the 1970s. Frustrations with unrestrained individualism and an emphasis on balancing the budget—an issue that had long divided the parties—also contributed to the assertiveness of top party leaders during the 1980s and early 1990s. The replacement of some conservative southern Democrats by conservative Republicans made the Democratic cohort in Congress more liberal on balance and reinforced the conservatism of congressional Republicans. Divided control of Congress and the presidency seemed to further intensify partisanship in the 1980s, as each institution and party tried to avoid blame for ballooning deficits, unmet demands for action on social problems, and economic hard times. Top party leaders began to speak more authoritatively for their parties, and party regulars looked to their top leaders to more aggressively promote party views in the media. And at least for a year or so after the Republicans gained a majority of House seats in 1994, Speaker Gingrich came to be recognized as the most powerful Speaker since Joseph Cannon (R-Illinois) in the first decade of the twentieth century. He has not maintained that lofty reputation since then, but he and his party remain remarkably active in all major policy decisions. These developments are detailed in Chapter 6.

**Less Autonomous Committees.** Chapter 7 details the substantial changes that have occurred in the role of the congressional committees in making law. Multiyear budget pacts, more assertive party leaders, the referral of more legislation to multiple committees, and less deferential parent chambers have altered the place of committees and their subcommittees in the policy-making process. When committees may act and the kinds of legislation they may propose are now more highly constrained, and when they do act, committees are quite likely to be second-guessed by members when their legislation reaches the floor. Some committees have shifted their em-
phasis from writing new legislation to overseeing executive-branch implementation of existing laws, although most members continue to believe that they should take oversight of the executive branch still more seriously than they do. Thus, although committees remain central features of congressional policy making, they do not enjoy the autonomy that they once did.

The Changing Congress

The ways in which representation and lawmaking are pursued in Congress have evolved in important ways in recent decades. As this chapter has implied, not all of these developments have improved representation or lawmaking. In the chapters that follow, many of these developments are given a closer look. But however serious we judge the problems of today’s Congress to be, we should remember that Congress is a remarkably resilient institution. Its place in the political process is not threatened. It is rich in resources; critics even charge that it is too strong. And despite any attacks on Congress from critics, the legitimacy of its decisions are not seriously questioned by the chief executive, the courts, the states, or the American people.

NOTES


