

CONGRESS

- ★ *In 1995 Republicans in the House of Representatives made Newt Gingrich the most powerful Speaker in more than eighty years. Less than four years later they forced his resignation. What accounts for changes in the share of authority members are willing to delegate to party leaders?*
- ★ *Why do members of the House and Senate follow complex, arcane rules and precedents in processing legislation even when such devices keep majorities from getting their way?*
- ★ *Why, during its 1998 impeachment of President Bill Clinton, did the House never vote on censuring the president, the option most popular with the public and probably with the House membership as well?*
- ★ *Congressional incumbents rarely lose elections. Why then are they obsessed with the electoral implications of nearly everything they do?*
- ★ *Why do members of Congress show such a strong inclination to be individually responsive but collectively irresponsible?*

In 1994 the Republican Party won a majority of seats in the House of Representatives for the first time in more than forty years. The election elevated Newt Gingrich of Georgia, one-time history professor, from minority whip to Speaker of the House, next to president the most powerful position in Washington. The House Republicans intended to use their newly won power to change dramatically the direction of national policy, dismantling programs that had accumulated under decades of Democratic rule. Campaigning on their "Contract with America," Gingrich and most Republican House members had promised to cut income taxes, reduce spending on welfare programs for poor families, and in-

troduce constitutional amendments requiring a balanced federal budget and term limits for members of Congress. Robert Livingston of Louisiana, elevated by Gingrich to chairman of the powerful Appropriations Committee, described Republican plans: "We are going to be re-evaluating every program, every rice bowl that the Democrats have built up over 50, 60, years. There are a lot of them that are going to be kicked over."¹ Claiming that the Democrats had used the rules governing how the House is organized and conducts its business to stifle debate on the Republicans' favorite hot-button issues, Livingston vowed that the new regime would put those issues "four-square right in their face. We are going to be revolution-



More than three hundred Republicans stepped up to sign the Contract with America during the 1994 midterm election campaign. Although it is history and its architect, Newt Gingrich, has left Congress, the contract, together with the Republican class of 1994 it helped to elect, demonstrated that a minority opposition party in Congress can present a coherent alternative to the president's policies. The fact that this opposition effort was the first to succeed is a reminder of how hard it is for political parties in America to commit their members to a course of action.

ary. . . . We are going at their throats.”² The first order of business, then, was to change many of the rules. Only then did Republicans turn to the substance of national policy.

Voters also gave Republicans majority control of the Senate. The Senate Republicans, led by Majority Leader Bob Dole of Kansas, left the chamber's rules intact when they took over and displayed rather less revolutionary fervor than their colleagues in the House. Observers speculated as much about how the House and Senate leaders would get along as they did about how they would deal with the Democrat in the White House, Bill Clinton. The House Republicans kept their promise to act on all items in the Contract with America within the first hun-

dred days of the 104th Congress (1995–1996), but only half the items actually became law. The others fell victim to failure in the House or Senate or to President Clinton's veto.

What do the dramatic events of 1994 and 1995 say about Congress?

- Congress occupies the center stage in national policy making. Republicans were confident they could shape national policy more to their liking through control of both houses of Congress, but not the presidency, than they had been able to do during the twenty years (1967–1976, 1981–1993) a Republican had occupied the White House while Democrats held a majority of House (and usually Senate) seats.

- Electoral politics influences almost everything Congress does.

- Parties, through party leaders, direct and sometimes dominate the action in Congress.

- The rules and organizational structures the House and Senate adopt have a deliberate and crucial effect on both the distribution of power and policy making in Congress.

- The House and Senate differ in many ways; shared party labels do not guarantee cooperation and agreement between them.

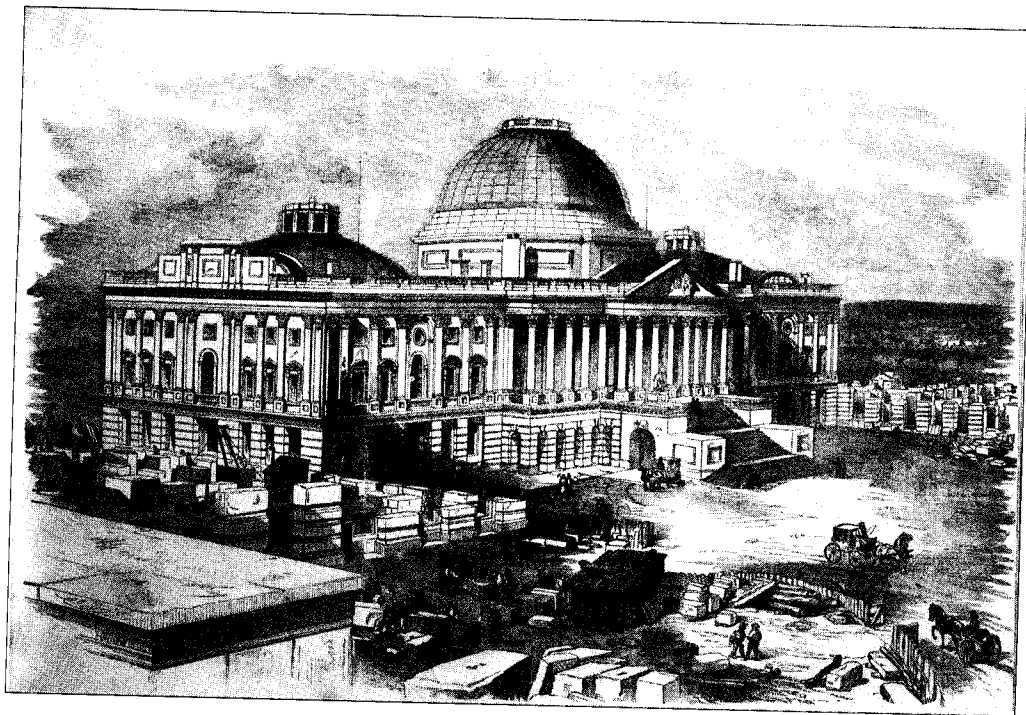
- It is always far easier to stop things from happening in Congress than to make things happen.

This chapter explores each of these themes while explaining how and why the House and Senate operate as they do. It also looks at how these institutions have evolved in response to the changing motives and opportunities, personal and political, of the politicians elected to them. Any such discussion must be prefaced, however, by

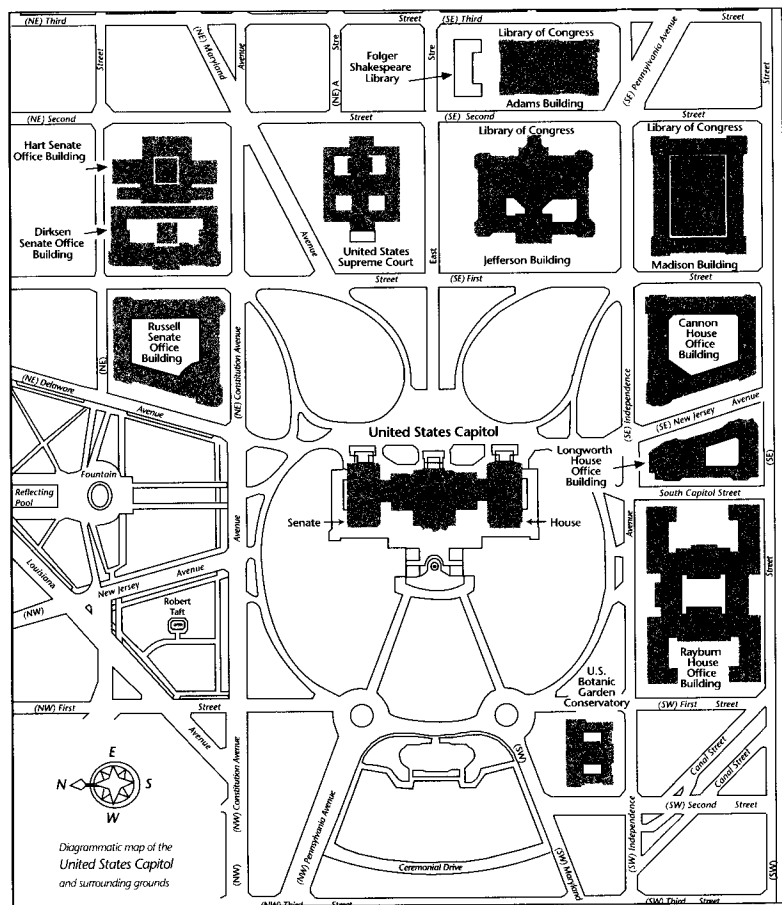
a review of the constitutional design of Congress and the extensive powers granted it by the Framers.

Congress in the Constitution

The basic structure of Congress is the product of the Great Compromise at the Constitutional Convention, described in Chapter 2. Balancing the demands of the large states for national representation against the demands of the small states for protection of states' rights, the Framers established in the Constitution a House of Representatives, with seats allocated by population and members elected by the citizenry, and a Senate composed of two members from each state chosen by the state legislature. Bicameralism (two houses) also helped to resolve another dispute. Delegates to the convention disagreed about the appropriate degree of popular influence on government. But, using the bicameral structure, they were able to devise a mixed solution. Representatives would be "popularly" chosen in biennial elections held in even-



Washington's city planner, the young Frenchman Pierre L'Enfant, consulted the Constitution before placing the Capitol on the highest hill in the city. From 1825 to 1856 the Capitol lacked a large dome—the original low wooden dome is depicted here—causing L'Enfant to describe it as “a pedestal waiting for a monument.”



The modern Congress occupies many buildings around the periphery of Capitol Hill. Although the office buildings have dramatically altered the local landscape, the map confirms preservation of L'Enfant's central concept that avenues should radiate from the Capitol to give citizens easy access to the representative branch of government.

numbered years. The two-year term was a compromise between the annual elections advocated by many delegates and the three-year term proposed by James Madison. Broad suffrage—the qualification for voting was to be the same as for the “most numerous Branch of the State Legislature” (Article I, Section 2)—and short tenure were intended to keep one chamber, the House, as close as possible to the people.

The Senate, by contrast, would be much more insulated from momentary shifts in the public mood. Senators would be chosen by state legislatures, not directly by the

voters. The term of office was set at six years, another compromise; terms ranging from three to nine years had been proposed. Continuity was assured by the requirement that one-third of the Senate's membership stand for election every two years. The Senate could thus act as a stable, dispassionate counterweight to the more popular and radical House, protecting the new government from the dangerous volatility thought to be characteristic of democracies. As James Madison put it in *Federalist* No. 62, “The necessity of the Senate is . . . indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.” The Senate also incorporated remnants of state sovereignty into the new national government.

Qualifications for office also reflected the Framers' concept of the Senate as the more “mature” of the two chambers (*senate* is derived from the Latin *senatus*, old man). The minimum age for representatives was set at twenty-five years, for senators thirty years. Representatives had to be citizens for at least seven years, senators for nine years. Both were required to reside in the state they represented. Representatives do not have to re-

side in the district they serve, but in practice they almost always do. These are the only qualifications for office specified in the Constitution. The property-holding and religious qualifications included in many state constitutions were explicitly rejected, as was a proposal to forbid a member's reelection to office after serving a term. The Articles of Confederation had included a reelection restriction, but the Framers thought it had weakened Congress by depriving it of some of its most effective members.

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Powers of Congress

As we saw in Chapter 2, the Constitution established a truly national government by giving Congress broad power over crucial economic matters. Article I, Section 8, authorizes Congress to impose taxes, coin and borrow money, regulate interstate and foreign commerce, and spend money for the "common defense" and "general welfare." Tacked on at the end of this list of specific powers is a residual clause authorizing Congress "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." Accepted by many delegates as an afterthought, the necessary and proper clause—often known as the elastic clause—has proved to be the single most extensive grant of power in the Constitution, giving Congress authority over many different spheres of public policy (see Chapter 3). Indeed, it was under this authority that Congress banned discrimination in public accommodations and housing in the 1960s (see Chapter 4).

Congress was given significant authority in foreign affairs as well. Although the president is designated commander in chief of the armed forces, only Congress may declare war, raise and finance an army and navy, and call out the state militias "to execute the Laws of the Union, suppress Insurrections and repel Invasions" (Article I, Section 8). The Senate was granted some special powers over foreign relations. In its "advice and consent" capacity, the Senate ratifies treaties and confirms presidential appointments of ambassadors.

The Senate also approves presidentially appointed Supreme Court justices and top executive branch officials. These powers reveal that, in part, the Framers viewed the Senate as an advisory council to the executive, modeled on the upper chambers of some state legislatures. But they also reflect the Framers' belief that the more "aristocratic" and insulated of the two houses would keep a steadier eye on the nation's long-term interests.

In distributing power between the House and the Sen-

ate, the delegates sought a proper balance of authority. One bone of contention was the authority to raise and spend money. Some delegates wanted to give the House, as the chamber closer to the people, the exclusive authority to enact legislation to raise or spend money; the Senate would be allowed to vote on House bills but not amend them. The final compromise required merely that bills raising revenue originate in the House, with the Senate having an unrestricted right to amend them. The House was given no special authority to initiate spending bills, but it has assumed that right by custom as an extension of its special authority over revenue bills.

Despite its many legislative powers, Congress does not have exclusive authority over legislation. The president may recommend new laws and, in emergencies, call Congress into special session. Most important, the president has the power to veto laws passed by Congress, killing them unless two-thirds of each chamber votes to override the veto.

The Electoral System

Two other choices made by the Framers of the Constitution have profoundly affected the electoral politics of Congress. First, members of Congress and presidents are elected separately. In parliamentary systems like those found in most European countries, government authority rests with the legislature, and it chooses the chief executive (called the prime minister or premier). Thus voters' choices for legislators depend mainly on their preferences for leader of the executive branch. In the United States, voters are presented separate choices for senator, representative, and president.

Second, members of Congress are elected from states and congressional districts by plurality vote—that is, whoever gets the most votes wins.³ Some parliamentary systems employ **proportional representation**, which gives a party a share of seats in the legislature matching the share of the votes it wins on election day. For example, if a party's share of votes entitles it to eighty-five seats, the first eighty-five candidates on the party's slate go to parlia-

ment. The voters, then, choose among parties, not individual candidates, and candidates need not have a local connection. Party leaders under this system are very powerful because they control parliamentary careers by deciding who goes on the list and in what order.

American legislators are elected from territorial units, not party lists. Parties do matter in congressional elections, and, with rare exceptions, only major party nominees have any chance of winning (see Chapter 12, Political Parties). In the 1990s only a single member of Congress—Rep. Bernard Sanders of Vermont—was not a Republican or Democrat. But the parties do not control nominations. Almost all congressional nominees are now chosen by voters in primary elections—preliminary contests in which voters select the parties' nominees. Candidates thus get their party's nomination directly from voters, not from party activists or leaders.

Congressional Districts

After the first census in 1790, each state was allotted one House seat for every 33,000 inhabitants, for a total of 105 seats. Until the twentieth century the House grew as population increased and new states joined the Union. Total membership was finally fixed at its current ceiling of 435 in 1911 when House leaders concluded that further growth would impede the House's work. Since 1911, states have both lost as well as gained seats to reflect population shifts between the decennial (ten-year) censuses. Changes in the size of state delegations to the House since World War II illustrate vividly the major population movements in the United States (Figure 6-1). States in the West and South, with flourishing economies based on aerospace and other defense industries, have gained at the expense of the large industrial states in the Northeast and Midwest.

Federal law may apportion House seats among states after each census, but each state draws the lines that divide its territory into the requisite number of districts. In 1964 the Supreme Court ruled in *Wesberry v. Sanders*⁴ that

THE ORIGINAL GERRYMANDER



The practice of “gerrymandering”—the extensive manipulation of the shape of a legislative district to benefit a certain incumbent or party—is probably as old as the Republic, but the name originated in 1812. That year, the Massachusetts legislature carved out of Essex County a district that historian John Fiske said had a “dragonlike contour.” When the painter Gilbert Stuart saw the misshapen district, he penciled in a head, wings, and claws and exclaimed, “That will do for a salamander!” Editor Benjamin Russell replied, “Better say a Gerrymander”—after Elbridge Gerry, then governor of Massachusetts.

districts must have equal populations. In *Thornburg v. Gingles* (1986) the Court ruled that district lines may not dilute minority representation, but neither may they be drawn with race as the predominant consideration.⁵ Within these limits states can draw districts pretty much as they please. If one party controls both the legislature and governorship, it may attempt to draw district lines that favor its own candidates. The idea is to concentrate

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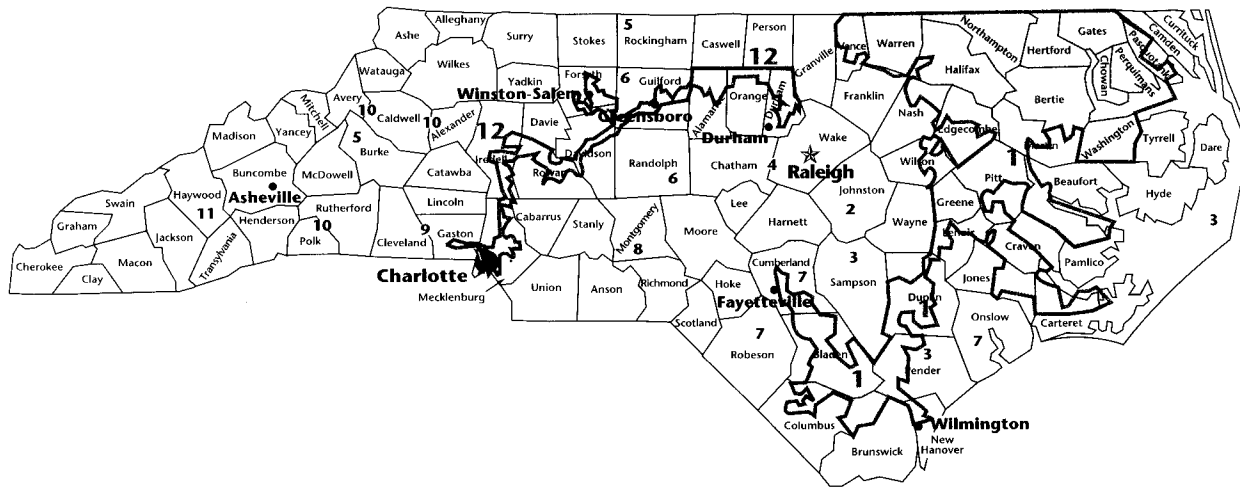
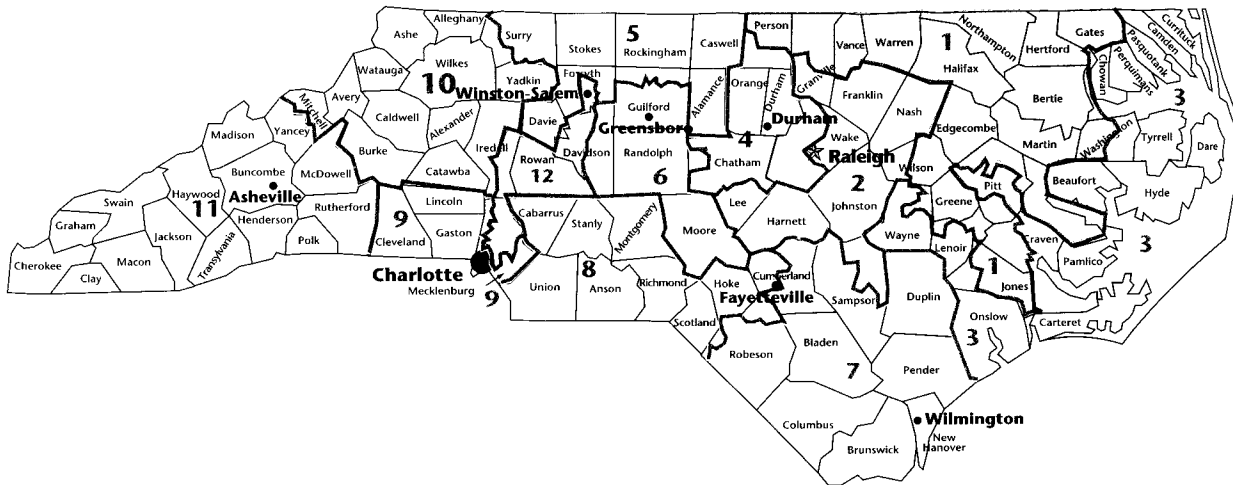
Figure 6-1 Apportionment of House Seats, 1950 and 1990

the opposition party's voters in a small number of districts that the party wins by large margins, thus "wasting" many of its votes, while creating as many districts as possible where one's own party has a secure, though not overwhelming, majority. Called **gerrymandering**, these tactics sometimes produce bizarrely shaped districts (see box, "The Original Gerrymander").

The constitutionality of partisan gerrymanders has been challenged in court, but so far without success. In

Davis v. Bandemer (1986), the Court held that a gerrymander would be unconstitutional if it were too unfair to one of the parties, but as yet no districting scheme has run afoul of this vague standard.⁶

The Court's 1986 *Thornburg* decision, requiring that legislative district lines not discriminate, even unintentionally, against racial minorities, was widely interpreted as directing mapmakers to design districts in which racial and ethnic minorities constituted a majority of voters

Figure 6-2 North Carolina's First and Twelfth Districts, 1991 and 1998**1991 version (rejected by the Supreme Court)****1998 version (accepted by the Supreme Court)**

wherever residence patterns made this feasible.⁷ Attempts to conform to this decision after the 1990 census inspired some artistry that would have made Massachusetts governor Elbridge Gerry, from whom the gerrymander got its name, proud (see box). For example, North Carolina legislators carved out two majority African American dis-

tricts (First and Twelfth) which eventually came before the Court (Figure 6-2). In 1993 the Court decided that such irregular districts went too far⁸ and in 1995 that districts could not be drawn solely to benefit one race.⁹ Thus the North Carolina districts (along with thirty-four districts in four other states) had to be redrawn. Modified

twice before receiving final court approval, the districts had some of their rough edges smoothed off but retained all the earmarks of a painstaking gerrymander.

The fifty Senate constituencies—entire states—may not change boundaries with each census, but they vary greatly in size of population. Sen. Dianne Feinstein of California represents more than 32 million people, while Sen. Michael Enzi of Wyoming has fewer constituents (481,000) than the average U.S. representative (610,000). The nine largest states are home to 52 percent of the total U.S. population, while the smallest twenty-six states, with 52 percent of Senate seats, hold only 17 percent of the population. Unequal representation in the Senate sometimes matters politically. For example, Republicans held a Senate majority between 1981 and 1987 even though their candidates had received overall a smaller percentage of the popular vote than Democrats because Republican candidates won so many of the smaller states.

Until 1913 senators were chosen by state legislatures. Most Americans had long since concluded that this method of selection was undemocratic and corrupting (between 1890 and 1905 charges of bribery shadowed Senate elections in seven different states).¹⁰ But it took the reforming spirit of Progressivism at its peak to convince senators to agree to a constitutional amendment (the Seventeenth) providing for popular election.¹¹ As it turned out, they had little to fear from the change; senators have been about as successful in winning reelection as they had been in persuading state legislatures to return them to office.

Congress and Electoral Politics

The modern Congress is organized to serve the goals of its members. A primary goal for most of them is to keep their jobs. And since voters have the final say in the hiring and firing, a career in Congress depends on members winning the voters' endorsement at regular intervals. Winning regular reelection is not the only goal of most

congressional careers, but it is essential to whatever else members may want to achieve in office. Electoral imperatives thus shape all important aspects of congressional life.

Candidate-Centered versus Party-Centered Electoral Politics

The post-World War II era of Democratic majorities in Congress coincided with the emergence of a candidate-centered pattern of electoral politics. Similarly, the Republican takeover of Congress in the 1994 midterm elections coincided with a modest resurgence of party-centered electoral politics. Neither connection was accidental. Congressional Democrats thrived on, and thus sought to encourage, a kind of electoral politics in which candidates operated largely as independent political entrepreneurs. Republican leaders, unable to win House majorities by playing the game this way (Republicans did manage to control the Senate from 1981 through 1986), sought in 1994 to have their candidates run more as a party team, emphasizing national issues and a common program of action. The strategy succeeded beyond their expectations. Thus in triumph the Republican majority, owing their new-found control to party-centered electoral politics, immediately moved to alter the House and the Senate, long shaped by the Democrats' candidate-centered electoral politics, to suit their own electoral and policy goals.

During the long period of Democratic dominance, members of both parties had won election to Congress, and stayed there, largely because of their own efforts. Most "recruited" themselves, organized their own campaigns, and raised their own campaign money. Party organizations and **political action committees** (PACs—organizations that raise and distribute money for campaigns) were ready to help, but not until campaigns had shown promise. "Promise" usually meant the candidate had won the primary election, gained some favorable media attention, and raised a substantial amount of start-up money. Often most of the start-up money came from candidates' own pockets.

Although congressional candidates ran under party labels for national office, most congressional campaigns were personal and centered on local interests and values. National issues that did enter the campaign were given a local spin. Likewise, candidates solicited support more as individuals than as party representatives. After the election, successful candidates continued to cultivate local ties and personal relationships with constituents, and campaigns for reelection dwelled on the services, projects, and locally popular programs the incumbent had delivered to constituents. This strategy made it possible for members to separate their electoral fates from those of their party's other candidates.¹² For example, between 1972 and 1992 House Democrats won victories in 45 percent of the districts that delivered majorities to the Republican candidate in presidential elections (Republicans won in 12 percent of the much smaller number of districts that delivered majorities to Democratic presidential candidates).¹³

The local component of congressional elections had not always been so dominant. During much of the nineteenth century, party-line voting was far more common than it is now. Voters based their choices on the top of the ticket—the presidential candidates in presidential election years—and on the parties' platforms. Congressional candidates' fates were decided by national trends they could do little personally to shape or control. Changes in the laws regulating elections and parties around the turn of the century weakened parties and encouraged **ticket-splitting**—that is, voting for candidates of different parties for different offices.¹⁴

The most important of these changes were the introduction of primary elections for choosing the parties' nominees and the secret ballot (see Chapter 12, Political Parties). Still, party conflicts over national policy, most notably the political battles over President Franklin Roosevelt's New Deal, continued to inject a strong national component into congressional elections until the 1950s. As the New Deal controversies faded, however, the party coalitions built around them fractured under the stress of

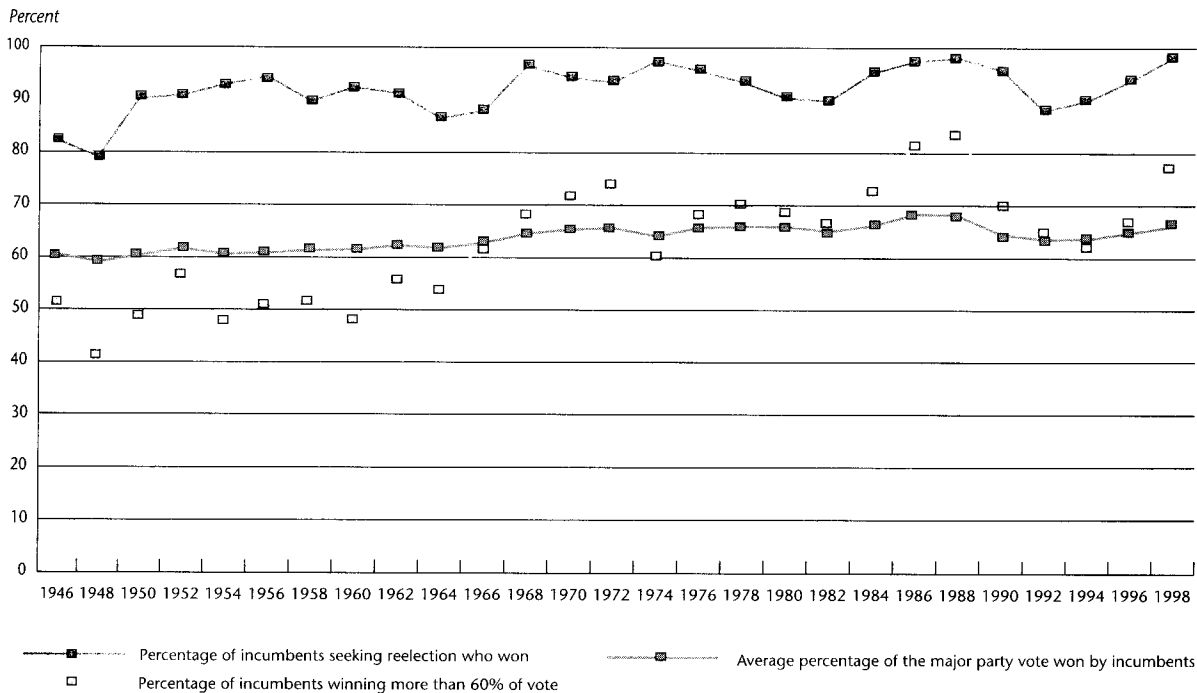
divisive new issues, most prominently civil rights, the Vietnam War, and social issues such as abortion and the environment. Party lines became blurred and party loyalty among voters declined.

The Advantages of Incumbency

Congressional incumbents both exploited and abetted the loosening of party ties. The decline in party loyalty among voters offered incumbents a chance to win votes that once would have gone routinely to the other party's candidate. Members could expand their electoral base by emphasizing their personal ties and services to constituents while downplaying partisanship. At the same time, reelection campaigns stressing individual character, legislative performance, and constituency services encouraged voters to use such criteria in deciding how to vote.¹⁵

Realizing that the growth of candidate-centered electoral politics worked to the advantage of incumbents willing to build a personal following, members of Congress voted themselves greater resources for servicing their states and districts—that is, higher allowances for staff, travel, local offices, and communication. In 1997 these allowances ranged from \$814,090 to \$1,233,780 in the House and from \$1,598,472 to \$2,645,845 in the Senate.¹⁶

Electoral data demonstrate the success of these efforts. The average share of votes won by House incumbents increased from 61 percent in the 1940s and 1950s to 67 percent in the 1980s before retreating a bit to 65 percent in the 1990s (Figure 6-3). The proportion of incumbents winning more than 60 percent of the vote grew even more steeply, from as low as 41 percent in 1948 to as high as 84 percent in 1988. Incumbent reelection rates also have generally been higher since the mid-1960s, although some years, notably in the early 1990s, have been exceptions. Even before the 1960s House incumbents were winning reelection very consistently; their overall success rate since World War II exceeds 92 percent. Even in a year like 1994, with a strong electoral tide running against one of

Figure 6-3 Success of House Incumbents, 1946-1998

Source: Compiled by the authors.

the parties, incumbency remained a potent advantage. Republican candidates won 71 percent (22 of 31) of the contests for open House seats (those without an incumbent running) that had been held by Democrats but only 15 percent (34 of 225) of the seats defended by Democratic incumbents. They won all six of the open Senate seats where the Democrat retired but only 13 percent (2 of 16) of the contests against Democratic incumbents.

The remarkable won-lost record of incumbents raises an important question: if incumbency is so advantageous and if members of Congress win reelection so consistently, usually by comfortable margins, why do electoral worries do so much to shape congressional life? The answer is that the incumbency advantage does not accrue automatically to officeholders; it stems from diligent use of the many resources that come with holding office. Incum-

bents win reelection consistently because they work so hard at it, and they work hard because so much of their electoral fate is in their own hands.¹⁷

One purpose of hard work is to discourage potential opponents. In a candidate-centered system of electoral politics, ambitious, talented people rarely challenge incumbents if they see no chance of winning; and contributors decline to waste money on hopeless causes. Obscure, underfinanced challengers simply cannot compete. The most successful incumbents win easy reelection by making themselves appear so invincible that no qualified opponent is willing to take them on.¹⁸ But an image of invincibility is not invincible; it is vulnerable to unexpected events, such as the House bank scandal in 1992, and, for Democrats, the strong Republican tide in 1994. These events demonstrate why members of Congress—even



Members of Congress pursue job security by trying to show constituents they are responsive, accessible, and effective—in other words, that they are good agents. Thus when Republicans took over the House in 1995, they cut congressional committee staffs by one-third but rejected a proposal to reduce members' personal staff assistants—the people who answer the mail, perform casework, and otherwise help members keep in touch with constituents. Copyright, cartoon by The Birmingham News, 1998. All rights reserved. Reprinted with permission.

those with long records of past electoral success—are right to worry about reelection.

The revelation in April 1992 that 350 past and current members of the House had written some twenty thousand overdrafts on their House bank checking accounts between July 1988 and October 1991 provoked a storm of outrage from the press and public that contributed to the largest turnover of membership in fifty years. Even members who wrote no bad checks suffered in the fallout.¹⁹ The strength of the Republican tide in 1994 also surprised nearly everyone on Capitol Hill, as Republicans succeeded in turning long-simmering public anger over stagnant incomes, declining public services, high crime rates, continuing budget deficits, high taxes, and congressional malfeasance against Democratic candidates for both national and local offices. Thirty-four Democratic House incumbents, including Speaker Thomas Foley of Washington, were defeated.

Members of Congress, then, inhabit a world fraught

with far more electoral uncertainty than their won-lost record would lead one to believe. As electorates have become less partisan, they also have become more volatile. Without the anchor of party, voters are easier to attract, but they also are easier to lose. An easy victory against feeble opposition in one election carries no guarantee of success against a talented and well-financed challenger in the next.

Recognizing that they hold their jobs at the sufferance of fickle electorates, members of Congress are highly responsive to their constituencies. Decisions on legislative issues are shaped by the potential need to explain and defend them in future campaigns.²⁰ Most members also spend a great deal of time back home, keeping in touch and staying visible. They solicit and process **casework**, requests from constituents for information and help in dealing with government agencies. A lost Social Security check? A bureaucratic mix-up over veterans' benefits? A representative or senator is ready to help. Some requests—and services—go well beyond the expected. One constituent tried to get his senator to intercede with the head of the state university's board of regents to have the C grade his son received in a political science course raised.²¹ The senator did not comply, but electoral logic makes it hard to resist almost any opportunity to please people back home.

Although senators engage in many of the same constituency-building activities as representatives, they have not been as successful in keeping their jobs. Since 1946 their overall rate of reelection, 78 percent, has left them three times more likely to lose their seats than House incumbents. But because senators face reelection only one-third as often, tenure in office tends to even out between the chambers. Overall, though, Senate election outcomes are more variable than House outcomes; in recent years incumbent reelection rates have been as low as 55 percent (1980) and as high as 97 percent (1990). Even when Senate incumbents do win, their margins of victory tend to be narrower than those of representatives. Why do Senate incumbents win less consistently and typically by narrow-

er margins? First, because states are generally more populous and diverse than congressional districts,²² most senators are unable to develop the kinds of personal ties to constituents that many representatives cultivate. Second, states are more likely than congressional districts to have balanced party competition; few states are securely in either party's pocket. Third, Senate races attract a larger proportion of experienced, politically talented, well-financed challengers. Fourth, states usually fit media markets—formed by cities and their suburbs reached by local TV and radio stations and newspapers—better than House districts, making it easier for challengers to get out their message. Senators receive far more attention from the news media than representatives, but so do their opponents. Representatives may be largely ignored by journalists, but this vacuum leaves them freer to shape the information that does reach constituents. And, finally, senators are more readily associated with controversial and divisive issues, and they do not have the pressure of a two-year election cycle to keep them attuned to the folks back home. All these things contribute to making senators more vulnerable to defeat by challengers.

National Politics in Congressional Elections

The modest resurgence of party-centered campaigning in 1994 strengthened the national component of congressional election politics, but even during the heyday of locally focused, candidate-centered elections, national forces continued to have a palpable effect on electoral fates. Although the fortunes of a party's House and Senate candidates are no longer as closely tied to those of their presidential candidate as they were in the nineteenth century, congressional candidates are still better off if their party's presidential candidate wins. Presidents may have shorter *coattails*—the common metaphor for the capacity of a successful presidential candidate to pull the party's other candidates into office—than they once did, but coattail effects remain significant.²³

In midterm elections the president's party almost always loses congressional seats, but the size of its losses

depends in part on the performances of the national economy and the president. Losses tend to be fewer when the economy is booming and the president is popular, greater when the economy or the administration's popularity sags. Thus, for example, congressional Democrats suffered in 1994 from, among other things, Bill Clinton's low job approval ratings and voters' doubts about the economy. In 1998, by contrast, Clinton's approval rating stood nearly twenty points higher than it had in 1994 and the economy was in its best shape since the 1960s. As a result, the Democrats broke precedent by actually gaining House seats.²⁴

As the 1994 elections showed so dramatically, members of Congress cannot always dissociate themselves from their party's fate, so they retain a personal stake in their party's public image as well as the public standing of the president. Nor can they dissociate themselves from Congress itself, though incumbents frequently try to do so. Individual members remain far more popular than Congress collectively (see Figure 6–9 later in this chapter), but they still suffer at the ballot box when the public's normally mild hostility toward Congress becomes intense, as it did in 1992 in response to the House bank scandal. In 1994, when Republicans managed to transform hostility to Congress into hostility to the party controlling it, Democrats lost their majority. But individual members cannot do much about such situations by themselves, so they concentrate on activities such as casework where their individual efforts can make a difference.

Representation versus Responsibility

Different electoral processes produce different forms of representation. In a party-centered electoral process, for example, legislators represent citizens by carrying out the policies promised by the party (or parties in multiparty systems) winning a majority of seats. Legislators know they will be held responsible by voters for their party's performance in governing, so ensuring the success of their party and the government takes top priority.

The kind of candidate-centered electoral process that

POLITICS →

THE TAX REFORM ACT OF 1986

Although its instinct is to do the opposite, Congress sometimes can find a way to enact policies that impose costs on specific groups to produce benefits shared by many people. For example, the Tax Reform Act of 1986 eliminated a host of special tax favors in order to reduce tax rates for everyone. Although the law was a popular idea pushed by Republican president Ronald Reagan and embraced by Democrats who did not want their party left defending "special interests," its success nonetheless depended heavily on the procedural strategies of congressional leaders. The package was assembled behind closed doors without recorded votes so no member could be blamed personally for eliminating any particular tax break. It then came to the floor of the House under a modified closed rule that allowed only three specific amendments to be offered (see section "The Committee System" for an explanation of closed rules). Some powerful members whose support was deemed essential received special concessions in the form of breaks for specific taxpayers in their states or districts—with support for the bill set as the minimum price for any concession. Among other taxpayers, sports facilities in New Jersey (the Meadowlands complex), Miami (Joe Robbie Stadium), and New Orleans (the Superdome) received special treatment.

In the Senate, which does not use closed rules, the bill's principal sponsor, Sen. Bob Packwood, a Republican from Oregon, won agreement that amendments on the floor had to be revenue neutral—that is, any change producing a tax benefit to some group had to be offset by increased taxes on another group. This agreement prevented the kind of logrolling among proponents of special tax breaks that would have unraveled the package.

Members of both houses had to go on record as for or against a substantial cut in taxes for a large majority of taxpayers. Because members were given no opportunity to do any behind-the-scenes favors for the myriad special interest groups that traditionally have feasted at tax-writing time, they could not be blamed for not doing the favors. By agreeing to tie their own hands, then, members were able to solve the acute collective action problem that tax bills always present. In the end, the bill's success took most seasoned observers of Congress by surprise, illustrating how uncommon such an outcome is.

Sources: R. Douglas Arnold, *The Logic of Congressional Action* (New Haven: Yale University Press, 1990), chap. 8; Jeffrey H. Birnbaum and Alan S. Murray, *Showdown at Gucci Gulch: Lawmakers, Lobbyists, and the Unlikely Triumph of Tax Reform* (New York: Vintage Books, 1988).

flourished during the long period of Democratic control and has ebbed only slightly since then gives members of Congress far more incentive to be individually *responsive* than collectively *responsible*. This shift is a primary source of Congress's collective action problems. For example, electoral logic induces members to promote narrowly targeted programs, projects, or tax breaks for constituents without worrying about the impacts of such measures on

spending or revenues. Recipients notice and appreciate such specific and identifiable benefits and show their gratitude to the legislator responsible at election time. Because the benefits come at the expense of general revenues (money supplied by the taxes that everyone pays), no one's share of the cost of any specific project or tax break is large enough to notice. Thus it makes political sense for members of Congress to pursue local or group

benefits that are paid for nationally even if the costs clearly outweigh the benefits. Conversely, no obvious payoff arises from opposing any particular local or group benefit because the savings are spread so thinly among taxpayers that no one notices. The pursuit of reelection therefore makes **logrolling**—a legislative practice in which members of Congress agree to reciprocally support each other's vote-gaining projects or tax breaks—an attractive strategy. But this situation creates a classic prisoner's dilemma. When everyone follows such an individually productive strategy, all may end up in worse shape politically when shackled with collective blame for the overall consequences. Spending rises, revenues fall, the deficit grows, government programs proliferate, and the opposition attacks the logrolling coalition—in practice, the majority party—for wastefulness and incompetence. Individual responsiveness leads to collective irresponsibility.

Democratic candidates suffered across the board in 1994 as voters turned against the aggregate consequences of collective irresponsibility: a government they perceived as too big, too expensive, and too inept. To demonstrate that they were different, the newly elected Republican majority invited voters to hold them collectively accountable for delivering on the Republican Contract with America, with its basic promise to shrink government, cut taxes, and change how the government operates. They stuck together on the contract, but, after losing a standoff over the budget in late 1995 to President Clinton, they broke ranks on issues such as repealing the ban on assault weapons, weakening protection of endangered species, and raising the minimum wage. In 1996 it was their Democratic opponents, bolstered by independent campaigns mounted by labor unions and other activists, who sought to inject national issues into the campaign, while endangered Republicans strove to show their independence from House Speaker Newt Gingrich.²⁵ Thus a noticeable shift away from the candidate-centered toward a more party-centered electoral politics was evident in 1994 (for the Republicans) and 1996 (for the Democrats). By 1997 congressional Republicans were showing renewed inter-

est in the particularistic politics of **pork barrel legislation**—earmarking construction projects for individual members' districts—that had served the Democrats so well for so long.

The same logic that encourages logrolling makes members of Congress hesitate to impose direct costs on identifiable groups in order to produce greater, but more diffuse, benefits for all citizens. For example, laws designed to clean up the environment for everyone impose direct costs on industrial firms such as those incurred in installing antipollution equipment. The cost of compliance is clear to every firm affected, but the benefit of any firm's investment is diffused across so many people that few are likely to know of it. Members of Congress, then, fear retaliation from the losers without a compensating increase in support from the winners. Congressional majorities have found ways to get around this problem. One tactic is to delegate authority to bureaucratic agencies or state governments, letting them take the heat (see Chapter 8, *The Bureaucracy*). Another tactic is for legislative leaders to frame the lawmaker's choice in a way that highlights credit for the general benefits while minimizing individual responsibility for the specific costs.

More broadly, the trick is to make the electoral payoffs from disregarding special interests to benefit a broader public outweigh the costs. One essential ingredient is that the issue be important (or potentially important if an opponent raises it in a future election campaign) to many voters. A challenge for legislative leaders is to frame the decision on an issue in a way that forces members to put themselves on the record for or against the issue's general benefits without having an opportunity to amend or modify the policy to serve narrower interests. Meeting this challenge requires skillful manipulation of congressional procedures. In addition, leaders may have to buy off the most powerful potential opponents with special concessions or side deals (see box, "The Tax Reform Act of 1986," which describes a classic example of successful execution of the strategy described here).

Table 6-1 Profile of Members of the 106th Congress, 1999–2000

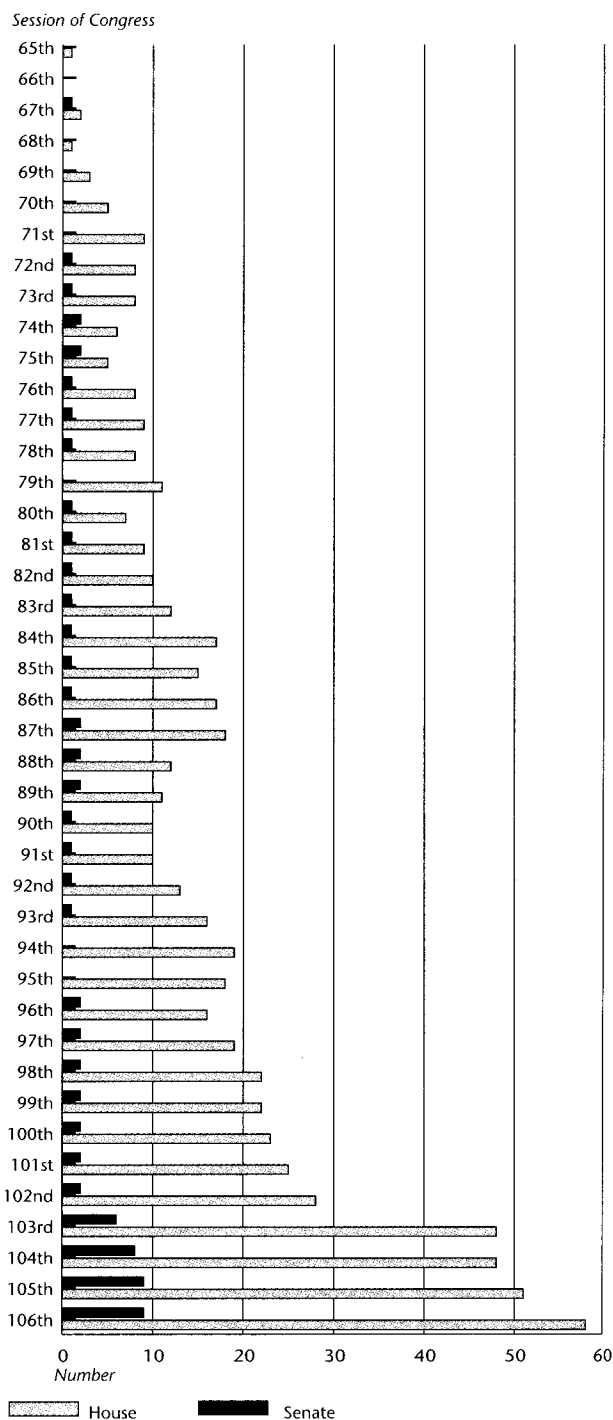
	Senate	House of Representatives
Occupation^a		
Law	55	163
Business or banking	24	159
Education	13	84
Journalism	8	9
Agriculture	6	22
Public service	18	106
Real estate	4	20
Medicine	2	15
Other	4	40
Religion		
Roman Catholic	25	126
Jewish	11	23
Protestant		
Baptist	8	62
Episcopalian	13	30
Methodist	12	50
Presbyterian	7	41
Other	23	95
Unspecified	1	7
Ethnicity		
White	97	372
African American	0	39
Hispanic	0	19
Asian and Pacific Islander	2	5
Native American	1	0
Sex		
Male	91	377
Female	9	58

Source: CQ Weekly, January 9, 1999, 63.

a. Because some members have more than one occupation, totals are higher than total memberships.

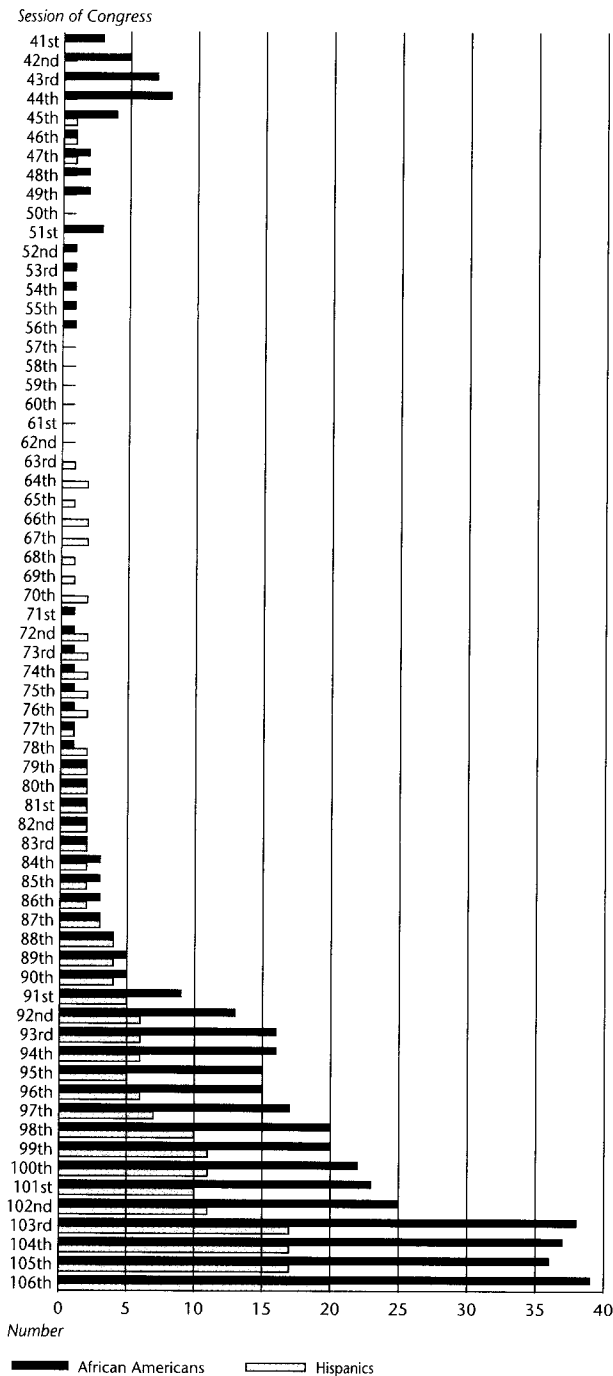
Who Serves in Congress?

The people who win seats in the Senate and House are by no means “representative” of the American people in any demographic sense (see Table 6-1). Almost all members have graduated from college; 41 percent have law degrees. Next to law, business is the most common prior occupation. A large majority are professionals of one kind or another; only a handful have blue-collar backgrounds.

Figure 6-4 Women in Congress, 1917–1999

Sources: Norman J. Ornstein, Thomas E. Mann, and Michael J. Malbin, *Vital Statistics on Congress, 1997–1998* (Washington, D.C.: Congressional Quarterly, 1998), 40; data on 106th Congress compiled by authors.

Figure 6-5 African Americans and Hispanics in Congress, 1869-1999



Sources: Norman J. Ornstein, Thomas E. Mann, and Michael J. Malbin, *Vital Statistics on Congress, 1997-1998* (Washington, D.C.: Congressional Quarterly, 1998), 3839; data on 106th Congress compiled by authors.



Republican representative Jennifer Dunn made history in 1998 as the first woman of either party to run for House majority leader. She lost her bid to the incumbent majority leader, Dick Armey of Texas.

Most have served in lower elected offices. The true vocation of the average member is, in fact, politics.

Women and racial minorities continue to be underrepresented in Congress, though their numbers have been increasing (see Figures 6-4 and 6-5). In 1961 only three African Americans and twenty women held House or Senate seats; by 1981 the number of African American members had grown to seventeen, while only one more woman had been added. Growth continued to be slow until 1992, when the number of blacks and Hispanics in the House increased sharply after the 1982 Voting Rights Act amendments had been interpreted to require states to maximize the number of "majority-minority" districts when drawing new district lines. The 1992 election also saw women candidates and campaign donors mobilized in unprecedented numbers in response to an event widely publicized in 1991: the insensitive handling by an all-male Senate committee of sexual harassment charges made by college professor Anita Hill against Supreme Court nominee Clarence Thomas. Women also represented a change

from politics as usual in a year when most voters wanted change.

After the 1998 elections the Senate included nine women and one Native American, the House fifty-eight women, thirty-nine African Americans, and nineteen Hispanics. Despite a sharp increase in diversity in the 1990s, Congress remains overwhelmingly white and male because white males still predominate in the lower-level public offices and private careers that are the most common steppingstones to Congress. As women and minorities continue, albeit slowly, to assume a larger share of state and local offices and professional careers in law and business, their representation in Congress will continue to rise as well.

The gender and racial makeup of Congress makes a difference. For example, African American members led the fight for sanctions punishing South Africa for its apartheid system in the 1980s. The influx of women has made Congress far more attentive to issues of sex discrimination and sexual harassment.²⁶

The Basic Problems of Legislative Organization

The Constitution established a basic framework for a national legislature, but Congress of today also is the product of more than two centuries of institutional development in which the House and Senate have evolved into highly complex institutions with remarkably elaborate and arcane rules, procedures, and customs. Yet a logic underlies this sometimes bewildering complexity. The way Congress operates reflects the diverse and conflicting needs and intentions of its members both now and in the past. To understand the House and Senate, one must understand what representatives and senators want to accomplish and what obstacles they have to overcome to achieve their goals.

The delegates in Philadelphia created and empowered a national legislature—on paper at least; it was up to

members of Congress to make the words on paper into an institutional reality. To exercise the powers conferred on them by the Constitution, the House and Senate had to solve some basic problems: how to acquire information, how to resolve conflicts, how to coordinate action, and how to get members to work for common as well as personal goals. As these problems have become more acute over the years, members of Congress have scrambled to adapt the institution to cope with them more effectively while recognizing that every solution raises problems of its own. The challenges that spurred members to develop the modern Congress fall into two classes: problems besetting the House and Senate as organizations and problems arising from the competing individual and collective needs of members.

The Need for Information

Legislation is only as effective as the quality of knowledge underlying its inception. For example, a legislator cannot regulate the stock market sensibly without knowing how the market works or attack environmental pollution effectively without knowing how pollution is produced. As the United States has become more and more complex—socially, economically, and technologically—and the activities of the federal government have expanded, the informational demands on Congress have grown enormously.

Congress has responded with a solution common to the problem of performing complex social tasks efficiently: division of labor and specialization. The division of labor has given rise to the committee and subcommittee systems, large personal and committee staffs, and specialized research agencies that characterize the modern Congress. Specialists are able to develop a deeper understanding of their domains. By becoming specialists themselves or by drawing on the knowledge of other specialists, members of Congress can make better-informed decisions, and Congress, in turn, becomes a more effective institution. To provide the chamber with expertise, mem-

bers must invest a lot of time and effort in mastering an area of specialization (as we learned earlier, public goods are more attractive in their consumption than in their production). Congress compensates members who master an area of specialization and supply specialized information with enhanced influence in their area of expertise. For example, California representative Henry Waxman's unparalleled mastery of health care issues has made him the most influential House Democrat by far in this important policy area. One problem, however, is that specialists may dominate policy making in their domains, shutting out the broader viewpoints of other members. Thus the efficiencies gained by a division of labor are paid for by diminished participation in policy making outside one's specialty.

Coordination Problems

As noted in Chapter 1, any group of people trying to act in concert faces coordination problems. Coordination becomes more difficult—and necessary—the greater the group's workload and the more elaborate its division of labor. As the volume and complexity of Congress's work have grown, so has its need for traffic management: dividing up the work, directing the flow of bills through the legislative process, scheduling debates and votes on the floor. Coordination problems of this kind usually are solved by a group giving one or several of its members the authority to do the coordinating—that is, take on the role of traffic cop. In Congress, party leaders serve as the "traffic cops." But procedures also shape policy. Control over the agenda—deciding what gets voted on when—is a powerful legislative weapon. For example, a majority of House members probably would have preferred to censure rather than to impeach Bill Clinton, but the Republican House leaders refused to allow a vote on censure, leaving a vote for impeachment as the only alternative to letting the president off completely. (Had they allowed a vote on censure, Clinton probably would have avoided impeachment and trial in the Senate.) Members thus sac-

rifice a measure of their autonomy in return for the gains in efficiency that come from delegating agenda control to party leaders.

Resolving Conflicts

Legislation is not passed until the majorities in both houses agree to its passage. The rich pluralism of American society guarantees that resolving conflicts is a fundamental task of any institution that reflects America's diversity. Agreement requires successful politicking: getting people who are pursuing divergent, even conflicting, ends to take a common course of action. Even when there is a consensus on ends, Congress often must resolve disagreements about means. During the 104th Congress (1995–1996), for example, almost all members agreed that welfare programs should be revised to discourage people from becoming permanently dependent on public assistance, but national leaders had to reconcile competing ideas about the best way to accomplish this goal in order to enact welfare reform.

Many of Congress's rules, customs, and procedures are aimed at resolving or deflecting conflicts so it can get on with the business of legislating. For example, when representatives speak on the floor of the House, all remarks are officially addressed to the Speaker, making it less likely that debates will degenerate into personal confrontations. More substantively, members delegate the task of building legislative coalitions to party leaders, who hold such positions by virtue of their demonstrated skills at negotiating legislative deals. The political parties in Congress themselves serve as ready-made coalitions. Party members agree on matters often enough to adopt a common label and to cooperate routinely on many—but by no means all—of the matters that come before the House and Senate. The presence of ready-made coalitions resolves many conflicts in advance, reducing the transaction costs of negotiating agreements on legislation. The price, however, is loss of autonomy to the party and of authority to leaders: individual members incur greater conformity costs be-