

THE AMERICAN CONGRESS

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CHAPTER ONE

THE AMERICAN CONGRESS: MODERN TRENDS

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, walk its halls every day. Much good work is done there. In recent years, Congress has passed widely applauded bills that have, among other things, approved new security measures for airports and funding for the war against terrorism, 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 and supported reforms of voting processes, expanded funding for college students, and limited what lobbyists can give to legislators.

Congress is a frustrating place as well. It is not easy to understand. Its sheer size—535 members and more than twenty-five 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 the product of 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. It checks the exercise of power by the president, the courts, and the bureaucracy. If you want to understand the forces influencing 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 often respond to these demands by passing new legislation. But as lawmakers pursue their personal political goals, compete with one another for control over policy, and react to pressure from presidents, their constituents, and lobbyists, 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.

Several developments in American politics have changed congressional politics. These developments—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 the war on terrorism—have altered the context of congressional policy making in basic ways. These developments are the subject of this chapter.

Low Public Confidence

The popularity of Congress ebbs and flows with the public's confidence in government generally. When the president's ratings and trust in government improved after the tragic events of September 11, 2001, Congress's approval ratings improved, too. Still, Congress's performance ratings are almost always below those of the president and the Supreme Court. Its ratings are often very low. 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 single member, add to the public's frustration with Congress and have contributed to the institution's low ratings in opinion polls. 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 for receiving extraordinarily large royalties on a book.
- In 1991, Senator David Durenburger (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.
- In 2001, Representative Gary Condit (D-California) was embarrassed by disclosure of an affair with an office intern who later disappeared and was never found.
- In 2002, Representative James A. Traficant, Jr., (D-Ohio) was convicted of receiving bribes in exchange for helping businesses get government contracts and of engaging in a pattern of racketeering since taking office in 1985.
- In 2002, the bankruptcy of the energy market giant, Enron, brought attention to the fact that Enron had donated about \$1.1 million to congressional candidates in the previous eleven years, including donations to 188 representatives and 71 senators of that Congress.
- In 2002, Senator Trent Lott stepped down as majority leader after public disclosure of comments at a birthday party of retiring Senate Strom Thurmond in which Lott claimed that the country would have been better off if the then-segregationist Thurmond had been elected president as a Dixiecrat in 1948.

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.”¹ 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.

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 recent decades 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.²

Groups supporting term limits for Congress and other reforms probably have influenced public opinion as well. They argue that congressional incumbents are a privileged class. Incumbents, in this view, have created a system in which various benefits of office—including free use of official resources, fundraising 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—reference to the freeway that encircles the District of Columbia and its inner suburbs—or suffer from “Potomac fever”—presumably a condition brought on by proximity to the famous river.

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. By a movement toward plebiscitary politics, Dahl is referring to the trend toward more direct communication between the public and elected officials and the demise of intermediaries—such as parties and membership organizations—that once served to represent or express public opinion to elected officials. Directly observed, rather than mediated, public views are more important than ever—which could not be further from Madison’s aspirations for the national legislature.³

Plebiscitary politics is facilitated by new technologies. Advances in transportation allow most members of Congress to be back home in their districts or states most weekends. Public opinion polls, which allow the public's views to be registered with legislators, have become more affordable because of advancements in telephone and computer technology. Leaders and parties sponsor focus groups to learn about nuances and shadings in public attitudes. Radio and television call-in shows enable nearly every constituent to talk directly to a member of Congress from time to time. Satellite technology allows members to easily and inexpensively communicate with groups in their home state or district from Washington.

Members of Congress, and certainly candidates for Congress, find the new information technologies irresistible and contribute to the trend. 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. To be sure, 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. Still, the political value of appearing to be connected to constituents drives elected officials to exploit new technologies. Representative Ron Klink (D-Pennsylvania) even proposed in the early 1990s that Congress create a bipartisan Congressional Office of Public Opinion Research and Assessment to help members gauge national opinion. The idea was not pursued.

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 one thing, elected officials and special interests 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. If so, then 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 premature public commitments on more issues and reduce their flexibility in negotiating compromises in the legislative arena. The possible result is that demagoguery and grandstanding would take precedence over resolving conflicts and

solving problems. Public opinion may win out over the public interest, just what Madison sought to avoid.

Governing as Campaigning

A close cousin to the rise of plebiscitary politics is the weakening distinction between governing and campaigning. Of course, we hope that there is a strong linkage between governing and campaigning. Elected officials desire for reelection underpins our ability to hold them accountable. Broadly speaking, 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.

Yet, 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 members and top leaders are now geared to the demands of campaigning.

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 nearly \$5 million, 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 \$16,000 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. Competitive pressures, between incumbents and challengers and between the two parties, have produced a never-ending search for cash.

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. Money, media, and partisanship feed on each other.

New Forms of Organized influence

The number of interest groups in Washington and the rest of the country multiplied many times over in recent decades.⁴ 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.⁵ This is primarily a byproduct 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, corporations, 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.

Along with their increasing number and diversity, groups have become more skilled in camouflaging their true identity. For most major legislative battles, coalitions of groups and corporations form with all-American names, pool their resources to fund mass media campaigns, and often dissolve as fast as they were created. Many of the coalitions are the handiwork of entrepreneurs in law firms, consulting outfits, and public relations shops who are paid to coordinate the activity of the coalitions they spearheaded.

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. In the last decade, unregulated contributions—called soft money—to parties and other political entities exceeded direct, regulated contributions to candidates, but such contributions may soon be banned by law.

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. 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

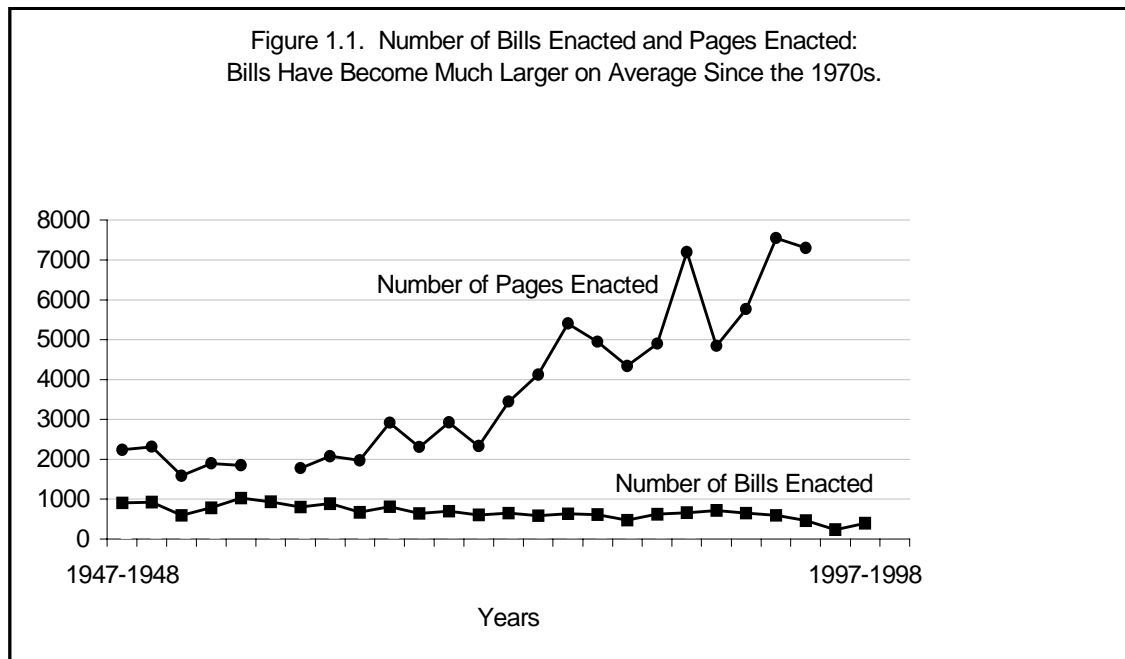
respondents hang up. Several groups have developed television programs—some shown on the many cable television channels that are available in most communities—as a way of reaching specific audiences. Lobbyists are already planning ways to take advantage of electronic mail and interactive video technologies to flood Congress with constituents' messages. 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.

New Issues

New issues—such as the war against terrorism—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.⁶ 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 1.1 shows the increasing length of the average bill enacted by Congress in recent decades. More than issue complexity underlies the increasing length of bills, as we will see in later chapters, but the length of bills presents a serious challenge to legislators who might want to understand the legislation on which they are asked to cast votes.



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.⁷

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. 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.”⁸ The gap between what legislators do and what they can explain seems to be widening.

Changing Membership

Regional Shifts. 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. A formula in law guides the [Census Bureau](#), which calculates the number of districts for each state every ten years after the decennial census. Population shifts have allowed certain states in the South and West to gain seats in the House of Representatives at the expense of several Eastern and Midwestern states. The regional shifts are visible in Table 1.1. The South and West gained even more seats after the national census in the year 2000—again at the expense of the industrial Northeast and Midwest.

Region	1960 Seats	2000 Seats	Difference
East	108	83	-25
Midwest	125	100	-25
South	133	154	21
West	69	98	29
Total	435	435	

Source: [Census Bureau](#).

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 is 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 and West 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.

Women and Minorities. 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). Table 1.2 shows the gains that women, African Americans, and Hispanics have made in Congress in recent years, and even more—many more—women and minorities have been running for Congress. More than one hundred women have been major party candidates for Congress in each election since 1992. Only three Native Americans have served in the Senate.

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](#) (56 members in 2001), the [Congressional Black Caucus](#) (37 members in 2001), and, to a lesser extent, the [Congressional Hispanic Caucus](#) (21 members in 2001) have become important factions within the House Democratic party. J.C. Watts of Oklahoma was the only African-American Republican in Congress for many years until he retired from the House in 2002. 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.

Table 1.2. Number of Women and Minorities in the House and Senate, 1971-2002.

Congress (First Year)	Women		African Americans		Hispanic Americans	
	House	Senate	House	Senate	House	Senate
92d (1971)	12	1	12	1	5	1
93d (1973)	14	0	15	1	5	1
94th (1975)	18	0	16	1	5	1
95th (1977)	18	0	16	1	5	0
96th (1979)	16	1	16	0	6	0
97th (1981)	19	2	16	0	6	0
98th (1983)	21	2	20	0	10	0
99th (1985)	22	2	19	0	11	0
100th (1987)	23	2	22	0	11	0
101st (1989)	25	2	23	0	11	0
102d (1991)	29	2	25	0	10	0
103d (1993)	48	6	38	1	17	0
104th (1995)	49	8	39	1	18	0
105th (1997)	51	9	37	1	18	0
106th (1999)	58	9	39	0	19	0
107th (2001)	59	13	36	0	21	0
108th (2003)	62	14	39	0	21	0

Source: *Vital Statistics on American Politics* (Washington, D.C.: CQ Press, 2000), p. 201; 107th Congress data collected by the author.

Only one woman, Rep. Nancy Pelosi (D-California), has been elected the top leader of her congressional party. Pelosi was elected Minority Leader in late 2002 after serving in the number two spot, Democratic Whip. Rep. Deborah Pryce of Ohio was elected House Republican Conference chair in 2002. Other women have held second-tier party positions, and even more have gained sufficient seniority to chair important committees and subcommittees. Only one African-American, J.C. Watts of Oklahoma who served as House Republican Conference chair in 1998-2002, has served in one of the top three positions of leadership in a congressional party, but he retired from Congress in 2002. Another African-American, James Clyburn of South Carolina, was elected in party's caucus vice chairman in late 2002. When Rep. Robert Menendez of New Jersey became the House Democratic Caucus chair in 2002, he became the highest ranking Hispanic legislator in the history of Congress.⁹

For many Washingtonians, the 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.”¹⁰

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.”¹¹ After serving one term, Moseley-Braun was defeated in her bid for reelection in 1998.

Previous Occupations. Notable changes have occurred 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.

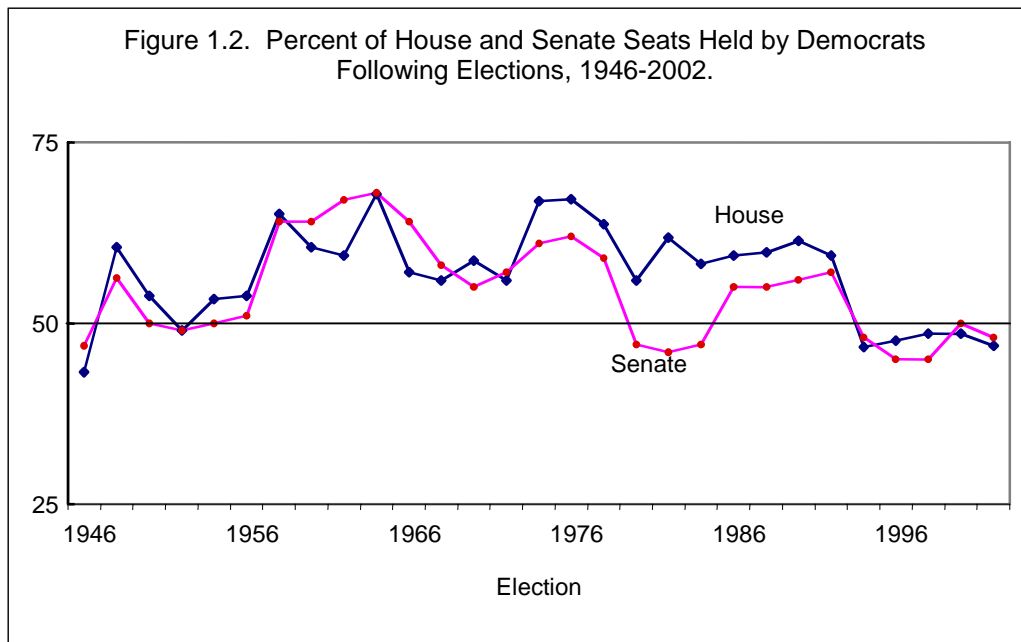
These trends in the membership of Congress—the shift to the Sunbelt the increasing numbers of women and minority members, and the greater diversity in members’ previous experience—are likely to continue well into the next century. They are likely to continue as sources of change in the way Congress conducts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

Changing Party Control

Perhaps the most conspicuous changes in Congress in recent years were the changes in party control. During the 1955-1980 period, Democrats enjoyed majorities in both the House and Senate. In 1980 the Republicans gained a Senate majority but lost their majority in 1986. In 1994, Republicans won majorities in both houses in 1994, which they maintained until 1991 when Senator James Jeffords of Vermont gave up his Republican affiliation and created a short-lived Democratic majority. Republican victories in the 2002 elections produced Republican majorities in both houses. With the new congressional majorities of 2003-2004, Republicans controlled the House, Senate, *and* the presidency for the first time since 1954. With an evenly divided electorate, we have experienced a prolonged period of narrow majorities in both houses of Congress in the last decade (see Figure 1.2).

Political scientist Richard F. Fenno, Jr., argues that frequent changes in party control keep the arrogance of the majority party in check.¹² 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.”¹³ 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.

The War on Terrorism to Congressional Power

Perhaps the most serious challenge to Congress’s role in the American constitutional system is secret government necessitated by national security. The war against terrorism has revived fears that secrecy in the national security agencies of government will undermine Congress’s ability to influence the direction of policy, to oversee the expenditure of public funds, and to hold executive officials accountable. Executive branch officials are hesitant to reveal certain information to members of Congress because they do not trust legislators to keep the information secret. For their part, legislators cannot know what information is being withheld from Congress, so secret government tends to breed distrust on Capitol Hill.

In the 1970s, in the aftermath of the Vietnam War and disclosures of misdeeds by intelligence agencies, Congress enacted a variety of laws to require notification of Congress, and sometimes to grant the power to approve or disapprove to Congress, for the commitment of armed forces abroad, arms sales, and covert operations. Congress also created intelligence committees and established other mechanisms for handling classified information. Presidents of both parties have not liked to be constrained by these laws, at times arguing that the laws unconstitutionally impinge on the president’s powers. Many members of Congress, on the other hand, have been unwilling to assume some responsibility for national security policy by exploiting new laws or insisting on presidential cooperation. The result is continuing uncertainty about when congressional approval is required. Congressional participation in national security policy making varies from case to case, driven by political calculations as well as legal and national security considerations.

The fight against terrorism poses special challenges for members of Congress. More classified activity, more covert action, and a bewildering array of technologies are involved. More domestic police activity is conducted under the umbrella of national security. The need for quick, coordinated, multi-agency action is intensified. Congress is not capable of effectively checking such executive action. Congress is open and slow, its division of labor among committees is not well matched to the executive agencies involved, and its members are hesitant to challenge the executive branch on high-risk policies and in areas where the public is likely to defer to the president.

Congressional participation in policy making related to the war against terrorism tends to be limited to a few members. The president consults with top party leaders and agency officials brief members of the intelligence and defense committees. Average members are not regularly informed about developments in the war. They are asked to support funding for the war without access to all relevant information.

Tempered Decentralization Within Congress

The partisanship, concentration on budget and national security issues have produced a Congress that behaves differently from what was predicted in the 1970s, when Congress last changed its organization and rules in several ways. 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. In the House, new chamber and party rules were adopted to guarantee that committees operated more democratically and that subcommittee chairs were given greater independent from full committee chairs in setting their agendas and proposing legislation. Power appeared to be flowing away from central party and committee leaders and toward subcommittees and individual members. In the view of some members and outside observers, 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.¹⁴

By the mid-1980s, however, Congress—particularly the House—had not turned out as many observers had expected. 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—the *post-reform Congress*. A brief review of the characteristics of the post-reform Congress serves as an introduction to many of the topics addressed in later chapters.¹⁵

Tempered Individualism. Whatever other changes occurred after the 1970s, 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. 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

forced recorded votes on more legislative proposals. 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.

Evolving 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.

Until late 2001, it appeared that the federal budget would be in balance for the foreseeable future and that 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, but few stood a chance of passage with the Republican majority in the House. After George W. Bush was elected in 2000, Republicans urged more tax cuts and a few initiatives of their own. A major tax cut bill was passed in 2001, one that seemed quite affordable to many observers until a recession settled in the economy and the terrorist acts of September 11, 2001, motivated large spending initiatives for New York and the war against terrorism. Suddenly, the president and Congress were facing long-term deficits once again. With the exception of the war against terrorism, few new programmatic initiatives seem likely in the near future.

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 since the 1980s. 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 party 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. Gingrich’s successor, Speaker Dennis Hastert (R-IL) remains 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, 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. Although committees remain central features of congressional policy making, they do not enjoy the autonomy that they once did.

Visiting the Capitol

The threat of terrorism has made visiting the Capitol Building less convenient. After the tragic events of September 11, 2001, in which the Capitol may have been a target of the hijackers, security was tightened on Capitol Hill, tours were cancelled for many weeks, and eventually many features of the regular tours were altered. More carefully supervised tours for the general public and more limited access to the Capitol and congressional office buildings will be a long-term consequence of the effort to protect against acts of terrorism.

Shortly after the attacks of September 11, the office of Senator Thomas Daschle (D-SD), the Senate’s majority leader, received an anthrax-contaminated letter in the Senate Hart Office Building. Other letters had been sent to prominent media personalities. Five people, most of whom were mail handlers, died in Washington and elsewhere as a result of exposure to anthrax spores. The Hart building was closed for three months, displacing many senators and nearly 5,000 aides, while health and environment officials decontaminated the building. At this writing, the source of the anthrax-filled letters has

not been identified. Officials on Capitol Hill and elsewhere in the federal government instituted a process of irradiating mail before delivering it to offices.

Construction on a new underground [Capitol Visitor Center](#) is underway on the East Front. The CVC, which will be completed in 2005, will be the point of entry to the Capitol Building for the general public and will house orientation theaters, food services, and security facilities. The CVC will funnel up to 1500 visitors an hour into the central Capitol and up to 700 an hour to the House and Senate visitor galleries.

At the right, the Capitol Visitor Center is shown in an artist's rendering of the East Front. The street that has led up to the Capitol from the east will become park area that leads to the entrance to CVC. Visitors will approach the CVC from the lower left on inclined sidewalks and enter the underground facility, which will be located under the east plaza.

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 is not seriously questioned by the chief executive, the courts, the states, or the American people.

NOTES

¹ Paul Boller, *Congressional Anecdotes* (New York: Oxford University Press, 1991), p. 18.

² Norman J. Ornstein, "Congress Inside Out: Here's Why Life on the Hill Is Meaner Than Ever," *Roll Call*, September 20, 1993, p. 27.

³ Robert A. Dahl, "Americans Struggle to Cope with a New Political Order That Works in Opaque and Mysterious Ways," *Public Affairs Report* (Institute of Governmental Studies, University of California, Berkeley, September 1993), pp. 1, 4-6.

⁴ Robert H. Salisbury, "The Paradox of Interest Groups in Washington—More Groups, Less Clout," in Anthony King (Ed.), *The New American Political System*, 2nd ed. (Washington, D.C.: American Enterprise Institute, 1990), pp. 203-229. For an analysis of the effects of these developments on Congress, see Barbara Sinclair, *The Transformation of the U.S. Senate* (Baltimore: Johns Hopkins University Press, 1989), pp. 57-64.

⁵ Kay Lehman Scholzman and John T. Tierney, *Organized Interests and American Democracy* (New York: Harper & Row, 1986), pp. 66-67.

⁶ See Theodore J. Lowi, "Toward a Legislature of the First Kind," in William H. Robinson and Clay H. Wellborn (Eds.), *Knowledge, Power, and the Congress* (Washington, D.C.: Congressional Quarterly Press, 1991), pp. 9-36.

⁷ Lawrence C. Dodd, "Congress and the Politics of Renewal: Redressing the Crisis of Legitimation," in Lawrence C. Dodd and Bruce I. Oppenheimer (Eds.), *Congress Reconsidered*, 5th ed. (Washington, D.C.: Congressional Quarterly Press, 1993), p. 426.

⁸ David E. Price, "Comment," in Robinson and Wellborn (Eds.), *Knowledge, Power, and the Congress*, p. 128.

⁹ In recent years, female members of the House Democratic Caucus have expressed dismay at the small number of women in senior positions of their party. See Juliet Eilperin, "Democratic Women Hit a House Glass Ceiling," *Roll Call*, November 25, 1996, pp. 1, 21. On women in Congress, see Karen Foerstaal and Herbert N. Foerstaal, *Climbing the Hill: Gender Conflict in Congress* (Westport, Conn.: Praeger, 1996), and Marcy Kaptur, *Women of Congress* (Washington, D.C.: Congressional Quarterly Press, 1996). On African Americans in Congress, see Carol M. Swain, *Black Faces, Black Interests* (Cambridge, Mass.: Harvard University Press, 1993). Also see Carol M. Swain, "Women and Blacks in Congress, 1870-1996," in Lawrence C. Dodd and Bruce I. Oppenheimer (Eds.), *Congress Reconsidered*, 6th ed. (Washington, D.C.: Congressional Quarterly Press, 1997), pp. 81-99.

¹⁰ Quoted in Helen Dewar, "Senate Bows to Braun on Symbol of Confederacy," *Washington Post*, July 23, 1993. Also see *Congressional Record*, July 22, 1993, p. S9256.

¹¹ Ruth Shalit, "A Star Is Born," *The New Republic*, November 15, 1993, p. 19.

¹² Richard F. Fenno, Jr. *Learning to Govern: An Institutional View of the 104th Congress* (Washington, D.C.: Brookings Institution, 1997). On the consequences of alternating party control of Congress, also see Lawrence C. Dodd and Bruce I. Oppenheimer,

“Congress and the Emerging Order: Conditional Party Government or Constructive Partisanship?” in Lawrence C. Dodd and Bruce I. Oppenheimer (Eds.), *Congress Reconsidered*, 6th ed. (Washington, D.C.: Congressional Quarterly Press, 1997), pp. 390-413.

¹³ “Capitol Hill’s Uncertainty Principle,” *National Journal*, November 2, 1996, p. 2365.

¹⁴ For a review of the conditions leading up to the reforms of the late 1960s and 1970s, see James L. Sundquist, *Politics and Policy: The Eisenhower, Kennedy, and Johnson Years* (Washington, D.C.: Brookings Institution, 1968), and *The Decline and Resurgence of Congress* (Washington, D.C.: Brookings Institution, 1981). For a more detailed analysis of House reforms, see Roger H. Davidson and Walter J. Oleszek, *Congress Against Itself* (Bloomington: Indiana University Press, 1977). Also see Leroy Rieselbach, *Congressional Reform* (Washington, D.C.: Congressional Quarterly Press, 1993).

¹⁵ For an excellent set of essays on the post-reform Congress, see Roger H. Davidson (Ed.), *The Postreform Congress* (New York: St. Martin’s Press, 1992).