CONGRESS

THE ELECTORAL CONNECTION

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INTRODUCTION

How to study legislative behavior is a question that does not yield a consensual answer among political scientists. An ethic of conceptual pluralism prevails in the field, and no doubt it should. If there is any consensus, it is on the point that scholarly treatments should offer explanations—that they should go beyond descriptive accounts of legislators and legislatures to supply general statements about why both of them do what they do. What constitutes a persuasive explanation? In their contemporary quest to find out, legislative students have ranged far and wide, sometimes borrowing or plundering explanatory styles from the neighboring social sciences.

The most important borrowing has been from sociology. In fact it is fair to say that legislative research in the 1950s and 1960s had a dominant sociological tone to it. The literature abounded in terms like *role, norm, system,* and *socialization.* We learned that some United States senators adopt an "outsider" role;[1] that the House Appropriations Committee can

1. Ralph K. Huitt, "The Outsider in the Senate: An Alternative Role," ch. 4 in Huitt and Robert L. Peabody (eds.), *Congress: Two Decades of Analysis* (New York: Harper and Row, 1969).

usefully be viewed as a self-maintaining system;[2] that legislators can be categorized as "trustees," "politicos," or "delegates";[3] that the United States Senate has "folkways."[4] These findings and others like them grew out of research based for the first time on systematic elite interviewing.

From no other social science has borrowing been so direct or so important. But it is possible to point to writings that have shared—or partly shared—a root assumption of economics. The difference between economic and sociological explanation is sharp. As Niskanen puts it, "the 'compositive' method of economics, which develops hypotheses about social behavior from models of purposive behavior by individuals, contrasts with the 'collectivist' method of sociology, which develops hypotheses about social behavior from models of role behavior by aggregative ideal types."[5] To my knowledge no political scientist has explicitly anchored his legislative research in economics, but a number have in one way or another invoked "purposive behavior" as a guide to explanation. Thus there

2. Richard F. Fenno, Jr., *The Power of the Purse* (Boston: Little, Brown and Co., 1966), ch. 5.

3. John C. Wahlke et al., *The Legislative System* (New York: Wiley, 1962), ch. 12; Roger H. Davidson, *The Role of the Congressman* (New York: Pegasus, 1969), ch. 4.

4. Donald R. Matthews, *U.S. Senators and Their World* (Chapel Hill: University of North Carolina Press, 1960), ch. 5.

5. William A. Niskanen, *Bureaucracy and Representative Government* (New York: Aldine-Atherton, 1971), p. 5.

are three articles by Scher in which he posits the conditions under which congressmen will find it in their interest to engage in legislative oversight.[6] Other examples are Wildavsky's work on bargaining in the budgetary process[7] and Riker's general work on coalition building with its legislative applications.[8] More recently Manley and Fenno have given a clear purposive thrust to their important committee studies.[9] Fenno's thinking has evolved to the point where he now places a strong emphasis on detecting why congressmen join specific committees and what they get out of being members of them.

There is probably a disciplinary drift toward the purposive, a drift, so to speak, from the sociological toward the economic. If so, it occurs at a time when

6. Seymour Scher, "Congressional Committee Members as Independent Agency Overseers: A Case Study," 54 *American Political Science Review* 911–20 (1960); "The Politics of Agency Organization," 15 *Western Political Quarterly* 328–44 (1962); "Conditions for Legislative Control," 25 *Journal of Politics* 526–51 (1963).

7. Aaron Wildavsky, *The Politics of the Budgetary Process* (Boston: Little, Brown and Co., 1964).

8. William H. Riker, *The Theory of Political Coalitions* (New Haven: Yale University Press, 1962), with ch. 7 specifically on Congress; also William H. Riker and Donald Niemi, "The Stability of Coalitions in the House of Representatives," 56 *American Political Science Review* 58–65 (1962).

9. John F. Manley, *The Politics of Finance: The House Committee on Ways and Means* (Boston: Little, Brown and Co., 1970); Richard F. Fenno, Jr., *Congressmen in Committees* (Boston: Little, Brown and Co., 1973).

some economists are themselves edging over into the legislative field. There is Lindblom's writing on the politics of partisan mutual adjustment, with its legislative ramifications.[10] More generally there are recent writings of economists in the public finance tradition.[11] Public finance has its normative and empirical sides, the former best exemplified here in the discussion of legislative decision making offered by Buchanan and Tullock.[12] Niskanen develops the empirical side in his work positing bureaus as budget maximizers—an effort that leads him to hypothesize about the relations between bureaus and legislative committees.[13] Public finance scholars seem to have become interested in legislative studies as a result of their abandoning the old idea of the Benthamite legislator; that is, they have come to display a concern for what public officials

10. Charles E. Lindblom, *The Intelligence of Democracy* (New York: Free Press, 1965).

11. A suitable characterization of this tradition: "The theory of public finance has addressed itself to the questions of how much money should be spent on public expenditures, how these expenditures should be distributed among different public wants, and how the costs should be distributed between present and future, and among the members of the society." James S. Coleman, "Individual Interests and Collective Action," in Gordon Tullock (ed.), *Papers on Non-Market Decision-Making* (Charlottesville: Thomas Jefferson Center for Political Economy, University of Virginia, 1966).

12. James M. Buchanan and Gordon Tullock, *The Calculus of Consent* (Ann Arbor: University of Michigan Press, 1967), part III.

13. Niskanen, *Bureaucracy and Representative Government.*

actually do rather than an assumption that officials will automatically translate good policy into law once somebody finds out what it is.[14] With political scientists exploring the purposive and economists the legislative, there are at least three forms that future relations between writers in the two disciplines could take. First, scholars in both could continue to disregard each other's writings. Second, they could engage in an unseemly struggle over turf. Third, they could use each other's insights to develop collectively a more vigorous legislative scholarship in the style of political economy.

All this is an introduction to a statement of what I intend to do in the following essay. Mostly through personal experience on Capitol Hill, I have become convinced that scrutiny of purposive behavior offers the best route to an understanding of legislatures—or at least of the United States Congress. In the fashion of economics, I shall make a simple abstract assumption about human motivation and then speculate about the consequences of behavior based on that motivation. Specifically, I shall conjure up a vision of United States congressmen as single-minded seekers of reelection, see what kinds of activity that goal implies, and

14. There is a discussion of this point in Nathan Rosenberg, "Efficiency in the Government Sector: Discussion," 54 *American Economic Review* 251–52 (May 1954); and in James M. Buchanan, *Public Finance in Democratic Process* (Chapel Hill: University of North Carolina Press, 1967), p. 173.

then speculate about how congressmen so motivated are likely to go about building and sustaining legislative institutions and making policy. At all points I shall try to match the abstract with the factual.

I find an emphasis on the reelection goal attractive for a number of reasons. First, I think it fits political reality rather well. Second, it puts the spotlight directly on men rather than on parties and pressure groups, which in the past have often entered discussions of American politics as analytic phantoms. Third, I think politics is best studied as a struggle among men to gain and maintain power and the consequences of that struggle. Fourth—and perhaps most important—the reelection quest establishes an accountability relationship with an electorate, and any serious thinking about democratic theory has to give a central place to the question of accountability. The abstract assumption notwithstanding, I regard this venture as an exercise in political science rather than economics. Leaving aside the fact that I have no economics expertise to display, I find that economists who study legislatures bring to bear interests different from those of political scientists. Not surprisingly the public finance scholars tend to look upon government as a device for spending money. I shall give some attention to spending, but also to other governmental activities such as the production of binding rules. And I shall touch upon such traditional subjects of political science as elections, parties, governmental structure,

and regime stability. Another distinction here is that economics research tends to be infused with the normative assumption that policy decisions should be judged by how well they meet the standard of Pareto optimality. This is an assumption that I do not share and that I do not think most political scientists share. There will be no need here to set forth any alternative assumption. I may say, for the record, that I find the model of proper legislative activity offered by Rawls a good deal more edifying than any that could be built on a foundation of Pareto optimality.[15]

My subject of concern here is a single legislative institution, the United States Congress. In many ways, of course, the Congress is a unique or unusual body. It is probably the most highly "professionalized" of legislatures, in the sense that it promotes careerism among its members and gives them the salaries, staff, and other resources to sustain careers.[16] Its parties are exceptionally diffuse. It is widely thought to be especially "strong" among legislatures as a checker of executive power. Like most Latin American legislatures but unlike most European ones, it labors in the shadow of a separately elected executive. My decision

15. John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), chs. 4 and 5, and especially pp. 274–84.

16. The term is from H. Douglas Price, "Computer Simulation and Legislative 'Professionalism': Some Quantitative Approaches to Legislative Evolution," paper presented to the annual convention of the American Political Science Association, 1970.

to focus on the Congress flows from a belief that there is something to be gained in an intensive analysis of a particular and important institution. But there is something general to be gained as well, for the exceptionalist argument should not be carried too far. In a good many ways the Congress is just one in a large family of legislative bodies. I shall find it useful at various points in the analysis to invoke comparisons with European parliaments and with American state legislatures and city councils. I shall ponder the question of what "functions" the Congress performs or is capable of performing—a question that can be answered only with the records of other legislatures in mind. Functions to be given special attention are those of legislating, overseeing the executive, expressing public opinion, and servicing constituents. No functional capabilities can be automatically assumed.[17] Indeed the very term *legislature* is an unfortunate one because it confuses structure and function. Accordingly I shall here on use the more awkward but more neutral term *representative assembly* to refer to members of the class of entities inhabited by the United States House and Senate. Whatever the noun, the identifying

17. "But it is equally true, though only of late and slowly beginning to be acknowledged, that a numerous assembly is as little fitted for the direct business of legislation as for that of administration." John Stuart Mill, *Considerations on Representative Government* (Chicago: Regency, 1962), p. 104.

characteristics of institutions in the class have been well stated by Loewenberg: it is true of all such entities that (1) "their members are formally equal to each other in status, distinguishing parliaments from hierarchically ordered organizations," and (2) "the authority of their members depends on their claim to representing the rest of the community, in some sense of that protean concept, representation." [18]

The following discussion will take the form of an extended theoretical essay. Perforce it will raise more questions than it answers. As is the custom in monocausal ventures, it will no doubt carry arguments to the point of exaggeration; finally, of course, I shall be satisfied to explain a significant part of the variance rather than all of it. What the discussion will yield, I hope, is a picture of what the United States Congress looks like if the reelection quest is examined seriously. The essay will be heavily footnoted, with the references serving as a running bibliographical guide to works by political scientists, economists, journalists, and politicians I have found useful in thinking about the subject. Part 1 will deal with the electoral incentive and the activities it induces. Part 2 will deal with institutional arrangements in Congress and with congressional policy making.

18. Gerhard Loewenberg, "The Role of Parliaments in Modern Political Systems," in Loewenberg (ed.), *Modern Parliaments: Change or Decline?* (Chicago: Aldine-Atherton, 1971), p. 3.

1

THE ELECTORAL INCENTIVE

Congress has declined into a battle for individual survival. Each of the Congressmen and each of the Senators has the attitude: "I've got to look out for myself." If you remember the old best advice you ever had in the army, it wound up with: "Never volunteer." This applies to Congress, and so we have very few volunteers. Most of them are willing only to follow those things that will protect them and give them the coloration which allows them to blend into their respective districts or their respective states. If you don't stick your neck out, you don't get it chopped off.

—Senator William B. Saxbe (R., Ohio)