# CONGRESS

## POWERS, PROCESSES, AND POLITICS

Alan L. Clem

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**Alan L. Clem**
*University of South Dakota*

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# PREFACE

A century ago, William Allen White, a Kansas newspaper editor, stung by widespread negative attitudes about his state, wrote an editorial entitled "What's the Matter with Kansas?" Americans today, who are by and large proud of their nation's democratic heritage and institutions, complain frequently and loudly about Congress, prompting the question, "What's the matter with Congress?"

White attempted to convince his fellow Kansans that they had a state of which they should be proud. But defenders of Congress today would have to argue in the face of abundant and persistent evidence that there is much that is the matter with the legislative branch. Congress exhibits myriad unhealthy symptoms, as noted by many journalists and scholars. Congress is said to be cumbersome, slow, and inconsistent in policy making. Among its members are too many "showhorses" interested in their personal image and not enough "workhorses" interested in solving important national problems. At taxpayer expense, members send hundreds of thousands of pretentious, self-serving newsletters to constituents. They use mysterious, arcane procedures to secure higher salaries and perquisites for themselves. They denounce special interests but write campaign finance laws in such a way as to help incumbents and discourage challengers.

Some members behave in wasteful, selfish, and even immoral ways. One flies to Brazil as the only passenger on an Air Force plane. Another hires a female typist whose services do not include typing or anything else likely to benefit the public. A few use information obtained in the course of congressional investigations to make personal investment decisions. Several accept trips and vacations from interests that have a stake in pending legislation. A few accept direct bribes in return for promising to promote or kill particular bills. All in all, this side of Congress is not a pretty sight.

Such bad habits and aberrations understandably disturb Americans. Naturally, we all have a stake in the honesty and effectiveness of our national representatives. But there is a broader perspective from which to evaluate the performance of Congress. Its success or failure as a powerful, popularly chosen lawmaking institution may well determine the ultimate fate of representative democracy, a modern development that flowered in the nineteenth century and by the middle of the twentieth century had come to dominate the First World (North America, Western

Europe, Japan, Australia, New Zealand) and some parts of the Third World. Events of the next few decades may reveal whether representative democracy will survive and spread or decline and even disappear.

This book deals with the underlying reality that Congress is, as the framers of the Constitution intended it to be, a responsible body with limited powers. Congress was designed to determine policy and thereby to set the direction of the nation, but its policy making powers are significantly limited by the Constitution. The general objectives of the government of the United States—to establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for future generations—were stated in the Constitution's preamble. Enactment of wise laws by Congress was to be the principal means of achieving these goals. In Section 8 of Article I, Congress is given certain specified powers, which are somewhat enlarged by the "necessary and proper" clause at the end of Section 8. But Sections 1 and 9 of Article I, as well as the Bill of Rights, considerably limit and define the extent of Congress's lawmaking power. Congress is restrained not only by constitutional limitations but also by what might be called practical and political limits. The phrase *practical limits* applies to those problems that are beyond the power of the federal government to solve; *political limits* designates those problems that involve such divisive, controversial issues that even their discussion creates intense internal tension.

These considerations lead to two fundamental lessons: first, that the Constitution and our own attitudes about personal freedom and private enterprise continue to act as restraints on Congress, and second, that if new governmental initiatives are to emerge, they must come from Congress or at least have Congress's specific assent.

Conflict, division, pressure, and tension pervade and affect every significant thing Congress does and are a recurring motif in this book. Emphasis on tension, however, should not obscure the fact that Congress as an institution constantly seeks and usually reaches agreement and consensus on important policy questions. Consensus building and consensus holding, in fact, are probably Congress's most impressive and important continuing achievements.

Congress is a complex institution with a complex role in a complex political system. Thus to reduce its character to a single theme risks misinterpreting relevant facts. Theories, conceptual frameworks, and integrative themes, in an attempt to be encompassing, can be misleading. The writer Ruth Rendell has described this problem in *Murder Being Once Done* (Doubleday & Co.: N.Y., 1972, pp. 62–63): "Inspector Baker was one of those men who, like certain too eager philosophers and scientists, form a theory and then force the facts to fit it. Anything which disturbs the pattern, however relevant, must be rejected, while insignificant data are magnified."

Specific illustrations, examples, or cases involving congressional personalities, groups, procedures, issues, and decisions are presented to convey the reality and immediacy of Congress. These vignettes are intended to fill the need for more richly detailed observation of legislative life, an idea forcefully expressed by

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Richard Fenno in his presidential address to the American Political Science Association, "Observation, Context, and Sequence in the Study of Politics" (*American Political Science Review* Vol. 80 [March 1986]: 13–14). Fenno believes that too few political scientists are engaged in observation and discusses his own study of how six senators reached their respective personal decisions on the question of selling AWACS planes to Saudi Arabia.

> It should not be thought that I have told the story of AWACS. Far from it. At best I have told six little stories to feed into the larger story of AWACS. But the six stories suggest how complex the study of any large legislative decision must be, and how many different decision contexts and decision sequences are involved. They further suggest how much research room yet remains for the microscopic, observation-based analyses of the governing activity of legislative politicians.

Hopefully, this book's vignettes will enrich the reader's understanding of this powerful, complex, and altogether remarkable institution. These illustrations of policy-making processes do more than merely describe actors and actions in the congressional environment. They can also suggest to students ways they can develop empirical data and sharpen integrative skills that can help in critically assessing current congressional events.

A book such as this, which so briefly surveys so much territory, inevitably uses and summarizes much previous research, and the extent of such obligations is suggested by the footnotes and bibliographical citations. As will be seen, considerable use has been made of information published in the *Congressional Quarterly Weekly Report,* the *Almanac of American Politics* (the 1986 edition by Michael Barone and Grant Ujifusa, published by the *National Journal*); the *Congressional Directory;* the *Congressional Record;* and *Vital Statistics on Congress* (the 1984–1985 edition by Norman J. Ornstein, Thomas E. Mann, Michael J. Malbin, Allen Schick, and John F. Bibby, published by the American Enterprise Institute).

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*Alan L. Clem*
*Vermillion, South Dakota*

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