

CONGRESS SITS MEMBERS

NINTH EDITION

ROGER H. DAVIDSON and WALTER J. OLESZEK

Congress and Its Members

Ninth Edition

Roger H. Davidson *University of Maryland*

Walter J. Oleszek Congressional Research Service



A Division of Congressional Quarterly Inc. Washington, D.C.

CQ Press 1255 22nd Street, N.W., Suite 400 Washington, D.C. 20037

(202) 729-1900; toll-free, 1-866-4CQ-PRESS (1-866-427-7737)

www.cqpress.com

Copyright © 2004 by CQ Press, a division of Congressional Quarterly Inc.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission in writing from the publisher.

Printed and bound in the United States of America

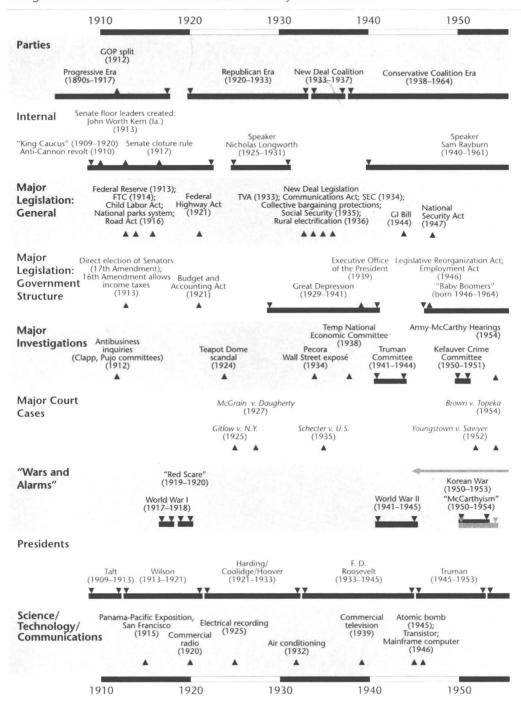
07 06 05 04 5 4 3 2

Photo credits: Agence France-Presse, 419 (middle); AP/Wide World, 2 (bottom), 80 (top right, bottom left, bottom right), 150 (top left, middle), 291 (bottom), 319 (top), 345 (bottom), 419 (bottom); Scott J. Ferrell, Congressional Quarterly, 2 (middle), 12 (bottom), 118 (bottom), 192 (middle, bottom), 228, 260 (top, bottom), 291 (top), 319 (bottom), 345 (top, middle), 367 (top, middle, bottom), 391 (middle, bottom), 447; Franks for Senate, Inc., Smith & Haroff, 80 (top left); The Hill, 118 (top); LBJ Library, frontispiece (middle, bottom); Library of Congress, 12 (top); New York Times, frontispiece (top); Reuters, 2 (top), 38 (bottom), 150 (bottom), 192 (top), 291 (middle), 319 (middle), 391 (top); Hung Liu/U.S. Bureau of the Census, 38 (top); U.S. Navy, 419 (top).

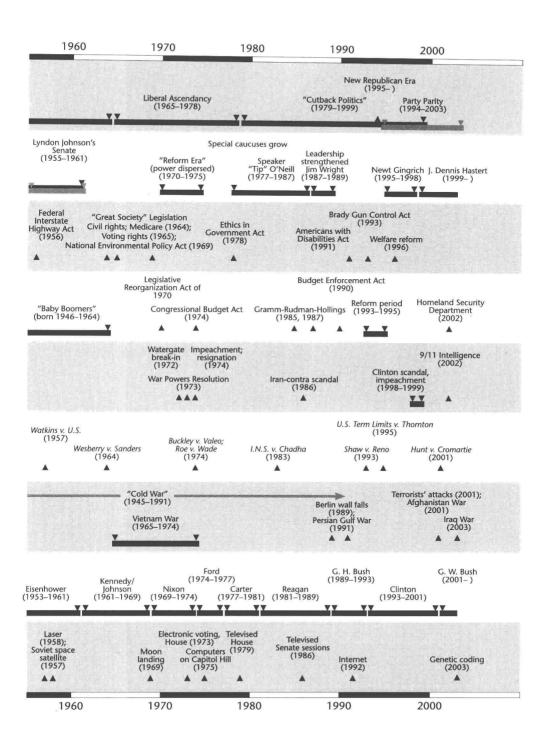
Library of Congress Cataloging-in-Publication Data

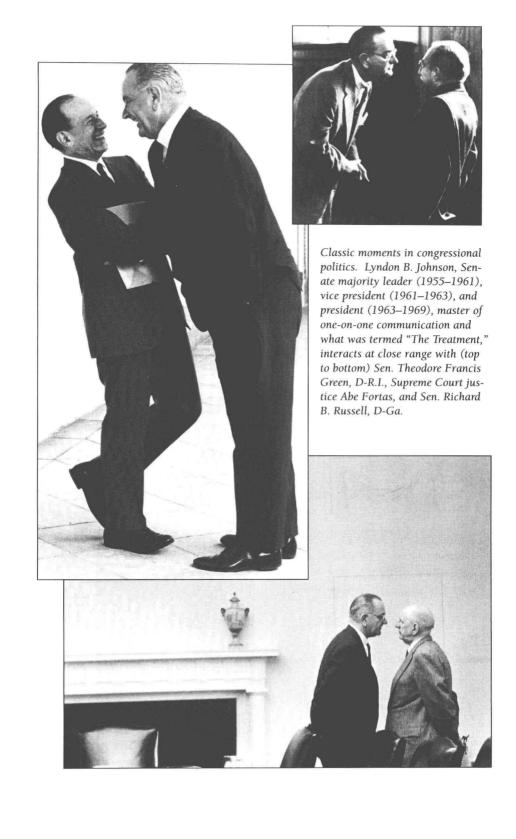
ISBN: 1-56802-816-4 ISSN: 1539-1779

Congressional Time Line: Twentieth and Twenty-first Centuries



840	1850	1860	1870	1880	1890	1900
232	237	243	293	332	357	435
52	62	68	74	76	88	90
Mas campai (1840	igns for Os) (18	Southern OP states	(187 and of Reconstruc	ampant lobbies)		Progressive Era (1890s–1917) y v. Bryan 396)
(Webste	nate oratory r, Clay, Calhoun) 30s, 1840s)		Appropriations (1870) Radical Republic in control (1868–1876)	cans	ong House Speal (1860s–1910) Reed Rules (1890)	kers
	Taney Court (1836–1864)		("	Business-oriented economic due p (1873–1934	rocess") Plessy v.	Ferguson 396)
		tt v. Sandford 1857)	Slaughterhouse (1873)		Pollock v. Farmer (189	s Loan & Trust
(1844) Po (1	Compromise of 1850 ph demonstrated ostage stamps 847)	Pacific	eges A A Telep Centennial Expos	(1883) phone; Wirsition, Philadelph	zones Sherman National I	forests (1891) Exposition, Chicago
	xican War 46–1848)	Civil Wa (1861–186		Standard Time (1883)		Wright brothers' airplan (1903) n-American War (1898)
	"Dough (Fillmore; Pierc (1849– Polk 5–1849)	e; Buchanan)	Grant 5) (1869–18.	77) Y	Cleveland (1885–1889; 1893–1897)	T. Roosevelt (1901–1909) McKinley (1897–1901)
	and the state of t				The state of the s	The Real Property and the second





For Nancy; Douglas, Victoria, Elizabeth, Thomas, James, Alexander; Chris, Teddy, Emily, and Olivia R. H. D.

For Janet, Mark, and Eric W. J. O.

Preface

As authors of the ninth edition of a book that first appeared in 1981, we are perforce believers in the maxim that in politics six months is a long time and four years practically a lifetime. Events of recent years surely bear out this wisdom.

The presidency of Bill Clinton took Congress and the American people on a wild roller-coaster ride of success and disappointment. George W. Bush, Clinton's successor, emerged from the 2000 presidential contest that ended in the political equivalent of a tied score resolved by a judicial coin toss. Thus Bush faced the daunting task of governing in the absence of a clear electoral mandate. But his moderately successful presidency was dramatically transformed by the terrorist attacks of September 11, 2001, which enabled him to reinvent himself into a wartime leader.

Political forces on Capitol Hill reflected a recent partisan realignment. The new century found the two parties in a state of virtual parity. The Republicans began the 108th Congress (2003–2005) with 229 House seats, a sufficient but not overwhelming majority. In the Senate the GOP edge was a 51–48 (with one Independent who tended to side with the minority Democrats)—by no means a comfortable majority in a chamber that values independence and often requires supermajorities to conduct business.

The fluctuating fortunes of Presidents Clinton and George W. Bush and the Republican congressional majorities remind us of the pervasive pluralism of our political system, with its diversity of viewpoints and interests. What presidents and congressional majorities see as their mandates soon bump against the Founders' intricate "auxiliary precautions" for preventing majorities from winning quick or total victories. Not the least of the system's qualities is what we call the "two Congresses" dilemma: Congress is a conduit for localized interests and concerns as well as a maker of national policy.

In this edition we discuss new developments and fresh research findings regarding nearly every aspect of Congress. The impact of the September 11, 2001, attacks cannot be minimized. A wartime environment—thus far embracing two fighting wars in the Middle East and an ongoing war on terrorism—places extreme pressures on Congress. Deliberative legislative processes may seem out of place when people demand immediate, concerted actions. But hasty actions invariably are regretted, and sober reflections may demand legislative oversight and reconsideration.

The strength of partisanship and party leadership—perhaps the biggest Capitol Hill "story"—has at last gained serious attention from analysts. Party

competition—the so-called permanent campaign— pervades nearly every aspect of legislative life. We record changes in the committee system, floor procedures, and the Capitol Hill "establishment." Congress's shifting relationships with presidents illustrate the centrality of the White House—Capitol Hill connection and raise once again fundamental questions about the results of unified versus divided party control.

Amid all these global and political changes, there are underlying constants in Congress's character and behavior. Most important is the dual nature of Congress as a collection of career-minded politicians and at the same time a forum for shaping and refining national policy. We employ the "two Congresses" theme to explain the details of congressional life as well as the scholarly findings about legislators' behavior. Colorful personalities and practical examples illustrate the enduring topics essential for understanding Capitol Hill. We strive to describe recent events and trends precisely and perceptively; more than that, we try to place these developments in the broader historical and conceptual frameworks necessary for understanding how Congress and its members function.

For congressional experts, these are the best of times and the worst of times. On the one hand, we have witnessed an era of astonishing change on Capitol Hill—dramatic shifts in congressional membership, partisan control, structural and procedural arrangements, and policy agenda. Congress ought to validate its position as an initiator of national policy making. Yet, at the same time, executive decision makers, federal judges, and elite opinion makers profess widespread distrust of Congress. In our judgment, and that of most careful observers, this skepticism far outruns the institution's actual defects and shortcomings—a paradox that is manifested in our new edition of Congress and Its Members.

This edition, like its predecessors, is addressed to general readers seeking an introduction to the modern Congress as well as to college or university students taking courses on the legislative process or national policy making. We have tried to provide our readers with the most accurate, timely, and readable information possible, along with the most important and thoughtful insights from scholars and practitioners alike. Although wrapped around our core theme and a number of subthemes, the book's chapters are long on analysis. For this we do not apologize. Lawmaking is a complicated business that demands special skills; those who would understand it must encounter its details and nuances. At the same time, we trust we have conveyed something of the energy and excitement of the place. After all, our journalist friends are right: Capitol Hill is the best "beat" in town.

Anyone who has prepared nine editions of a book has incurred more debts to friends and fellow scholars than could ever be recounted. Authors are primarily indebted to their readers, in this case the students and teachers at the hundreds of colleges and universities here and abroad where our book has

been adopted. We have benefited from a large number of scholars and, for this edition, several outstanding young scholars.

We acknowledge our colleagues at the Congressional Research Service and elsewhere: Mildred Amer, Stanley Bach, Richard Beth, Sarah A. Binder, Colton Campbell, Joe Cantor, Kevin Coleman, Royce Crocker, Paul E. Dwyer, C. Lawrence Evans, Louis Fisher, Gary Galemore, Kevin Gates, William Heniff, Henry Hogue, David Huckabee, Frederick Kaiser, Robert Keith, Johnny H. Killian, Mike Kolakowski, Forrest Maltzman, Ronald Moe, John S. Pontius, Harold Relyea, Sula P. Richardson, Paul Rundquist, Steve Rutkus, Elizabeth Rybicki, Richard Sachs, Judy Schneider, Eric R. A. N. Smith, Sean M. Theriault, and Donald Wolfensberger.

Our friends at CQ Press deserve special appreciation. Brenda Carter, director of the college division, patiently encouraged us at every step. Charisse Kiino, our editor, proved once again the exceptional quality of CQ's editorial work. Colleen McGuiness provided skilled and probing editorial assistance. Christopher Karlsten coordinated the entire effort and tried to hold us to our deadlines. Belinda Josey kept the trains running on time. Talia Greenberg gave invaluable advice on photo research. Deborah Ismond fashioned fresh graphics throughout the book and implemented our concept of congressional time lines

Our deep appreciation for our families, for their love and support, cannot be fully expressed in words. As a measure of our affection, this book is dedicated to them

Roger H. Davidson, Santa Barbara, California Walter J. Oleszek, Fairfax, Virginia June 2003

Contents

Preface xi
Part 1 In Search of the Two Congresses
1 The Two Congresses 3 The Dual Nature of Congress 4 Divergent Views of Congress 9
2 Evolution of the Modern Congress 13 Antecedents of Congress 13 Congress in the Constitution 17 Institutional Evolution 26 Evolution of the Legislator's Job 31 Conclusion 36
Part 2 A Congress of Ambassadors
Going for It: Recruitment and Candidacy 39 Formal Rules of the Game 40 Districting in the House 44 Becoming a Candidate 56 Nominating Politics 65 The Money Factor 68 Conclusion 79
4 Making It: The Electoral Game 81 Campaign Strategies 82 Campaign Resources 85 Campaign Techniques 90 The Parallel Campaigns 96 Who Votes? 97 How Voters Decide 100 Election Outcomes 111 After the Election Is Over 116

5	Being	There:	Hill	Styles	and	Home	Styles	119
---	-------	--------	------	--------	-----	------	--------	-----

Hill Styles 120 Looking Homeward 132 Office of the Member Inc. 140 Members and the Media 145 Conclusion 149

Part 3 A Deliberative Assembly of One Nation

6 Leaders and Parties in Congress 151

Leaders of the House 153
Leaders of the Senate 168
Selection of Leaders 177
Leadership Activities 178
Party Caucuses, Committees, and Informal Groups 182
Party Continuity and Change 185
Conclusion 191

7 Committees: Workshops of Congress 193

The Purposes of Committees 194
Evolution of the Committee System 19
Types of Committees 197
The Assignment Process 203
Committee Leadership 211
Policy Making in Committee 211
Committee Staff 219
Committee Reform and Change 221
Conclusion 226

8 Congressional Rules and Procedures 229

Introduction of Bills 231
Referral of Bills 234
Scheduling in the House 237
House Floor Procedures 246
Scheduling in the Senate 249
Senate Floor Procedures 252
Resolving House-Senate Differences 256
Conclusion 259

9 Decision Making in Congress 261

The Power to Choose 262
Types of Decisions 263
Determinants of Voting 271

Legislative B	argaining	282
Conclusion	288	

Part 4 Policy Making and Change in the Two Congresses

10 Congress and the President 291

The President as Legislator 291
The Veto Power 305
Sources of Legislative-Executive Cooperation 309
Sources of Legislative-Executive Conflict 311
The Balance of Power 313
Conclusion 316

11 Congress and the Bureaucracy 319

Congress Organizes the Executive Branch 320 Congressional Control of the Bureaucracy 336 Conclusion 343

12 Congress and the Courts 345

Constitutional Review 346
The Court as Referee and Umpire 347
Advice and Consent for Judicial Nominees 356
Conclusion 364

13 Congress and Organized Interests 367

A Nation of Joiners 367
Pressure Group Methods 370
Groups and the Electoral Connection 376
Groups and Legislative Politics 381
Informal Groups of Members 383
Regulation of Lobbying 384
Conclusion 388

14 Congress, Budgets, and Domestic Policy Making 391

Definitions of Policy 391
Stages of Policy Making 393
Types of Domestic Policies 396
Characteristics of Congressional Policy Making 398
Congressional Budgeting 401
The 1974 Budget Act 407
Surpluses Arrive Unexpectedly 413
The Return of Deficits 414
Conclusion 417

15 Congress and National Security Policies 419

Constitutional Powers 420
Who Speaks for Congress? 421
Types of Foreign and National Security Policies 424
Structural Policies 424
Strategic Policies 429
Crisis Policies: The War Powers 437
Conclusion 442

Part 5 Conclusion

16 The Two Congresses and the American People 447

Congress-as-Politicians 448 Congress-as-Institution 452 Twenty-first Century Challenges 457 "The Fundamental Things Apply" 461

Reference Materials 465

Appendix A. Party Control: Presidency, Senate, House, 1901–2003 466

Appendix B. Internships: Getting Experience on Capitol Hill 468

Notes 470

Suggested Readings 516

Index 523



Rep. Jerrold Nadler, D-N.Y., and the "two Congresses" after disaster strikes the World Trade Center in his Eighth District. Above, Nadler (left, in mask) and Democratic leader Dick Gephardt, Mo., are shown areas of devastation as lawmakers tour Ground Zero. Nadler (left) and fellow New York Democrats Joseph Crowley and Carolyn B. Maloney attend an Appropriations Committee markup to lobby for New York City aid. Below, Nadler talks with New York mayor Michael Bloomberg.

