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Congress *and Its* Members

Roger H. Davidson and Walter J. Oleszek

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Seventh Edition

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*For Nancy; Douglas, Victoria, Elizabeth, and Thomas;
Chris, Theo, and Emily
R.H.D.*

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

Preface

As authors of the seventh 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. Recent events surely bear out this wisdom.

Exhibit A is President Bill Clinton's roller-coaster ride with Congress and the American people. Clinton's legislative record in his first two years (1993–1994) was the most successful of any president since Lyndon B. Johnson in the 1960s. In 1995, after the Republicans captured Congress, it was the least successful in the modern era. The following year, as the Republican “revolution” wore out its welcome with the public, Clinton's fortunes rebounded. In mid-1997 President Clinton enjoyed job ratings twice as high as those of Congress. In 1998 the scandal surrounding the president's relationship with Monica Lewinsky dominated the political news and ended with Clinton's impeachment by the House and subsequent acquittal by the Senate. Although many commentators pronounced the end of the Clinton presidency—either before or after the impeachment—the president continued to dominate the agenda in the face of divided Republicans and to exert presidential prerogatives over foreign policymaking.

Exhibit B is the GOP majority in Congress. The Republicans' stunning, unexpected victory in 1994 won them, and their leader Newt Gingrich, control of the House after a forty-year exile in the minority. At the same time, the party recaptured control of the Senate after a lapse of eight years. The House leadership's aggressive “Contract with America” dominated their early policy agenda, though it ran into opposition from the Senate and the White House. Defying presidential vetoes, Republicans were blamed for shutting down the federal government twice during the winter of 1995–1996. From that time on their troubles mounted, and they barely escaped losing the House in the November 1998 elections. Pursuing impeachment seemed a winning issue for the GOP, but the effort not only failed to oust the president but portrayed the party as obsessed with bringing him down. Although much of their overall agenda has taken hold—even the president agreed to a balanced budget and welfare reform and conceded that “the era of big government is over”—the Republicans' assaults on specific government programs drew a mixed reception. Their House leaders were hampered by narrow majorities and internal feuding.

The fluctuating fortunes of President Clinton and the congressional Republicans remind us of the pervasive pluralism of our political system, with its diversity of viewpoints and interests. What the president and the GOP saw

as their mandates soon bumped 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 growing strength of partisanship and party leadership—perhaps the biggest Capitol Hill "story"—has now gained serious attention from analysts. We record changes in the committee system, floor procedures, and the Capitol Hill "establishment." Congress's shifting relationships with President Clinton 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.

The continuing centrality of fiscal issues, even in a period of federal surpluses, dictates detailed coverage of the budget and domestic policy making. We have tried to avoid the arcane terminology of budget process specialists, preferring instead to emphasize how budget practices reflect and in turn frame political conflicts. In examining foreign and national security policies, we stress the effects upon Congress of the post–cold war world—for example, the altered international agenda and a downsized military establishment. Finally, we consider the ambivalent relationship between Congress and the American people, whose views in the 1990s veered from skepticism and distrust to acceptance, if not affection.

Amid all these legal, political, and institutional 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 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 *fin de siècle* congressional scholars, 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. Once again Congress proves itself as an engine of national policy making. Yet, at the same time, opinion makers and the general public profess extreme distrust of Congress and other governmental institutions. In our judgment, and that of most careful observers, this cynicism 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 interpretations 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 seven 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. For this edition we were guided by the commentaries of three outstanding young scholars: Scott Adler of the University of Colorado, Richard Forgette of Miami University of Ohio, and a third, anonymous reviewer.

We acknowledge our colleagues at the Congressional Research Service: Mildred Amer, Stanley Bach, Richard Beth, Joe Cantor, Royce Crocker, Paul E. Dwyer, Louis Fisher, Gary Galemore, David Huckabee, Frederick Kaiser, Robert Keith, Johnny H. Killian, Ronald Moe, John S. Pontius, Sula P. Richardson, Richard Sachs, and Judy Schneider.

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

Roger H. Davidson, Santa Barbara
Walter J. Oleszek, Washington, D.C.
July 1999

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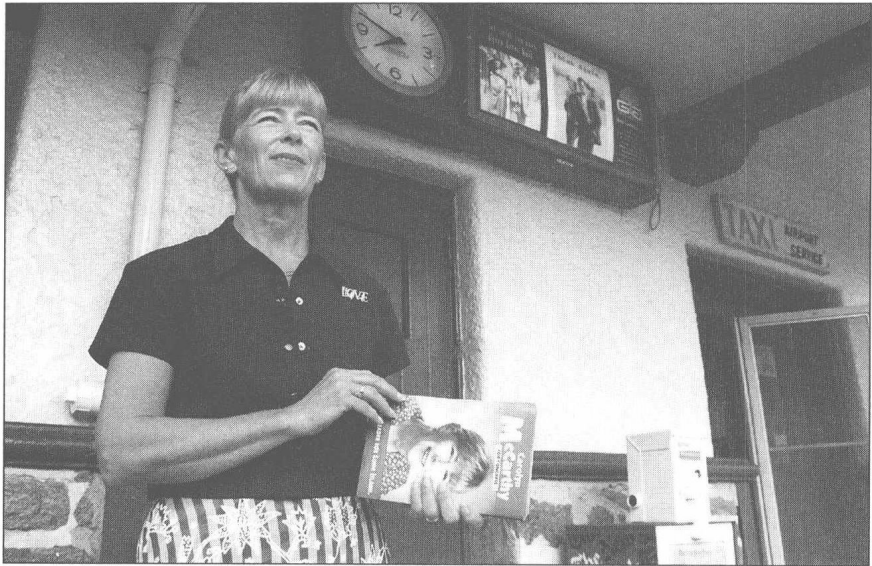
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Part 1

In Search of the Two Congresses



Citizen McCarthy and the “two Congresses.” Carolyn McCarthy, a Democrat, prepares to greet voters and hand out leaflets to commuters at a Long Island Railroad station during her successful 1996 House campaign. As a second-term (below), she and thirty other women representatives call upon House leaders to allow floor debate on gun-safety legislation.



The Two Congresses

Carolyn McCarthy waited on the platform as commuter trains pulled into the Mineola, Long Island, station on the afternoon following election day 1996. As photographers jostled for position, she greeted and thanked home-bound commuters for electing her as Long Island's first-ever woman member of Congress. "Carolyn! Carolyn!" a woman shouted at McCarthy and, giving a thumbs-up sign, added, "Remember us!"¹

Not that McCarthy or her constituents are likely to forget each other. On this very rail line, three years earlier, a gunman opened fire and killed six people, including her husband, and wounded nineteen others, including her son. (The family's home is in nearby Mineola.) The Long Island Railroad massacre transformed McCarthy into an advocate of gun control. "I chose to try to make something good come out of a horrible situation," she explained. "Most of the time, that's how an activist starts."² When her representative, first-termer Daniel Frisa, voted in 1996 to repeal the ban on assault weapons—a law she had lobbied for—she was so outraged that she decided to run against him.

One problem: McCarthy, like Representative Frisa, was a registered Republican. The powerful GOP organization in Nassau County spurned her candidacy. The Democrats, however, wooed her. They saw in McCarthy a chance to gain one of the seats they needed to recapture the House. Soon she was summoned to the nation's capital to meet with Democratic leader Richard A. Gephardt, D-Mo. When she told him, "Look, I'm a Republican," he was not deterred.

Thus McCarthy decided to plunge into big-time politics as a Democrat. By election day she had raised nearly \$1.1 million and had spent almost all of it—half in the frantic three weeks before the balloting. She got minimal financial support from her newfound party, but its allies had plenty of resources. The AFL-CIO's \$25 million nationwide barrage of attack ads in 1996 aroused GOP ire, but equally potent was the \$10 million it poured into key local campaigns, headed by paid coordinators. In the Fourth District, union members contacted 2,000 union households in a "labor to neighbor" program; "all told, labor . . . distributed more than 130,000 pro-McCarthy pieces of literature and made more than 150,000 phone calls on her behalf."³

McCarthy had to overcome charges—voiced by her opponent and harbored by many voters—that she was just a one-issue candidate. In response, she and her allies aggressively attacked not only Representative Frisa's vote on gun control but his whole record—in Gephardt's sarcastic words, his "robot votes for the Gingrich program." In the end the Republicans retained control

of Congress. But McCarthy's sweeping triumph by 35,000 votes—57 percent of the total—was one of the biggest election night stories.

Two years later McCarthy was no longer simply a "media star." She was an incumbent defending her seat against an aggressive opponent in a fiercely competitive district. That meant she could raise the campaign funds she needed (some \$800,000)—even though the state's big Democratic money (nearly \$10 million) flowed into Rep. Charles Schumer's successful Senate race against Alfonse D'Amato, the Republican incumbent. It also meant that McCarthy had a record to defend. She stressed her work on gun control and teacher training and her success in snagging federal funds for a local water project. But some of her votes had alienated constituents. Conservatives were furious when she opposed a ban on late-term abortions. Liberals who resented her vote to begin the inquiry on the impeachment of President Clinton had to be reassured (by a personal message played in automated phone calls to every registered Democrat) that, yes, the president supported her reelection. Though her campaign was obscured by the Schumer–D'Amato food fight, McCarthy nonetheless prevailed by a narrow 52–47 percent margin.

McCarthy's career illustrates the themes in this book. First is the partisanship that infuses so much of today's politics—in electoral campaigns, especially in swing districts, in many statewide races, and nationally in battles over control of Congress. National political organizations, issues, and resources shape local campaigns and the way they are waged. Party organizations fueled McCarthy's decision to enter politics and her ability (and that of her opponents) to wage costly campaigns. Yet congressional politics is also rooted in local affairs—beginning in this case with a community tragedy but ever present in McCarthy's bonds with her constituents.

The Dual Nature of Congress

The contests in New York's Fourth District thus underscore the dual nature of Congress. Like all members of Congress, McCarthy inhabits two very different but closely linked worlds. On Capitol Hill she was a green, albeit highly visible, newcomer forced to master not only a new environment but a wholly new career. At the same time her constituents, whose votes brought her rare national renown, watched and judged her performance, just as they did her predecessor's. The Fourth remains a competitive district; Republican Party organizers will continue to target her. After the 1998 ballots were counted, however, the Democratic county chairman vowed, "My commitment to Carolyn McCarthy is that she will never win by such a close margin, ever again."⁴ And because she resides in the nation's premier media market, her mistakes as well as her triumphs are covered in merciless detail. McCarthy's career highlights integral aspects of our national legislature—Congress as a lawmaking institution and as an assembly of local representatives. The question is how can these disparate elements be reconciled?

The answer is that there are really two Congresses. One is the Congress of textbooks, of "how a bill becomes a law." It is Congress acting as a collegial

body, performing constitutional duties and debating legislative issues. And it is an intriguing subject. To tourists and C-SPAN viewers no less than to veteran analysts, Capitol Hill is a fascinating arena where converge many of the forces of American political life—ambitious politicians, Cabinet members, lowly bureaucrats, and lobbyists both powerful and weak. The issues they voice on Capitol Hill, to invoke a time-worn sentiment, affect the well-being of us all.

This Congress is more than a collection of its members at any given time. It is a mature institution with a complex network of rules, structures, and traditions. These norms mark the boundaries of the legislative playing field and define the rules by which the game is played. Individual members generally must accept Congress on its own terms and conform to its established ways of doing things. Paradoxically, the institution at once both resists change and constantly invites change.

There is also a second Congress, which we glimpsed in New York's Fourth District, that is every bit as important as the Congress of the textbooks. This is the representative assemblage of 540 individuals (100 senators, 435 representatives, four delegates, and one resident commissioner). It comprises men and women of diverse ages, backgrounds, and routes to office. The electoral fortunes of its members depend less upon what Congress produces as an institution than upon the support and goodwill of voters hundreds or thousands of miles away. Journalist Richard Rovere once compared members of Congress with tribal leaders whose chief concern while in Washington was what was going on around the council fires back home. This analogy may be an exaggeration, but it contains an important truth: not all congressional activity takes place in Capitol Hill chambers or committee rooms.

The two Congresses are in some ways widely separated. The tight-knit, complex world of Capitol Hill is a long way from New York's Fourth District, in perspective and outlook as well as in miles. Moreover, the two Congresses are analytically distinct. Studies suggest that public officials and citizens view the twin functions of elected assemblies—lawmaking and representing—as separate, definable tasks.

Yet these two Congresses are closely bound together. What affects one sooner or later affects the other. McCarthy has fashioned her own representational style. The images she projects back home reflect what she achieves, or hopes to achieve, on Capitol Hill. In 1996 she was a party-switching independent, an amateur propelled by personal tragedy into public life; three years later she was a leader of the Democrats' gun control forces. Thus far the voters have endorsed her, but who knows what they will decide in the future?

The Historical Basis

The dual character of Congress is rooted in history. Congress's mandate to write the nation's laws is found in Article I of the Constitution, which details the powers of government as set forth by the Founders in 1787. It was no accident that the Constitution's drafters devoted the first article to the legislature nor that

here were enumerated most of the government's powers. Familiar with the British Parliament's prolonged struggles with the Crown, the Constitution's authors assumed the legislature would be the chief policy-making body and the bulwark against arbitrary executives. ("In republican government, the legislative authority necessarily predominates," observed James Madison in *The Federalist Papers*.)⁵ Although in the ensuing years initiative shifted many times between the legislative and executive branches, the U.S. Congress remains virtually the only national assembly in the world that drafts in detail the laws it passes, rather than simply ratifying measures prepared by the government in power.

As a representative body, Congress must respond to the insistent demands of voters and constituents. Although not specifically spelled out in the Constitution, these duties inevitably flow from constitutional provisions for electing representatives and senators.

The House of Representatives is, and was intended to be, the most representative element of our government. Representatives are elected directly by the people for two-year terms to ensure that they do not stray too far from popular opinion. As Madison explained, the House should have "an immediate dependence on, and an intimate sympathy with, the people."⁶ For most members of the House, this two-year cycle means nonstop campaigning, visiting, looking after constituents, and errand running. For a few the job is simpler than for others; yet no elected official is totally immune to electoral defeat.

The Senate originally was intended to be one step removed from popular voting to temper the House's popular passions: state legislatures selected senators. But the Founders ultimately were overruled. In 1913 the people were assured of a voice with the ratification of the Seventeenth Amendment, which provided for direct election of senators. Although elected for six-year terms, senators must stay in close touch with the electorate. Like their House colleagues, senators typically regard themselves as servants of their constituents; most have transformed their office staffs into veritable cottage industries for generating publicity and handling constituents' inquiries.

Thus the Constitution and subsequent historical developments affirm Congress's dual functions of lawmaker and representative assembly. Although the roles are tightly bound together, they nonetheless impose separate duties and functions.

Legislators' Tasks

This dualism between institutional and individual duties surfaces in legislators' daily activities and roles. As Speaker Sam Rayburn, D-Texas, once remarked: "A congressman has two constituencies—he has his constituents at home, and his colleagues here in the House. To serve his constituents at home, he must also serve his colleagues here in the House."⁷

Like most of us, senators and representatives suffer from a lack of time to accomplish what is expected of them. No problem vexes members more than that of juggling constituency and legislative tasks. Despite scheduled recesses