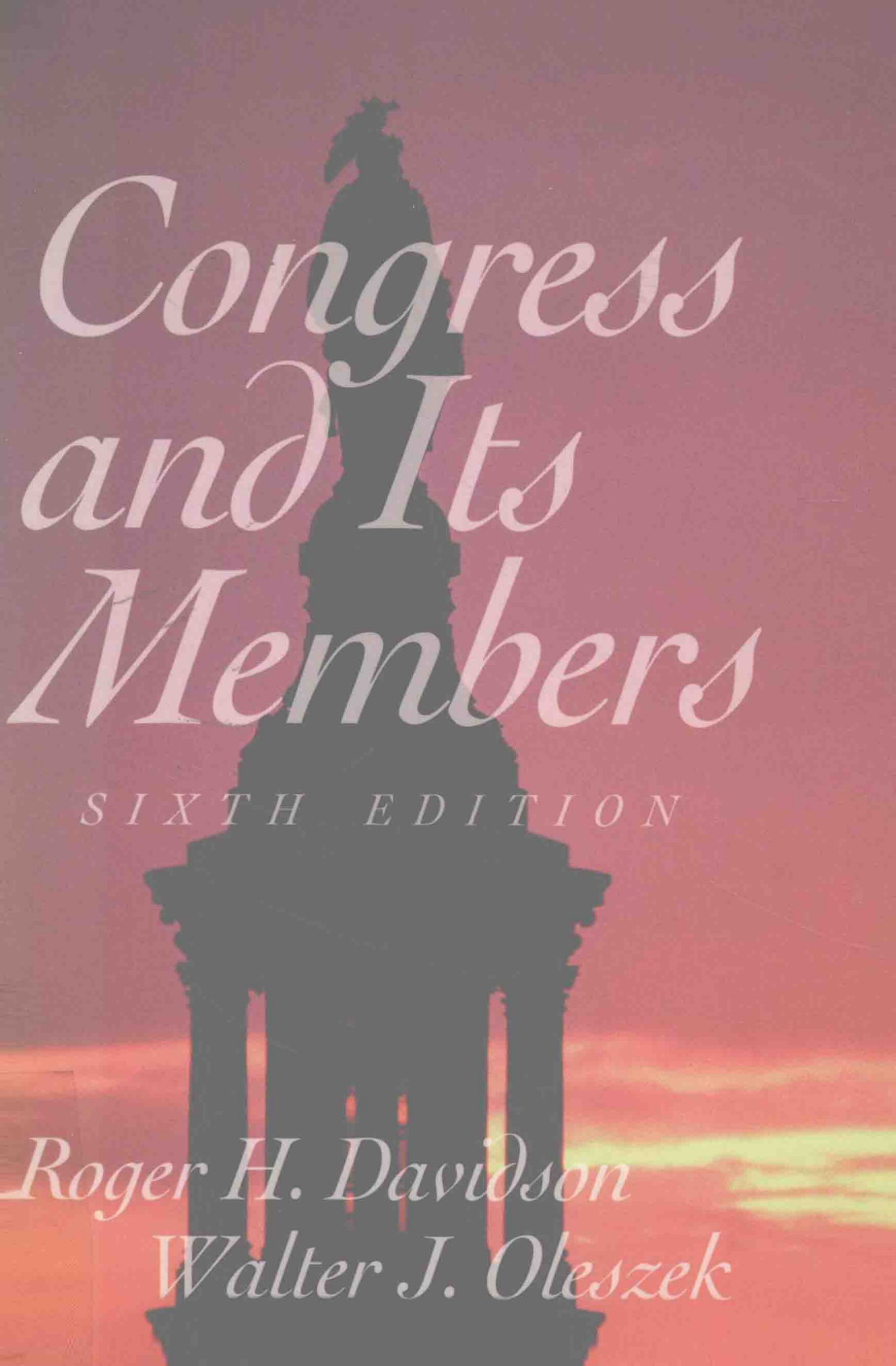
Congress and Its Members
SIXTH EDITION
Roger H. Davidson
Walter J. Oleszek

Congress and Its Members

Sixth Edition

Roger H. Davidson
University of Maryland

Walter J. Oleszek
Congressional Research Service

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For Nancy, Douglas and Victoria, Christopher and Theo, and Elizabeth
R.H.D.

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

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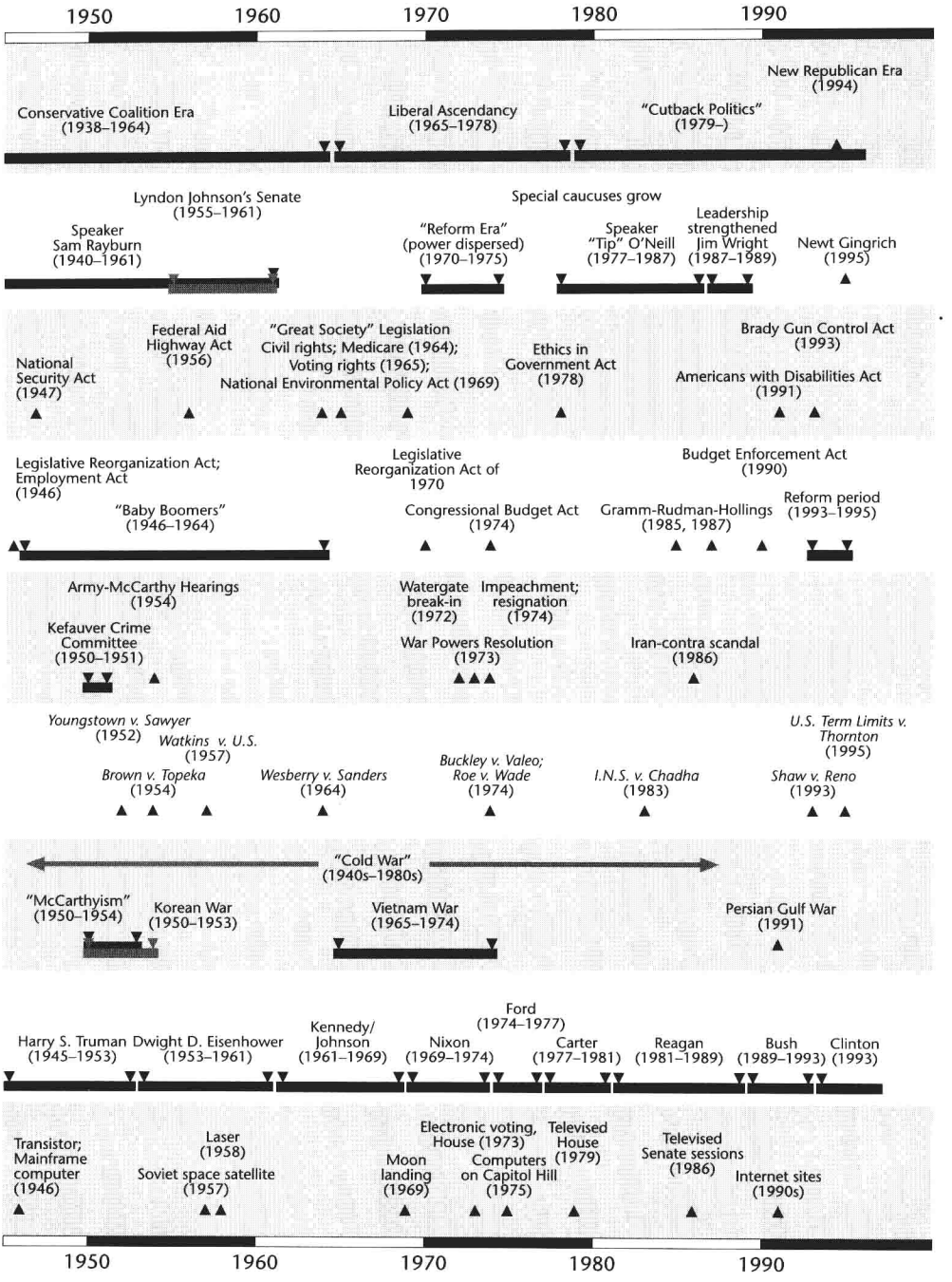
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Conservative Coalition Era (1938–1964)
Liberal Ascendancy (1965–1978)
"Cutback Politics" (1979–)
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Preface

As authors of the sixth 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 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 that were twice as high as those of Congress.

Exhibit B is the Republican majority in Congress. A 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 the policy agenda in early 1995, 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 in the winter of 1995–1996. From that moment on their troubles mounted, and they barely escaped losing the House in the November elections. Although their overall agenda has taken hold—even the president agreed to a balanced budget and welfare reform while conceding that "the era of big government is over"—their assaults on specific government programs drew a mixed reception, and their House leaders were hampered by internal feuding and at least one major ethics scandal.

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 up 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"—is now gaining serious attention from analysts. We record extensive 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 urgency of fiscal issues dictates detailed coverage of the budget and domestic policy making. We have tried, however, 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 skepticism and distrust in the 1990s brought waves of public criticism and demands for reform in matters both large and trivial.

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-maximizing 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, elite 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 has far outrun 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 six editions of a book has incurred more debts to friends and fellow scholars than could ever be recounted. 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, Carol Hardy-Vincent, David Huckabee, Frederick Kaiser, Robert Keith, Johnny H. Killian, Ronald Moe, John S. Pontius, Sula P. Richardson, and Richard Sachs. We also would like to thank our readers, including the students and teachers at the hundreds of colleges and universities here and abroad where our book has been adopted.

Our friends at CQ Press deserve special appreciation. Acquisitions editor Brenda Carter patiently encouraged us at every step. Senior managing editor Ann Davies proved once again the exceptional quality of CQ's editorial work. Barbara de Boinville provided skilled and probing editorial assistance. Talia Greenberg and Mikael McCowan 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 adequately expressed in words. As a measure of our affection, this edition is dedicated to them.

Roger H. Davidson
Walter J. Oleszek
Washington, D.C.
August 1997

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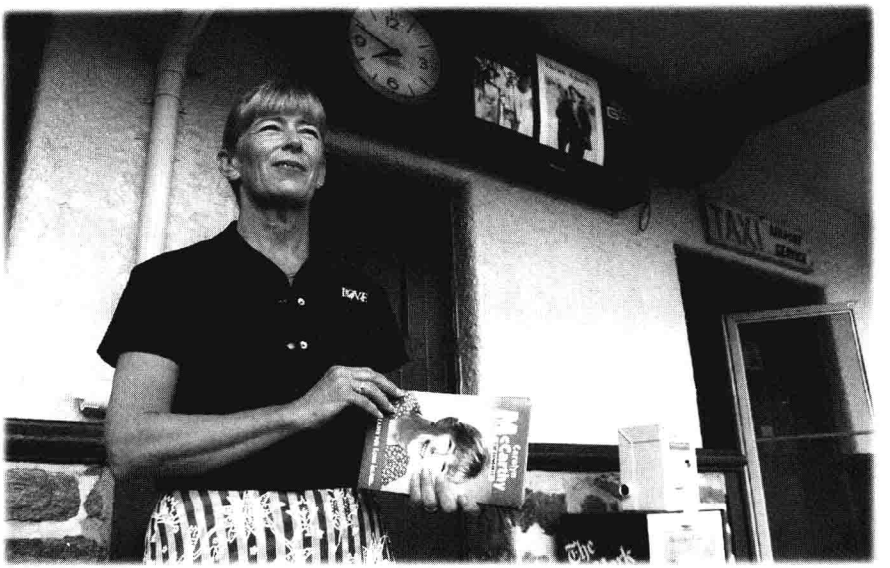
Part 1

In Search of the Two Congresses



Citizen candidate Carolyn McCarthy, a Democrat, prepares to greet voters and hand out leaflets to commuters at a Long Island Railroad station in her successful 1996 House campaign.

1

The Two Congresses

Carolyn McCarthy was waiting 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 homebound commuters for electing her to the 105th Congress as Long Island's first-ever woman representative. "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. The new representative lives in Mineola. 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 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 eighteen 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 the fifty-two-year-old McCarthy decided to plunge into big-time politics as a Democrat. By election day she had raised nearly $1.1 million (Frisa raised about as much) 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 its local campaigns, headed by paid coordinators, in ninety-nine key districts. 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 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.

McCarthy's victory illustrates several themes in this book. First is the competitive partisan environment in many House districts, most Senate races, and nationally for control of Congress. Second, congressional politics is rooted in local affairs—in this case a horrific community tragedy. Third, national political organizations, issues, and resources shape local elections. They certainly fueled McCarthy's decision to enter politics and her ability (and that of her opponent) to wage a costly campaign. Fourth, her transition from registered Republican to Democratic officeholder illustrates the lightness of party labels prevalent in this era.

The Dual Nature of Congress

The contest in the Fourth District underscores most of all the dual nature of Congress. Like all members of Congress, Representative McCarthy inhabits two very different but closely linked worlds. She arrived on Capitol Hill as a green, albeit highly visible, freshman 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 notoriety, will be watching and judging her performance, just as they did her predecessor's. The Fourth is a swing district; Republican Party organizers will target her at the next election. And because she resides in the nation's premier media market, her mistakes as well as her triumphs will be covered in merciless detail. McCarthy's career embraces integral aspects of Congress—as a lawmaking institution and as an assembly of local representatives. The question is how these disparate elements can be reconciled.

The answer is that there are really two Congresses. One of these 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 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. Representative Frisa, before his defeat in 1996, represented his constituents by running errands for the Fourth District's towns and businesses (not very effectively, his detractors charged). He showed enough insider skills in Congress to win a seat on the Commerce Committee—a powerhouse panel that, because it handles regulation of such industries as securities and communications, is a bonanza for raising campaign money. Among House freshmen he was a quiet but reliable partisan. But his stands on public issues (like the assault weapons ban) were sometimes unpopular at home. Indeed, Frisa's party-line voting was the highest of all downstate New York Republicans (although it was close to the average for all his GOP colleagues).

McCarthy, too, must fashion her own representational style. The images she projects back home reflect what she achieves, or hopes to achieve, on Capitol Hill—a party-switching independent, an amateur propelled by personal tragedy into public life. In 1996 the voters preferred the independent outsider to the party loyalist, 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*.)[4] 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."[5] 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. Even though 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."[6]

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 for constituency business (called "district work periods" by the House, "nonlegislative periods" by the Senate), the pull of constituency business is relentless. The average representative spends 120 days a year in the home constituency, the average senator 80 days.[7] Even in Washington, legislative and constituency demands intrude constantly; according to one study, less than 40 percent of a representative's Washington time is allotted to lawmaking duties on the floor of the House or in committee.[8]

Members of Congress, when asked to describe the functions they should perform in office, stress the twin roles of legislator and representative. Naturally, legislators vary in how they balance these roles, not to mention what time and resources they devote to them. With their longer terms, senators can display a more cyclical attention span, stressing voter outreach and fence mending during