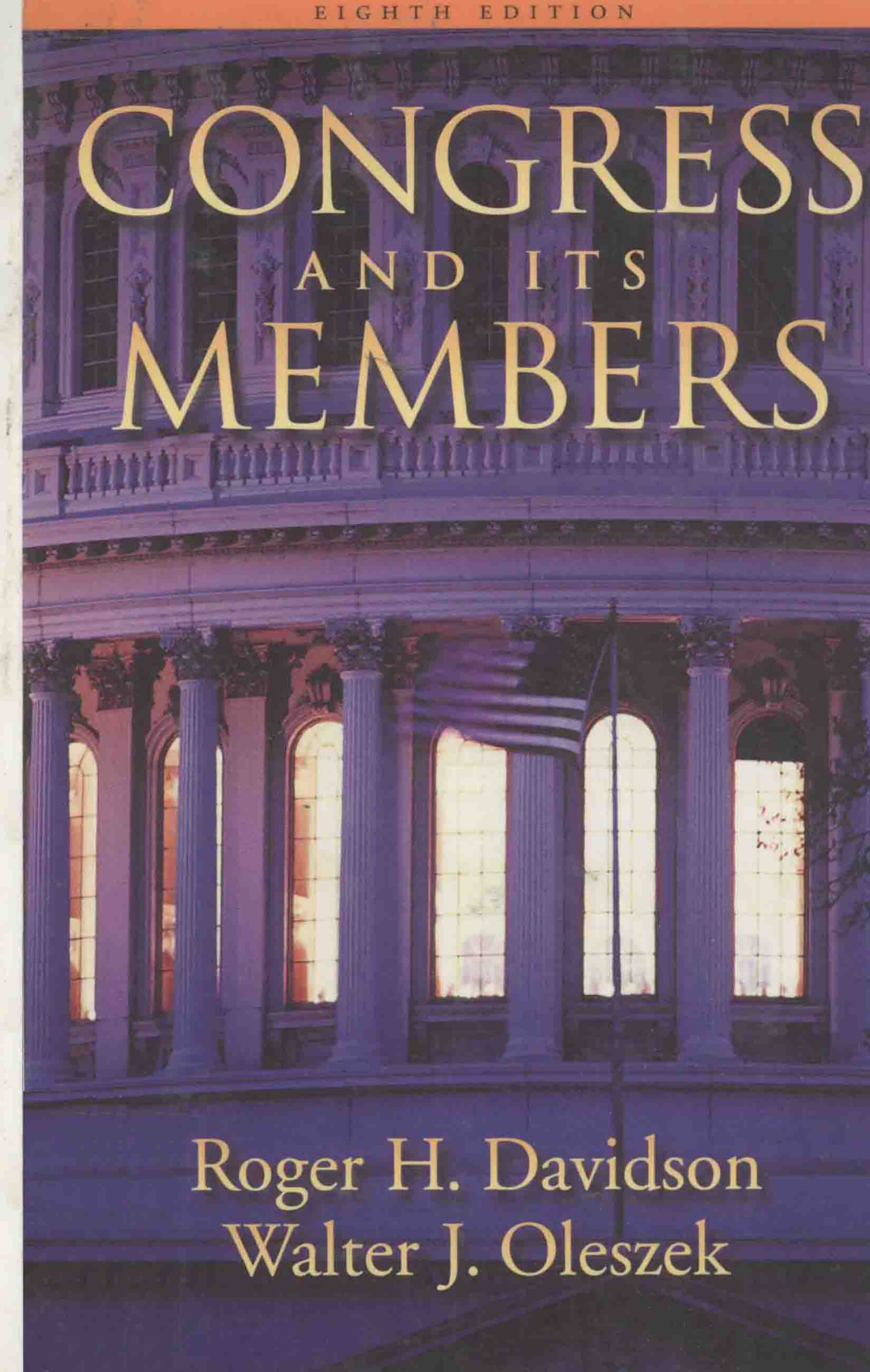


EIGHTH EDITION

The background of the book cover is a photograph of the U.S. Capitol building in Washington, D.C., taken at dusk. The building's iconic neoclassical architecture is visible, featuring a series of tall, white columns and large, arched windows. The interior lights of the building are on, creating a warm, golden glow that contrasts with the deep blue and purple tones of the twilight sky. An American flag is visible on a tall pole in the foreground, partially obscuring one of the windows. The overall mood is formal and authoritative.

CONGRESS AND ITS MEMBERS

Roger H. Davidson
Walter J. Oleszek

Congress and Its Members

Eighth Edition

Roger H. Davidson
University of Maryland

Walter J. Oleszek
Congressional Research Service



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

CQ Press
A Division of Congressional Quarterly Inc.
1255 22nd Street, N.W., Suite 400
Washington, D.C. 20037

(202) 822-1475; (800) 638-1710

www.cqpress.com

Copyright © 2002 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.

∞ The paper used in this publication meets the minimum requirements of the American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI Z39.48-1992.

Typeset and designed by BMWW, Baltimore, Maryland.

Cover design: Ed Atkeson, Berg Design

Printed and bound in the United States of America

05 04 03 02 01 5 4 3 2 1

Photo credits: AP/Wide World, 2 (middle, bottom), 84 (top), 158 (top), 292 (bottom), 320 (top), 348 (top left, bottom), 370 (bottom), 396 (top, bottom); Architect of the Capitol, 230; Congressional Quarterly file photo, 348 (middle); Scott J. Ferrell, Congressional Quarterly, 40 (bottom), 122 (bottom), 158 (middle left, right), 198 (bottom), 262 (top), 292 (top, middle), 320 (bottom), 348 (top right), 370 (top); Franks for Senate, Inc., Smith & Harroff, 84 (bottom); Douglas Graham, Congressional Quarterly, 158 (bottom); *The Hill*, 122 (top); R. Michael Jenkins, Congressional Quarterly, 198 (top); *New York Times*, frontispiece, 420; U.S. Census Bureau, 40 (top); *U.S. News & World Report*, 262 (bottom); U.S. Senate Collection, Center for Legislative Archives, National Archives and Records Administration, 12; *Washington Post*, 2 (top).

Acknowledgments: Figure 11–2 reprinted from *The Politics of Presidential Appointments* by G. Calvin Mackenzie, © 1981, with the permission of The Free Press, a division of Simon & Schuster.

Library of Congress Cataloging-in-Publication Data

ISBN: 1-56802-649-8

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

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

Preface

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

President Bill Clinton took Congress and the American people on a wild roller-coaster ride during his years in office. His legislative record in his first two years (1993–1994) was the most successful of any president since Lyndon B. Johnson in the 1960s. But 1995, after the Republicans captured Congress, was the least successful presidential year in the modern era. As the Republican “revolutionaries” wore out their welcome with the public, Clinton’s fortunes rebounded and he was reelected. By mid-1997 he enjoyed job ratings twice as high as those of Congress. But the next year the scandal stemming from Clinton’s relationship with a White House intern dominated the political news and ended with his impeachment by the House. He was acquitted by the Senate in 1999.

The presidency of George W. Bush, Clinton’s successor, was even more precarious. The 2000 presidential contest ended in the political equivalent of a tied score resolved by a coin toss. Bush’s daunting task was to placate the right wing (the GOP’s core supporters) while appearing to “govern from the center” to please the moderates.

The parties on Capitol Hill also endured changing fortunes. The GOP’s surprise victory in 1994 was an event of historic proportions: It ended a forty-year exile in the House. Republicans also recaptured the Senate after a lapse of eight years. Republicans and Democrats both had to learn new roles, sometimes awkwardly. Defying presidential vetoes, militant Hill Republicans were blamed by the public for shutting down the federal government twice during the winter of 1995–1996. From then on, their troubles mounted. The House Republicans had the votes to impeach President Clinton, but in the court of public opinion the enterprise was seen as a partisan vendetta. In the aftermath, Speaker Newt Gingrich of Georgia—architect of the GOP 1994 victory—left the House, as did his would-be successor, Bob Livingston of Louisiana.

Partisan majorities in both chambers were whittled away by the 1998 and 2000 elections. The century’s end found the two parties in a state of virtual

parity. The Republicans began the 107th Congress (2001–2003) with 221 House seats, only three more than the bare majority of 218. In the Senate there was no majority at all—a 50–50 partisan split—with majority status decided by the vice president’s vote. After five months, the shift of Vermont senator James M. Jeffords from Republican to independent—creating a 50–49–1 division—allowed Democrats to take charge.

The fluctuating fortunes of Presidents Clinton and George W. Bush and the Republican congressional majorities point to the pervasive pluralism of the American political system, with its diversity of viewpoints and interests. What the president and the congressional leaders 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 strength of partisanship and party leadership—perhaps the biggest Capitol Hill story—has gained serious attention from analysts. Party competition (the so-called permanent campaign) has pervaded 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.

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 recent years have 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 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. Once again Congress proves itself as an engine of national policy making. On the other hand, opinion makers and the general public profess widespread 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. As Woodrow Wilson pointed out in *Congressional Government* (1885), Congress is "too complex to be understood without an effort, without a careful and systematic process of analysis." 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 eight 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, three outstanding young scholars: David M. Hedge, University of Florida; Michael Moore, University of Texas at Arlington; and Greg Thorson, University of Minnesota at Morris.

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

Our friends at CQ Press deserve special appreciation. Brenda Carter, director of the college division, patiently encouraged us at every step. Ann Davies, managing editor of textbooks and reference, proved once again the exceptional quality of CQ's editorial work. Colleen McGuiness provided skilled and probing editorial assistance. Elizabeth Jones coordinated the entire effort and kept us to our deadlines. Talia Greenberg gave invaluable advice on photo

research. Deborah Ismond fashioned fresh graphics and implemented our concept of congressional time lines. Belinda Josey saw the book through production, and Rita Matyi was responsible for marketing.

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, California

Walter J. Oleszek, Fairfax, Virginia

July 2001

Contents

Preface xi

Part I 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 33
 - Conclusion 39

Part 2 A Congress of Ambassadors

- 3 Going for It: Recruitment Roulette 41
 - Formal Rules of the Game 42
 - Districting in the House 46
 - Becoming a Candidate 58
 - Nominating Politics 68
 - The Money Factor 70
 - Conclusion 83
- 4 Making It: The Electoral Game 85
 - Campaign Strategies 86
 - Campaign Resources 88
 - Campaign Techniques 96
 - The Parallel Campaigns 100
 - Who Votes? 101
 - How Voters Decide 104
 - Election Outcomes 116
 - After the Election Is Over 121
- 5 Being There: Hill Styles and Home Styles 123
 - Hill Styles 124
 - Looking Homeward 137

Office of the Member, Inc.	145
Members and the Media	151
Conclusion	156

Part 3 A Deliberative Assembly of One Nation

6 Leaders and Parties in Congress	159
Leaders of the House	160
Leaders of the Senate	173
Selection of Leaders	183
Leadership Activities	184
Party Caucuses, Committees, and Informal Groups	189
Party Continuity and Change	192
Conclusion	197
7 Committees: Workshops of Congress	199
The Purposes of Committees	200
Evolution of the Committee System	202
Types of Committees	203
The Assignment Process	209
Committee Leadership	217
Policy Making in Committee	217
Committee Staff	222
Committee Reform and Change	224
Conclusion	228
8 Congressional Rules and Procedures	231
Introduction of Bills	233
Referral of Bills	236
Scheduling in the House	238
House Floor Procedures	246
Scheduling in the Senate	250
Senate Floor Procedures	253
Resolving House-Senate Differences	257
Conclusion	260
9 Decision Making in Congress	263
The Power to Choose	264
Types of Decisions	265
Determinants of Voting	273
Giving and Taking Cues	282
Legislative Bargaining	284
Conclusion	289

Part 4 Policy Making and Change in the Two Congresses

- 10 Congress and the President 293
 - The President as Legislator 294
 - Lobbying Congress 308
 - Sources of Legislative-Executive Cooperation 312
 - Sources of Legislative-Executive Conflict 315
 - The Balance of Power 317
 - Conclusion 319
- 11 Congress, the Bureaucracy, and the Courts 321
 - Congress Organizes the Executive Branch 322
 - Congressional Control of the Bureaucracy 335
 - Congress and the Courts 342
 - Conclusion 346
- 12 Congress and Organized Interests 349
 - A Nation of Joiners 349
 - Pressure Group Methods 351
 - Groups and the Electoral Connection 357
 - Groups and Legislative Politics 361
 - Informal Groups of Members 363
 - Regulation of Lobbying 364
 - Conclusion 368
- 13 Congress, Budgets, and Domestic Policy Making 371
 - Definitions of Policy 371
 - Stages of Policy Making 372
 - Types of Domestic Policies 375
 - Characteristics of Congressional Policy Making 378
 - Congressional Budgeting 380
 - The 1974 Budget Act 386
 - The Dawn of the Surplus Era? 389
 - Conclusion 394
- 14 Congress and National Security Policies 397
 - Constitutional Powers 398
 - Who Speaks for Congress? 399
 - Types of Foreign and National Security Policies 401
 - Structural Policies 402
 - Strategic Policies 406
 - Crisis Policies: The War Powers 414
 - Conclusion: Congress and Globalization 418

Conclusion

15 The Two Congresses and the American People 421

Congress-as-Politicians 422

Congress-as-Institution 426

Into the Third Century 430

Reference Materials 435

Appendix A. Party Control: Presidency, Senate, House, 1901–2001 436

Appendix B. The Partisan Landscape, 2000: Presidential
Voting by Congressional District 438

Appendix C. Internships: Getting Experience on Capitol Hill 440

Notes 442

Suggested Readings 483

Index 489



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 in her first contest



(top). After her 1996 victory (middle), she greets supporters in Garden City. As a national figure in the gun control movement (below), she appears at a New York City dinner with other prominent gun control supporters, talk show host Rosie O'Donnell and former White House press secretary Jim Brady.



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 McCarthy's 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-term 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 launched a \$25 million nationwide barrage of attack ads and poured \$10 million into key local campaigns, headed by paid coordinators. In the Fourth District, union members contacted two thousand 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 also 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 thirty-five thousand 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). It also meant that McCarthy had a record subject to scrutiny. 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 Bill 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. McCarthy prevailed by a narrow 52–47 percent margin; in 2000 her margin had grown to 60–39.

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 began as a green, albeit highly visible, newcomer forced to master not only a new environment but also a wholly new career. At the same time, her constituents watched and judged her performance, just as they did her predecessor's. Although the Fourth—like many of the region's suburban districts—is trending toward the Democrats, it remains a competitive area coveted by Republican Party leaders. 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 the 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 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 Cable Satellite Public Affairs Network (C-SPAN) viewers no less than to veteran analysts, Capitol Hill is a fascinating arena where many of the forces of American political life converge—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 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.

A second Congress also exists, glimpsed in New York's Fourth District, that is every bit as important as the Congress of the textbooks. This is the representative assembly of 540 individuals (100 senators, 435 representatives, 4 delegates, and 1 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. "As locally elected officials who make national policy," asserts Paul S. Herrnson, "members of Congress almost lead double lives."⁴

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 on the House floor, delivering a last-ditch (and unsuccessful) appeal for a modest gun control bill that included her amendment closing some loopholes in gun-show rules. Flanked by other female House members, she repeated the promise she made to her son and husband to do "anything that I could to prevent one family from going through what I have gone through."⁵ Gun control is a popular issue in cities and suburbs, but it draws fierce reactions from opponents. Thus far the voters have endorsed McCarthy, 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