

11

Congress

Politics in Action: Governing in Congress



In the summer of 2011, the federal government was on the verge of being unable to pay its bills, including its payments to those receiving Social Security and those holding debt, such as savings bonds. Revenues were insufficient to cover expenses, and the limit on the national debt prevented the government from borrowing additional funds to cover its costs. Partisan polarization, the differences between the parties in Congress, was at an historic high. Republicans would not agree to any increase in the government's revenues, and Democrats were not eager to cut expenditures for expensive programs such as Medicare. Experts from both political parties predicted that a default on payments would be an economic calamity—for the entire world economy. Even when the president proposed a balance of tax increases and expenditure reductions, Congress could not agree on anything more than a band-aid solution that simply delayed the day of reckoning for two years.

Not only is the movement of legislation through Congress complicated and slow, but the Madisonian system of separation of powers and checks and balances provides many constraints on policymaking. Power is fragmented within Congress, and representatives and senators are typically fiercely independent. Former Senate Majority Leader Howard Baker declared that moving the Senate is like “trying to push a wet noodle”: When Congress faces the great issues of the day, it often cannot arrive at any decision at all.

This inability to compromise and make important policy decisions—what we commonly refer to as *gridlock*—did not please the public. Its approval of Congress was in the single digits, the lowest it had ever been. Nevertheless, almost all the members of Congress who ran for reelection in 2012 won. It seems as though individual senators and representatives were doing what their constituents wanted them to do, although Congress as a whole was not.

Congress is both our central policymaking branch and our principal *representative* branch. As such, it lies at the heart of American democracy. How does Congress combine its roles of representing constituents *and* making effective public policy? Some critics argue that Congress is too responsive to constituents and, especially, to organized interests and is thus unable to

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Congress is the center of policymaking in the United States, but the decentralization of power within it and between the branches makes it difficult to get things done. Here President Barack Obama delivers his 2012 State of the Union address before a joint session of Congress.



The Big Picture Find out why Congress is the least popular branch of government. Author George C. Edwards III defines what makes Congress unique as a branch of government, and he describes how the split between the two houses makes it difficult—if not impossible—to reach an agreement or compromise.



The Basics Why do we have two houses of Congress? This video reveals the answer this question and explores the differences are between the two houses in their organization and procedures. You will also learn how a bill becomes a law, how Congress is organized, and how members of Congress represent you.



In Context Discover the role that the Framers expected Congress to serve in the U.S. government. Columbia University political scientist Greg Wawro discusses how Congress has become more expansive in its powers. Listen as Greg Wawro also delves into the process of creating coalitions in Congress to achieve policy results.



Thinking Like a Political Scientist Why has the United States become more polarized in the last decade? Columbia University political scientist Greg Wawro examines this central question and explains why polarization may be correlated to the income gap between the wealthy and the poor. He also explores recent research on the Senate as a super-majoritarian institution.



In the Real World Congress today is the most divided it has been since the end of WWII. It is also the least effective. Is compromise the answer? Real people consider the benefits and the dangers of compromise, and they discuss issues—like abortion—where compromise seems impossible.



So What? What can you do to make Congress more effective? Author George C. Edwards III explains why the future of Social Security, immigration, and the environment (among other issues) depends on Congress being willing to compromise—and how your vote can make that difference.



make difficult choices regarding public policy, such as reining in spending. Others argue that Congress is too insulated from ordinary citizens and makes policy to suit the few rather than the many. Yet other critics focus on Congress as the source of government expansion. Does Congress's responsiveness predispose the legislature to increase the size of government to please those in the public wanting more or larger government programs?

The Framers of the Constitution conceived of the legislature as the center of policymaking in America. Their plan was for the great disputes over public policy to be resolved in Congress, not in the White House or the Supreme Court. Although the prominence of Congress has ebbed and flowed over the course of American history, as often as not, Congress is the true center of power in Washington.

Congress's tasks become more difficult each year. On any given day, a representative or senator can be required to make sensible judgments about missiles, nuclear waste dumps, abortion, trade competition with China, income tax rates, the soaring costs of Social Security and Medicare, or any of countless other issues. The proposal for the 2010 health care reform bill was about 1,400 pages long and weighed 6 pounds. Just finding time to think about these issues—much less debate them—has become increasingly difficult. Despite the many demands of the job, there is no shortage of men and women running for congressional office. The following sections will introduce you to these people.

The Representatives and Senators

11.1

Characterize the backgrounds of members of Congress and assess their impact on the ability of members of Congress to represent average Americans.

Being a member of Congress is a difficult and unusual job. A person must be willing to spend considerable time, trouble, and money to obtain a crowded office on Capitol Hill. To nineteenth-century humorist Artemus Ward, such a quest was inexplicable: "It's easy to see why a man goes to the poor-house or the penitentiary. It's because he can't help it. But why he should voluntarily go live in Washington is beyond my comprehension."

□ The Members

To many Americans, being a member of Congress may seem like a glamorous job. What citizens do not see are the 14-hour days spent dashing from one meeting to the next (members are often scheduled to be in two places at the same time),¹ the continuous travel between Washington and constituencies, the lack of time for reflection or exchange of ideas, the constant fund-raising, the partisan rancor that permeates Congress, and—perhaps most important of all—the feeling that Congress is making little headway in solving the country's problems.

There are attractions to the job, however. First and foremost is power. Members of Congress make key decisions about important matters of public policy. In addition, members of Congress earn a salary of \$174,000—about three times the income of the typical American family, although far below that of hundreds of corporate presidents—and they receive generous retirement and health benefits.

There are 535 members of Congress. An even 100—2 from each state—are members of the Senate. The other 435 are members of the House of Representatives. The Constitution specifies only that members of the House must be at least 25 years old and American citizens for 7 years, that senators must be at least 30 and American citizens for 9 years, and that all members of Congress must reside in the state from which they are elected.

Members of Congress are not typical or average Americans, however, as the figures in Table 11.1 reveal. Those who argue that the country is run by a power elite

TABLE 11.1 A PORTRAIT OF THE 113TH CONGRESS: SOME STATISTICS

Characteristic	House (435 Total)	Senate (100 Total)
Party		
Democrat	201	53
Republican	234	45
Independent	–	2
Gender		
Men	357	80
Women	78	20
Race/Ethnicity		
Asian	9	2
African American	44	0
Hispanic	25	3
White and other	357	95
Average age[†]		
	56	62
Religion[†]		
	Percent	Percent
Protestant	53	62
Roman Catholic	31	22
Jewish	7	12
Other and unspecified	9	4
Prior occupation^{**†}		
	Percent	Percent
Public service/politics	40	36
Law	34	52
Business	42	28
Education	16	13
Other	41	35

[†]Data for 112th Congress.

^{**}Some members specify more than one occupation.

SOURCE: *Congressional Quarterly*.

are quick to point out that members come largely from occupations with high status and usually have substantial incomes. Although calling the Senate a “millionaire’s club” is an exaggeration, the proportion of millionaires and near millionaires is much higher in Congress than in an average crowd of 535 people. Business and law are the dominant prior occupations; other elite occupations such as academia are also well represented.

The prominence of lawyers in Congress is not surprising. Law especially attracts persons interested in politics and provides the flexibility (and often the financial support of a law firm) to wage election campaigns. In addition, many government positions in which aspiring members of Congress can make their marks, such as district attorney, are reserved for lawyers.

Some prominent groups are underrepresented. African Americans make up about 10 percent of the members of the House (compared with about 13 percent of the total population), but there is no African American in the Senate. There are 25 Hispanics in the House and 3 in the Senate, although Hispanics represent 16 percent of the population. Asian and Native Americans are also underrepresented. However, women may be the most underrepresented group; females account for more than half the population but for only 18 percent of members of the House of Representatives—78 voting representatives (as well as the nonvoting representative from Washington, D.C.)—and for 20 senators.

How important are the personal characteristics of members of Congress? Can a group of predominantly white, upper-middle-class, middle-aged Protestant males adequately represent a much more diverse population? Would a group more typical of



Representation is at the heart of democracy, but members of Congress may have different backgrounds than many of their constituents. Here Representative Michael McMahon of New York talks with constituents at an Arab-American Heritage festival.

the population be more effective in making major policy decisions? The backgrounds of representatives and senators can be important if they influence how they prioritize and vote on issues. There is evidence that African American members are more active than are white members in serving African American constituents,² and they appear to increase African American constituents' contact with and knowledge about Congress.³ On the average, women legislators seem to be more active than are men in pursuing the interests of women.⁴ By the same token, representatives with a business background are more pro-business (less supportive of regulations, for example) than are other members,⁵ while members from working-class occupations are more liberal on economic matters.⁶

Obviously, members of Congress cannot claim *descriptive* representation—that is, representing constituents by mirroring their personal, politically relevant characteristics. They may, however, engage in *substantive* representation—representing the interests of groups of which they themselves are not members.⁷ For example, members of Congress with a background of wealth and privilege can be champions for the interests of the poor, as was the case with the late Senator Edward Kennedy. Moreover, most members of Congress have lived in the constituencies they represent for many years and share the beliefs and attitudes of a large proportion of their constituents, even if they do not share their demographic characteristics. If they do not share their constituents' perspectives, they may find it difficult to keep their seats come elections. At the same time, women and African Americans in Congress are achieving important positions on committees, increasing the chances of making descriptive representation effective.⁸

□ Why Aren't There More Women in Congress?

Sarah Fulton, a scholar of women in politics, found that in the 2010 elections, women won 53 percent of the House races in which they competed and 40 percent of the Senate races.⁹ Yet, despite this record, we have seen that women in Congress occupy less than a fifth of both U.S. House and Senate seats. If women have proven themselves capable of competing with and winning against men, why aren't there more women in Congress?

Part of the reason for women's underrepresentation is that fewer women than men become major party nominees for office. For example, in 2010 a female major-party

incumbents

Those already holding office. In congressional elections, incumbents usually win.

nominee contested only 32 percent of the 435 House races and 41 percent of the Senate races. In a recent article, Fulton and her coauthors report that women with children are significantly less ambitious about running for office than are their male counterparts, largely because of greater child care responsibilities; however, they find no gender disparity in ambition when looking at women without children. The authors also suggest that women's decisions to run are more sensitive than are men's to their perceptions of the odds of winning: women are less likely than are men to run when they perceive their odds to be poor; however, they are more likely than are men to run when they detect a political opportunity.¹⁰

In addition to the supply of female candidates, there is the issue of the electorate's demand. Women candidates usually rank higher than males with voters on non-policy characteristics such as integrity, competence, collaboration, and problem-solving skills. If we control for these greater qualifications of women candidates, they encounter a 3 percent vote disadvantage relative to their male counterparts. Male independents voters on average have a small bias toward male candidates and against female candidates. Female independent voters, however, do not exhibit a corresponding affinity for female candidates. Thus, to win, women must be more qualified on average than their male opponents.¹¹

Congressional Elections

11.2

Identify the principal factors influencing the outcomes in congressional elections.

Congressional elections are demanding, expensive,¹² and, as you will see, generally foregone conclusions—yet members of Congress are first and foremost politicians. Men and women may run for Congress to forge new policy initiatives, but they also enjoy politics and consider a position in Congress near the top of their chosen profession. Even if they dislike politics, without reelection they will not be around long enough to shape policy.

□ Who Wins Elections?

Incumbents are individuals who already hold office. Sometime during each term, the incumbent must decide whether to run again or to retire voluntarily. Most decide to run for reelection. They enter their party's primary, almost always emerge victorious, and typically win in the November general election, too. Indeed, the most predictable aspect of congressional elections is this: *incumbents usually win* (see Figure 11.1). Even in a year of great political upheaval such as 2010, in which the Republicans gained 6 seats in the Senate and 63 seats in the House, 84 percent of incumbent senators and 85 percent of incumbent representatives won their bids for reelection.

In the case of the House, not only do more than 90 percent of incumbents seeking reelection usually win, but most of them win with more than 60 percent of the vote. Perhaps most astonishing is the fact that even when challengers' positions on the issues are closer to the voters' positions, incumbents still tend to win.¹³

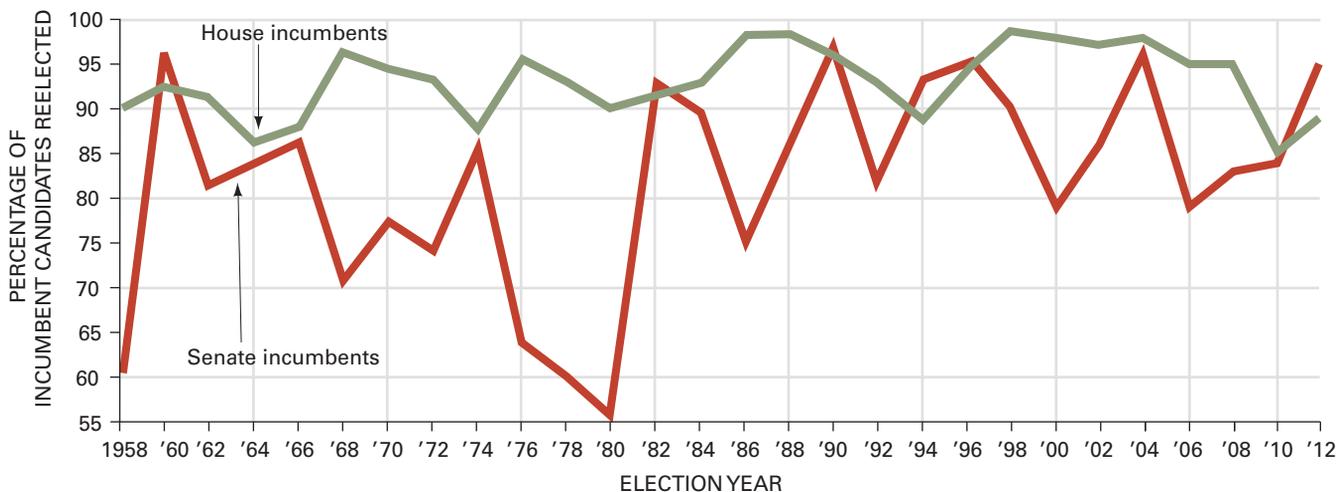
Why It Matters to You

Incumbent Success

If congressional seats were more competitive, it would be easier to change Congress. However, fewer members of Congress would have expertise on complex policy issues.

FIGURE 11.1 THE INCUMBENCY FACTOR IN CONGRESSIONAL ELECTIONS

It is not unusual for the public to disapprove of the performance of Congress as a whole, but it is unusual for incumbents to lose their bids for reelection. The many advantages of incumbency make it difficult to make substantial changes in the makeup of Congress in one election.



SOURCE: Data compiled by the authors. Figures reflect incumbents running in both primary and general elections.

The picture for the Senate is a little different. Even though senators still have a good chance of beating back a challenge, the odds of reelection are often not as handsome as for House incumbents; senators typically win by narrower margins. One reason for the greater competition in the Senate is that an entire state is almost always more diverse than a congressional district and thus provides a larger base for opposition to an incumbent. At the same time, senators have less personal contact with their constituencies, which on average are about 10 times larger than those of members of the House of Representatives. Senators also receive more coverage in the media than representatives do and are more likely to be held accountable on controversial issues. Moreover, senators tend to draw more skilled and visible challengers, such as governors or members of the House, whom voters already know and who have substantial financial backing—a factor that lessens the advantages of incumbency.

Despite their success at reelection, incumbents often feel quite vulnerable. As Thomas Mann put it, members of Congress perceive themselves as “unsafe at any margin.”¹⁴ Thus, they have been raising and spending more campaign funds, sending more mail to their constituents, visiting their states and districts more often, and staffing more local offices than ever before.¹⁵

□ The Advantages of Incumbency

There are several possible explanations for the success of incumbents. One is that voters know how their elected representatives vote on important policy issues and agree with their stands, sending them back to Washington to keep up the good work. This, however, is usually not the case. Most citizens have trouble recalling the names of their congressional representatives (in one poll only 28 percent of the public could name their representatives in the House), let alone keeping up with their representatives’ voting records. One study found that only about one-fifth of Americans could make an accurate guess about how their representatives voted on any issue in Congress;¹⁶ in an American National Election Study, only 11 percent of the people even claimed to remember how their congressperson voted on a particular issue. The public’s knowledge of congressional candidates declines precipitously once we look beyond simple recognition and generalized feelings.

Another possibility is that voter assessments of presidential candidates influence their voting for Congress. Most stories of presidential “coattails” (when voters support congressional candidates because of their support for the president), however, seem to be just stories.¹⁷ Bill Clinton and George W. Bush won four presidential elections between

casework

11.1 Activities of members of Congress that help constituents as individuals, particularly by cutting through bureaucratic red tape to get people what they think they have a right to get.

11.3

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them. Yet in each election they received a *smaller* percentage of the vote than did almost every winning member of their party in Congress. They had little in the way of coattails.

Journalists often claim that voters are motivated primarily by their pocketbooks. Yet members of Congress do not gain or lose many votes as a result of the ups and downs of the economy.¹⁸

What accounts for the success of congressional incumbents? Members of Congress engage in three primary activities that increase the probability of their reelection: advertising, credit claiming, and position taking.¹⁹ The lack of strong opponents and the high costs of campaigning further ensure their success.

ADVERTISING For members of Congress, advertising means much more than placing ads in the newspapers and on television. Most congressional advertising takes place between elections in the form of contact with constituents. The goal is *visibility*.

Members of Congress work hard to get themselves known in their constituencies, and they usually succeed. Not surprisingly, members concentrate on staying visible and make frequent trips home. In a typical week, members spend some time in their home districts, even though their districts may be hundreds of miles from Washington. Similarly, members use the franking privilege to mail newsletters to every household in their constituency.

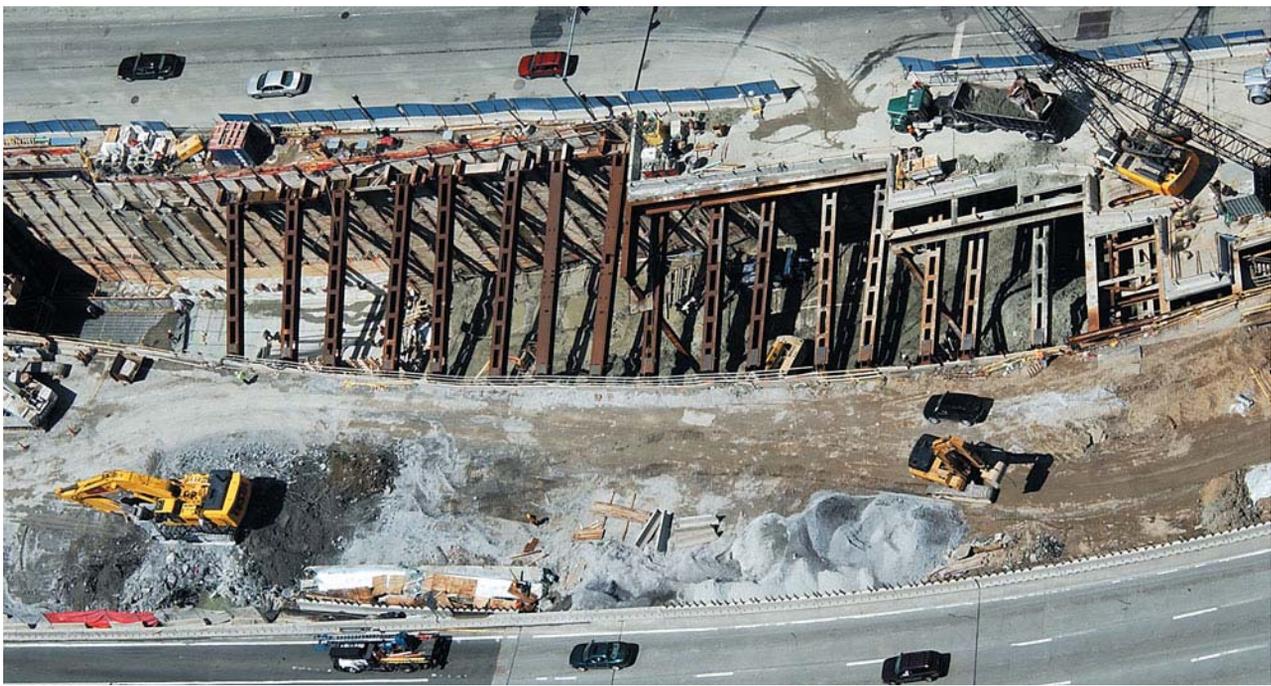
More recently, members of Congress have employed technology to bring franking into the digital age. Congressional staffers track the interests of individual voters, file the information in a database, and then use e-mails or phone calls to engage directly with voters on issues they know they care about. Using taxpayers' money, legislators employ a new technology that allows them to call thousands of households simultaneously with a recorded message, inviting people in their districts to join in on a conference call. With the push of a button, the constituent is on the line with the House member—and often 1,000 or more fellow constituents. Equally important, the lawmaker knows, from the phone numbers, where the respondents live and, from what they say on the call, what issues interest them. Information gathered from these events, as well as from e-mails and phone calls from constituents, gets plugged into a database, giving the incumbent something a challenger could only dream of: a detailed list of the specific interests of thousands of would-be voters. E-mail then allows for personal interaction—and a free reminder of why the incumbent should be reelected.

CREDIT CLAIMING Congresspersons also engage in credit claiming, which involves enhancing their standing with constituents through service to individuals and the district. One member told Richard Fenno about the image he tried to cultivate in his constituency:

: [I have] a very high recognition factor. And of all the things said about me, none
: of them said, "He's a conservative or a liberal," or "He votes this way on such and
: such an issue." None of that at all. There were two things said. One, "He works
: hard." Two, "He works for us." Nothing more than that. So we made it our theme,
: "O'Connor gets things done"; and we emphasized the dams, the highways, the
: buildings, the casework.²⁰

Morris Fiorina argues that members of Congress *can* go to the voters and stress their policymaking record and their stands on new policy issues on the agenda but that the problem with this is that policy positions make enemies as well as friends. A member of Congress's vote for reducing government spending may win some friends, but it will make enemies of voters who link that vote with service cutbacks. Besides, a congressperson can almost never show that he or she alone was responsible for a major policy. Being only 1 of 435 members of the House or 1 of 100 senators, a person can hardly promise to end inflation, cut taxes, or achieve equal rights for women single-handedly.²¹

One thing, however, always wins friends and almost never makes enemies: *servicing the constituency*. Members of Congress can do this in two ways: through casework and through the pork barrel. **Casework** is helping constituents as individuals—cutting through some bureaucratic red tape to give people what they think they have a right to get. Do you have trouble getting your check from the Social Security Administration on time? Call your congressperson; he or she can cut red tape. Does your town have



Because claiming credit may be important for reelection, members of Congress rarely pass up the opportunity to increase federal spending in their state or district. The early 2000s witnessed a surge in earmarks of expenditures for specific projects. The most expensive was the “Big Dig” in Boston, which rerouted a principal highway so that it went through a 3.5-mile tunnel, rather than through the heart of the city.

trouble getting federal bureaucrats to respond to its request for federal construction money? Call your congressperson. Representatives and senators can single-handedly take credit for each of these favors.

The second way of servicing the constituency involves winning federal funds for states and districts. The **pork barrel** is composed of federal projects, grants, and contracts available to state and local governments, businesses, colleges, and other institutions. Members of Congress love to take credit for a new highway, sewage treatment plant, or research institute. Often, they announce the awards through their offices.

As a result of the advantages of incumbency in advertising and credit claiming, incumbents, especially in the House, are usually much better known than their opponents and have a more favorable public image.²²

Getting things done for the folks back home often wins an incumbent the chance to serve them again. Yet, for all the advantage they confer, by themselves casework and pork barrel, even shrewdly deployed, do not determine congressional elections.²³

POSITION TAKING Even if, in establishing their public images, members of Congress emphasize their experience, hard work, trustworthiness, and service to their constituencies—qualities unrelated to partisan or programmatic content—they must take positions on policies when they vote and when they respond to constituents’ questions. And the positions they take may affect the outcome of an election, particularly if the issues are on matters salient to voters and the positions are not well aligned with those of a majority of constituents. This is especially true in elections for the Senate, in which issues are likely to play a greater role than in House elections.

WEAK OPPONENTS Another advantage for incumbents, particularly in the House, is that they are likely to face weak opponents.²⁴ In part because the advantages of incumbency scare off potentially effective opponents, those individuals who do run are usually not well known or well qualified and lack experience and organizational and financial backing.²⁵ The lack of adequate campaign funds is a special burden because challengers need money to compensate for the “free” recognition incumbents receive from their advertising and credit claiming.²⁶

pork barrel

Federal projects, grants, and contracts available to state and local governments, businesses, colleges, and other institutions in a congressional district.

CAMPAIGN SPENDING It costs a great deal of money to elect a Congress. In the 2009–2010 election cycle, congressional candidates and supporting party committees spent more than \$2 billion to contest 435 House and 33 Senate seats. The average winner in the House spent about \$1.4 million while the average Senate winner spent \$9.8 million.²⁷

Challengers have to raise large sums if they hope to defeat an incumbent, and the more they spend, the more votes they receive. Money buys them name recognition and a chance to be heard. Incumbents, by contrast, already have high levels of recognition among their constituents and benefit less (but still benefit) from campaign spending; what matters most is how much their opponents spend. (In contests for open seats, as discussed later, the candidate who spends the most usually wins.²⁸) In the end, however, challengers, especially those for House seats, are usually substantially outspent by incumbents. In both the Senate and House races in 2010, the typical incumbent outspent the typical challenger by a ratio of 2 to 1.²⁹

The candidate spending the most money usually wins—but not always. In the 2010 Senate race in Connecticut, Republican Linda McMahon, the former chief executive of World Wrestling Entertainment, lost after spending about \$47 million, most from her own pocket. Obviously, prolific spending in a campaign is no guarantee of success.

□ The Role of Party Identification

At the base of every electoral coalition are the members of the candidate's party in the constituency. Most members of Congress represent constituencies in which their party is in the clear majority, giving incumbents yet another advantage. Most people identify with a party, and most party identifiers reliably vote for their party's candidates. Indeed, about 90 percent of voters who identify with a party vote for the House candidates of their party. State legislatures have eagerly employed advances in technology to draw the boundaries of House districts so that there is a safe majority for one party. In addition, it is now more common for people to live in communities where their neighbors are likely to have political and other attitudes that are similar to their own,³⁰ reducing the basis for party competition.

□ Defeating Incumbents

In light of the advantages of incumbents, it is reasonable to ask why anyone challenges them at all. One of the main reasons is simply that challengers are often naïve about their chances of winning. Because few have money for expensive polls, they rely on friends and local party leaders, who often tell them what they want to hear.

Sometimes challengers receive some unexpected help. An incumbent tarnished by scandal or corruption becomes instantly vulnerable. Clearly, voters do take out their anger at the polls. In a close election, negative publicity can turn victory into defeat.³¹

Incumbents may also lose many of their supporters if the boundaries of their districts change. After a federal census, which occurs every 10 years, Congress reapportions its membership. States that have gained significantly in population will be given more House seats; states that have lost substantial population will lose one or more of their seats. The state legislatures must then redraw their states' district lines; one incumbent may be moved into another's district, where the two must battle for one seat.³² A state party in the majority is more likely to move two of the opposition party's representatives into a single district than two of its own. Or it might split the district of an incumbent of the minority party to make that district more competitive.

Finally, major political tidal waves occasionally roll across the country, leaving defeated incumbents in their wake. One such wave occurred in 1994, when the public mood turned especially sour and voters took out their frustration on Democratic

incumbents, defeating two in the Senate and 34 in the House. In 2006, the tide reversed as 6 Republican senators and 23 Republican representatives lost their seats. In 2010, it was again the Republicans' turn, as they defeated 2 Democratic senators and 52 Democratic representatives in the general election.

□ Open Seats

When an incumbent is not running for reelection, and the seat is open, there is greater likelihood of competition. If the party balance in a constituency is such that either party has a chance of winning, each side may offer a strong candidate with name recognition among the voters or enough money to establish name recognition. Most of the turnover in the membership of Congress results from vacated seats.

□ Stability and Change

Because incumbents usually win reelection, there is some stability in the membership of Congress. This stability allows representatives and senators to gain some expertise in dealing with complex questions of public policy. At the same time, it also may insulate them from the winds of political change. Safe seats make it more difficult for citizens to “send a message to Washington” with their votes. Particularly in the House, it takes a large shift in votes to affect the outcomes of most elections. To increase turnover in the membership of Congress, some reformers have proposed *term limitations* for representatives and senators³³ (see “You Are the Policymaker: Should We Impose Term Limits on Members of Congress?”).

You Are the Policymaker

Should We Impose Term Limits on Members of Congress?

In the late 1980s, many reformers were concerned that the incumbency advantage enjoyed by legislators created, in effect, lifetime tenure, which served as a roadblock to change and encouraged ethics abuses. To increase turnover among legislators, these reformers proposed term limitations, generally restricting representatives to 6 or 12 consecutive years in office.

The movement to limit the terms of legislators spread rapidly across the country. Within a few years, 23 states enacted term limitations for members of their state legislatures. The House Republicans made term limits for Congress part of their Contract with America in the 1994 election. Yet changing the terms of members of Congress requires changing the Constitution, which is difficult to do, and many members of Congress have fought term limitations fiercely.

Opponents of term limitations object to the loss of experienced legislators who know the issues and the process of legislation and of the American people's ability to vote for whomever they please. In addition, they

argue, there is plenty of new blood in the legislature: at the beginning of the 113th Congress (in 2013), most members of the House and Senate had served less than 10 years in Congress. Moreover, changes in the party make-up of the House appear to reflect changes in voter preferences for public policy.*

Proponents of term limits suffered two setbacks in 1995 when Congress failed to pass a constitutional amendment on term limitations (it also failed in 1997) and when the Supreme Court, in *U.S. Term Limits, Inc. et al. v. Thornton et al.*, decided that state-imposed term limits on members of Congress were unconstitutional.

Many Americans support a constitutional amendment to impose term limitations on members of Congress. At the same time, most seem comfortable with their own representatives and senators and appear content to reelect them again and again.

What do you think? If you were a policymaker, would you favor or oppose term limits? Why? What action, if any, would you take?

*Suzanna De Boef and James A. Stimson, “The Dynamic Structure of Congressional Elections,” *Journal of Politics* 57 (August 1995): 630–48.

bicameral legislature

A legislature divided into two houses. The U.S. Congress and all state legislatures except Nebraska's are bicameral.

How Congress Is Organized to Make Policy

11.3

Compare and contrast the House and Senate, and describe the roles of congressional leaders, committees, caucuses, and staff.

Of all the senators' and representatives' roles—including politician, fund raiser, and constituency representative—making policy is the most difficult. Congress is a collection of generalists trying to make policy on specialized topics. Members are short on time and specific expertise. As generalists on most subjects, they are surrounded by people who know (or claim to know) more than they do—lobbyists, agency administrators, even their own staffs. Even if they had time to study all the issues thoroughly, making wise national policy would be difficult. If economists disagree about policies to fight unemployment, how are legislators to know which policies may work better than others? Thus, the generalists must organize Congress to help them make specialized decisions. The Founders gave Congress's organization just a hint of specialization when they split it into the House and the Senate.

□ American Bicameralism

A **bicameral legislature** is a legislature divided into two houses. The U.S. Congress is bicameral, as is every American state legislature except Nebraska's, which has one house (unicameral). Our bicameral Congress is the result of the Connecticut Compromise at the Constitutional Convention. Each state is guaranteed 2 senators, and the number of representatives a state has is determined by its population (California has 53 representatives; Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont, and Wyoming have just 1 each). By creating a bicameral Congress, the Constitution set up yet another check and balance. No bill can be passed unless both House and Senate agree on it; each body can thus veto the policies of the other. Table 11.2 shows some of the basic differences between the two houses.

TABLE 11.2 HOUSE VERSUS SENATE: SOME KEY DIFFERENCES

Characteristic	House of Representatives	Senate
Constitutional powers	Must initiate all revenue bills Must pass all articles of impeachment	Must give "advice and consent" to many presidential nominations Must approve treaties Tries impeached officials
Membership	435 members	100 members
Term of office	2 years	6 years
Constituencies	Usually smaller	Usually larger
Centralization of power	More centralized; stronger leadership	Less centralized; weaker leadership
Political prestige	Less prestige	More prestige
Role in policymaking	More influential on budget; more specialized	More influential on foreign affairs; less specialized
Turnover	Small	Moderate
Role of seniority	More important in determining power	Less important in determining power
Procedures	Limited debate; limits on floor amendments allowed	Unlimited debate

THE HOUSE More than four times as large as the Senate, the House is also more institutionalized—that is, more centralized, more hierarchical, and more disciplined.³⁴ Party loyalty to leadership and party-line voting are more common in the House than in the Senate. Partly because there are more members, leaders in the House do more leading than do leaders in the Senate. First-term House members have less power than senior representatives; they are more likely than first-term senators to be just seen and not heard.³⁵

Both the House and the Senate set their own agendas. Both use committees, which we will examine shortly, to winnow down the thousands of bills introduced. One institution unique to the House, however, plays a key role in agenda setting: the **House Rules Committee**. This committee reviews most bills coming from a House committee before they go to the full House. Performing a traffic cop function, the Rules Committee gives each bill a “rule,” which schedules the bill on the calendar, allots time for debate, and sometimes even specifies what kind of amendments may be offered. Today, the committee usually brings legislation to the floor under rules that limit or prohibit amendments and thus the opportunities for the minority to propose changes. The Rules Committee is generally responsive to the House leadership, in part because the Speaker of the House now appoints the committee’s members.

THE SENATE The Constitution’s framers thought the Senate would protect elite interests, counteracting tendencies of the House to protect the interests of the masses. They gave the House power to initiate all revenue bills and to impeach officials; they gave the Senate power to ratify all treaties, to confirm important presidential nominations (including nominations to the Supreme Court), and to try impeached officials. Despite the Framers’ expectations, history shows that when the same party controls both chambers, the Senate is just as liberal as—and perhaps more liberal than—the House.³⁶ The real differences between the bodies lie in the Senate’s organization and decentralized power.

Smaller than the House, the Senate is also less disciplined and less centralized. Today’s senators are more nearly equal in power than representatives are. Even incoming senators sometimes get top committee assignments; they may even become chairs of key subcommittees.

Committees and party leadership are important in determining the Senate’s legislative agenda, just as they are in the House. Party leaders do for Senate scheduling what the Rules Committee does in the House.

One activity unique to the Senate is the **filibuster**. This is a tactic by which opponents of a bill use their right to unlimited debate as a way to prevent the Senate from ever voting on a bill. Unlike their fellow legislators in the House, once senators have the floor in a debate, tradition holds that they can talk as long as they wish. Strom Thurmond of South Carolina once held forth for 24 hours and 18 minutes opposing a civil rights bill in 1957. Working together, then, like-minded senators can practically debate forever, tying up the legislative agenda until the proponents of a bill finally give up their battle. In essence, they literally talk the bill to death.

The power of the filibuster is not absolute, however. Sixty members present and voting can halt a filibuster by voting for *cloture* on debate. However, many senators are reluctant to vote for cloture for fear of setting a precedent to be used against them when *they* want to filibuster.

At its core, the filibuster raises profound questions about American democracy because it is used by a minority, sometimes a minority of one, to defeat a majority. Southern senators once used filibusters to prevent the passage of civil rights legislation.³⁷ More recently, the opponents of all types of legislation have used them. Since the 1990s, filibusters have become the weapon of first resort for even the most trivial matters. Each senator has at least six opportunities to filibuster a single bill, and these opportunities can be used one after another. In addition, the tactical uses of a filibuster have expanded. A senator might threaten to filibuster an unrelated measure in order to gain concessions on a bill he or she opposes.

House Rules Committee

The committee in the House of Representatives that reviews most bills coming from a House committee before they go to the full House.

filibuster

A strategy unique to the Senate whereby opponents of a piece of legislation use their right to unlimited debate to prevent the Senate from ever voting on a bill. Sixty members present and voting can halt a filibuster.

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Speaker of the House

An office mandated by the Constitution. The Speaker is chosen in practice by the majority party, has both formal and informal powers, and is second in line to succeed to the presidency should that office become vacant.

If the minority is blocking the majority, why does the majority not change the rules to prevent filibuster? The answer is twofold. First, changing the rules requires 67 votes. It is always difficult to obtain the agreement of two-thirds of the Senate on a controversial matter. Second, every senator knows that he or she might be in the minority on an issue at some time. A filibuster gives senators who are in the minority a powerful weapon for defending their (or their constituents') interests. Americans today commonly complain about gridlock in Congress. Nevertheless, senators have decided that they are more concerned with allowing senators to block legislation they oppose than with expediting the passage of legislation a majority favors.

Why It Matters to You

The Filibuster

Without the filibuster, the majority would be more likely to win and gridlock would lessen. However, minority interests would be more likely to lose.

□ Congressional Leadership

Leading 100 senators or 435 representatives in Congress—each jealous of his or her own power and responsible to no higher power than the constituency—is no easy task. Few members of Congress consider themselves followers. Much of the leadership in Congress is really party leadership. There are a few formal posts whose occupants are chosen by nonparty procedures, but those who have the real power in the congressional hierarchy are those whose party put them there.

THE HOUSE The **Speaker of the House** is the most important leader in the House of Representatives. The Speaker holds the only legislative office mandated by the Constitution. In practice, the majority party selects the Speaker. Before each Congress begins, the majority party presents its candidate for Speaker, who—because this person attracts the unanimous support of the majority party—is a shoo-in. Typically, the Speaker is a senior member of the party. John Boehner of Ohio, who has served in Congress since 1991, was elected Speaker in 2011. The Speaker is also two heartbeats away from the presidency, being second in line (after the vice president) to succeed a president who resigns, dies in office, or is convicted after impeachment.

Years ago, the Speaker was king of the congressional mountain. Autocrats such as “Uncle Joe Cannon” and “Czar Reed” ran the House like a fiefdom. A great revolt in 1910 whittled down the Speaker’s powers and gave some of them to committees, but six decades later, members of the House restored some of the Speaker’s powers. Today, the Speaker does the following:

- Presides over the House when it is in session
- Plays a major role in making committee assignments, which are coveted by all members to ensure their electoral advantage
- Appoints or plays a key role in appointing the party’s legislative leaders and the party leadership staff
- Exercises substantial control over which bills get assigned to which committees

In addition to these formal powers, the Speaker has a great deal of informal clout inside and outside Congress. When the Speaker’s party differs from the president’s party, as it frequently does, the Speaker is often a national spokesperson for the party. The bank of microphones in front of the Speaker of the House is a commonplace feature of the evening news. A good Speaker also knows the

members well—including their past improprieties, the ambitions they harbor, and the pressures they feel.

Leadership in the House, however, is not a one-person show. The Speaker's principal partisan ally is the **majority leader**—a job that has been the main stepping-stone to the Speaker's role. The majority leader is elected by his or her party and is responsible for scheduling bills and rounding up votes on behalf of the party's position on legislation. The current majority leader is Republican Eric Cantor of Virginia. Working with the majority leader are the party's **whips**, who carry the word to party troops, counting votes before they are cast and leaning on waverers whose votes are crucial to a bill. Party whips also report the views and complaints of the party rank and file back to the leadership.

The minority party is also organized, poised to take over the Speakership and other key posts if it should win a majority in the House. It has a **minority leader** (currently Nancy Pelosi of California) and party whips who operate much like their counterparts in the majority party.

THE SENATE The vice president's only constitutionally defined job is to serve as president of the Senate. However, vice presidents usually slight their senatorial chores, except in the rare case when their vote can break a tie. Modern vice presidents are active in representing the president's views to senators, however.

It is the Senate majority leader—currently Democrat Harry Reid of Nevada—who, aided by the majority whip, serves as the workhorse of the party, corralling votes, scheduling floor action, and influencing committee assignments. The majority leader's counterpart in the opposition, the minority leader—currently Republican Mitch McConnell of Kentucky—has similar responsibilities and is supported by the minority whip. Power is widely dispersed in the contemporary Senate. Therefore, party leaders must appeal broadly for support, often speaking to the country directly or indirectly over television.

CONGRESSIONAL LEADERSHIP IN PERSPECTIVE Despite their stature and power, congressional leaders cannot always move their troops. Power in both houses of Congress, but especially the Senate, is decentralized. Leaders are elected by their party members and must remain responsive to them. Except in the most egregious cases (which rarely arise), leaders cannot administer severe punishments to those who do not support the party's stand, and no one expects members to vote against their constituents' interests. Senator Robert Dole nicely summed up the leader's situation when he once dubbed himself the "Majority Pleader."

majority leader

The principal partisan ally of the Speaker of the House, or the party's manager in the Senate. The majority leader is responsible for scheduling bills, influencing committee assignments, and rounding up votes on behalf of the party's legislative positions.

whips

Party leaders who work with the majority leader or minority leader to count votes beforehand and lean on waverers whose votes are crucial to a bill favored by the party.

minority leader

The principal leader of the minority party in the House of Representatives or in the Senate.

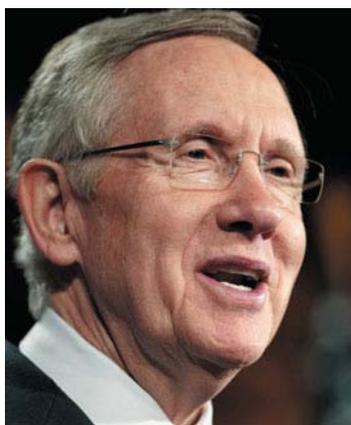
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John Boehner of Ohio was elected Speaker in 2011. He is the most powerful member of the House of Representatives. Majority Leader Harry Reid of Nevada leads the Democrats in the Senate, which makes him the most powerful member of that body. Nevertheless, in the decentralized power structure of the upper chamber, even he must work and negotiate with Majority Leader Mitch McConnell of Kentucky.

11.1

standing committees

Separate subject-matter committees in each house of Congress that handle bills in different policy areas.

11.2

joint committees

Congressional committees on a few subject-matter areas with membership drawn from both houses.

11.3

conference committees

Congressional committees formed when the Senate and the House pass a particular bill in different forms. Party leadership appoints members from each house to iron out the differences and bring back a single bill.

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11.5

select committees

Congressional committees appointed for a specific purpose, such as the Watergate investigation.

Why It Matters to You

Party Strength

If congressional parties are strong, they can enforce strict party loyalty and thus are better able to keep their promises to voters. At the same time, strict party loyalty makes it more difficult for members of Congress to break from the party line to represent their constituents' special needs and interests.

Nevertheless, party leadership, at least in the House, has been more effective in recent years. Greater policy agreement within each party and greater differences between the parties have encouraged members to delegate power to their leaders. This delegation has made it easier for the Speaker to exercise his or her prerogatives regarding the assignment of bills and members to committees, the rules under which the House considers legislation on the floor, and the use of an expanded whip system—and thus better able to advance an agenda that reflects party preferences.³⁸

□ The Committees and Subcommittees

Will Rogers, the famous Oklahoman humorist, once remarked that “outside of traffic, there is nothing that has held this country back as much as committees.” Members of the Senate and the House would apparently disagree. Most of the real work of Congress goes on in committees, and committees dominate congressional policymaking in all its stages.

Committees regularly hold hearings to investigate problems and possible wrongdoing and to oversee the executive branch. Most of all, *they control the congressional agenda and guide legislation* from its introduction to its send-off to the president for his signature. We can group committees into four types, the first of which is by far the most important.

1. **Standing committees** handle bills in different policy areas (see Table 11.3). Each house of Congress has its own standing committees. In Congress today, the typical representative serves on two committees and four subcommittees on those committees (subcommittees are smaller units of a committee created out of the committee membership); senators average three committees and seven subcommittees.
2. **Joint committees** exist in a few policy areas, such as the economy and taxation, and draw their membership from both the Senate and the House.
3. **Conference committees** are formed when the Senate and the House pass different versions of the same bill (which they typically do). Appointed by the party leadership, a conference committee consists of members of each house chosen to iron out Senate and House differences and to report back a compromise bill.
4. **Select committees** may be temporary or permanent and usually have a focused responsibility. The House and Senate each have a permanent Select Committee on Intelligence, for example. In 2011, a Joint Select Committee on Deficit Reduction was given responsibility for developing a plan to cut the deficit.

THE COMMITTEES AT WORK: LEGISLATION With more than 9,000 bills submitted by members in the course of a 2-year period, some winnowing is essential. Every bill

legislative oversight
Congress’s monitoring of the bureaucracy and its administration of policy, performed mainly through hearings.

TABLE 11.3 STANDING COMMITTEES IN THE SENATE AND IN THE HOUSE

Senate Committees	House Committees
Agriculture, Nutrition, and Forestry	Agriculture
Appropriations	Appropriations
Armed Services	Armed Services
Banking, Housing, and Urban Affairs	Budget
Budget	Education and the Workforce
Commerce, Science, and Transportation	Energy and Commerce
Energy and Natural Resources	Ethics
Environment and Public Works	Financial Services
Finance	Foreign Affairs
Foreign Relations	Homeland Security
Health, Education, Labor, and Pensions	House Administration
Homeland Security and Governmental Affairs	Judiciary
Judiciary	Natural Resources
Rules and Administration	Oversight and Government Reform
Small Business and Entrepreneurship	Rules
Veterans’ Affairs	Science and Technology
	Small Business
	Transportation and Infrastructure
	Veterans’ Affairs
	Ways and Means

goes to a standing committee, which has virtually the power of life and death over it. The whole House or Senate usually considers only bills that obtain a favorable committee report.

A new bill that the Speaker sends to a committee typically goes directly to a subcommittee, which can hold hearings on the bill. Sizable committee and subcommittee staffs conduct research, line up witnesses for hearings, and write and rewrite bills. Committees and their subcommittees produce reports on proposed legislation. A committee’s most important output, however, is the “marked-up” (rewritten) bill itself, which it submits to the full House or Senate for debate and voting.

The work of committees does not stop when the bill leaves the committee room. Members of the committee usually serve as “floor managers” of the bill, helping party leaders hustle votes for it. They are also the “cue givers” to whom other members turn for advice.³⁹ When the Senate and House pass different versions of the same bill, some committee members serve on the conference committee.

THE COMMITTEES AT WORK: OVERSIGHT The committees and subcommittees do not leave the scene even after legislation passes. They stay busy in **legislative oversight**, the process of monitoring the executive branch bureaucracy and its administration of policies, most of which Congress established by passing bills. Committees handle oversight mainly through hearings. When an agency wants a bigger budget, the relevant committee reviews its current budget. Even if no budgetary issues are involved, members of committees constantly monitor how the bureaucracy is implementing a law. Agency heads and even cabinet secretaries testify, bringing graphs, charts, and data on the progress they have made and the problems they face. Committee staffs and committee members grill agency heads about particular problems. For example, a member may ask a Small Business Administration

official why constituents who are applying for loans get the runaround; another committee might focus on complaints from states regarding the No Child Left Behind law. In short, through oversight, Congress can pressure agencies and, in extreme cases, cut their budgets in order to secure compliance with congressional wishes.⁴⁰ Oversight also provides an opportunity to refine existing policies, such as reimbursements under Medicare, or respond to new problems, such as regulations regarding offshore drilling for oil.

Congress keeps tabs on more routine activities of the executive branch through its committee staff members. These members have specialized expertise in the fields and agencies that their committees oversee and maintain an extensive network of formal and informal contacts with the bureaucracy. By reading the voluminous reports that Congress requires of the executive branch and by receiving information from numerous sources—agencies, complaining citizens, members of Congress and their personal staff, state and local officials, interest groups, and professional organizations—staff members can keep track of the implementation of public policy.⁴¹

Congressional oversight grew as the size and complexity of the national government grew in the 1960s and in response to numerous charges that the executive branch had become too powerful. The tight budgets of recent years have provided additional incentives for oversight, as members of Congress have sought to protect programs they favor from budget cuts and to get more value for the tax dollars spent on them. As the publicity value of receiving credit for controlling governmental spending has increased, so has the number of representatives and senators interested in oversight.⁴²

Nevertheless, members of Congress have many competing responsibilities, and there are few political payoffs for carefully watching a government agency to see whether it is implementing policy properly. It is difficult to go to voters and say, “Vote for me. I oversaw the routine handling of road building.” Because of this lack of incentives, problems may be overlooked until it is too late to do much about them. Despite clear evidence of fundamental problems in the operations and management of the Federal Emergency Management Agency in its response to the four hurricanes that hit Florida in 2004, when Katrina hit the next year, Congress had still not held oversight hearings. Similarly, Congress missed the fact that various agencies with responsibility for overseeing the banking industry were negligent in identifying looming problems in the financial sector that led to the recession of 2008–2009.

Another constraint on effective oversight is the fragmentation of committee jurisdictions, which inhibits Congress from taking a comprehensive view of complex issue areas. For example, a large number of committees and subcommittees have responsibility for oversight over homeland security (see Table 11.4). Committees resist giving up



Most of the work of Congress occurs in committees. Here the Joint Select Committee on Deficit Reduction holds a hearing on the budget.

TABLE 11.4 SHARING OVERSIGHT OF HOMELAND SECURITY

Although the House created a separate Homeland Security Committee in 2003, many other committees share jurisdiction over parts of the sprawling department and its amalgam of agencies. This table is a sampling of the fragmentation.

Homeland Security's Jurisdiction	Other Committees That Share Jurisdiction
Border and port security	Judiciary: Immigration policy and interior enforcement Agriculture: Animal and plant diseases
Customs	Ways and Means: Customs revenue
Homeland security information	Government Reform: Government-wide information management
Terrorism preparedness and domestic response	Armed Services: Any military response to terrorism Financial Services: Terrorist financing Select Intelligence: Intelligence-related activities at all agencies Transportation and Infrastructure: Emergency management and Coast Guard
Research and development	Science and Technology: Some research and development at DHS
Transportation security	Transportation and Infrastructure: Transportation safety, including the Federal Aviation Administration

SOURCE: *CQ Weekly*, December 27, 2010, p. 2901.

jurisdiction over parts of the bureaucracy, even when it is reorganized, as was the case with the creation of the Department of Homeland Security in 2002.

In addition, the majority party largely determines if and when a committee will hold hearings. When the president's party has a majority in a house of Congress, that chamber is generally not aggressive in overseeing the administration because it does not wish to embarrass the president. Democrats were critical of what they regarded as timid Republican oversight of the nation's intelligence establishment and President George W. Bush's planning and implementation of the aftermath of the war in Iraq, including the treatment of prisoners. Nevertheless, the president's partisans resisted holding the White House accountable, fearing that the Democrats would use hearings to discredit Bush. Critics charged that the failure to discern and make explicit the true costs of policy initiatives—from tax cuts to Medicare prescription drugs to the war in Iraq—made it impossible for a realistic cost-benefit analysis to enter the calculus before Congress approved the policies.⁴³ Once the Democrats gained majorities in Congress in the 2006 elections, the number of oversight hearings increased substantially. Significantly, the number diminished again after the election of Democrat Barack Obama but then increased in the House after the Republicans won a majority there in the 2010 elections.

Why It Matters to You

Inconsistent Oversight

Overseeing the executive branch is a major responsibility of Congress, yet the inconsistent performance in this area means that Congress is less likely either to anticipate or address important problems.

GETTING ON A COMMITTEE One of the primary objectives of an incoming member of Congress is getting on the right committee. A new member of the House from Iowa would probably prefer to be on the Agriculture Committee while a freshman

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committee chairs

The most important influencers of the congressional agenda. They play dominant roles in scheduling hearings, hiring staff, appointing subcommittees, and managing committee bills when they are brought before the full house.

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seniority system

A simple rule for picking committee chairs, in effect until the 1970s. The member who had served on the committee the longest and whose party controlled the chamber became chair, regardless of party loyalty, mental state, or competence.

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senator from New York might seek membership on the Banking, Housing, and Urban Affairs Committee. Members seek committees that will help them achieve three goals: reelection, influence in Congress, and the opportunity to make policy in areas they think are important.⁴⁴

Just after their election, new members communicate their committee preferences to their party's congressional leaders and members of their state delegation. Every committee includes members from both parties, but a majority of each committee's members (except for the House Ethics Committee), as well as its chair, come from the majority party in the chamber. Each party in each house has a slightly different way of picking its committee members. Party leaders almost always play a key role.

Those who have supported the leadership are favored in the committee selection process, but generally the parties try to grant members' requests for committee assignments whenever possible. They want their members to please their constituents (being on the right committee should help them represent their constituency more effectively and reinforce their ability to engage in credit claiming) and to develop expertise in an area of policy. The parties also try to apportion the influence that comes with committee membership among the state delegations in order to accord representation to diverse components of the party.⁴⁵

COMMITTEE CHAIRS AND THE SENIORITY SYSTEM If committees are the most important influencers of the congressional agenda, **committee chairs** are the most important influencers of the committee agenda. Committee chairs play dominant roles in scheduling hearings, hiring staff, appointing subcommittees, and managing committee bills when they are brought before the full house.

Until the 1970s, there was a simple way of picking committee chairs: the **seniority system**. If committee members had served on their committee longest and their party controlled the chamber, they got to be chairs—regardless of their party loyalty, mental state, or competence.

The chairs were so powerful for most of the twentieth century that they could bully members or bottle up legislation at any time—and with almost certain knowledge that they would be chairs for the rest of their electoral life. The more independent committee chairs are and the more power they have, the more difficult it may be to make coherent policy. Independent and powerful committee chairs can represent another obstacle to overcome in the complex legislative process.

In the 1970s, younger members of Congress revolted, and as a result both parties in both branches permitted members to vote on committee chairs. Today seniority remains the *general rule* for selecting chairs, especially in the Senate, but there are plenty of exceptions. In addition, new rules have limited both committee and subcommittee chairs to three consecutive two-year terms as chair, and committee chairs have lost the power to cast proxy votes for those committee members not in attendance. In general, committee chairs are not as powerful as they were before the reform era. The party leadership in the House has much more control over legislation, often giving committees deadlines for reporting legislation and at times even bypassing committees for priority legislation.

Why It Matters to You

The Committee System

The committee system in Congress is highly decentralized. As a result, it is open to the appeals of a wide range of "special" interests, especially those represented by highly paid lobbyists. If Congress were more *centralized* and only those interests cleared by the elected leadership received a hearing, special interests might be constrained. However, there is also a danger that only the interests reflecting the views of the leadership would be heard.

□ **Caucuses: The Informal Organization of Congress**

Although the formal organization of Congress consists of its party leadership and its committee structures, the informal organization of Congress is also important. Informal networks of trust and mutual interest have long sprung from numerous sources, including friendship, ideology, and geography.

Lately, the informal organization of Congress has been dominated by a growing number of caucuses. In this context, a **caucus** is a group of members of Congress who share some interest or characteristic. There are nearly 500 caucuses, most of them containing members from both parties and some containing members from both the House and the Senate. The goal of all caucuses is to promote the interests around which they are formed. Caucuses press for committees to hold hearings, push particular legislation, and pull together votes on bills they favor. They are somewhat like interest groups but with a difference: their members are members of Congress, not petitioners to Congress on the outside looking in. Thus caucuses—interest groups within Congress—are nicely situated to pack more punch.⁴⁶

This explosion of informal groups in Congress has made the representation of interests in Congress a more direct process. Some caucuses, such as the Black Caucus, the Caucus for Women's Issues, and the Hispanic Caucus, focus on advancing the interests of demographic groups. Others, such as the Sunbelt Caucus, are based on regional groupings. Still others, such as the Republican Study Committee, are ideological groupings. Many caucuses are based on economic interests. For example, the Congressional Bourbon Caucus advocates for the bourbon industry by fighting proposals like a tax increase on liquor, while the Congressional Gaming Caucus deals with issues like reinvigorating the tourism industry and making sure regulations for Internet gambling are fair. Other caucuses focus, for instance, on health issues or on foreign policy matters dealing with specific countries.

□ **Congressional Staff**

As we discussed earlier, members of Congress are overwhelmed with responsibilities. It is virtually impossible to master the details of the hundreds of bills on which they must make decisions each year or to prepare their own legislation. They need help to meet their obligations, so they turn to their staff.

caucus (congressional)

A group of members of Congress sharing some interest or characteristic. Many are composed of members from both parties and from both houses.

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The proliferation of congressional caucuses gives member of Congress an informal yet powerful means of shaping policy. Composed of legislative insiders, caucuses—such as the Hispanic Caucus—exert a much greater influence on policymaking than most citizen-based interest groups can.

PERSONAL STAFF Most staff members work in the personal offices of individual members of Congress. The average representative has 17 assistants and the average senator has 40. In total, more than 11,000 individuals serve on the personal staffs of members of Congress. (Another 400 serve the congressional leaders.) In the summer, about 4,000 interns also work in members' offices on Capitol Hill (see "Young People and Politics: Are Opportunities to Intern Biased in Favor of the Wealthy?").

Most of these staffers spend their time on casework, providing services to constituents. They answer mail, communicate the member's views to voters, and help constituents solve problems. Nearly one-half of these House staffers and nearly one-third of the Senate personal staff work in members' offices in their constituencies, not in Washington. This makes it easier for people to make contact with the staff. Other personal staff help members of Congress with legislative functions, including drafting legislation, meeting with lobbyists and administrators, negotiating agreements on behalf of their bosses, writing questions to ask witnesses at committee hearings, summarizing bills, and briefing legislators. Senators, who must cover a wider range of committee assignments than members of the House, are especially dependent on staff. Indeed, members of both houses are now more likely to deal with each other through staff intermediaries than through personal interactions.

COMMITTEE STAFF The committees of the House and Senate employ another 2,000 or so staff members. These staffers organize hearings, research legislative options, draft committee reports on bills, write legislation, and, as we have seen, keep tabs on the activities of the executive branch. Committee staff members often possess high

Young People & Politics

Are Opportunities to Intern Biased in Favor of the Wealthy?

Many college students spend their summers working to pay for their studies during the rest of the year. Others, in contrast, serve as interns. Many of the interns have parents who support them financially during the summer. According to some experts, the focus on internships as a tool for professional success has never been greater, and about 80 percent of graduating college seniors have done a paid or unpaid internship. To some, an internship is an essential stepping-stone to career success.

Because Washington internships are in high demand, in most cases they do not pay, or they pay very little. The White House does not pay the interns who work there during the summer; in most cases the Supreme Court does not pay its undergraduate interns; and a vast majority of congressional offices do not pay the 4,000 summer interns who work on Capitol Hill, although a few, mostly on the Senate side, provide a limited stipend. To make matters worse, Washington is an expensive place to live. In some cases, universities or

other programs provide some financial help, but most interns are on their own.

As internships become increasingly important to career success, the concern has been raised that they may be creating a class system discriminating against students from less affluent families who must turn down unpaid internships to earn money for college expenses. To the extent that Washington internships serve as a pipeline for people to become policymakers in the nation's capital, critics fear that over time internships, like the rising costs of college tuition, will mean fewer working-class and even middle-class voices in high-level policy debates.

CRITICAL THINKING QUESTIONS

1. Is the internship system in Washington likely to bias policymaking in the future?
2. Should Congress appropriate funds so internships are more available to students from less wealthy backgrounds?

SOURCE: Jennifer 8. Lee, "Crucial Unpaid Internships Increasingly Separate the Haves from the Have-Nots," *New York Times*, August 10, 2004.

levels of expertise and can become very influential in policymaking. As a result, lobbyists spend a lot of time cultivating these staffers both to obtain information about likely legislative actions and to plant ideas for legislation.

STAFF AGENCIES Finally, Congress has three important staff agencies that aid it in its work. The first is the *Congressional Research Service (CRS)*, administered by the Library of Congress and composed of researchers, many with advanced degrees and highly developed expertise. Each year it responds to more than 250,000 congressional requests for information and provides members with nonpartisan studies. CRS also tracks the progress of major bills, prepares summaries of bills, and makes this information available electronically.

The *Government Accountability Office (GAO)*, with more than 3,200 employees, helps Congress perform its oversight functions by reviewing the activities of the executive branch to see if it is following the congressional intent of laws and by investigating the efficiency and effectiveness of policy implementation. The GAO also sets government standards for accounting, provides legal opinions, and settles claims against the government.

The *Congressional Budget Office (CBO)* focuses on analyzing the president's budget and making economic projections about the performance of the economy, the costs of proposed policies, and the economic effects of taxing and spending alternatives.

Committees, caucuses, and individual legislators follow bills from their introduction to their approval. The next section discusses this process, which is often termed “labyrinthine” since getting a bill through Congress is very much like navigating a difficult, intricate maze.

The Congressional Process and Decision Making

11.4 Outline the path of bills to passage and explain the influences on congressional decision making.

Congress's agenda is a crowded one—members introduce about 9,000 bills in each Congress. A **bill** is a proposed law, drafted in precise, legal language. Anyone can draft a bill. The White House and interest groups are common sources of bills. However, only members of the House or the Senate can formally submit a bill for consideration. The traditional route for a bill as it works its way through the legislative labyrinth is depicted in Figure 11.2 on the next page. Most bills are quietly killed off early in the process. Members introduce some bills as a favor to a group or a constituent; others are private bills, granting citizenship to a constituent or paying a settlement to a person whose car was demolished by a postal service truck. Still other bills may alter the course of the nation.

Congress is typically a cumbersome decision-making body. Rules are piled on rules and procedures on procedures.⁴⁷ Moreover, legislating has been made more difficult by the polarized political climate that has prevailed since the 1980s.

Party leaders have sought to cope with these problems in various ways, including some already mentioned, and what Barbara Sinclair has termed *unorthodox lawmaking* has become common in the congressional process, especially for the most significant legislation.⁴⁸ In both chambers party leaders involve themselves in the legislative process on major legislation earlier and more deeply, using special procedures to aid the passage of legislation. Leaders in the House often refer bills to several committees

bill

A proposed law, drafted in legal language. Anyone can draft a bill, but only a member of the House of Representatives or the Senate can formally submit a bill for consideration.

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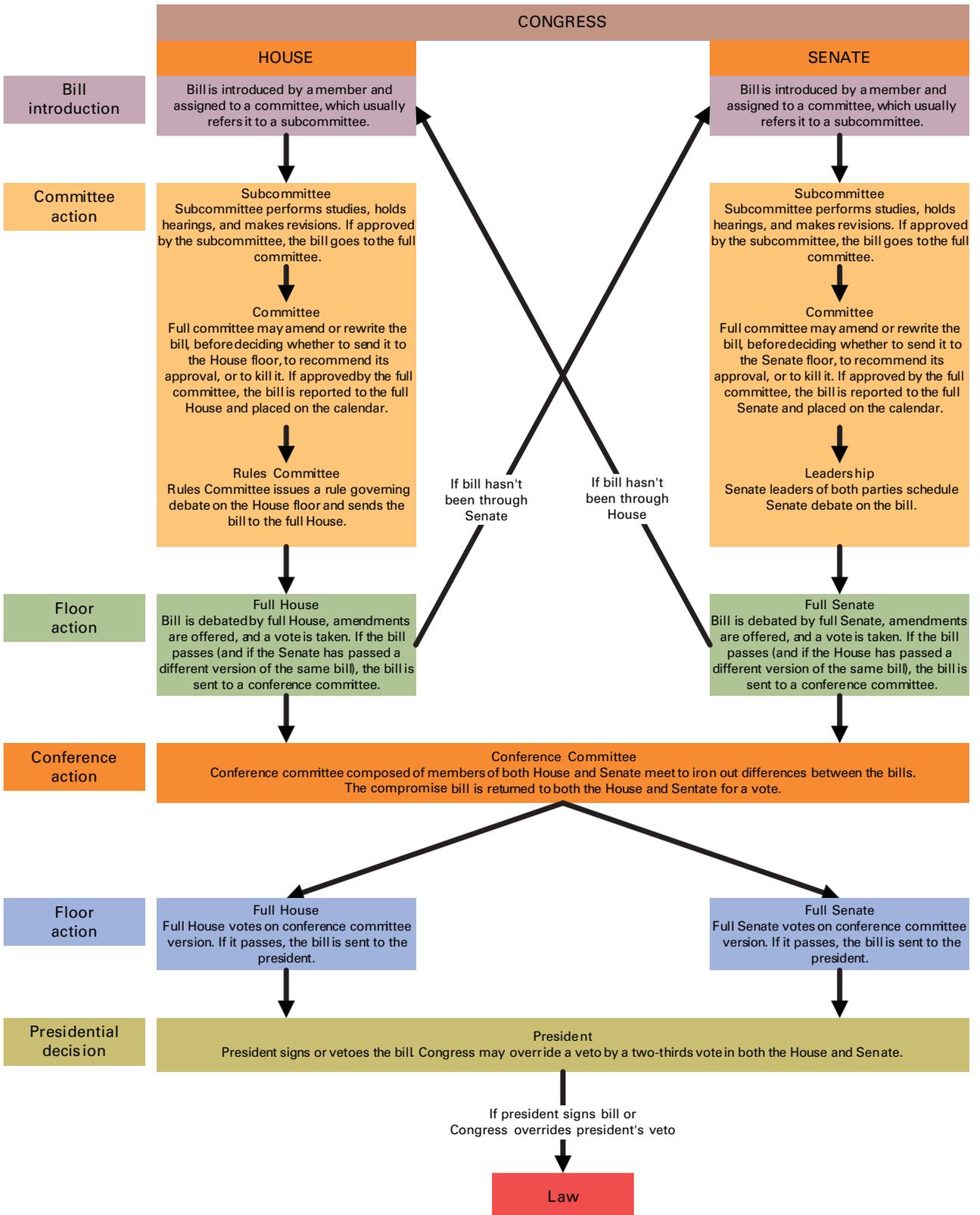
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Consumer Advocate

FIGURE 11.2 HOW A BILL BECOMES A LAW

Bills can come to Congress in two different ways:

- A bill can be introduced in either the House or the Senate by a member of that chamber. If the bill passes the chamber in which it originates, it is then sent to be introduced in the other chamber.
- A bill (in similar or identical versions) can be introduced in both chambers at the same time. (This type of bill is termed a companion bill.)

In either case, the bill follows parallel processes in the House and Senate, starting with committee action. If a committee gives a bill a favorable report, the whole chamber considers it. Many bills travel full circle, coming first from the White House as part of the presidential agenda and then, if the bill is passed by both chambers, returning to the president.



at the same time, bringing more interests to bear on an issue but complicating the process of passing legislation. Since committee leaders cannot always negotiate compromises *among* committees, party leaders have accepted this responsibility, often negotiating compromises and making adjustments to bills after a committee or committees report legislation. Sometimes for high-priority legislation party leaders simply bypass committees. In the House, special rules from the Rules Committee have become powerful tools for controlling floor consideration of bills and sometimes for shaping the outcomes of votes. Often party leaders from the two chambers negotiate among themselves instead of creating conference committees. Party leaders also use *omnibus* legislation that addresses numerous and perhaps unrelated subjects, issues, and programs to create winning coalitions, forcing members to support the entire bill to obtain the individual parts.

These new procedures are generally under the control of party leaders in the House, but in the Senate, leaders have less leverage, and individual senators have retained substantial opportunities for influence (such as using the filibuster). As a result, it is often more difficult to pass legislation in the Senate.

There are, of course, countless influences on this legislative process. Presidents, parties, constituents, interest groups, the congressional and committee leadership structure—these and other influences offer members cues for their decision making.

□ Presidents and Congress: Partners and Protagonists

Political scientists sometimes call the president the *chief legislator*, a phrase that might have appalled the Constitution writers, with their insistence on separation of powers. Presidents do, however, help create the congressional agenda. They are also their own best lobbyists.

Presidents have their own legislative agenda, based in part on their party's platform and their electoral coalition. Their task is to persuade Congress that their agenda should also be Congress's agenda, and they have a good chance that Congress will at least give their proposals a hearing.⁴⁹

Presidents have many resources with which to influence Congress. They may try to influence members directly—calling up wavering members and telling them that the country's future hinges on their votes, for example—but they do not do this often. If presidents were to pick just one key bill and spend 10 minutes on the telephone with each of the 535 members of Congress, they would spend 89 hours chatting with them. Instead, presidents wisely leave most White House lobbying to staff members and administration officials and work closely with the party's leaders in the House and Senate.

It seems a wonder that presidents, even with all their power and prestige, can push and wheedle anything through the labyrinthine congressional process. The president must usually win at every stage shown in Figure 11.2—in other words, at least 11 times—to achieve policy change. As one scholar put it, presidential leadership of Congress is *at the margins*.⁵⁰ In general, successful presidential leadership of Congress has not been the result of the dominant chief executive of political folklore who reshapes the contours of the political landscape to pave the way for change. Rather than creating the conditions for major shifts in public policy, the effective American leader has been the less-heroic *facilitator* who works at the margins of coalition building to recognize and exploit opportunities presented by a favorable configuration of political forces. Of course, presidents can exercise their veto to *stop* legislation they oppose.

Popular presidents and presidents with a large majority of their party in each house of Congress have a good chance of getting their way. Yet such conditions are not typical, and presidents often lose. Ronald Reagan was considered a strong chief executive, and budgeting was one of his principal tools for affecting public policy. Yet commentators typically pronounced the budgets he proposed to Congress DOA, dead on arrival. Members of Congress truly compose an independent branch.

Party, Constituency, and Ideology

Presidents come and go; the parties endure. Presidents do not determine a congressional member's electoral fortunes; constituents do. Often more influential than presidents—on domestic policies especially—are party, personal ideology, and constituency.

PARTY INFLUENCE On some issues, members of the parties stick together like a marching band.⁵¹ A vote for Speaker of the House is a straight party-line vote, with every Democrat on one side and every Republican on the other. On a few issues, however, the party coalition may come unglued, reflecting deep divisions within each party.

Differences between the parties are sharpest on questions of economic and social welfare policy.⁵² On social welfare issues—for example, the minimum wage; aid to the poor, unemployed, or uninsured; and grants for education—Democrats are more supportive of government action than are Republicans. Democrats are also more supportive of government efforts to regulate the economy in an attempt to alleviate negative consequences of markets or to stimulate economic activity. Differences on national security policy have increased, with Republicans typically supporting greater expenditures on defense and a more aggressive foreign policy, especially regarding the use of force.

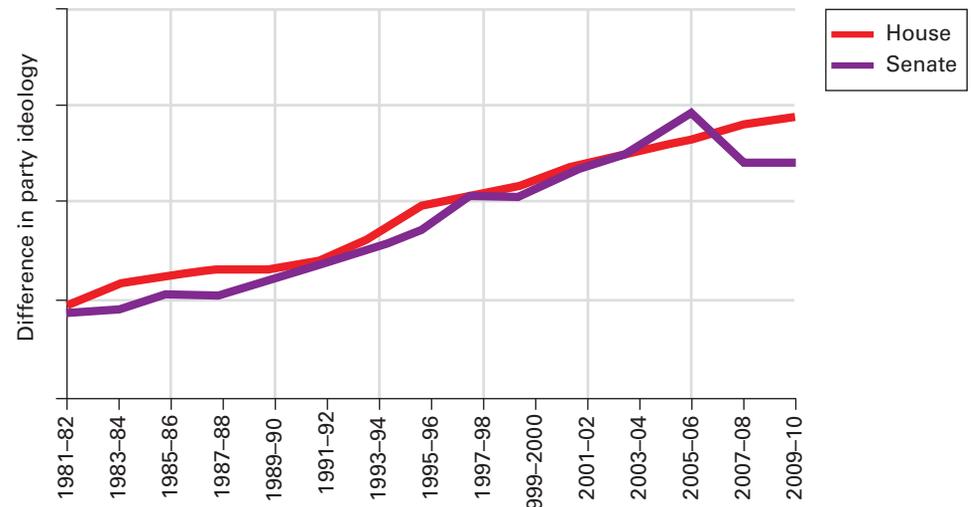
Party leaders in Congress help “whip” their members into line. Their power to do so is limited, of course. They cannot drum a recalcitrant member out of the party. Leaders have plenty of influence they can exert, however, including making committee assignments, boosting a member's pet projects, and the subtle but significant influence of providing critical information to a member. Moreover, the congressional parties are a source of funding, as are political action committees (PACs) headed by members of the party leadership.

POLARIZED POLITICS Over the past three decades, the distance between the congressional parties has been growing steadily, as you can see in Figure 11.3. As the parties pulled apart ideologically, they also became more homogeneous internally.

FIGURE 11.3 INCREASING POLARIZATION IN CONGRESS

Differences between Democrats and Republicans in Congress have grown considerably since 1980. Polarized parties make for clear choices for the voters but also make compromise more difficult.

• *Is America best served by clear but sizeable differences between the parties in Congress? Why or why not?*

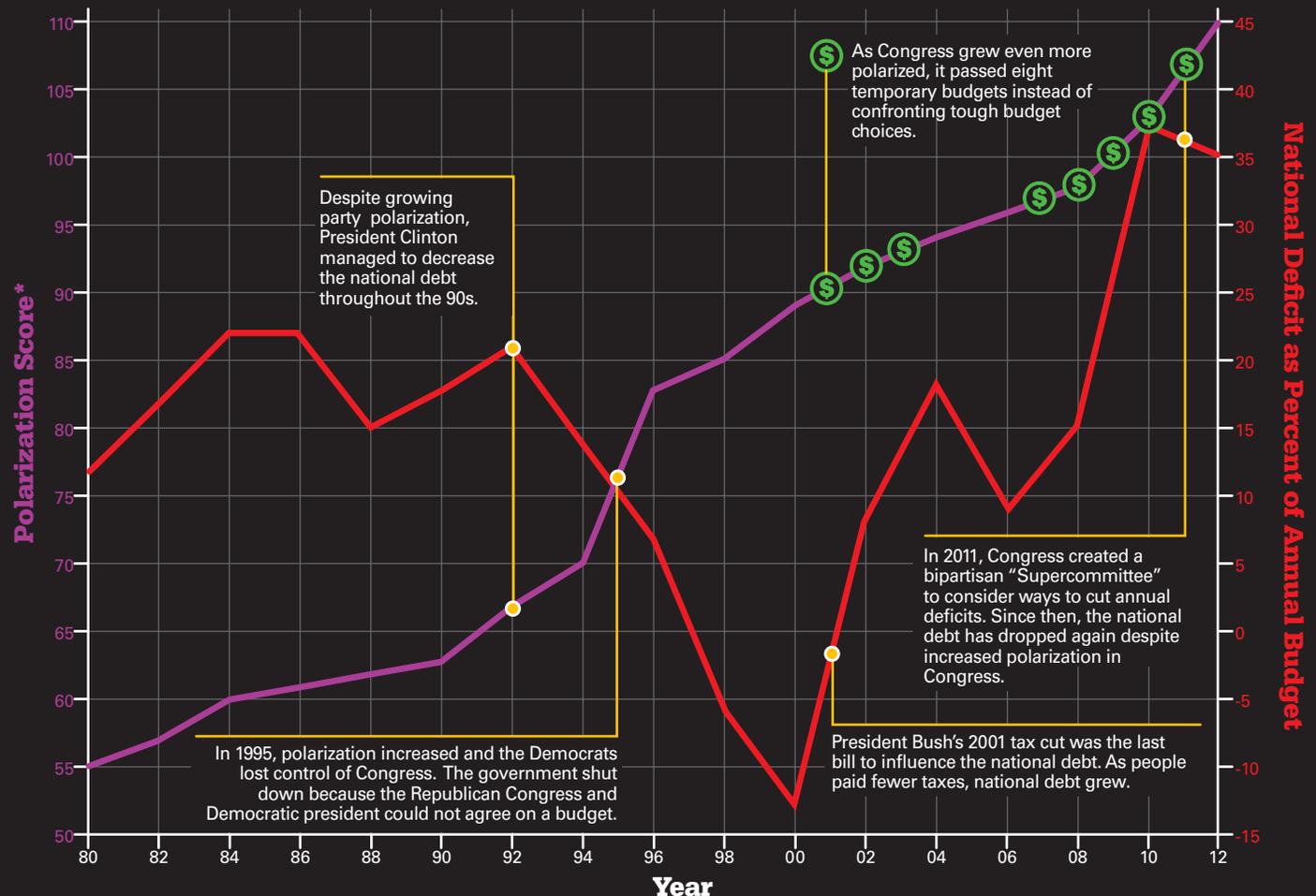


SOURCE: Authors' calculation of data from Keith Poole, posted at <http://www.voteview.com/dwnl.htm>.

Can Congress Get Anything Done?

A government cannot operate without a budget, revenue, or appropriations. But over the past thirty years, members of Congress have grown so polarized that they cannot agree on a budget or much of anything else. Polarization occurs when members of both parties move away from the moderate middle and share increasingly less common ground. Since 2001, Congress failed to pass a budget eight times, succeeding only in approving temporary budgets to keep government running. As the parties grow more polarized, Congress is less able to pass a permanent budget and the national debt increases.

Party Polarization



* Polarization is measured as the distance between the two parties' ideological scores as computed from data at Voteview.com. SOURCE: Data from Voteview and the U.S. Government Accountability Office.

Investigate Further

Concept What is polarization? Partisan polarization occurs when members of both political parties consistently vote along widely divergent ideological lines. Partisan polarization has nearly doubled in the past thirty years, and it tends to impede the government's ability to function.

Connection Is polarization related to greater annual debt? On a yearly basis, polarization is largely independent of the debt incurred by the United States—notice, for example, during the Clinton presidency how polarization grew even as debt decreased. However, as a long-term trend, both national debt and polarization in Congress do increase together.

Cause Does polarization impede Congress's ability to create annual budgets? Yes. The more polarized Congress becomes, the more likely it is that the disagreements over permanent budget solutions lead to temporary resolutions, which barely stave off government shutdown.

In other words, Republicans in Congress became more consistently conservative, Democrats became more consistently liberal, and the distance between the centers of the two parties increased. As a result of these ideological differences between the parties in Congress, it has been more difficult to reach a compromise—and more difficult for the president to obtain policy support from the opposition party. Barack Obama received few Republican votes for any of his proposals and not a single Republican vote for his health care reform plan.

Why did this change happen? At the core of the increased ideological distance between the parties have been increasingly divergent electoral coalitions. One important factor is that state legislatures drew the boundaries of House districts so that the partisan divisions in the constituencies of representatives became more one-sided. Typical members of the House no longer had to worry about pleasing the center of their electorates because their own districts had a clearly Republican or Democratic majority. Instead, they had to please the center of their party. One result has been that members of Congress, especially in the House, hold more extreme political views than their constituents as a whole.⁵³

In addition, liberal and conservative voters sorted themselves into the Democratic and Republican parties, respectively. There are many fewer liberal Republicans or conservative Democrats than there were a generation ago. Thus, conservatives have been more likely to support the more conservative party and liberals the more liberal party. As supporters of each party have matched their partisan and ideological views, they have made the differences between the parties more distinctive. Moreover, party loyalty among voters in congressional elections also increased, so the relationship between ideology and voting has become notably stronger.

In short, what has happened is the following: changes in the preferences, behavior, and distribution of congressional voters gave the congressional parties more internally homogeneous, more divergent, and thus more polarized electoral constituencies. These constituencies in turn elected more ideologically polarized representatives in Congress. These new members of Congress have adopted a polarized style that pays little heed to compromise.⁵⁴ Thus, it is not surprising that Congress has a difficult time agreeing on levels of taxation and spending to balance the budget.

The differences in ideology between the parties has increased the incentives to win seats and oppose the other party. Thus, members of Congress are more likely to support a president of their party and oppose one of the opposition party than in the past, and they are more likely to support efforts to discredit the opposition on grounds of its incompetence and lack of integrity. Similarly, there are more partisan battles over procedural issues that can affect the agenda on the floor of a chamber, and more efforts to steer the congressional agenda toward issues that allow a party to differentiate itself from the opposition and thus to make a case for itself.⁵⁵

CONSTITUENCY OPINION VERSUS MEMBER IDEOLOGY Members of Congress are representatives; their constituents expect them to represent their interests in Washington. In 1714, Anthony Henry, a member of the British Parliament, received a letter from some of his constituents asking him to vote against an excise tax. He is reputed to have replied in part,

∴ Gentlemen: I have received your letter about the excise, and I am surprised at
∴ your insolence in writing to me at all ... may God's curse light upon you all, and
∴ may it make your homes as open and as free to the excise officers as your wives
∴ and daughters have always been to me while I have represented your rascally
∴ constituency.⁵⁶

Needless to say, notions of representation have changed since Henry's time.

Sometimes representation requires a balancing act. If some representatives favor more defense spending but suspect that their constituents do not, what are they to do?

The English politician and philosopher Edmund Burke advocated the concept of legislators as *trustees*, using their best judgment to make policy in the interests of the people. Others prefer the concept of representatives as *instructed delegates*, mirroring the preferences of their constituents. Actually, members of Congress are *politicos*, adopting both trustee and instructed delegate roles as they strive to be both representatives and policymakers.⁵⁷

The best way constituents can influence congressional voting is also the most simple: elect a representative or senator who agrees with their views. Congressional candidates tend to take policy positions different from their opponent's. Moreover, the winners generally vote on roll calls as they said they would during their campaigns.⁵⁸ If voters use their good sense to elect candidates who share their policy positions, then constituents *can* influence congressional policy. If voters elect someone out of step with their thinking, it may be difficult to influence that person's votes.

It is a challenge for even well-intentioned legislators to know what people want. Some legislators pay careful attention to their mail, but the mail is a notoriously unreliable indicator of people's thinking; individuals with extreme opinions on an issue are more likely to write than those with moderate views. Some members send questionnaires to constituents, but the answers they receive are unreliable because few people respond. Some try public opinion polling, but it is expensive if professionally done and unreliable if not.

On some controversial issues, legislators ignore constituent opinion at great peril. For years, Southern members of Congress would not have dared to vote for a civil rights law. In recent decades, representatives and senators have been concerned about the many new single-issue groups. Such groups care little about a member's overall record; to them, a vote on one issue—gun control, abortion, gay marriage—is all that counts. Ready to pounce on one “wrong” vote and pour money into an opponent's campaign, these new forces in constituency politics make every legislator nervous. When issues are visible and salient to voters and easy for them to understand, their representatives are likely to be quite responsive to constituency opinion.⁵⁹

Nevertheless, many issues are complex, obscure, and not salient to voters. On such issues legislators can safely ignore constituency opinion. Thus, on a typical issue, personal ideology is the prime determinant of a congressional member's vote—and it is virtually the only determinant on issues where ideological divisions between the parties are sharp and constituency preferences and knowledge are likely to be weak, such as defense and foreign policy.⁶⁰ However, the stronger constituency preferences are on issues and the weaker partisan ideology is, the more likely members are to deviate from their own positions and adopt those of their constituencies.⁶¹ In short, when they have differences of opinion with their constituencies, members of Congress consider constituency preferences but are not controlled by them.⁶²

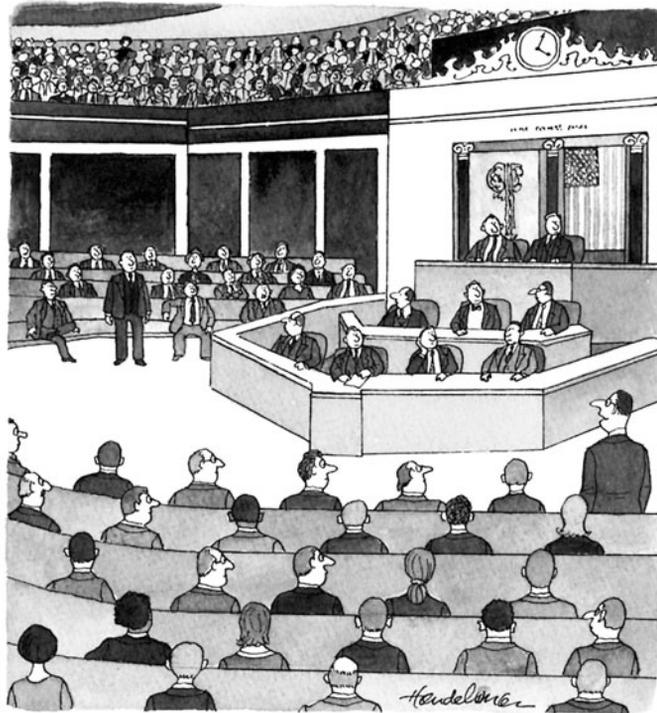
□ Lobbyists and Interest Groups

The nation's capital is crawling with lawyers, lobbyists, registered foreign agents, public relations consultants, and others—there are more than 12,000 registered lobbyists representing 12,000 organizations—all seeking to influence Congress. Lobbyists spent more than \$3 billion on lobbying federal officials in 2011—plus millions more in campaign contributions and attempts to try to persuade members' constituents to send messages to Washington.⁶³ Many former members of Congress and staff members become lobbyists—at much higher pay. For example, more than 150 former lawmakers and congressional aides were working for financial firms as Congress considered new regulations in response to the financial crisis that hit in 2008. These lobbyists included two former Senate majority leaders, two former House majority leaders, and a former Speaker of the House.⁶⁴

Point to Ponder

Interest groups play a central role in the legislative process. They provide valuable information and expertise to lawmakers and help build coalitions. Yet many people see them as “special interests” fighting for narrow interests.

Do organized interests play too great a role in policymaking?



“Mr. Speaker, will the gentleman from Small Firearms yield the floor to the gentleman from Big Tobacco?”

Lobbyists, some of them former members of Congress, can provide legislators with crucial policy information, political intelligence, and, often, assurances of financial aid in the next campaign—making those legislators with whom they agree more effective in the legislative process.⁶⁵ (In the debate regarding health care reform in 2009, statements by more than a dozen members of the House were ghostwritten by lobbyists.⁶⁶) Lobbyists work closely with their legislative allies, especially at the committee level.⁶⁷ They also often coordinate their efforts at influencing members with party leaders who share their views. Grass-roots lobbying—such as computerized mailings to encourage citizens to pressure their representatives on an issue—is a common activity. These days, groups coordinate their messages across multiple platforms, including television, Web sites, YouTube videos, and social media sites. Interest groups also distribute scorecards of how members of Congress voted on issues important to the groups, threatening members with electoral retaliation if they do not support the groups’ stands.

There is some evidence that lobbying pays off,⁶⁸ but efforts to change policy usually meet with resistance (lobbying against change is more successful than lobbying for it),⁶⁹ and most efforts to change the status quo fail. Groups with the most money do not necessarily win.⁷⁰ Lobbyists usually make little headway with their opponents: the lobbyist for General Motors arguing against automobile pollution controls will not have much influence with a legislator concerned about air pollution.

Concerned about inappropriate influence from lobbyists, Congress passed a law in 1995 requiring anyone hired to lobby members of Congress, congressional staff members, White House officials, and federal agencies to report what issues they were

seeking to influence, how much they were spending on the effort, and the identities of their clients. Congress also placed severe restrictions on the gifts, meals, and expense-paid travel that public officials may accept from lobbyists. In theory, these reporting requirements and restrictions would not only prevent shady deals between lobbyists and members of Congress but also curb the influence of special interests. Nevertheless, slippage occurred. In 2005 and 2006, for example, the country saw some members caught up in bribery scandals. The nation also learned of lobbyist Jack Abramoff's success in charging six Indian tribes more than \$80 million for his lobbying services—and of his extraordinary contributions to and expenditures on some representatives and senators. In response, Congress in 2007 passed a new law and the House revised its ethics rules. Together, these measures strengthened public disclosure requirements concerning lobbying activity and funding, placed more restrictions on gifts and travel for members of Congress and their staff, provided for mandatory disclosure of earmarks in expenditure bills, and slowed the revolving door between Congress and the lobbying world.

There are many forces that affect senators and representatives as they decide how to vote on a bill. After his exhaustive study of influences on congressional decision making, John Kingdon concluded that none was important enough to suggest that members of Congress vote as they do because of one influence.⁷¹ The process is as complex for individual legislators as it is for those who want to influence their votes.

Understanding Congress

11.5

Assess Congress's role as a representative body and the impact of representation on the scope of government.

C

ongress is a complex institution. Its members want to make sound national policy, but they also want to return to Washington after the next election. How do these sometimes conflicting desires affect American democracy and the scope of American government?

□ Congress and Democracy

In a large nation, the success of democratic government depends on the quality of representation. Americans could hardly hold a national referendum on every policy issue on the government agenda; instead, they delegate decision-making power to representatives. If Congress is a successful democratic institution, it must be a successful representative institution.

Certainly, some aspects of Congress make it very *unrepresentative*. Its members are an American elite. Its leadership is chosen by its own members, not by any vote of the American people. Voters have little direct influence over the individuals who chair key committees or lead congressional parties. In addition, the Senate is apportioned to represent states, not population, a distribution of power that accords citizens in less populated states a greater say in key decisions. As you can see in “America in Perspective: Malapportionment in the Upper House,” malapportionment is high in the U.S. Senate.

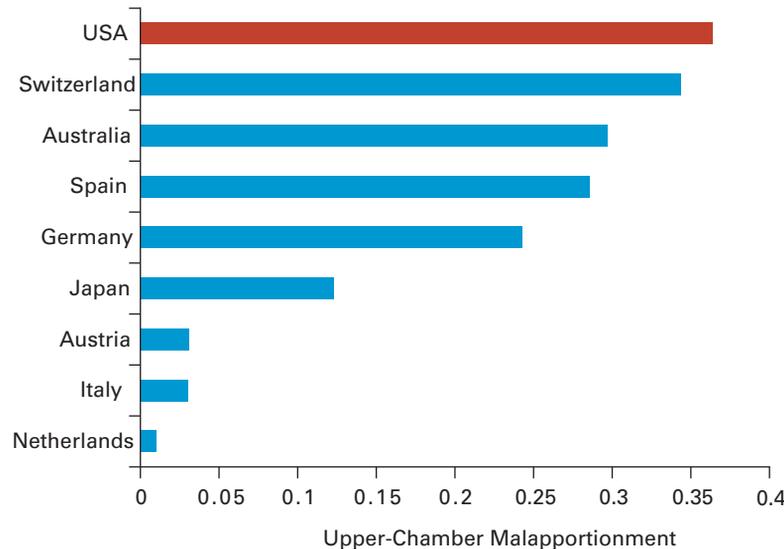
Nevertheless, the evidence in this chapter demonstrates that Congress *does* try to listen to the American people. Whom voters elect makes a difference in how congressional votes turn out; which party is in power affects policies. Perhaps Congress could do a better job at representation than it does, but there are many obstacles to improved representation. Legislators find it hard to know what constituents want. Groups may keep important issues off the legislative agenda. Members may spend so much time

Malapportionment in the Upper House

In a perfectly apportioned system, no citizen's vote weighs more than another's. In a malapportioned system, by contrast, the votes of some citizens weigh more than the votes of others. A number of democracies in developed countries have upper houses with significant powers. The U.S. Senate is the most malapportioned among them.

CRITICAL THINKING QUESTION

In your opinion, is the high degree of malapportionment in the Senate a problem for American democracy? Why or why not?



SOURCE: David Samuels and Richard Snyder, "The Value of a Vote: Malapportionment in Comparative Perspective," *British Journal of Political Science* 31 (October 2001), p. 662.

servicing their constituencies that they have little time left to represent those constituencies in the policymaking process.

Members of Congress are responsive to the people, if the people make clear what they want. For example, in response to popular demands, Congress established a program in 1988 to shield the elderly against the catastrophic costs associated with acute illness. In 1989, in response to complaints from the elderly about higher Medicare premiums, Congress abolished most of what it had created the previous year.

REPRESENTATIVENESS VERSUS EFFECTIVENESS The central legislative dilemma for Congress is combining the faithful representation of constituents with making effective public policy. Supporters see Congress as a forum in which many interests compete for a spot on the policy agenda and over the form of a particular policy—just as the Founders intended.

Critics charge that Congress is too representative—so representative that it is incapable of taking decisive action to deal with difficult problems. The agricultural committees busily tend to the interests of farmers, while committees focusing on foreign trade worry about cutting agricultural subsidies. One committee wrestles with domestic unemployment, while another makes tax policy that encourages businesses to open new plants out of the country. One reason why government spends too much, critics say, is that Congress is protecting the interests of too many people. As long as each interest tries to preserve the status quo, Congress cannot enact bold reforms.

On the other hand, defenders of Congress point out that, thanks to its being decentralized, there is no oligarchy in control to prevent the legislature from taking

comprehensive action. In fact, Congress has enacted historic legislation such as the huge tax cuts of 1981 and 2001, the comprehensive (and complicated) tax reform of 1986, and various bills structuring the budgetary process designed to balance the budget.⁷² In recent years, Congress has also passed health care reform, important trade bills, a prescription drug addition to Medicare, and a major program for elementary and secondary education.

There is no simple solution to Congress's dilemma. It tries to be both a representative and an objective policymaking institution. As long as this is true, it is unlikely that Congress will please all its critics.

□ Congress and the Scope of Government

Congress is responsive to a multitude of interests, many of which desire government policies. Does this responsiveness predispose the legislature to increase the size of government to please the public? Does providing constituents with pork barrel spending and casework services create too much of an incentive for members of Congress to expand government programs? One can argue that big government helps members of Congress get reelected and gives them good reason to support making it bigger.

Members of Congress vigorously protect the interests of their constituents. At the same time, there are many members who agree with the conservative argument that government is not the answer to problems but rather *is* the problem. These individuals make careers out of fighting against government programs (although these same senators and representatives typically support programs aimed at aiding *their* constituents). In recent years, the Tea Party movement has helped elect many members of Congress who vigorously support scaling back the role of the federal government.

Americans have contradictory preferences regarding public policy. As we note in various chapters, they want to balance the budget and pay low taxes, but majorities also support most government programs. Congress does not impose programs on a reluctant public; instead, it responds to the public's demands for them.

Review the Chapter



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The Representatives and Senators

- 11.1** Characterize the backgrounds of members of Congress and assess their impact on the ability of members of Congress to represent average Americans, p. 361.

Congress has proportionately more whites and males than the general population, and members of Congress are wealthier and better educated than the average American. Although they are not descriptively representative of Americans, they may engage in substantive representation.

Congressional Elections

- 11.2** Identify the principal factors influencing the outcomes in congressional elections, p. 364.

Incumbents usually win reelection because they usually draw weak opponents, are usually better known and better funded than their opponents, typically represent constituencies where a clear majority share their party affiliation, and can claim credit for aiding their constituents. However, incumbents can lose if they are involved in a scandal, if their policy positions are substantially out of line with their constituents, or if the boundaries of their districts are redrawn to reduce the percentage of their constituents identifying with their party.

How Congress Is Organized to Make Policy

- 11.3** Compare and contrast the House and Senate, and describe the roles of congressional leaders, committees, caucuses, and staff, p. 370.

The House is much larger than the Senate and is also characterized by greater centralization of power in the party leadership and by more party discipline. Senators are more equal in power and may exercise the option of the filibuster to stop a majority from passing a bill. Congressional leaders are elected by their party members and must remain responsive to them. They cannot always depend on the votes of the members of their party. Committees do most of the work in Congress, considering legislation and overseeing the administration of policy. Although committees are run more democratically than in past decades, chairs have considerable

power to set their committees' agendas. Caucuses are part of the informal organization of Congress and are composed of representatives and senators who have a shared interest or characteristic. Personal, committee, and agency staff are crucial components of Congress, providing policy expertise and constituency service.

The Congressional Process and Decision Making

- 11.4** Outline the path of bills to passage and explain the influences on congressional decision making, p. 381.

Congress is typically a cumbersome decision-making body, and the process for considering a bill has many stages. This complexity gives rise to unorthodox lawmaking, in which the congressional leadership bypasses traditional legislative stages. Presidents try to persuade Congress to support their policies, which usually earn space on the congressional agenda. Their ultimate influence on congressional decision making is at the margins, however. Parties have become more homogeneous and more polarized in recent years and provide an important pull on their members on most issues. Constituencies have strong influence on congressional decision making on a few visible issues, while members' own ideologies exert more influence on less visible issues. Interest groups play a key role in informing Congress and sometimes the threat of their opposition influences vote outcomes.

Understanding Congress

- 11.5** Assess Congress's role as a representative body and the impact of representation on the scope of government, p. 389.

Although Congress is an elite institution, it is responsive to the public when the public makes its wishes clear. It is open to influence, an openness that makes it responsive to many interests but also may reduce its ability to make good public policy. Members of Congress often support expanding government to aid their constituents, generally in response to public demands for policy, but many also fight to limit the scope of government.

Learn the Terms



Study and Review the Flashcards

incumbents, p. 364
casework, p. 366
pork barrel, p. 367
bicameral legislature, p. 370
House Rules Committee, p. 371
filibuster, p. 371
Speaker of the House, p. 372

majority leader, p. 373
whips, p. 373
minority leader, p. 373
standing committees, p. 374
joint committees, p. 374
conference committees, p. 374
select committees, p. 374

legislative oversight, p. 375
committee chairs, p. 378
seniority system, p. 378
caucus, p. 379
bill, p. 381

Test Yourself



Study and Review the Practice Tests

- Which of the following is NOT a reason for the current underrepresentation of women in Congress?
 - Women are less likely than men to run for office if they feel their chances of winning are poor.
 - Women are less likely than men to become major party nominees.
 - Women are less likely than men to win races they enter.
 - Women are less likely than men to run for office because of childcare responsibilities.
 - All of the above are reasons for the underrepresentation of women in Congress.
- Approximately 25 percent of membership in the House of Representatives is African American.
True ____ False ____
- What is the difference between descriptive and substantive representation? In your opinion, can Congress claim that it does either? Explain why.
- All EXCEPT which of following are true of incumbents in Congress?
 - Most incumbents decide to run for reelection.
 - Most incumbents' views on policy are well known to their constituents.
 - Most incumbents win reelection with more than 60 percent of the vote.
 - Most incumbents have more campaign contributions to spend than their opponents.
 - Most incumbents have higher levels of name recognition than their opponents.
- Which of the following is most likely to hurt an incumbent legislator's chances for reelection?
 - The incumbent has gone through a scandalous and public divorce.
 - The incumbent has been in office during an economic downturn.
 - The incumbent has spent more money than his challenger on his reelection campaign.
 - The incumbent has supported the president's policy initiatives.
 - The incumbent has spent considerable time claiming credit for his voting record.
- The vast majority of people are more likely to vote based on party identification than on the candidate's personal characteristics and/or policy platform.
True ____ False ____
- Based on what you know about congressional elections, what do you think are three primary reasons for the incumbency advantage? Generally speaking, do you think the incumbency advantage is good or bad for American democracy? Explain.
- The filibuster may be considered undemocratic because
 - it is used in the Senate but not in the House of Representatives.
 - it is used to prevent logrolling in Congress.
 - it is used to undermine the power of the Speaker of the House.
 - it is used by the minority to defeat the majority.
 - it is used by the majority to defeat the minority.
- When the House and the Senate pass different versions of a bill, these versions are to be reconciled by a
 - standing committee.
 - joint committee.
 - conference committee.
 - select committee.
 - reconciliation committee.
- Congressional committee oversight has declined as federal policy responsibilities have increased over time.
True ____ False ____
- Although legislators are often overwhelmed with responsibilities, they have a staff to assist them. What role

do personal and committee staffs play in the legislative process? In your opinion, is greater reliance on legislative staff good or bad for representative democracy? Explain your answer.

12. As majority leader of the Senate, Robert Dole once dubbed himself the “Majority Pleader.” Based on what you have learned, what supports Senator Dole’s assessment, and what contradicts it? How important do you think strong leadership is in the House and in the Senate? Which aspects of leaders’ powers would you change, and why?

13. Which of the following best describes the president’s influence over congressional decision making?

- Presidential influence in Congress regularly directs congressional decision making.
- Presidential influence in Congress occurs at the margins.
- Presidential influence in Congress is more pronounced in the Senate than the House.
- Presidential influence in Congress is more likely to occur when interest groups oppose the president’s position.
- Presidential influence in Congress is enhanced by the constitutional separation of powers.

14. Only a member of the House or Senate can officially propose a bill.

True ____ False ____

15. Constituency opinion is not always the dominant factor that influences a legislator’s decision making. Under what circumstances are legislators more likely to respond to constituency opinion and when are they less likely to do so? In your opinion, is it undemocratic when legislators do not respond to constituency opinion in their decision making? Why or why not?

16. Which of the following statements is true?

- The backgrounds of members of Congress are representative of the American people.
- Members of Congress find it easy to know what their constituents want.
- Representation and effective policymaking are generally compatible.
- Congress is responsive to a wide range of interests in America.
- Because of its responsiveness to organized interests, Congress is incapable of passing major reforms.

17. Is Congress a representative institution? Are there any ways to make Congress more representative of the American people?

18. Does congressional responsiveness to constituents predispose Congress to increase the scope of government? If so, what can be done to counterbalance this predisposition?

Explore Further

WEB SITES

www.house.gov

The official House of Representatives Web site contains information on the organization, operations, schedule, and activities of the House and its committees. The site also contains links to the offices of members and committees and enables you to contact your representative directly.

www.senate.gov

The official Senate Web site contains information and links similar to those for the House.

thomas.loc.gov

Information on the activities of Congress, the status and text of legislation, the *Congressional Record*, committee reports, and historical documents.

www.fec.gov

Federal Election Commission data on campaign expenditures.

www.opensecrets.org

The Center for Responsive Politics Web site with data on the role of money in politics.

www.c-span.org

Video coverage of Congress in action.

www.congress.org

Nonpartisan news and information on Congress and policy.

www.rollcall.com

Roll Call, the online version of the Capitol Hill newspaper.

thehill.com

News about all aspects of Congress.

FURTHER READING

Baumgartner, Frank R., Jeffrey M. Berry, Marie Hohnacki, David C. Kimball, and Beth L. Leech. *Lobbying and Policy Change: Who Wins, Who Loses, and Why*. Chicago, IL: University of Chicago Press, 2009. Examines just how influential lobbyists are—and are not.

Binder, Sarah A. *Stalemate*. Washington, DC: Brookings Institution, 2003. Discusses the causes and consequences of legislative gridlock.

Jacobson, Gary C. *The Politics of Congressional Elections*, 9th ed. New York: Addison-Wesley Longman, 2013. An excellent review of congressional elections.

Koger, Gregory. *Filibustering*. Chicago: University of Chicago Press, 2010. Explains the development and uses of the filibuster.

Lee, Frances E. *Beyond Ideology: Politics, Principles, and Partisanship in the U. S. Senate*. Chicago: University of Chicago Press, 2009. Argues that many partisan battles are rooted in competition for power rather than disagreement over the proper role of government.

Lee, Frances E., and Bruce I. Oppenheimer. *Sizing Up the Senate: The Unequal Consequences of Equal Representation*. Chicago: University of Chicago Press, 1999. How representation in the Senate affects how people are represented, the distribution of government benefits, and the nature of election campaigns.

Loomis, Burdett A., ed. *The U.S. Senate: From Deliberation to Dysfunction*. Washington, DC: CQ Press, 2011. Explores issues of delay, gridlock, and polarization and how they are difficult to change.

Mann, Thomas E., and Norman J. Ornstein. *The Broken Branch*. New York: Oxford University Press, 2006. How Congress is failing America and how to get it back on track.

Mayhew, David R. *Congress: The Electoral Connection*, 2nd ed. New Haven, CT: Yale University Press, 2005. An analysis of Congress based on the premise that the principal motivation of congressional behavior is reelection.

Sinclair, Barbara. *Unorthodox Lawmaking*, 4th ed. Washington, DC: CQ Press, 2011. Explains how Congress tries to cope with decentralization and polarization.