



Part

# 3

## Institutions of Government

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*But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.*

*\* Federalist No. 51*

# 13

## Congress

### LEARNING OBJECTIVES

#### WHAT YOU NEED TO KNOW

- ✓ In what respects is Congress “the first branch” of American national government?
- ✓ Why do most Americans and many experts now view Congress as “the broken branch”?
- ✓ What are the main differences between a congress and a parliament?
- ✓ How has the legislative productivity of the U.S. Congress varied over time?
- ✓ Are the American people as deeply divided in partisan and ideological terms as their representatives in Congress now appear to be?

#### WHO GOVERNS?

1. How closely do members of Congress mirror the American people in terms of gender, race, and other demographic characteristics?
2. Does Congress normally do what most citizens want it to do?

#### TO WHAT ENDS?

1. Should Congress run under strong leadership?
2. Should Congress act more quickly?

If you are like most Americans, you trust the Supreme Court, respect the presidency (whether or not you like the president), and dislike Congress (even if you like your own representative and senators). Congress is the most unpopular branch of government. But it is also the most important one. You cannot understand the national government without first understanding Congress. Glance at the Constitution and you will see why Congress is so important: the first four and a half pages are about Congress, while the presidency gets only a page and a half and the Supreme Court about three-quarters of one page.

To the Framers of the Constitution, the bicameral (two-chamber) Congress was “the first branch.” They expected Congress to wield most of the national government’s powers, including its most important ones

like the “power of the purse” (encompassing taxation and spending decisions) and the ultimate authority to declare war. They understood Congress as essential to sustaining federalism (guaranteeing two senators to each state without regard to state population) and maintaining the separation of powers (ensuring that no lawmaker would be allowed to serve in either of the other two branches while in Congress). They also viewed Congress as the linchpin of the system of checks and balances, constitutionally empowered as it was both to override presidential vetoes and to determine the structure and the appellate jurisdiction of the federal judiciary, including the one Supreme Court.

Most contemporary Americans and many experts, however, think of Congress not as the first branch but as “the broken branch,” unable to address the nation’s





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most pressing domestic, economic, and international problems in an effective way; unduly responsive to powerful organized special interests; awash in nonstop campaign fundraising and other activities that many believe border on political corruption; and unlikely to fix itself through real reforms.<sup>1</sup>

Consistent with this broken branch view, in recent decades, public approval of Congress has rarely ranged much above a third. In the 2000s, ratings in the 20s or 30s were the norm. In recent years, several ratings in the teens have been recorded. In July 2008, the Gallup Organization, which has tracked public approval of Congress for decades, recorded an all-time low of 14 percent public approval. In March 2010, public approval of Congress stood at 16 percent. In November 2010, Republicans regained control of the House after four

years of Democratic control; and in March 2011, public approval of Congress was at 18 percent.

Many academic analysts and veteran Washington journalists echo the popular discontent with Congress as the broken branch, but the experts focus more on two things, the first a paradox and the second a puzzle. The paradox is that most Americans consistently disapprove of Congress yet routinely reelect their own members to serve in it. In political scientist Richard F. Fenno's famous phrase, if "Congress is the broken branch then how come we love our congressmen so much more than our Congress?"<sup>2</sup> Despite public approval ratings that almost never reach as high as half, since 1980 over 90 percent of all congressional incumbents who have sought reelection have won it, most by comfortable margins. Even in elections in

# How Things Work

## The Powers of Congress

The powers of Congress are found in Article I, section 8, of the Constitution.

- To lay and collect taxes, duties, imposts, and excises
- To borrow money
- To regulate commerce with foreign nations and among the states
- To establish rules for naturalization (that is, becoming a citizen) and bankruptcy
- To coin money, set its value, and punish counterfeiting
- To fix the standard of weights and measures
- To establish a post office and post roads
- To issue patents and copyrights to inventors and authors
- To create courts inferior to (below) the Supreme Court
- To define and punish piracies, felonies on the high seas, and crimes against the law of nations
- To declare war
- To raise and support an army and navy and make rules for their governance
- To provide for a militia (reserving to the states the right to appoint militia officers and to train the militia under congressional rules)
- To exercise exclusive legislative powers over the seat of government (the District of Columbia) and other places purchased to be federal facilities (forts, arsenals, dockyards, and “other needful buildings”)
- To “make all laws which shall be necessary and proper for carrying into execution the fore-going powers, and all other powers vested by this Constitution in the government of the United States.” (Note: This “necessary and proper,” or “elastic,” clause has been generously interpreted by the Supreme Court, as explained in Chapter 16.)

### party polarization

A vote in which a majority of Democratic legislators oppose a majority of Republican legislators.

which “anti-incumbent” public sentiment seems rife and voters effect a change in party control of one or both chambers of Congress, incumbents prevail and dominate the institution. For example, in the 2010 midterm elections, Democrats suffered historic losses in the House, but most Democratic and Republican incumbents alike who sought reelection won it. In

the 112th Congress that began in 2011, 80 percent of House members, and 70 percent of Senators, were incumbents. Even though they have been fussing over it for several decades now, political scientists are still not sure how to answer Fenno’s question and resolve the paradox.

The puzzle is why the post-1970 Congress has become ever more polarized by partisanship and divided by ideology, and whether this development reflects ever-widening political cleavages among average Americans or instead constitutes a

disconnect between the people and their representatives on Capitol Hill.

**THEN** During 1890–1910, about two-thirds of all votes in Congress evoked a party split, and in several sessions more than half the roll calls found about 90 percent of each party’s members opposing the other party.<sup>3</sup> But, during the 1970s, such **partisan polarization** in Congress was very much the exception to the rule. Well into the 1960s, Congress commonly passed major legislation on most issues on a bipartisan basis, and there were liberal members and conservative members in leadership positions in both parties and in both chambers. Such liberal and conservative voting blocs as existed typically crossed party lines, like the mid-20th-century conservative bloc featuring Republicans and southern Democrats. Leaders in Congress in each party were usually veteran politicians interested mainly in winning elections, dispensing patronage, obtaining tangible benefits for their own districts or states and constituents, and keeping institutional power and



perks. Even members with substantial seniority did not get the most coveted committee chairmanships unless they were disposed to practice legislative politics as the art of the possible and the art of the deal. This meant forging interparty coalitions and approaching interbranch (legislative-executive) relations in ways calculated to result ultimately in bipartisan bargains and compromises, and doing so even on controversial issues and even when congressional leaders and the president were not all in the same party.

**NOW** When the 91st Congress ended in 1970, the more liberal half of the House had 29 Republicans and the more conservative half of the House had 59 Democrats.<sup>4</sup> By the time the 105th Congress ended in 1998, the more liberal half of the House had only ten Republicans while the more conservative half of the House had zero Democrats.<sup>5</sup> (Zero!) In the 2000s, liberal Republicans and conservative Democrats became virtually extinct in both the House and the Senate. For example, in 2010, the major health care reform bill (the Patient Protection and Affordable Care Act) proposed by Democrats passed in the House without a single Republican member of the House voting for it. In 2011, the far-reaching Fiscal Year 2012 budget plan (cutting trillions of dollars in spending over the next decade) drafted by Republicans passed in the House without a single Democratic member of the House voting for it. The 112th Congress began in January 2011, and during its first quarter-year a post-1945 record high of about 80 percent of all roll-call votes in the House pitted a majority of Democrats against a majority of Republicans.<sup>6</sup>

As we discuss in more detail later in this chapter, some scholars insist that the “disappearing center” in Congress reflects partisan and ideological divisions among average Americans,<sup>7</sup> while other scholars seem equally sure that we are instead witnessing a “disconnect” between a still nonideological and politically centrist mass public and its representatives on Capitol Hill.<sup>8</sup> Whichever side is more right, three things remain clear.

First, Congress has never perfectly embodied the Founders’ fondest hopes for the first branch, not when the First Congress met in 1789–1791 (and wrangled endlessly over the Bill of Rights); not during the decades before, during, and just after the Civil War; not during the late nineteenth century through 1970; and certainly not since. James Madison envisioned members of Congress as “proper guardians of the public weal,” public-spirited representatives of the people who would govern by intelligently mediating and dispassionately resolving conflicts among and between the large republic’s diverse and

competing financial, religious, and other interests.<sup>9</sup> Representatives or senators who might instead fan partisan passions, stir civic discord while refusing all compromises, or otherwise fuel rather than frustrate “factions” that trample citizens’ rights or toy with the public’s true needs, were disparaged by Madison as selfish, unenlightened, or “theoretic politicians” (what today we might call “extremists,” “hyper-partisans,” or “ideologues”).<sup>10</sup> At least if judged by the Founders’ highest aspirations for the first branch and its members, Congress has always been something of a broken branch.

Second, Congress is now home to ideologically distinct political parties that seem more unified than ever with respect to how their respective members vote, but the body still does not come close to matching the near-total party unity that has been typical in the national legislatures of Great Britain and other parliamentary democracies.

Third, Madison and the other Framers expressly rejected a parliamentary system like Great Britain’s in favor of a system featuring both a separation of powers and checks and balances. They understood the fundamental differences between a “congress” and a “parliament,” and so must every present-day student who hopes to really understand the U.S. Congress.

## Congress versus Parliament

The United States (along with many Latin American nations) has a congress; Great Britain (along with most Western European nations) has a parliament. A hint as to the difference between the two kinds of legislatures can be found in the original meanings of the words. *Congress* derives from a Latin term that means “a coming together,” a meeting, as of representatives from various places. *Parliament* comes from a French word, *parler*, that means “to talk.”

There is of course plenty of talking—some critics say there is nothing *but* talking—in the U.S. Congress, and certainly members of a parliament represent to a degree their local districts. But the differences implied by the names of the lawmaking groups are real ones, with profound significance for how laws are made and how the government is run. These differences affect two important aspects of lawmaking bodies: how one becomes a member and what one does as a member.

Ordinarily, a person becomes a member of a parliament (such as the British House of Commons) by persuading a political party to put his or her name on the

ballot. Though usually a local party committee selects a person to be its candidate, that committee often takes suggestions from national party headquarters. The local group selects as its candidate someone willing to support the national party program and leadership. In the election, voters in the district choose not between two or three personalities running for office, but between two or three national parties.

By contrast, a person becomes a candidate for representative or senator in the U.S. Congress by running in a primary election. Except in a very few places, political parties exercise little control over the choice of who is nominated to run for congressional office. (This is the case even though the person who wins the primary will describe himself or herself in the general election as a Democrat or a Republican.) Voters select candidates in the primaries because of their personalities, positions on issues, or overall reputation. Even in the general election, where the party label affects who votes for whom, many citizens vote “for the man” (or for the woman), not for the party.

As a result of these different systems, a parliament tends to be made up of people loyal to the national party leadership who meet to debate and vote on party issues. A congress, on the other hand, tends to be made up of people who think of themselves as independent representatives of their districts or states and who, while willing to support their party on many matters, expect to vote as their (or their constituents’) beliefs and interests require.

Once they are in the legislature, members of a parliament discover they can make only one important decision—whether or not to support the government.

The government in a parliamentary system such as Britain’s consists of a prime minister and various cabinet officers selected from the party that has the most seats in parliament. As long as the members of that party vote together, that government will remain in power (until the next election). Should members of a party in power in parliament decide to vote against their leaders, the leaders lose office, and a new government must be formed. With so much at stake, the leaders of a party in parliament have a powerful incentive to keep their followers in line. They insist that all members of the party vote together on almost all issues. If someone refuses, the penalty is often drastic: the party does not renominate the offending member in the next election.

Members of the U.S. Congress do not select the head of the executive branch of government—that is done by the voters when they choose a president. Far from making members of Congress less powerful, this makes them more powerful. Representatives and senators can vote on proposed laws without worrying that their votes will cause the government to collapse and without fearing that a failure to support their party will lead to their removal from the ballot in the next election. Congress has independent powers, defined by the Constitution, that it can exercise without regard to presidential preferences. Political parties do not control nominations for office, and thus they cannot discipline members of Congress who fail to support the party leadership. Because Congress is constitutionally independent of the president, and because its members are not tightly disciplined by a party leadership, individual members of Congress are free to express their views



In January 2011, Democratic Speaker Nancy Pelosi turned over her gavel to Republican John Boehner who became speaker after the large Republican victory in the 2010 election.

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**Three powerful Speakers of the House: Thomas B. Reed (1889–1891, 1895–1899) (left), Joseph G. Cannon (1903–1911) (center), and Sam Rayburn (1941–1947, 1949–1953, 1955–1961) (right). Reed put an end to a filibuster in the House by refusing to allow dilatory motions and by counting as “present”—for purposes of a quorum—members in the House even though they were not voting. Cannon further enlarged the Speaker’s power by refusing to recognize members who wished to speak without Cannon’s approval and by increasing the power of the Rules Committee, over which he presided. Cannon was stripped of much of his power in 1910. Rayburn’s influence rested more on his ability to persuade than on his formal powers.**

and vote as they wish. They are also free to become involved in the most minute details of lawmaking, budget making, and supervision of the administration of laws. They do this through an elaborate set of committees and subcommittees.

A real parliament, such as that in Britain, is an assembly of party representatives who choose a government and discuss major national issues. The principal daily work of a parliament is debate. A congress, such as that in the United States, is a meeting place of the representatives of local constituencies—districts and states. Members of the U.S. Congress can initiate, modify, approve, or reject laws, and they share with the president supervision of the administrative agencies of the government. The principal work of a congress is representation and action, most of which takes place in committees.

What this means in practical terms to the typical legislator is easy to see. Since members of the British House of Commons have little independent power, they get rather little in return. They are poorly paid, may have no offices of their own and virtually no staff, are allowed only small sums to buy stationery, and can make a few free local telephone calls. Each is given a desk, a filing cabinet, and a telephone, but not always in the same place.

By contrast, a member of the U.S. House of Representatives, even a junior one, has power and is rewarded accordingly. For example, in 2011, each

member earned a substantial base salary (\$174,000) plus generous health care and retirement benefits, and was entitled to a large office (or “clerk-hire”) allowance, to pay for about two dozen staffers. (Each chamber’s majority and minority leaders earned \$193,400 a year, and the Speaker of the House earned \$223,400.) Each member also received individual allowances for travel, computer services, and the like. In addition, each member could mail newsletters and certain other documents to constituents for free using the “franking privilege.” Senators, and representatives with seniority, received even larger benefits. Each senator is entitled to a generous office budget and legislative assistance allowance and is free to hire as many staff members as he or she wishes with the money. These examples are not given to suggest that members of Congress are overrewarded, but only that their importance as individuals in our political system can be inferred from the resources they command.

Because the United States has a congress made up of people chosen to represent their states and districts, rather than a parliament made up to represent competing political parties, no one should be surprised to learn that members of the U.S. Congress are more concerned with their own constituencies and careers than with the interests of any organized party or program of action. And since Congress does not choose the president, members of Congress know that worrying about the voters they represent is much more important than worrying



about whether the president succeeds with his programs. These two factors taken together mean that Congress tends to be a decentralized institution, with each member more interested in his or her own views and those of his or her voters than with the programs proposed by the president.

Indeed, Congress was designed by the Founders in ways that almost inevitably make it unpopular with voters. Americans want government to take action, follow a clear course of action, and respond to strong leaders. Americans dislike political arguments, the activities of special-interest groups, and the endless pulling and hauling that often precede any congressional decision. But the people who feel this way are deeply divided about what government should do: Be liberal? Be conservative? Spend money? Cut taxes? Support abortions? Stop abortions? Since they are divided, and since members of Congress must worry about how voters feel, it is inevitable that on controversial issues Congress will engage in endless arguments, worry about what interest groups (who represent different groups of voters) think, and work out compromise decisions. When it does those things, however, many people feel let down and say they have a low opinion of Congress.

Of course, a member of Congress might explain all these constitutional facts to the people, but not many members are eager to tell their voters that they do not really understand how Congress was created and organized. Instead they run for reelection by promising voters they will go back to Washington and “clean up that mess.”

## The Evolution of Congress

The Framers chose to place legislative powers in the hands of a congress rather than a parliament for philosophical and practical reasons. They did not want to have all powers concentrated in a single governmental institution, even one that was popularly elected, because they feared such a concentration could lead to rule by an oppressive or impassioned majority. At the same time, they knew the states were jealous of their independence and would never

consent to a national constitution if it did not protect their interests and strike a reasonable balance between large and small states. Hence, they created a **bicameral** (two-chamber) **legislature**—with a House of Representatives, elected directly by the people, and a Senate,

consisting of two members from each state, chosen by the legislatures of each state. Though “all legislative powers” were vested in Congress, those powers would be shared with the president (who could veto acts of Congress), limited to powers explicitly conferred on the federal government, and, as it turned out, subject to the power of the Supreme Court to declare acts of Congress unconstitutional.

For decades, critics of Congress complained that the body cannot plan or act quickly. They are right, but two competing values are at stake: centralization versus decentralization. If Congress acted quickly and decisively as a body, then there would have to be strong central leadership, restrictions on debate, few opportunities for stalling tactics, and minimal committee interference. If, on the other hand, the interests of individual members—and the constituencies they represent—were protected or enhanced, then there would have to be weak leadership, rules allowing for delay and discussion, and many opportunities for committee activity.

Though there have been periods of strong central leadership in Congress, the general trend, especially since the mid-20th century, has been toward decentralizing decision making and enhancing the power of the individual member at the expense of the congressional leadership. This decentralization may not have been inevitable. Most American states have constitutional systems quite similar to the federal one, yet in many state legislatures, such as those in New York, Massachusetts, and Indiana, the leadership is quite powerful. In part, the position of these strong state legislative leaders may be the result of the greater strength of political parties in some states than in the nation as a whole. In large measure, however, it is a consequence of permitting state legislative leaders to decide who shall chair what committee and who shall receive what favors.

The House of Representatives, though always powerful, often has changed the way in which it is organized and led. In some periods, it has given its leader, the Speaker, a lot of power; in other periods, it has given much of that power to the chairs of the House committees; and in still other periods, it has allowed individual members to acquire great influence. To simplify a complicated story, the box starting on page 333 outlines six different periods in the history of the House.

The House faces fundamental problems: it wants to be big (it has 435 members) and powerful, and its members want to be powerful as individuals and as a group. But being big makes it hard for the House to be powerful unless some small group is given

**bicameral legislature** A lawmaking body made up of two chambers or parts.



# House History: Six Phases

## Phase One: The Powerful House

During the first three administrations—of George Washington, John Adams, and Thomas Jefferson—leadership in Congress often was supplied by the president or his cabinet officers. Rather quickly, however, Congress began to assert its independence. The House of Representatives was the preeminent institution, overshadowing the Senate.

## Phase Two: The Divided House

In the late 1820s, the preeminence of the House began to wane. Andrew Jackson asserted the power of the presidency by vetoing legislation he did not like. The party unity necessary for a Speaker, or any leader, to control the House was shattered by the issue of slavery. Of course, representatives from the South did not attend during the Civil War, and their seats remained vacant for several years after it ended. A group called the Radical Republicans, led by men such as Thaddeus Stevens of Pennsylvania, produced strong majorities for measures aimed at punishing the defeated South. But as time passed, the hot passions the war had generated began to cool, and it became clear that the leadership of the House remained weak.

## Phase Three: The Speaker Rules

Toward the end of the 19th century, the Speaker of the House gained power. When Thomas B. Reed of Maine became Speaker in 1889, he obtained by vote of the Republican majority more authority than any of his predecessors, including the right to select the chairs and members of all committees. He chaired the Rules Committee and decided what business would come up for a vote, any limitations on debate, and who would be



One of the most powerful Speakers of the House, Henry Clay, is shown here addressing the U.S. Senate around 1850.

Library of Congress/LC-DIG-ppmsca-09398

allowed to speak and who would not. In 1903, Joseph G. Cannon of Illinois became Speaker. He tried to maintain Reed's tradition, but he had many enemies within his Republican ranks.

## Phase Four: The House Revolts

In 1910–1911, the House revolted against “Czar” Cannon, voting to strip the Speaker of his right to appoint committee chairs and to remove him from the Rules Committee. The powers lost by the Speaker flowed to the party caucus, the Rules Committee, and the chairs of the standing committees. It was not, however, until the 1960s and 1970s that House members struck out against all forms of leadership.

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## Phase Five: The Members Rule

Newly elected Democrats could not get the House to vote on a meaningful civil rights bill until 1964 because powerful committee chairs, most of them from the South, kept such legislation bottled up. In response, Democrats changed their rules so that chairpersons lost much of their authority. Beginning in the 1970s, committee chairs would no longer be selected simply on the basis of seniority: they had to be elected by the members of the majority party. Chairpersons could no longer refuse to call committee meetings, and most meetings had to be public. Committees without subcommittees had to create them and allow their members to choose subcommittee chairs. Individual members' staffs were greatly enlarged, and half of all majority-party members were chairs of at least one committee or subcommittee.

## Phase Six: The Leadership Returns

Since every member had power, it was harder for the House to get anything done. By slow steps, culminating in some sweeping changes made in 1995, there were efforts to restore some of the power the Speaker had once had. The number of committees and subcommittees was reduced. Republican Speaker Newt Gingrich dominated the choice of committee chairs,

often passing over more senior members for more agreeable junior ones. But Gingrich's demise was as quick as his rise. His decision not to pass some appropriations bills forced many government offices to close for a short period, he had to pay a fine for using tax-exempt funds for political purposes, and then the Republicans lost a number of seats in the 1998 election. Gingrich resigned as Speaker and as a member of the House and was replaced by a more moderate Speaker, Republican Dennis Hastert of Illinois, with a penchant for accommodating his colleagues. When the 110th Congress began in 2007, Democrat Nancy Pelosi of California held the Speaker's gavel. Pelosi was the sixtieth Speaker in House history but the first woman to lead the House. She presided over many battles with the House's GOP leaders, but her most memorable role as Speaker occurred in 2010 when she struck assorted (and some critics claimed sordid) deals with members of her own party to garner their votes for the president's sweeping health care overhaul plan. Following heavy Democratic losses in the 2010 midterm elections, in January 2011 Pelosi was succeeded as Speaker by Republican John Boehner of Ohio. Even some liberal Democratic members of his state's congressional delegation (for example, Ohio Representative Dennis Kucinich) characterized Boehner as a committed but pragmatic conservative and professional legislator, but opinions differed widely over how (and how well) he would lead the 112th Congress.

the authority to run it. If a group runs the place, however, the individual members lack much power. Individuals can gain power, but only at the price of making the House harder to run and thus reducing its collective power in government. There is no lasting solution to these dilemmas, and so the House will always be undergoing changes.

The Senate does not face any of these problems. It is small enough (100 members) that it can be run without giving much authority to any small group of leaders. In addition, it has escaped some of the problems the House once faced. During the period leading up to the Civil War, it was carefully balanced so that the number of senators from slave-owning states exactly equaled the number from free states. Hence, fights over slavery rarely arose in the Senate.

From the first, the Senate was small enough that no time limits had to be placed on how long a senator could speak. This meant there never was anything

like a Rules Committee that controlled the amount of debate.

Finally, senators were not elected by the voters until the 20th century. Prior to that, they were picked instead by state legislatures. Thus senators often were the leaders of local party organizations, with an interest in funneling jobs back to their states.

The big changes in the Senate came not from any fight about how to run it (nobody ever really ran it), but from a dispute over how its members should be chosen. For more than a century after the Founding, members of the Senate were chosen by state legislatures. Though often these legislatures picked popular local figures to be senators, just as often there was intense political maneuvering among the leaders of various factions, each struggling to win (and sometimes buy) the votes necessary to become senator. By the end of the 19th century, the Senate was known as the Millionaires' Club because of the number of wealthy party leaders



A cartoon from *Puck* in 1890 expressed popular resentment over the “Millionaires Club,” as the Senate had become known.

and businessmen in it. There arose a demand for the direct, popular election of senators.

Naturally the Senate resisted, and without its approval the necessary constitutional amendment could not pass Congress. When some states threatened to demand a new constitutional convention, the Senate feared that such a convention would change more than just the way in which senators were chosen. A protracted struggle ensued, during which many state legislatures devised ways to ensure that the senators they picked would already have won a popular election. The Senate finally agreed to a constitutional amendment that required the popular election of its members, and in 1913 the Seventeenth Amendment was approved by the necessary three-fourths of the states. Ironically, given the intensity of the struggle over this question, no great change in the composition of the Senate

resulted; most of those members who had first been chosen by state legislatures managed to win reelection by popular vote.

The other major issue in the development of the Senate was the filibuster. A **filibuster** is a prolonged speech, or series of speeches, made to delay action in a legislative assembly. It

**filibuster** An attempt to defeat a bill in the Senate by talking indefinitely, thus preventing the Senate from taking action on the bill.

had become a common—and unpopular—feature of Senate life by the end of the 19th century. It was used by liberals and conservatives alike and for lofty as well as self-serving purposes. The first serious effort to restrict the filibuster came in 1917, after an important foreign policy measure submitted by President Wilson had been talked to death by, as Wilson put it, “eleven willful men.” Rule 22 was adopted by a Senate fearful of tying a president’s hands during a wartime crisis. The rule provided that debate could be cut off if two-thirds of the senators present and voting agreed to a “cloture” motion (it has since been revised to allow 60 senators to cut off debate). Two years later, it was first invoked successfully when the Senate voted cloture to end, after 55 days, the debate over the Treaty of Versailles. Despite the existence of Rule 22, the tradition of unlimited debate remains strong in the Senate.

## Who Is in Congress?

With power so decentralized in Congress, the kind of person elected to it is especially important. Since each member exercises some influence, the beliefs and interests of each individual affect policy. Viewed simplistically, most members of Congress seem the same: the typical representative or senator is a middle-aged white Protestant male lawyer. If all such persons usually thought and voted alike, that would be an interesting fact, but they do not, and so it is necessary to explore the great diversity of views among seemingly similar people.

### GENDER AND RACE

Congress has gradually become less male and less white. Between 1950 and 2011, the number of women in the House increased from nine to 75 and the number of African Americans from two to 42. There are also 30 Latino members.

Until recently, the Senate changed much more slowly (see Table 13.1). Before the 1992 election, there were no African Americans and only two women in the Senate. But in 1992, four more women, including one black woman, Carol Mosely Braun of Illinois, were elected. Two more were elected in 1994, when a Native American, Ben Nighthorse Campbell of Colorado, also became a senator. Today there are 17 women in the Senate.

The relatively small number of African Americans and Latinos in the House understates their influence, at least when the Democrats are in the majority. In 1994, four House committees were chaired by blacks and three by Latinos. In the same year, however, no woman chaired a committee. The reason for



**Table 13.1** Blacks, Hispanics, and Women in Congress, 1971–2011

Congress	Blacks	Senate Hispanics	Women	Blacks	House Hispanics	Women
112th (2011–2012)	0	2	17	42	30	75
111th	1	3	17	42	25	77
110th	1	3	16	38	23	74
109th	1	0	14	37	23	59
108th	0	0	13	39	23	62
107th	0	0	13	36	19	59
106th	0	0	9	39	19	58
105th	1	1	9	37	18	51
104th	1	0	8	38	18	48
103rd	1	0	6	38	17	47
102nd	0	0	2	26	10	29
101st	0	0	2	24	11	25
100th	0	0	2	23	11	23
99th	0	0	2	20	11	22
98th	0	0	2	21	10	22
97th	0	0	2	17	6	19
96th	0	0	1	16	6	16
95th	1	0	2	16	5	18
94th	1	1	0	15	5	19
93rd	1	1	0	15	5	14
92nd (1971–1972)	1	1	2	12	5	13

Source: *Congressional Quarterly*, various years.

this difference in power is that the former tend to come from districts in which incumbents have normally won reelection by comfortable margins and thus have more seniority than the latter. When the Democrats retook control of Congress in 2007,

African Americans and Latinos became chairpersons of several important committees.

Similarly, the first woman to become Speaker (Nancy Pelosi in 2007) was a Democrat, and the post-1970 increase of women in Congress has been led by Democrats: in 2011, 12 of the 17 women in the Senate, and 51 of the 75 women in the House, were Democrats. Among the notable women in the 112th Congress was Gabrielle Dee “Gabby” Giffords, a 41-year-old Democrat of Arizona elected to her third House term in 2010, and only the third woman from Arizona to serve in Congress. Representative Giffords served on the House Armed Services Committee and was a member of the “Blue Dog” Caucus of moderately conservative House Democrats. In January 2011, she was shot in the head by a would-be assassin but made such remarkable and rapid progress toward recovery that in spring 2011 she was able to attend the scheduled but aborted launch of a NASA shuttle commanded by her husband.

Middle-aged white males with law degrees are still the norm in Congress, but as Table 13.2 shows,



ROD LAMKEY JR./The Washington Times/Landov

**Rep. Paul Ryan (R-WI) in 2011 became the new chair of the House Budget Committee where he oversaw the preparation of a response to Pres. Obama’s budget plan.**



Rex Features via AP Images

Rep. Gabrielle Giffords (D-AZ) recovering from being shot in the head by a homicidal maniac.

**Table 13.2** Who's in Congress, 1991–1992 Versus 2011–2012

	102nd Congress (1991–1992)	112th Congress (2011–2012)
<b>Average Age</b>		
House	53	57
Senate	57	62
<b>Occupation</b>		
Law	244	200
Business	189	209
<b>Military</b>		
Had served	277	118
<b>Incumbency</b>		
In first term	44	103

Source: Adapted from chart based on Congressional Research Service and Military Officers Association data in John Harwood, "For New Congress, Data Shows Why Polarization Abounds," *New York Times*, March 6, 2011.

compared to the makeup of the 102nd Congress that began in 1991, the 112th Congress that began in 2011 had not only more women, blacks, and Latinos, but also fewer lawyers, fewer persons who had served in the armed forces, more businesspeople,

more people over the age of 55, and more members (about 1 in 5 overall) serving their first term.

## INCUMBENCY

The recent spike in first-termers in Congress is interesting, but the most important change that has occurred in the composition of Congress has been so gradual that most people have not noticed it. In the 19th century, a large fraction—often a majority—of congressmen served only one term. In 1869, for example, more than half the members of the House were serving their first term in Congress. Being a congressman in those days was not regarded as a career. This was in part because the federal government was not very important (most of the interesting political decisions were made by the states); in part because travel to Washington, D.C. was difficult and the city was not a pleasant place in which to live; and in part because being a congressman did not pay well. Furthermore, many congressional districts were highly competitive, with the two political parties fairly evenly balanced in each.

By the 1950s, however, serving in Congress had become a career. Between 1863 and 1969, the proportion of first-termers in the House fell from 58 percent to 8 percent.<sup>11</sup> As the public took note of this shift, people began to complain about “professional politicians” being “out of touch with the people.” A movement to impose term limits was started. In 1995, the House approved a constitutional amendment to do just that, but it died in the Senate. Then the Supreme Court struck down an effort by a state to impose term limits on its own members of Congress.

As it turned out, natural political forces were already doing what the term limits amendment was supposed to do. The 1992 and 1994 elections brought scores of new members to the House, with the result that by 1995 the proportion of members who were serving their first or second terms had risen sharply. Three things were responsible for this change. First, when congressional district lines were redrawn after the 1990 census, a lot of incumbents found themselves running in new districts they couldn't carry. Second, voter disgust at a variety of Washington political scandals made them receptive to appeals from candidates who could describe themselves as “outsiders.” And third, the Republican victory in 1994—made possible in part by the conversion of the South from a Democratic bastion to a Republican stronghold—brought a lot of new faces to the Capitol. In the 2006 midterm elections, the Democrats regained control of the House from Republicans; they retained it in 2008, but then lost it again in the 2010 midterm elections.

**marginal districts**

Political districts in which candidates elected to the House of Representatives win in close elections, typically by less than 55 percent of the vote.

**safe districts**

Districts in which incumbents win by margins of 55 percent or more.

As in 1994, in 2006 and in 2010 there was an influx of freshmen members.

But these periodic power-shifts accompanied by the arrival of scores of new faces in Congress should not obscure an important fact that was documented decades ago by political scientists<sup>12</sup> and is still true today: even in elections that result in the out party regaining power, most incumbent House members who seek reelection not only win but win big in their districts. And while Senators have been somewhat less secure than House members, most Senate

incumbents who have sought reelection have won it by a comfortable margin.

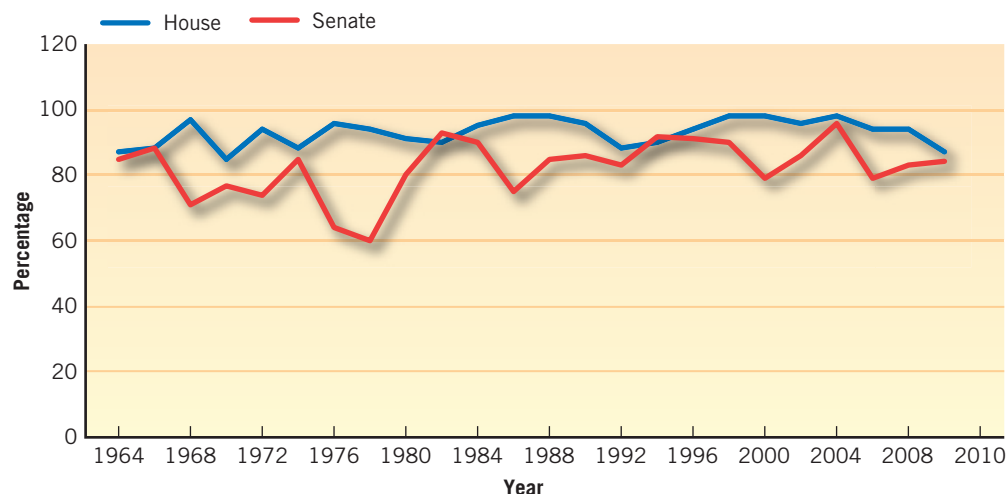
Figure 13.1 shows the 1964–2010 reelection rates for incumbent House and Senate members who sought reelection. Over that span of two dozen elections, the average reelection rate for House incumbents was 93 percent and the average reelection rate for Senate incumbents was 82 percent. For the 15 elections from 1980 through 2010, the House and Senate incumbent reelection averages are 94 percent and 87 percent, respectively. In the 2010 midterm election, despite polls showing mass disaffection with Congress and a strongly “anti-incumbent” mood, 87 percent of House incumbents who sought reelection won it (53 House incumbents who sought reelection lost), and 84 percent of Senate

incumbents who sought reelection won it (4 Senate incumbents who sought reelection lost, two in primary elections and two in the general election).

House incumbents who seek reelection normally beat their opponents by 10 points or more. Political scientists call districts that have close elections (when the winner gets less than 55 percent of the vote) **marginal districts** and districts where incumbents win by wide margins (55 percent or more) **safe districts**. Even by a more exacting standard—winning with 60 percent or more of the vote—in all but one of the 24 elections from 1964 to 2010 (the election of 1994), between 60 and 80 percent of House incumbents who were reelected won with 60 percent or more of the vote.<sup>13</sup> By contrast, over the same period, well under half of all Senate incumbents who won reelection did so by such a wide margin. In 1998 and again in 2008, about two-thirds of Senate incumbents won with 60 percent or more of the vote, but “safe states” remain far less common than safe districts.

Why congressional seats have become less marginal—that is, safer—is a matter on which scholars do not agree. Some feel it is the result of television and other media. But challengers can go on television, too, so why should this benefit incumbents? Another possibility is that voters are becoming less and less likely to automatically support whatever candidate wins the nomination of their own party. They are more likely, in short, to vote for the person rather than the party. And they are more likely to have heard of a person who is an incumbent: incumbents can deluge the voter

**Figure 13.1**  
**Reelection Rates for House and Senate Incumbents, 1964–2010**



Sources: For 1964–2008 data, The Center for Responsive Politics; 2010 data compiled by author.



with free mailings, they can travel frequently (and at public expense) to meet constituents, and they can get their names in the headlines by sponsoring bills or conducting investigations. Simply having a familiar name is important in getting elected, and incumbents find it easier than challengers to make their names known.

Finally, some scholars argue that incumbents can use their power to get programs passed or funds spent to benefit their districts—and thereby to benefit themselves.<sup>14</sup> They can help keep an army base open, support the building of a new highway (or block the building of an unpopular one), take credit for federal grants to local schools and hospitals, make certain a particular industry or labor union is protected by tariffs against foreign competition, and so on.

Probably all of these factors make some difference. Whatever the explanation, the tendency of voters to return incumbents to office means that in ordinary times no one should expect any dramatic changes in the composition of Congress. Even when elections effect a change in party control in one or both chambers, even when new leaders are in charge and new members abound, many old hands will still be on hand in Congress.

## PARTY

Forty Congresses convened between 1933 and 2011 (a new Congress convenes every two years). The Democrats controlled both houses in 27 of these Congresses and at least one house in 30 of them. Scholars differ in their explanations of why the Democrats have so often had the upper hand in Congress. Most of the research on the subject has focused on the reasons for Democratic control of the House.

In every election from 1968 to 1992, the percentage of the popular vote for Republican candidates to the House was higher than the percentage of House seats that actually went to Republicans. For example, in 1976 the Republicans won 42.1 percent of the vote but received only 32.9 percent of the seats. Some argued that this gap between votes and seats occurred because Democratic-controlled state legislatures redrew congressional district maps in ways that make it hard for Republicans to win House seats. Some striking anecdotal evidence supports this conclusion. For example, following the 1990 census, the Democratic-controlled Texas legislature crafted a new congressional district map clearly designed to benefit Democrats. In 1992, Republicans won 48 percent of the House vote in Texas but received only 30 percent of the seats.

But after Republicans won control of more state legislatures, matters began to change. In Texas, a new districting plan was adopted that ensured more House seats would be won by Republicans. And when a court, rather than the Democratic legislature, redrew California's district lines, both parties won the same proportion of seats as their share of the popular vote.<sup>15</sup> In 2006, things had evened out nationally: both parties won about the same share of House seats as their percentage of the vote.

Partisan tinkering with district maps and other structural features of House elections is not a sufficient explanation of why Democrats dominated the House in the four decades prior to 1994. As one study concluded, "Virtually all the political science evidence to date indicates that the electoral system has little or no partisan bias, and that the net gains nationally from redistricting for one party over another are very small."<sup>16</sup> To control the redistricting process, one party must control both houses of the legislature, the governor's office, and, where necessary, the state courts. These conditions simply do not exist in most states.

For these and related reasons, the gains made by Republicans in the 2010 elections are unlikely to be expanded to any significant degree in the decade ahead purely by virtue of the redistricting required by the results of the 2010 Census. That is true even for Texas, which will gain more new House seats than any other state (four), but where Democrats already hold only nine of the state's 32 House seats.<sup>17</sup>

Congressional incumbents have come to enjoy certain built-in electoral advantages over challengers. Democrats were in the majority as the advantages of incumbency grew, but Republicans enjoyed the same or greater advantages from 1994 to 2006. Studies suggest the incumbency advantage was worth about two percentage points prior to the 1960s but has grown to six to eight points today.

It is important to remember that from time to time major electoral convulsions do alter the membership of Congress. For example, in the election of 1938 the Democrats lost 70 seats in the House; in 1942, they lost 50; in 1950, they lost 29; and, in 1966, they lost 48. Despite these big losses, the Democrats retained a majority in the House in each of these years. Not so, however, in 1994, when the Democrats lost 52 House seats (the largest loss by either party since the Republicans had lost 75 seats in 1948), and Republicans gained majorities in both the House and the Senate. And not so in 2010, when Republicans gained more than 60 House seats and narrowly failed to take the Senate as well.

Just as it is not easy to explain why Democrats dominated Congress for half a century, so it is not easy to explain why that domination ended when and as it did in 1994, or why Democrats regained control in 2006 only to lose it again just four years later. Several reasons, however, stand out.

By the 1990s, certain advantages of incumbency had turned into disadvantages: voters increasingly came to dislike “professional politicians,” whom they held responsible for “the mess in Washington.” Just what “the mess” was varied according to which voter you asked, but it included chronic budget deficits, the congressional habit of exempting itself from laws that affected everybody else, constant bickering between Congress and the White House, and various congressional scandals. During the 1980s, about 40 members of Congress were charged with misconduct ranging from having sex with minors to accepting illegal gifts. When it was disclosed that the House had its own bank that would cash checks even for members who (temporarily) had no funds in their accounts, public indignation exploded, even though almost no taxpayer money was lost. Public respect for Congress, as measured by the polls, plummeted. The Democrats had the misfortune of being the majority party in Congress when all of this happened. The anti-incumbent mood, coupled with the effects of redistricting after the 1990 census and the shift of the South to the Republican Party, brought the Republicans into power in the House and Senate in the 1994 elections.

By 2006, however, with an unpopular Republican president in the White House and most voters blaming congressional leaders for moving the country in the “wrong direction,” Democrats regained control of both chambers. And, in 2010, with a Democrat in the White House and three years into a deep economic recession that had more people than ever feeling that the country was heading in the “wrong direction,” Republicans reclaimed the House, nearly retook the Senate, and also made historic gains in races for governorships and state legislatures.

In the past, the Democratic party was more deeply divided than the Republicans because of the presence in Congress of conservative Democrats from the South. These southern Democrats often would vote with the Republicans in the House or Senate, thereby forming what came to be called the **conservative coalition**. During the 1960s and 1970s, that coalition came together in about one-fifth of all roll-call votes. When it did, it usually won,

**conservative coalition** An alliance between Republican and conservative Democrats.

defeating northern Democrats. But since the 1980s, and especially since the watershed election of 1994, the conservative coalition has become much less important. The reason is simple: many southern Democrats in Congress have been replaced by southern Republicans, and the southern Democrats who remain (many of them African Americans) are as liberal as northern Democrats. The effect of this change is to make Congress, and especially the House, more ideologically partisan—Democrats are liberals, Republicans are conservatives—and this in turn helps explain why there is more party unity in voting—no matter which party is in charge.

## Representation and Polarization

In a decentralized, individualistic institution such as Congress, it is not obvious how its members will behave. They could be devoted to doing whatever their constituents want or, since most voters are not aware of what their representatives do, act in accordance with their own beliefs, the demands of pressure groups, or the expectations of congressional leaders. You may think it would be easy to figure out whether members are devoted to their constituents by analyzing how they vote, but that is not quite right. Members can influence legislation in many ways other than by voting: they can conduct hearings, help mark up bills in committee meetings, and offer amendments to the bills proposed by others. A member’s final vote on a bill may conceal as much as it reveals: some members may vote for a bill that contains many things they dislike because it also contains a few things they value.

There are at least three theories about how members of Congress behave: representational, organizational, and attitudinal. The *representational* explanation is based on the reasonable assumption that members want to get reelected, and therefore they vote to please their constituents. The *organizational* explanation is based on the equally reasonable assumption that since most constituents do not know how their legislator has voted, it is not essential to please them. But it is important to please fellow members of Congress, whose goodwill is valuable in getting things done and in acquiring status and power in Congress. The *attitudinal* explanation is based on the assumption that there are so many conflicting pressures on members of Congress that they cancel one another out, leaving them virtually free to vote on the basis of their own beliefs. Political scientists have studied, tested, and argued about these

(and other) explanations for decades, and nothing like a consensus has emerged. Some facts have been established, however, in regard to these three views.

## REPRESENTATIONAL VIEW

The representational view has some merit under certain circumstances—namely, when constituents have a clear view on some issue and a legislator’s vote on that issue is likely to attract their attention. Such is often the case for civil rights laws: representatives with significant numbers of black voters in their districts are not likely to oppose civil rights bills; representatives with few African Americans in their districts are comparatively free to oppose such bills. Until the late 1960s, many southern representatives were able to oppose civil rights measures because the African Americans in their districts were prevented from voting. On the other hand, many representatives without black constituents have supported civil rights bills, partly out of personal belief and partly perhaps because certain white groups in their districts—organized liberals, for example—have insisted on such support.

From time to time, an issue arouses deep passions among the voters, and legislators cannot escape the need either to vote as their constituents want, whatever their personal views, or to anguish at length about which side of a divided constituency to support. Gun control has been one such question and the use of federal money to pay for abortions has been another. Some fortunate members of Congress get unambiguous cues from their constituents on these matters, and no hard decision is necessary. Others get conflicting views, and they know that whichever way they vote, it may cost them dearly in the next election.



**Keith Ellison (D-Minn.), the first Muslim elected to Congress.**

© Craig Lassig/epa/Corbis

Occasionally, members of Congress in this fix will try to be out of town when the matter comes up for a vote.

You might think that members of Congress who won a close race in the last election—who come from a “marginal” district—would be especially eager to vote the way their constituents want. Research so far has shown that is not generally the case. There seem to be about as many independent-minded members of Congress from marginal as from safe districts. Perhaps it is because opinion is so divided in a marginal seat that one cannot please everybody; as a result, the representative votes on other grounds.

In general, the problem with the representational explanation is that public opinion is not strong and clear on most measures on which Congress must vote. Many representatives and senators face constituencies that are divided on key issues. Some constituents go to special pains to make their views known (these interest groups were discussed in Chapter 11). But as we indicated, the power of interest groups to affect congressional votes depends, among other things, on whether a legislator sees them as united and powerful or as disorganized and marginal.

This does not mean that constituents rarely have a direct influence on voting. The influence they have probably comes from the fact that legislators risk defeat should they steadfastly vote in ways that can be held against them by a rival in the next election. Though most congressional votes are not known to most citizens, blunders (real or alleged) quickly become known when an electoral opponent exploits them.

Still, any member of Congress can choose the positions he or she takes on most roll-call votes (and on all voice or standing votes, where names are not recorded). And even a series of recorded votes against constituency opinion need not be fatal: a member of Congress can win votes in other ways—for example, by doing services for constituents or by appealing to the party loyalty of the voters.

## ORGANIZATIONAL VIEW

When voting on matters where constituency interests or opinions are not vitally at stake, members of Congress respond primarily to cues provided by their colleagues. This is the organizational explanation of their votes. The principal cue is party; as already noted, what party a member of Congress belongs to explains more about his or her voting record than any other single factor. Additional organizational cues come from the opinions of colleagues



with whom the member of Congress feels a close ideological affinity: for liberals in the House, it is the Democratic Study Group; for conservatives, it often has been the Republican Study Committee or the Wednesday Club. But party and other organizations do not have clear positions on all matters. For the scores of votes that do not involve the “big questions,” a representative or senator is especially likely to be influenced by the members of his or her party on the sponsoring committee.

It is easy to understand why. Suppose you are a Democratic representative from Michigan who is summoned to the floor of the House to vote on a bill to authorize a new weapons system. You haven’t the faintest idea what issues might be at stake. There is no obvious liberal or conservative position on this matter. How do you vote? Simple. You take your cue from several Democrats on the House Armed Services Committee that handled the bill. Some are liberal; others are conservative. If both liberals and conservatives support the bill, you vote for it unhesitatingly. If they disagree, you vote with whichever Democrat is generally closest to your own political ideology. If the matter is one that affects your state, you can take your cue from members of your state’s delegation to Congress.

## ATTITUDINAL VIEW

There is evidence that the ideology of a member of Congress affects how he or she votes. This should not be entirely surprising. As we saw in Chapter 7, political elites generally think more ideologically than the public. But, as we suggested at the start of this chapter, Congress has become an increasingly ideological organization, that is, its members are more sharply divided by political ideology than they once were. Today, all of Congress’s most liberal members are Democrats, and all of its most conservative ones are Republicans.

Why attitudes have hardened along ideological and partisan lines in Congress is a topic of much scholarly debate. The representational view would suggest that members are simply behaving the way their constituents wish them to behave. The organizational view would suggest that members are responding to cues from their colleagues and party leaders. Of course, the representational and organizational influences on members’ attitudes could be mutually reinforcing, and one important recent study explains the “disappearing center” in Congress based on certain evidence suggesting that they are.<sup>18</sup>

According to this theory, growing ideological and partisan splits among voters themselves have resulted in ever more partisan polarization among

congressional leaders and senior members from safe districts where the only serious threats to an incumbent’s reelection prospects are primary election challenges from the right (if a Republican) or the left (if a Democrat).<sup>19</sup> Only about 20 percent of Americans who harbor moderate views and favor bipartisanship are politically attentive, while the rest are largely “disengaged moderates.”<sup>20</sup> By contrast, a majority of the growing number of citizens who identify themselves as “strongly liberal” or “strongly conservative” are engaged in obtaining political news (often from sources like talk radio or preferred Internet blogs that mainly serve to reinforce their preexisting views), debating controversial issues, and influencing others (either in person or via the Internet and other means of communication) to think, join groups, *and* vote as they do.<sup>21</sup>

Most scholars agree that in recent decades, the parties in Congress have “sorted” themselves ever more clearly on ideological hot-button issues like abortion, and increasingly favored candidates and leaders, including relative political novices, with ideologically consistent profiles.<sup>22</sup> But many dispute the notion that the American electorate on the whole has become so highly partisan and ideological. Studies like the one summarized above claiming that it has, say their critics, generally rely too much on voters’ ideological self-identifications and focus too narrowly on only the most ideologically loaded issues.<sup>23</sup> Measured across dozens of domestic, economic, and other issues, the policy differences and ideological distances between registered Republicans and registered Democrats have increased only a bit since the mid-1980s; and, depending on how the survey questions are worded, there is substantial overlap among voters even on a topic like abortion.<sup>24</sup> In short, this theory holds that we are witnessing, not a “disappearing center,” but rather a breakdown of representation in American politics, an attitudinal “disconnect” between average voters and national lawmakers that has made the post-1970 Congress far less representative of the American people than the pre-1970 Congress was.<sup>25</sup>

By the same token, how much congresspersons’ attitudes are influenced by committee chairpersons and other party leaders is also a matter of some scholarly dispute. The most sophisticated studies to date indicate that, while these organizational influences matter, individual members’ ideological views probably matter more. “Members of Congress,” one study concluded, “come to Washington with a staked-out position on the (liberal-conservative) continuum, and then, largely ‘die with their ideological boots on.’”<sup>26</sup> Everything from which “ideological boots” a given member chooses to wear in

the first place to how he or she votes on a particular issue “may result as much from external pressures of campaign donors and primary voters as from the internal pressures of the congressional party.”<sup>27</sup>

## The Organization of Congress: Parties and Interests

Congress is not a single organization; it is a vast and complex collection of organizations by which the business of Congress is carried on and through which members of Congress form alliances. Unlike the British Parliament, in which the political parties are the only important kind of organization, parties are only one of many important units in Congress. In fact, other organizations have grown in number as party influence has declined.

### PARTY ORGANIZATIONS

The Democrats and Republicans in the House and the Senate are organized by party leaders, who in turn are elected by the full party membership within the House and Senate.

### THE SENATE

The majority party chooses one of its members—usually the person with the greatest seniority—to be president pro tempore of the Senate. This is usually an honorific position, required by the Constitution so that the Senate will have a presiding officer when the vice president of the United States (according to the Constitution, the president of the Senate) is absent. In fact, both the president pro tem and the vice president usually assign the tedious chore of presiding to a junior senator.

The real leadership is in the hands of the majority and minority leaders. The principal task of the **majority leader** is to schedule the business of the Senate, usually in consultation with the **minority leader**. A majority leader who has a strong personality and is skilled at political bargaining (such as Lyndon Johnson, the Democrats’ leader in the 1950s) may also acquire much influence over the substance of Senate business.

A **whip**, chosen by each party, helps party leaders stay informed about what the party members are thinking, rounds up members when important votes are taken, and attempts to keep a nose count of how voting on a controversial issue is likely to go. Several senators assist each party whip.

Each party also chooses a Policy Committee composed of a dozen or so senators who help the party leader schedule Senate business, choosing what bills will be given major attention and in what order.

For individual senators, however, the key party organization is the group that assigns senators to the Senate’s standing committees: for the Democrats, a 22-member Steering Committee; for the Republicans, an 18-member Committee on Committees. For newly elected senators, their political careers, opportunities for favorable publicity, and chances for helping their states and constituents depend in great part on the committees to which they are assigned.

Achieving ideological and regional balance is a crucial—and delicate—aspect of selecting party leaders, making up important committees, and assigning freshmen senators to committees. Liberals and conservatives in each party fight over the choice of majority and minority leaders.

### THE HOUSE OF REPRESENTATIVES

The party structure is essentially the same in the House as in the Senate, though the titles of various posts are different. But leadership carries more power in the House than in the Senate because of the House rules. Being so large (435 members), the House must restrict debate and schedule its business with great care; thus leaders who manage scheduling and determine how the rules shall be applied usually have substantial influence.

The **Speaker**, who presides over the House, is the most important person in that body and is elected by whichever party has a majority. Unlike the president pro tem of the Senate, this position is anything but honorific, for the Speaker is also the principal leader of the majority party. Though Speakers as presiders are expected to be fair, Speakers as party leaders are expected to use their powers to help pass legislation favored by their party.

**whip** A senator or representative who helps the party leader stay informed about what party members are thinking.

#### **majority leader**

The legislative leader elected by party members holding the majority of seats in the House or the Senate.

#### **minority leader**

The legislative leader elected by party members holding a minority of seats in the House or the Senate.

**Speaker** The presiding officer of the House of Representatives and the leader of his party in the House.

# How Things Work

## Key Facts About Congress

### Qualifications

#### Representative

- Must be 25 years of age (when seated, not when elected).
- Must have been a citizen of the United States for seven years.
- Must be an inhabitant of the state from which elected. (*Note:* Custom, but *not* the Constitution, requires that a representative live in the district he or she represents.)

#### Senator

- Must be 30 years of age (when seated, not when elected).
- Must have been a citizen of the United States for nine years.
- Must be an inhabitant of the state from which elected.

### Judging Qualifications

Each house is the judge of the “elections, returns, and qualifications” of its members. Thus, Congress alone decides disputed congressional elections. On occasion it has excluded a person from taking a seat on the grounds that the election was improper.

### Privileges

Members of Congress have certain privileges, the most important of which, conferred by the Constitution, is that “for any speech or debate in either house they shall not be questioned in any other place.” This doctrine of “privileged speech” has been interpreted by the Supreme Court to mean that members of Congress cannot be sued or prosecuted for anything they say or write in connection with their legislative duties.

When Senator Mike Gravel read the Pentagon Papers—some then-secret government documents about the Vietnam War—into the *Congressional Record* in defiance of a court order restraining their publication, the Court held this was “privileged speech” and beyond challenge (*Gravel v. United States*, 408 U.S. 606, 1972). But when Senator William Proxmire issued a press release critical of a scientist doing research on monkeys, the Court decided the scientist could sue him for libel because a press release was not part of the legislative process (*Hutchinson v. Proxmire*, 443 U.S. 111, 1979).

### The Size of Congress

Congress decides the size of the House of Representatives. The House began with 65 members in 1790 and has had 435 members since 1912. Each state must have at least one representative. Regardless of its population, each state has two senators. Equal suffrage for states in the Senate is enshrined in Article I of the Constitution, the only provision that cannot be amended (see Article V).

In helping his or her party, the Speaker has some important formal powers. He or she decides who shall be recognized to speak on the floor of the House, rules whether a motion is relevant and germane to the business at hand, and decides (subject to certain rules) the committees to which new bills shall be assigned. He or she influences what bills are brought up for a vote and appoints the members of special and select committees. Since 1975, the Speaker has been able to select the majority-party members of the Rules Committee, which plays an important role in the consideration of bills.

The Speaker also has some informal powers. He or she controls some patronage jobs in the Capitol

building and the assignment of extra office space. Though now far less powerful than some of his or her predecessors, the Speaker is still an important person to have on one’s side.

In the House, as in the Senate, the majority party elects a floor leader, called the majority leader. The other party chooses the minority leader. Traditionally, the majority leader becomes Speaker when the person in that position dies or retires—provided, of course, that his or her party is still in the majority. Each party also has a whip, with several assistant whips in charge of rounding up votes. For the Democrats, committee assignments are made and the scheduling of legislation is discussed in a Steering and Policy Committee chaired



by the Speaker. The Republicans have divided responsibility for committee assignments and policy discussion between two committees. Each party also has a congressional campaign committee to provide funds and other assistance to party members running for election or reelection to the House.

### PARTY VOTING

The effect of this elaborate party machinery can be crudely measured by the extent to which party members vote together in the House and the Senate. A **party vote** can be defined in various ways; naturally, the more stringent the definition, the less party voting we will observe.

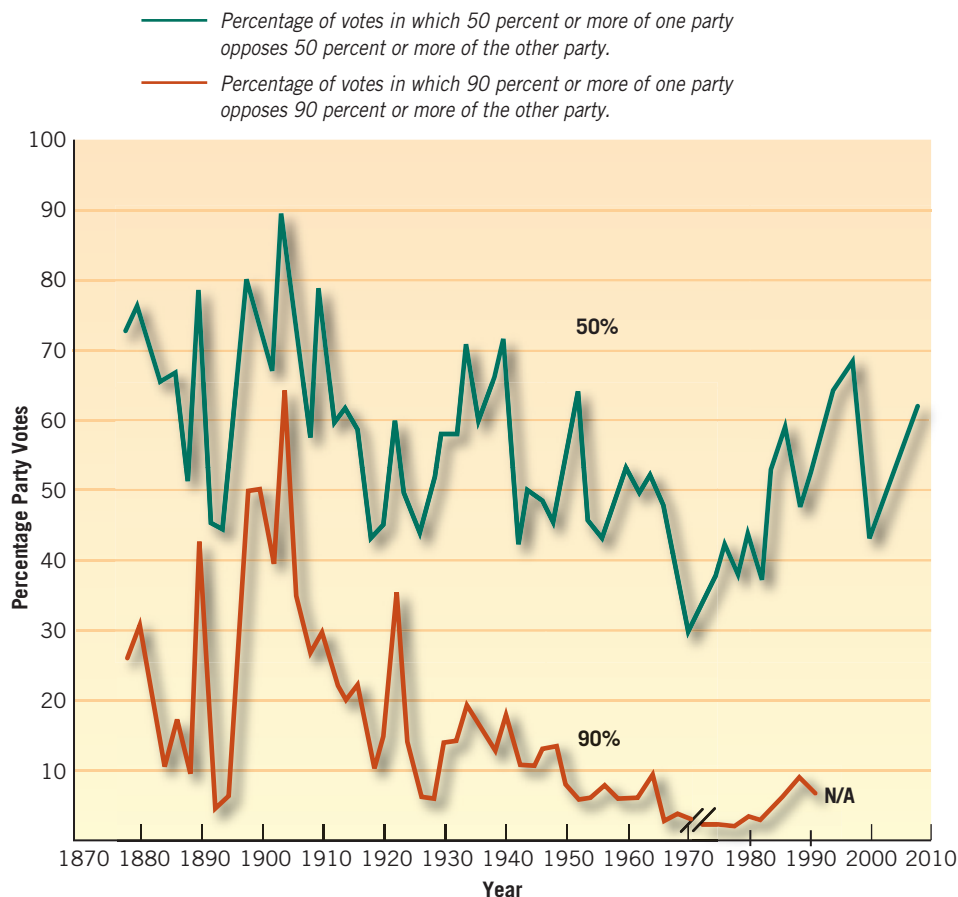
Figure 13.2 shows two measures of party voting in the House of Representatives during the last century. By the strictest measure, a party vote occurs

when 90 percent or more of the Democrats vote together against 90 percent or more of the Republicans. A looser measure counts as a party vote one in which at least 50 percent of the Democrats vote together against 50 percent of the Republicans. By the 90 percent measure, the extent of party voting is low and has declined since the turn of the century. By the 50 percent measure, it is as high today as it was in 1920 and has risen sharply since 1970.

Given that political parties as organizations do not tightly control a legislator’s ability to

**party vote** There are two measures of such voting. By the stricter measure, a party vote occurs when 90 percent or more of the Democrats in either house of Congress vote together against 90 percent or more of the Republicans. A looser measure counts as a party vote any case where at least 50 percent of the Democrats vote together against at least 50 percent of the Republicans.

**Figure 13.2**  
**Party Votes in the House, 1877–2010**



Note: A party vote occurs when the specified percentage (or more) of one party votes against the specified percentage (or more) of the other party.

Sources: Updated through 2008 by Zach Courser; NES data as reported in *2001–2002*; Harold W. Stanley and Richard G. Niemi, *Vital Statistics on American Politics* (CQ Press, 2001), 211. Reprinted by permission of Congressional Quarterly, Inc.

**caucus** An association of congressional members created to advance a political ideology or a regional, ethnic, or economic interest.

get elected, what is surprising is not that strict party votes are relatively rare, but that they occur at all. There are several reasons that congressional members of one party sometimes do vote together against a majority of the other party. First, members of Congress do not randomly decide to be Democrats or Republicans; at least for most members, these choices reflect some broad policy agreements. By tabulating the ratings that several interest groups give members of Congress for voting on important issues, it is possible to rank each member of Congress from most to least liberal in three policy areas: economic affairs, social questions, and foreign and military affairs. Democrats in the House and Senate are much more liberal than Republicans, and this has been true for many years. The ideological differences between the parties are so pronounced that even the average southern Democrat in the House is more liberal than the average northern Republican.

In addition to their personal views, members of Congress have other reasons for supporting their party's position at least some of the time. On many matters that come up for vote, members of Congress often have little information and no opinions. It is only natural that they look to fellow party members for advice. Furthermore, supporting the party position can work to the long-term advantage of a member interested in gaining status and influence in Congress. Though party leaders are weaker today than in the past, they are hardly powerless. Sam Rayburn reputedly told freshman members of Congress that "if you want to get along, go along." That is less true today, but still good advice.

In short, party *does* make a difference—not as much as it did 90 years ago and not nearly as much as it does in a parliamentary system—but party affiliation is still the single most important thing to know about a member of Congress. Because party affiliation in the House today embodies strong ideological preferences, the mood of the House is often testy and strident. Members no longer get along with each other as well as they did 40 years ago. Many liberals and conservatives dislike each other intensely, despite their routine use of complimentary phrases.

Although political parties may be less powerful in Congress than once was the case, ideology is more influential. In the last several Congresses, the 20 most liberal representatives were all Democrats and the 20 most conservative were all Republicans.

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## CAUCUSES

Congressional caucuses are a growing rival to the parties as a source of policy leadership. A **caucus** is an association of members of Congress created to advocate a political ideology or to advance a regional, ethnic, or economic interest. In 1959, only four such caucuses existed; by the early 1980s, there were more than 70. The more important among them have included the Democratic Study Group (uniting more than 200 liberal Democrats, though their names are not publicized to avoid embarrassing them with constituents), the Coalition (more popularly known as the Blue Dog Democrats), a group of moderate-to-conservative Democrats, and the Tuesday Lunch Bunch. Other caucuses include the delegations from certain large states who meet on matters of common interest, as well as the countless groups dedicated to racial, ethnic, regional, and policy interests. The Congressional Black Caucus in the House is one of the best known of these and is probably typical of many in its operations. It meets regularly and employs a staff. As with most other caucuses, some members are very active, others only marginally so. On some issues it simply registers an opinion; on others it attempts to negotiate with leaders of other blocs so that votes can be traded in a mutually advantageous way. It keeps its members informed and on occasion presses to put a member on a regular congressional committee that has no blacks. In 1995, the House Republican majority decided to eliminate government funding of caucuses, forcing some to shrivel and others to seek outside support.

## The Organization of Congress: Committees

The most important organizational feature of Congress is the set of legislative committees of the House and Senate. In the chairmanship of these committees, and their subcommittees, most of the power of Congress is found. The number and jurisdiction of these committees are of the greatest interest to members of Congress because decisions on these subjects determine what groups of legislators with what political views will pass on legislative proposals, oversee the workings of agencies in the executive branch, and conduct investigations. A typical Congress has, in each house, about two dozen committees and well over one hundred subcommittees.

Periodically, efforts have been made to cut the number of committees to give each a broader jurisdiction

and to reduce conflict between committees over a single bill. But as the number of committees declined, the number of subcommittees rose, leaving matters much as they had been.

There are three kinds of committees: **standing committees** (more or less permanent bodies with specific legislative responsibilities), **select committees** (groups appointed for a limited purpose, which do not introduce legislation and which exist for only a few years), and **joint committees** (on which both representatives and senators serve). An especially important kind of joint committee is the **conference committee**, made up of representatives and senators appointed to resolve differences in the Senate and House versions of a bill before final passage. Though members of the majority party could in theory occupy all the seats on all the committees, in practice they take the majority of the seats, name the chairperson, and allow the minority party to have the remainder of the seats. The number of seats varies from about six to more than fifty.

Usually the ratio of Democrats to Republicans on a committee roughly corresponds to their ratio in the House or Senate. Standing committees are more

important because, with a few exceptions, they are the only committees that can propose legislation by reporting a bill out to the full House or Senate. Each member of the House usually serves on two standing committees (but members of the Appropriations, Rules, or Ways and Means committees are limited to one committee). Each senator may serve on two major committees and one minor committee (see the boxes on this page and page 349), but this rule is not strictly enforced.

In the past, when party leaders were stronger, committee chairs were picked on the basis of loyalty to the leader. When this leadership weakened, seniority on the committee came to govern the selection of chairpersons. Of late, however, seniority has been under attack. In 1971,

#### **standing committees**

Permanently established legislative committees that consider and are responsible for legislation within a certain subject area.

#### **select committees**

Congressional committees appointed for a limited time and purpose.

#### **joint committees**

Committees on which both senators and representatives serve.

#### **conference committees**

Joint committees appointed to resolve differences in the Senate and House versions of the same bill.

## How Things Work

### Standing Committees of the Senate

#### Major Committees

*No senator is supposed to serve on more than two.\**

Agriculture, Nutrition, and Forestry  
 Appropriations  
 Armed Services  
 Banking, Housing, and Urban Affairs  
 Budget Commerce, Science, and Transportation  
 Energy and Natural Resources  
 Environment and Public Works  
 Finance  
 Foreign Relations  
 Health, Education, Labor, and Pensions  
 Homeland Security and Governmental Affairs  
 Judiciary

#### Minor Committees

*No senator is supposed to serve on more than one.*

Rules and Administration  
 Small Business and Entrepreneurship  
 Veterans' Affairs

#### Select Committees

Aging  
 Ethics  
 Indian Affairs  
 Intelligence

\*Despite the rules, some senators serve on more than two major committees.



House Democrats decided in their caucus to elect committee chairs by secret ballot; four years later, they used that procedure to remove three committee chairs who held their positions by seniority. Between 1971 and 1992, the Democrats replaced a total of seven senior Democrats with more junior ones as committee chairs. When Republicans took control of the House in 1995, Speaker Newt Gingrich ignored seniority in selecting several committee chairs, picking instead members who he felt would do a better job. In this and other ways, Gingrich enhanced the Speaker's power to a degree not seen since 1910.

Throughout most of the 20th century, committee chairs dominated the work of Congress. In the early 1970s, their power came under attack, mostly from liberal Democrats upset at the opposition by conservative southern Democratic chairs to civil rights legislation. The liberals succeeded in getting the House to adopt rules that weakened the chairs and empowered individual members. Among the changes were these:

- Committee chairs must be elected by the majority party, voting by secret ballot.
- The ability of committee chairs to block legislation by refusing to refer it to a subcommittee for a hearing is banned.
- All committees and subcommittees must hold public meetings unless the committee has voted to close them.
- Subcommittee chairs must be elected by committee members.
- Subcommittee chairs can hire their own staffs, independent of the committee chair.

The effect of these and other changes was to give individual members more power and committee chairs less. When the Republicans took control of the House in 1995, they made more changes, including the following:

- They reduced the number of committees and subcommittees.
- They authorized committee chairs to hire subcommittee staffs.
- They imposed term limits on committee and subcommittee chairs of three consecutive terms (or six years) and on the Speaker of four consecutive terms (or eight years).
- They prohibited chairs from casting an absent committee member's vote by proxy.

The House Republican rules gave back some power to chairpersons (for example, by letting them pick

all staff members) but further reduced it in other ways (for example, by imposing term limits and banning proxy voting). The commitment to public meetings remained.

In the Senate there have been fewer changes, in part because individual members of the Senate have always had more power than their counterparts in the House. There were, however, three important changes made by the Republicans in 1995:

- A six-year term limit was set on all committee chairs (but not on the term of majority leader).
- Committee members were required to select their chairs by secret ballot
- Beginning in 1997, the chairs of Senate committees were limited to one six-year term.

Despite these new rules, the committees remain the place where the real work of Congress is done. These committees tend to attract different kinds of members. Some, such as the committees that draft tax legislation (the Senate Finance Committee and the House Ways and Means Committee) or that oversee foreign affairs (the Senate and House Foreign Relations Committees), have been attractive to members who want to shape public policy, become expert on important issues, and have influence with their colleagues. Others, such as the House and Senate committees dealing with public lands, small business, and veterans' affairs, are attractive to members who want to serve particular constituency groups.<sup>28</sup>

## The Organization of Congress: Staffs and Specialized Offices

In 1900, representatives had no personal staff, and senators averaged fewer than one staff member each. By 1979, the average representative had 16 assistants and the average senator had 36. Since then the numbers have remained about the same. To the more than 10,000 people on the personal staffs of members of Congress must be added another 3,000 who work for congressional committees and yet another 3,000 employed by various congressional research agencies. Congress has produced the most rapidly growing bureaucracy in Washington: The personal staffs of legislators have increased more than fivefold since 1947.<sup>29</sup> Though many staffers perform routine chores, many others help draft legislation, handle constituents, and otherwise shape policy and politics.

# How Things Work

## Standing Committees of the House

### Exclusive Committees

*Member may not serve on any other committee, except Budget.*

Appropriations

Rules

Ways and Means

### Major Committees

*Member may serve on only one major committee.*

Agriculture

Armed Services

Education and Labor

Energy and Commerce

Financial Services

Foreign Affairs

Homeland Security

Judiciary

Transportation and Infrastructure

### Nonmajor Committees

*Member may serve on one major and one nonmajor or two nonmajor committees.*

Budget

House Administration

Natural Resources

Oversight and Government Reform

Science and Technology

Small Business

Standards of Official Conduct

Veterans' Affairs

### Select Committees

Energy Independence and Global Warming

Intelligence

*Note:* In 1995, the House Republican majority abolished three committees—District of Columbia, Post Office and Civil Service, and Merchant Marine and Fisheries—and gave their duties to other standing committees.



AP Photo/Haraz N. Ghanbari

*Rep. Steve Scalise, R-La., holds a photo of an oil-covered pelican as he questions BP CEO Tony Hayward on Capitol Hill in Washington, June 17, 2010, during the House Oversight and Investigations subcommittee hearing on the role of BP in the Deepwater Horizon explosion and oil spill.*

## TASKS OF STAFF MEMBERS

A major function of a legislator's staff is to help constituents solve problems and thereby help that member of Congress get reelected. Indeed, over the last two decades, a growing portion of congressional staffs have worked in the local (district or state) offices of the legislator rather than in Washington. Almost all members of Congress have at least one such home office, and most have two or more. Some scholars believe that this growth in constituency-serving staff helps explain why it is so difficult to defeat an incumbent.<sup>30</sup>

The legislative function of congressional staff members is also important. With each senator serving on an average of more than two committees and seven subcommittees, it is virtually impossible for members of Congress to become familiar with the details of all the proposals that come before them or to write all

the bills that they feel ought to be introduced.<sup>31</sup> The role of staff members has expanded in proportion to the tremendous growth in Congress's workload.

The orientation of committee staff members differs. Some think of themselves as—and to a substantial degree they are—politically neutral professionals whose job it is to assist members of a committee, whether Democrats or Republicans, in holding hearings or revising bills. Others see themselves as partisan advocates, interested in promoting Democratic or Republican causes, depending on who hired them.

Those who work for individual members of Congress, as opposed to committees, see themselves entirely as advocates for their bosses. They often assume an entrepreneurial function, taking the initiative in finding and selling a policy to their boss—a representative or senator—who can take credit for it. Lobbyists and reporters understand this completely and therefore spend a lot of time cultivating congressional staffers.

The increased reliance on staff has changed Congress, mainly because the staff has altered the environment within which Congress does its work. In addition to their role as entrepreneurs promoting new policies, staffers act as negotiators: Members of Congress today are more likely to deal with one another through staff intermediaries than through personal contact. Congress has thereby become less collegial, more individualistic, and less of a deliberative body.<sup>32</sup>

## STAFF AGENCIES

In addition to increasing the number of staff members, Congress also has created a set of staff agencies that work for Congress as a whole. These have come into being in large part to give Congress specialized knowledge equivalent to what the president has by virtue of his or her position as chief of the executive branch. One of these, the *Congressional Research Service (CRS)*, is part of the Library of Congress and employs almost 900 people; it is politically neutral, responding to requests by members of Congress for information and giving both sides of arguments. The *General Accountability Office (GAO)*, once merely an auditing agency, now has about

5,000 employees and investigates policies and makes recommendations on almost every aspect of government; its head, though appointed by the president for a 15-year term, is very much the servant of Congress rather than the president. The *Congressional Budget Office (CBO)*, created in 1974, advises Congress on the likely impact of different spending programs and attempts to estimate future economic trends.

## How a Bill Becomes Law

Some bills zip through Congress; others make their way painfully and slowly, sometimes emerging in a form very different from their original one. Congress is like a crowd, moving either sluggishly or, when excited, with great speed. While reading the following account of how a bill becomes law (see Figure 13.3), keep in mind that the complexity of congressional procedures ordinarily gives powerful advantages to the opponents of any new policy. There are many points at which action can be blocked. This does not mean that nothing gets done, but that to get something done, a member of Congress must *either* slowly and painstakingly assemble a majority coalition or take advantage of enthusiasm for some new cause that sweeps away the normal obstacles to change.

## INTRODUCING A BILL

Any member of Congress may introduce a bill—in the House by handing it to a clerk or dropping it in a box; in the Senate by being recognized by the presiding officer and announcing the bill's introduction. Bills are then numbered and printed. If a bill is not passed within one session of Congress, it is dead and must be reintroduced during the next Congress.

We often hear that legislation is initiated by the president and enacted by Congress. The reality is more complicated. Congress often initiates legislation (for example, most consumer and environmental laws passed since 1966 originated in Congress), and even laws formally proposed by the president have often been incubated in Congress. Even when he is the principal author of a bill, a president usually submits it (if he is prudent) only after careful consultation with key congressional leaders. In any case, he cannot himself introduce legislation; he must get a member of Congress to do it for him.

In addition to bills, Congress can also pass resolutions. Either house can use **simple resolutions** for such matters as establishing operating rules. **Concurrent resolutions** settle housekeeping and

### *simple resolution*

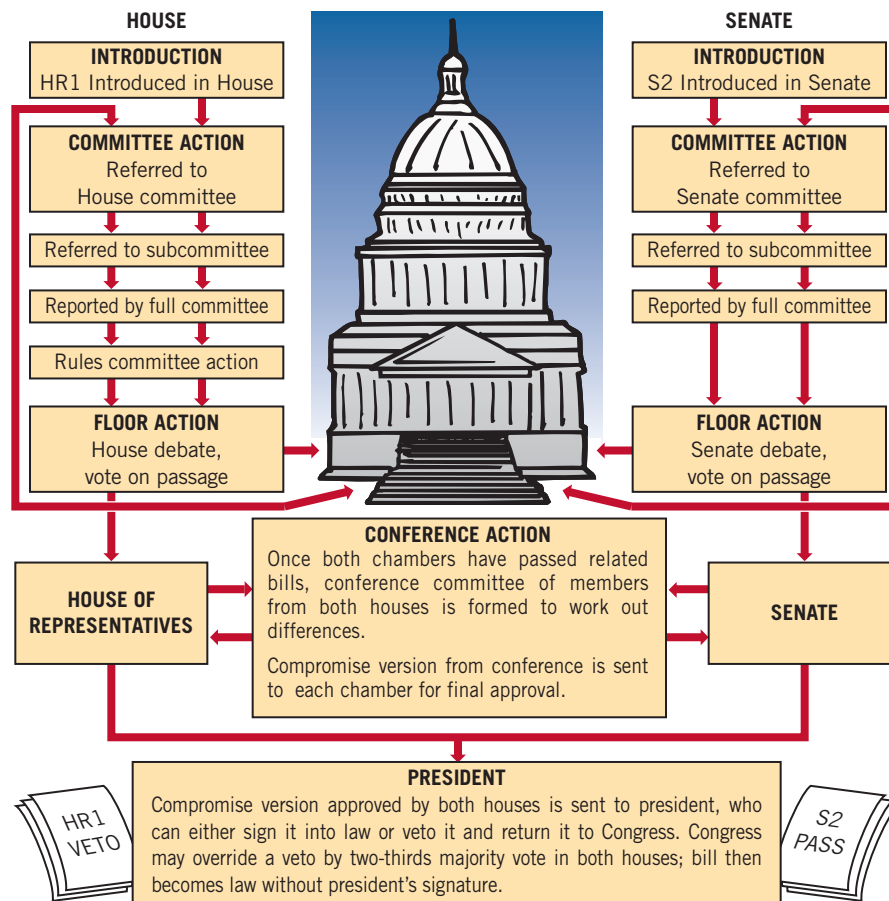
An expression of opinion either in the House or Senate to settle procedural matters in either body.

### *concurrent resolution*

An expression of opinion without the force of law that requires the approval of both the House and the Senate, but not the president.



Figure 13.3  
How a Bill Becomes Law



**joint resolution** A formal expression of congressional opinion that must be approved by both houses of Congress and by the president; constitutional amendments need not be signed by the president.

procedural matters that affect both houses. Simple and concurrent resolutions are not signed by the president and do not have the force of law. A **joint resolution** requires approval by both houses and a presidential signature; it is essentially the same as a law. A joint resolution is also used to propose a constitutional amendment, in which case it must be approved by a two-thirds vote in each house, but does not require the signature of the president.

## STUDY BY COMMITTEES

A bill is referred to a committee for consideration by either the Speaker of the House or the Senate's presiding officer. If a chairperson or committee is known to be hostile to a bill, assignment can be a crucial matter. Rules govern which committee will

get which bill, but sometimes a choice is possible. In the House, the Speaker's right to make such a choice (subject to appeal to the full House) is an important source of his or her power.

The Constitution requires that "all bills for raising revenue shall originate in the House of Representatives." The Senate can and does amend such bills, but only after the House has acted first. Bills that are not for raising revenue—that is, that do not alter tax laws—can originate in either chamber. In practice, the House also originates *appropriations bills* (bills that direct the spending of money). Because of the House's special position on revenue legislation, the committee that handles tax bills—the Ways and Means Committee—is particularly powerful.

Most bills die in committee. They are often introduced only to get publicity for various members of Congress or to enable them to say to a constituent or pressure group that they "did something" on some matter. Bills of general interest—many of them

**discharge petition**

A device by which any member of the House, after a committee has had the bill for 30 days, may petition to have it brought to the floor.

**restrictive rule**

An order from the House Rules Committee that permits certain kinds of amendments but not others to be made into a bill on the floor.

**closed rule** An order from the House Rules Committee that sets a time limit on debate; forbids a bill from being amended on the floor.

**open rule** An order from the House Rules Committee that permits a bill to be amended on the floor.

**quorum** The minimum number of members who must be present for business to be conducted in Congress.

drafted in the executive branch though introduced by members of Congress—are assigned to a subcommittee for a hearing where witnesses appear, evidence is taken, and questions are asked. These hearings are used to inform members of Congress, to permit interest groups to speak out (whether or not they have anything helpful to say), and to build public support for a measure favored by the majority on the committee.

Though committee hearings are necessary and valuable, they also fragment the process of considering bills dealing with complex matters. Both power and information are dispersed in Congress, and thus it is difficult to take a comprehensive view of matters cutting across committee boundaries. This has made it harder to pass complex legislation. For example, President George W. Bush's proposals to expand government support for religious groups that supply social services were dissected into small sections for the consideration of the various committees that had jurisdiction; after three years, no laws emerged. But strong White House leadership and supportive public opinion can push through controversial measures without great delay, as in the cases of Bush's tax cuts in 2001 and homeland security plans in 2002.

After the hearings, the committee or subcommittee makes

revisions and additions (sometimes extensive) to the bill, but these changes do not become part of the bill unless they are approved by the entire house. If a majority of the committee votes to report a bill favorably to the House or Senate, it goes forward, accompanied by an explanation of why the committee favors it and why it wishes to see its amendments, if any, added; committee members who oppose the bill may include their dissenting opinions.

If the committee does not report the bill out to the house favorably, that ordinarily kills it, though

there are complex procedures whereby the full House can get a bill that is stalled in committee out and onto the floor. The process involves getting a majority of all House members to sign a **discharge petition**. If 218 members sign, then the petition can be voted on; if it passes, then the stalled bill goes directly to the floor for a vote. These procedures are rarely attempted and even more rarely succeed.

For a bill to come before either house, it must first be placed on a calendar. There are five of these in the House and two in the Senate. Though the bill goes onto a calendar, it is not necessarily considered in chronological order or even considered at all. In the House, the powerful Rules Committee—an arm of the party leadership, especially of the Speaker—reviews most bills and sets the *rule*—that is, the procedures—under which they will be considered by the House. A **restrictive** or **closed rule** sets strict limits on debate and confines amendments to those proposed by the committee; an **open rule** permits amendments from the floor. The Rules Committee is no longer as mighty as it once was, but it can still block any House consideration of a measure and can bargain with the legislative committee by offering a helpful rule in exchange for alterations in the substance of a bill. In the 1980s, closed rules became more common.

The House needs the Rules Committee to serve as a traffic cop; without some limitations on debate and amendment, nothing would ever get done. The House can bypass the Rules Committee in a number of ways, but it rarely does so unless the committee departs too far from the sentiments of the House.

No such barriers to floor consideration exist in the Senate, where bills may be considered in any order at any time whenever a majority of the Senate chooses. In practice, bills are scheduled by the majority leader in consultation with the minority leader.

## FLOOR DEBATE

Once on the floor, the bills are debated. In the House all revenue and most other bills are discussed by the *Committee of the Whole*—that is, whoever happens to be on the floor at the time, so long as at least 100 members are present. The Committee of the Whole can debate, amend, and generally decide the final shape of a bill but technically cannot pass it—that must be done by the House itself, for which the **quorum** is half the membership (218 representatives). The sponsoring committee

# How Things Work

## House and Senate Differences: A Summary

### House

- 435 members serving two-year terms
- House members have only one major committee assignment, and thus tend to be policy specialists
- Speaker referral of bills to committee is hard to challenge
- Committees almost always consider legislation first
- Scheduling and rules controlled by majority party
- Rules Committee powerful; controls time of debate, admissibility of amendments
- Debate usually limited to one hour
- Nongermane amendments may not be introduced from floor

### Senate

- 100 members serving six-year terms
- Senators have two or more major committee assignments, and thus tend to be policy generalists
- Referral decisions easy to challenge
- Committee consideration easily bypassed
- Scheduling and rules generally agreed to by majority and minority leaders
- Rules Committee weak; few limits on debate or amendments
- Unlimited debate unless shortened by unanimous consent or by invoking cloture
- Nongermane amendments may be introduced

**riders** Amendments on matters unrelated to a bill that are added to an important bill so that they will “ride” to passage through the Congress. When a bill has many riders, it is called a Christmas-tree bill.

**cloture rule** A rule used by the Senate to end or limit debate.

**double tracking** A procedure to keep the Senate going during a filibuster in which the disputed bill is shelved temporarily so that the Senate can get on with other business.

guides the discussion, and normally its version of the bill is the version that the full House passes.

Procedures are a good deal more casual in the Senate. Measures that have already passed the House can be placed on the Senate calendar without a committee hearing. There is no Committee of the Whole and no rule (as in the House) limiting debate, so that filibusters (lengthy speeches given to prevent votes from being taken) and irrelevant amendments, called **riders**, are possible. Filibusters can be broken if three-fifths of all senators agree to a **cloture resolution**. This is a difficult and rarely used procedure. (Both conservatives and liberals have found the filibuster useful, and therefore its abolition is unlikely.)

The sharp increase in Senate filibusters has been made easier by a new process called **double tracking**. When a senator filibusters against a bill, it is temporarily put aside so the Senate can move on to other business. Because of double tracking, senators no longer have to speak around the clock to block a bill. Once they talk long enough, the bill is shelved. So common has this become that, for all practical purposes, any controversial bill can pass the Senate only if it gets enough votes (60) to end a filibuster.

The Senate has made an effort to end filibusters aimed at blocking the nomination of federal judges. In 2005, seven Democrats and seven Republicans agreed not to filibuster a nomination except in “exceptional circumstances.” A few nominees whose appointment had been blocked managed to get confirmed by this arrangement. Whether it holds for the future depends on how senators define “exceptional circumstances.”

One rule was once common to both houses: Courtesy, often of the most exquisite nature, was required. Members always referred to each other as “distinguished” even if they were mortal political enemies. Personal or ad hominem criticism was frowned upon, but of late it has become more



**voice vote** A congressional voting procedure in which members shout “yea” in approval or “nay” in disapproval, permitting members to vote quickly or anonymously on bills.

**division vote** A congressional voting procedure in which members stand and are counted.

**roll-call vote** A congressional voting procedure that consists of members answering “yea” or “nay” to their names.

**teller vote** A congressional voting procedure in which members pass between two tellers, the “yeas” first and the “nays” second.

common. In recent years, members of Congress—especially of the House—have become more personal in their criticisms of one another, and human relationships have deteriorated.

## METHODS OF VOTING

There are several methods of voting in Congress, which can be applied to amendments to a bill as well as to the question of final passage. Some observers of Congress make the mistake of deciding who was for and who against a bill by the final vote. This can be misleading. Often, a member of Congress will vote for final passage of a bill after having supported amendments that, if they had passed, would have made the bill totally different. To keep track of someone’s voting record, therefore, it is often more important to know how that person voted on key amendments than how he or she voted on the bill itself.

Finding that out is not always easy, though it has become simpler in recent years. The House has three procedures for voting. A **voice vote** consists of the members shouting “aye” or “no”; a **division** (or standing) **vote** involves the members standing and being counted. In neither case are the names recorded of who voted which way. This is done only with a **roll-call vote**. Since 1973, an electronic voting system has been in use that greatly speeds up roll-call votes, and the number of recorded votes has thus increased sharply. To ensure a roll-call vote, one-fifth of house members present must request it. Voting in the Senate is simpler: It votes by voice or by roll call; there are no **teller votes** or electronic counters.

If a bill passes the House and Senate in different forms, the differences must be reconciled if the bill is to become law. If they are minor, the last house to act may simply refer the bill back to the other house, which then accepts the alterations. Major differences must be ironed out in a conference committee, though only a minority of bills requires a conference. Each house must vote to form such a committee. The members are picked by the chairs of the standing committees that have been handling the legislation; the minority as well as the majority party is represented. No decision can be made unless approved by a majority of *each* delegation. Bargaining is long and hard; in the past it was also



Photo courtesy of the Office of the Clerk of the House

*The electronic voting system in the House of Representatives displays each member’s name on the wall of the chamber. By inserting a plastic card in a box fastened to the chairs, a member can vote “Yea,” “Nay,” or “Present,” and the result is shown opposite his or her name.*

secret, but some sessions are now public. Often—as with Carter’s energy bill—the legislation is substantially rewritten in conference. Theoretically nothing already agreed to by both the House and Senate is to be changed, but in the inevitable give-and-take, even those matters already approved may be modified.

Conference reports on spending bills usually split the difference between the House and Senate versions. Overall, the Senate tends to do slightly better than the House.<sup>33</sup> But whoever wins, conferees report their agreement back to their respective houses, which usually consider the report immediately. The report can be accepted or rejected; it cannot be amended. In the great majority of cases, it is accepted—the alternative is to have no bill at all, at least for that Congress.

**veto** Literally, “I forbid”: It refers to the power of a president to disapprove a bill; it may be overridden by a two-thirds vote of each house of Congress.

The bill, now in final form, goes to the president for signature or **veto**. A vetoed bill returns to the house of origin, where an effort can be made to override the veto. Two-thirds of those present (provided there is a quorum) must vote, by roll call, to override. If both houses override, the bill becomes law without the president’s approval.

## LEGISLATIVE PRODUCTIVITY

In recent years, political scientists have studied how productive Congress has been and whether the post-9/11 Congress has performed especially well or especially poorly. The first issue concerns how best to measure the body’s major and minor “legislative productivity.” It is clear that Congress passed and funded an enormous number of bills in response to the Great Depression in the 1930s and in the mid-1960s, mainly in conjunction with that era’s “war on poverty.” And most scholars agree that in recent decades the body’s legislative output has often slowed or declined.<sup>34</sup>

The second issue is how best to evaluate changes in the legislation Congress produces from one time period to the next. For instance, some scholars argue that the relatively low levels of legislative output of the late 1990s, together with decreases in the body’s oversight hearings and related activities, betokened an institutional decline of Congress; others, however, reject the view that Congress, by passing fewer laws and holding fewer hearings, had thereby become a “broken branch.”<sup>35</sup>

**divided government** One party controls the White House and another party controls one or both houses of Congress.

## How We Compare

### Number of Legislators

Writing in *Federalist* paper No. 55, James Madison insists that in any legislative body the number of legislators “ought at most to be kept within a certain limit, in order to avoid the confusion and intemperance of a multitude.”

America has heeded Madison’s advice. With 435 members of the House and 100 members of the Senate, the Congress has a total of 535 members representing more than 300 million citizens, or roughly one national legislator for every 561,000 citizens.

In most democracies, the ratio of national legislators to citizens is far higher than it is in the United States. For example, with a population of just over 60 million, the British Parliament’s two houses total more than 1,300 members, or roughly one national legislator for every 46,000 citizens; and, with a population of about 10 million, Sweden’s legislature has nearly 350 members, or roughly one national legislator for every 28,600 citizens.

At the same time, however, America has more numerous and more powerful subnational legislators (more than 7,300 in all) than most other nations do, including, in Madison’s home state of Virginia, 140 state lawmakers representing about 8 million citizens, or roughly one state lawmaker for every 57,000 citizens.

Also, the U.S. Constitution would permit the U.S. House to expand enough to approximate the representation ratios of nations like Britain and Sweden and states like Virginia: Article 1, section 2 states that “the Number of Representatives shall not exceed one for every thirty Thousand.”

Thus, given 300 million citizens, the Constitution would allow there to be as many as 10,000 members of the U.S. House (300 million divided by 30,000). But the mere thought heralds Madison’s warning, harkening back to ancient Greece’s large legislatures, that even if “every Athenian citizen had been a Socrates, every Athenian assembly would have been a mob.”

The third issue is whether **divided government** (one party in control of the presidency and the other in charge of one or both chambers of Congress) decreases legislative productivity. Although there are

**unified**

**government** The same party controls the White House and both houses of Congress.

**earmarks** “Hidden” congressional provisions that direct the federal government to fund specific projects or that exempt specific persons or groups from paying specific federal taxes or fees.

**pork-barrel legislation**

Legislation that gives tangible benefits to constituents in several districts or states in the hope of winning their votes in return.

**franking privilege**

The ability of members to mail letters to their constituents free of charge by substituting their facsimile signature for postage.

some exceptions, most studies of the subject suggest that divided party government only reduces the passage of the most far-reaching and costly legislation.<sup>36</sup> As we shall discuss in Chapter 14, divided party government does not lead inevitably to “policy gridlock” any more than having **unified government** (a single party in power in the White House and in both chambers of Congress) makes enacting ever more sweeping laws easy or inevitable.

The fourth issue involves so-called **earmarks**—congressional provisions that direct the federal government to fund specific projects or exempt specific persons or groups from needing to pay specific federal taxes or fees. Earmarks have tripled since 1994; in 2006 alone, nearly 13,000 earmarks cost about \$64 billion.<sup>37</sup> Earmarks are legally binding, but few appear in a bill’s text; rather, most are “hidden” in conference reports not subject to amendment.

This form of “legislative productivity” is criticized by most scholars and, in principle at least, by most citizens. Earmarks figured in the scandals surrounding lobbyist Jack Abramoff and the convicted Congressman Randy “Duke” Cunningham; Barack Obama and John McCain

argued against earmarks during the 2008 presidential campaign. Still, earmarks, in one form or another, have proliferated because individuals and institutions—including not just businesses but also private universities, hospitals, and other nonprofit organizations—persist in demanding them from constituency-oriented members of Congress.

The fifth issue is how the post-9/11 Congress has legislated on matters directly relevant to homeland security, especially its own. The Framers crafted Congress as an institution that favors deliberation over dispatch; to act boldly only when backed by a persistent popular majority, or a broad consensus among its leaders, or both; and to be slow to change its time-honored procedures and structures.

But intelligence officials believe that a fourth plane involved in the 9/11 terrorist attacks was headed for

the Capitol. In its June 2003 report, the bipartisan Continuity of Government Commission concluded that “the greatest hole in our constitutional system is the possibility of a terrorist attack that would kill or injure many members of Congress.”<sup>38</sup>

This “hole” is relatively small with respect to the Senate. The Seventeenth Amendment allows the emergency replacement of senators by the governors of their states provided the state legislature allows it; otherwise, the governors must call for new elections. But the problem is greater for the House, where vacancies can only be filled by special elections, a process that can take many months.

Congress has enacted some, but by no means all, of the 9/11 Commission’s recommendations.<sup>39</sup> But, as of 2011, a decade after the 9/11 attacks on the United States, it had failed to enact comprehensive legislation or proposals for constitutional amendments to ensure that “the first branch” can continue to function should a terrorist attack kill or incapacitate many or most of its members.

## REFORMING CONGRESS

While most citizens are only vaguely familiar with the rules and procedures under which Congress operates, they do care whether Congress as an institution serves the public interest and fulfills its mission as a democratic body. Over the last several decades, many proposals have been made to reform and improve Congress—term limitations, new ethics and campaign finance laws, and organizational changes intended to reduce the power and perks of members while making it easier for Congress to pass needed legislation in a timely fashion. Some of these proposals—for example, campaign finance reforms (see Chapter 10)—have recently become law.

Many would-be reformers share the view that Congress is overstaffed and self-indulgent. It is, they complain, quick to impose new laws on states, cities, businesses, and average citizens but slow to apply those same laws to itself and its members. It is quick to pass **pork-barrel legislation**—bills that give tangible benefits (highways, dams, post offices) to constituents in the hope of winning their votes in return—but slow to tackle complex and controversial questions of national policy. The reformers’ image of Congress is unflattering, but is it wholly unwarranted?

No perk is more treasured by members of Congress than the frank. Members of Congress are allowed by law to send material through the mail free of charge by substituting their facsimile signature (*frank*) for postage. But rather than using this **franking privilege** to keep their constituents informed about the government, most members use franked



newsletters and questionnaires as campaign literature. That is why use of the frank soars in the months before an election. Thus, the frank amounts to a taxpayer subsidy of members' campaigns, a perk that bolsters the electoral fortunes of incumbents. Some reformers do not believe it is possible to fence in congressional use of the frank for public education or other legitimate purposes, and so they propose abolishing it outright. Other reformers argue that the frank can be fenced in by prohibiting mailings just before primaries and general elections.

For years, Congress routinely exempted itself from many of the laws it passed. In defense of this practice, members said that if members of Congress were subject to, for example, the minimum wage laws, the executive branch, charged with enforcing these laws, would acquire excessive power over Congress. This would violate the separation of powers. But as public criticism of Congress grew and confidence in government declined, more and more people demanded that Congress subject itself to the laws that applied to everybody else. In 1995, the 104th Congress did this by passing a bill that obliges Congress to obey 11 important laws governing things such as civil rights, occupational safety, fair labor standards, and family leave.

The bipartisan Congressional Accountability Act of 1995 had to solve a key problem: under the

constitutional doctrine of separated powers, it would have been unwise and perhaps unconstitutional for the executive branch to enforce congressional compliance with executive-branch regulations. So Congress created the independent Office of Compliance and an employee grievance procedure to deal with implementation. Now Congress, too, must obey laws such as the Civil Rights Act, the Equal Pay Act, the Age Discrimination Act, and the Family and Medical Care Leave Act.

As already mentioned, bills containing money for local dams, bridges, roads, and monuments are referred to disparagingly as pork-barrel legislation. Reformers complain that when members act to "bring home the bacon," Congress misallocates tax dollars by supporting projects with trivial social benefits in order to bolster their reelection prospects.

No one can doubt the value of trimming unnecessary spending, but pork is not necessarily the villain it is made out to be. For example, the main cause of the budget deficit was the increase in spending on entitlement programs (like health care and interest on the national debt) without a corresponding increase in taxes. Spending on pork is a small fraction of total annual federal spending (about 2.5 percent, on average, from 1993 to 2005).<sup>40</sup> But many categories of pork spending have increased in the last 10 or 15 years. Of course, one person's

## How Things Work

### Rules on Congressional Ethics

#### Senate

*Gifts:* No gifts (in money, meals, or things) totaling \$100 or more from anyone except a spouse or personal friend.

*Lobbyists* may not pay for gifts, official travel, legal defense funds, or charitable contributions to groups controlled by senators.

*Fees:* No fees for lectures or writing ("honoraria"), except that fees of up to \$2,000 may go to a senator-designated charity.

*Outside earned income* may not exceed 15 percent of a senator's salary.

*Ex-senators* may not try to influence members of Congress for one year after leaving the Senate.

*Mass mailings:* No senator may receive more than \$50,000 from the Senate to send out a mailing to constituents.

#### House

*Gifts:* No gifts (in money, meals, or things) totaling \$100 or more from anyone except a spouse or personal friend.

*Lobbyists* may not offer gifts or pay for travel, even if a lobbyist is a spouse or personal friend.

*Travel:* House members may travel at the expense of others if travel is for officially connected meetings.

*Fees:* No honoraria for House members.

*Ex-House members* may not lobby Congress for one year after leaving office.



# How Things Work

## How Congress Raises Its Pay

For more than 200 years, Congress has tried to find a politically painless way to raise its own pay. It has managed to vote itself a pay increase 23 times in those two centuries, but usually at the price of a hostile public reaction. Twice during the 19th century, a pay raise led to a massacre of incumbents in the next election.

Knowing this, Congress has invented various ways to get a raise without actually appearing to vote for it. These have included the following:

- Voting for a tax deduction for expenses incurred as a result of living in Washington
- Creating a citizens' commission that could recommend a pay increase that would take effect automatically, provided Congress did not vote against it
- Linking increases in pay to decreases in honoraria (that is, speaking fees)

In 1989, a commission recommended a congressional pay raise of over 50 percent (from \$89,500 to \$135,000) and a ban on honoraria. The House planned to let it take effect automatically. But the public wouldn't have it, demanding that Congress vote on the raise—and vote it down. It did.

Embarrassed by its maneuvering, Congress retreated. At the end of 1989, it voted itself (as well as most top executive and judicial branch members) a small pay increase (7.9 percent for representatives, 9.9 percent for senators) that also provided for automatic cost-of-living adjustments (up to 5 percent a year) in the future. But the automatic adjustments in congressional pay have been rejected every year in recorded roll-call votes. Apparently nobody in Congress wants to be accused of “getting rich” at the taxpayers' expense.

pork is another person's necessity. No doubt some congressional districts get an unnecessary bridge or highway, but others get bridges and highways that are long overdue. The notion that every bridge or road a member of Congress gets for his or her district is wasteful pork is tantamount to saying that no member attaches any importance to merit.

Even if all pork were bad, it would still be necessary. Congress is an independent branch of government, and each member is, by constitutional design, the advocate of his or her district or state. No member's vote can be won by coercion, and few can be had by mere appeals to party loyalty or presidential needs.

Pork is a way of obtaining consent. The only alternative is bribery, but bribery, besides being wrong, would benefit only the member, whereas pork usually benefits voters in the member's district. If you want to eliminate pork, you must eliminate Congress, by converting it into a parliament under the control of a powerful party leader or prime minister. In a tightly controlled parliament, no votes need be bought; they can be commanded. But members of such a parliament can do little to help their constituents cope with government or to defend them against bureaucratic abuses, nor can they investigate the conduct of the executive branch. The price of a citizen-oriented Congress is a pork-oriented Congress.

# WHAT WOULD YOU DO?

## MEMORANDUM

**To:** Representative Peter Skerry

**From:** Martha Bayles, legislative aide

**Subject:** The size of the House of Representatives

The House can decide how big it wishes to be. When it was created, there was one representative for every 30,000 people. Now there is one for every 600,000. In most other democracies, each member of parliament represents far fewer than 600,000 people. Doubling the size of the House may be a way of avoiding term limits.

### Arguments for:

1. Doubling the size of the House would reduce the huge demand for constituent services each member now faces.
2. A bigger House would represent more shades of opinion more fairly.
3. Each member could raise less campaign money because his or her campaign would be smaller.

### Arguments against:

1. A bigger House would be twice as hard to manage, and it would take even longer to pass legislation.

### Your decision:

Increase size of House: \_\_\_\_\_

## News >>

### Should We Have a Bigger Congress?

A powerful citizens' organization has demanded that the House of Representatives be made larger so that voters can feel closer to their members. Each representative now speaks for about 600,000 people—far too many, the group argues, to make it possible for all points of view to be heard.

2. Campaigns in districts of 300,000 people would cost as much as ones in districts with 600,000 people.
3. Interest groups do a better job of representing public opinion than would a House with more members.

Do not increase size of House: \_\_\_\_\_



## LEARNING OBJECTIVES

### WHAT YOU NEED TO KNOW

#### ✓ In what respects is Congress “the first branch” of American national government?

Congress is one of three co-equal branches, but it is “the first branch” by virtue of the especially extensive and important powers bestowed on it by Article I of the Constitution, and with respect to the Framers’ belief that Congress was pivotal to making federalism, the separation of powers, and checks and balances work.

#### ✓ Why do most Americans and many experts now view Congress as “the broken branch”?

Most Americans and many experts express disapproval of Congress and believe that it is ineffective at solving important problems, beholden to contributors and special interests, and unable to reform itself. Yet upward of 90 percent of the “broken branch’s” incumbents who seek reelection win it, usually by wide margins. And the experts offer conflicting views regarding why Congress remains “broken” and how, if at all, it can be fixed.

#### ✓ What are the main differences between a congress and a parliament?

A congress differs from a parliament in two basic ways: how one becomes a member and what one does as a member. To run for a seat in a parliament like Great Britain’s, you first need a political party to put your name on a ballot, but to become a candidate for representative or senator in Congress, you first need to enter a primary election (political parties exercise relatively little control over who runs). In a parliament, the head of the executive branch (the prime minister) is selected by the majority party from among its members, and once in office a member of parliament has only one important decision to make—whether or not to support the government. By contrast, the voters, not the congress, pick the president, and once elected a member of congress has powers that he or she can exercise without regard to presidential preferences.

## ✓ How has the legislative productivity of the U.S. Congress varied over time?

In some periods, like the 1930s (the New Deal) and the 1960s (the Great Society), Congress has produced lots of major legislation. In other periods, however, its legislative output has been less robust. But scholars disagree about what explains these changes and also over how to measure “legislative productivity” in the first place.

## ✓ Are the American people as deeply divided in partisan and ideological terms as their representatives in Congress now appear to be?

Nobody disputes that Congress in recent decades has become more polarized in partisan and ideological terms, but some leading scholars argue that the trend reflects the growing political polarization in the American electorate, while others argue instead that voters remain far less polarized than those elected political elites who now represent them.

## RECONSIDERING WHO GOVERNS?

### 1. How closely do members of Congress mirror the American people in terms of gender, race, and other demographic characteristics?

Demographically, not at all closely: most Americans, unlike most members of Congress, are not middle-aged white males with law degrees or past political careers. Some groups (for example, women, African Americans, and Latinos) are much less prevalent in Congress than they are in the nation as a whole, while other groups (for example, Catholics) constitute about the same fraction of Congress as they do of the American people. Ideologically, Republican members of Congress are more conservative than average Americans, and Democratic members of Congress are more liberal than average Americans.

### 2. Does Congress normally do what most citizens want it to do?

On most issues most of the time, Congress is in step with the public. But on some issues, most representatives’ opinions generally are out of sync with mass public preferences. For example, most Americans have long favored protectionist trade policies, but most members of Congress have consistently voted for free-trade policies. Likewise, most citizens are less solicitous of laws that reinforce civil liberties than the Congress has traditionally been. This, however, is much as the Framers of the Constitution had hoped and expected. They believed that representatives should refine, not reflect, public wishes, and mediate, not mirror, public views.

## RECONSIDERING TO WHAT ENDS?

### 1. Should Congress run under strong leadership?

Congress has tried it both ways. Sometimes the House has had a strong Speaker, sometimes a weak one; sometimes committee chairs were selected by seniority, sometimes by the Speaker, and sometimes by party vote. If we want a Congress that can act quickly and decisively as a body, then we should desire strong leadership, place restrictions on debate, provide few opportunities for stalling tactics, and brook only minimal committee interference. But if we want a Congress in which the interests of individual members and the people they represent are routinely protected or enhanced, then we must reject strong leadership, proliferate rules allowing for delay and discussion, and permit many opportunities for committee activity. Unfortunately, the public often wants both systems to operate, the first for some issues and the second for others.

### 2. Should Congress act more quickly?

The Framers of the Constitution knew that Congress would normally proceed slowly and err in favor of deliberative, not decisive, action. Congress was intended to check and balance strong leaders in the executive branch, not automatically cede its authority to them, not even during a war or other national crisis. Today, the increased ideological and partisan polarization among members has arguably made Congress even less capable than it traditionally has been of planning ahead or swiftly adopting coherent changes in national policies. There is, however, only conflicting evidence concerning whether so-called policy gridlock has become more common than in decades past. Since the September 11, 2001, terrorist attacks on the United States, Congress has passed a host of new laws intended to enhance America's homeland security. Still, Congress took its time with several major proposals to reorganize the government around homeland security priorities. Some cite this as but the latest, and potentially the gravest, example of what's wrong with Congress. But others cite it as a salutary reminder that a Congress that could move swiftly to enact wise homeland security or other policies could also move swiftly to adopt unwise ones.

## QUESTIONS TO CONSIDER

1. What's your take on why most Americans seem to like their own congresspersons far more than they like the Congress?
2. If you could change only one thing about how Congress works, what would that be?
3. Do you think parliamentary democracy could have worked well in America much as it apparently has in Great Britain and other nations, and why—or why not?
4. What is the partisan breakdown of your own state's congressional delegation (how many Democrats and Republicans), and how long has each member been in office?
5. How do various public policy advocacy and other groups rate the House member and senators who represent you?
6. How was your state affected by the 1990, 2000, and 2010 census counts (lost House seats, gained House seats, or stayed the same)?



## TO LEARN MORE

House of Representatives: [www.house.gov](http://www.house.gov)

Senate: [www.senate.gov](http://www.senate.gov)

Library of Congress: [www.loc.gov](http://www.loc.gov)

For news about Congress

*Roll Call* magazine: [www.rollcall.com](http://www.rollcall.com)

C-SPAN: [www.c-span.org](http://www.c-span.org)

Abramowitz, Alan I. *The Disappearing Center: Engaged Citizens, Polarization, and American Democracy*. New Haven and London: Yale University Press, 2010. Claims that polarization in Congress reflects how politically attentive and active voters are polarized, while less informed but more moderate voters are disengaged.

Arnold, R. Douglas. *The Logic of Congressional Action*. New Haven and London: Yale University Press, 1990. Masterful analysis of how Congress sometimes passes bills that serve the general public, not just special interests.

Black, Amy E. *From Inspiration to Legislation: How an Idea Becomes a Bill*. Upper Saddle River, N.J.: Pearson, 2007. An insider's account of the creation of the Safe Haven Act of 2001.

Fenno, Richard F., Jr. *Congressmen in Committees*. Boston: Little, Brown, 1973. Classic study of the styles of 12 standing committees.

Fiorina, Morris P. *Disconnect: The Breakdown of Representation in American Politics*. Oklahoma: University of Oklahoma Press, 2009. Offers evidence suggesting that the increasingly ideological and partisan Congress represents the still-centrist and moderate American people far less well than it did in the past.

Fiorina, Morris P. *Congress: Keystone of the Washington Establishment*, 2nd ed. New Haven, Conn.: Yale University Press, 1989. Argues that congressional behavior is aimed at guaranteeing the members' chances for reelection.

Jacobson, Gary. *The Politics of Congressional Elections*, 6th ed. New York: Longman, 2004. Authoritative study of how members of Congress are elected.

Maass, Arthur. *Congress and the Common Good*. New York: Basic Books, 1983. Insightful account of congressional operations, especially those involving legislative-executive relations. Disputes Fiorina's argument that reelection needs explain congressional behavior.

Mann, Thomas E., and Norman J. Ornstein. *Broken Branch: How Congress Is Failing America and How to Get It Back on Track*, 2nd ed. New York: Oxford University Press, 2008. Critically compares the post-1994 Congress to its predecessors and suggests several major reforms.

Poole, Keith T., and Howard Rosenthal. *Congress: A Political-Economic History of Roll Call Voting*. New York: Oxford University Press, 1997. Sophisticated study of why members of Congress vote as they do and how relatively stable congressional voting patterns have been throughout American history.

Sundquist, James L. *The Decline and Resurgence of Congress*. Washington, D.C.: Brookings Institution, 1981. A history of the fall and, after 1973, the rise of congressional power vis-à-vis the president.