ROGER H. DAVIDSON
WALTER J. OLESZEK
FRANCES E. LEE
ERIC SCHICKLER
JAMES M. CURRY

CONGRESS AND ITS MEMBERS

TWENTIETH EDITION

Congress and Its Members

20th Edition

For Janet, Mark, Eric, and Melissa

—W. J. O.

For Emery and Beverly

—F. E. L.

For Sam and Cora

—E. S.

For Jill, Louise, and Henry

—J. M. C.

Congress and Its Members

20th Edition

Roger H. Davidson

University of Maryland

Walter J. Oleszek

Congressional Research Service

Frances E. Lee

Princeton University

Eric Schickler

University of California, Berkeley

James M. Curry

University of Notre Dame

Sage | CQ PRESS

FOR INFORMATION:

2455 Teller Road
Thousand Oaks, California 91320
E-mail: orders@sagepub.com

1 Oliver's Yard
55 City Road
London, EC1Y 1SP
United Kingdom

Unit No. 323-333, Third Floor, F-Block
International Trade Tower
Nehru Place, New Delhi – 110 019
India

18 Cross Street #10-10/11/12
China Square Central
Singapore 048423

Printed in the United States of America

Library of Congress Control Number: 2025028315

ISBN: 978-1-0719-8193-1

Acquisitions Editor: Christy Sadler

Content Development Editor: Jessica Meyer

Production Editor: Neelu Sahu

Copy Editor: Diane DiMura

Typesetter: Lumina Datamatics

Cover Designer: Scott Van Atta

Marketing Manager: Jennifer Haldeman

This book is printed on acid-free paper.

25 26 27 28 29 10 9 8 7 6 5 4 3 2 1

Brief Contents

Detailed Contents

Preface

As authors of the twentieth edition of a book that first appeared in 1981, we are perforce believers in the maxim that in politics six months is a long time and four years practically a lifetime. Events of recent years surely bear out this wisdom. The roller-coaster reversals of government and politics require frequent updates of any text on the U.S. Congress that aims to be both current and comprehensive.

The 2024 elections brought a return to unified government in Washington, with Republicans winning the White House and the Senate, while holding onto their narrow majority in the House. The Republican victory concluded a two-year period of divided control characterized by extremely narrow margins in both chambers. House Republicans had struggled to maintain unity as a faction of hard-core conservatives repeatedly refused to back party leaders on the spending and debt ceiling compromises necessitated by the need to share power with a Democratic Senate and president. These divisions culminated in the unseating of Speaker Kevin McCarthy in October 2023 and his replacement, three weeks later, by Mike Johnson of Louisiana. While Johnson survived the remainder of the 118th Congress, he often depended on large numbers of Democratic votes to keep the government running. Even so, Congress did achieve several noteworthy legislative successes, including passage of a major bill providing assistance to the government of Ukraine, as well as a massive spending bill that included substantial new funds for disaster assistance.

The new Trump administration offered both opportunities and challenges for the Republican majorities in the House and Senate. Unified party control set the stage for a major legislative push to undo aspects of President Biden's legacy—such as his climate initiatives—and to make permanent the tax cuts adopted when Trump first took office in 2017. At the same time, Trump and his team hit the ground running with a series of executive orders and unilateral actions that challenged Congress's core power over spending, shuttering an agency outright and cancelling programs that had been created and funded by law. Furthermore, the cuts pushed by Trump's new "Department of Government Efficiency" threatened programs that had significant constituencies in many Republican members' districts. A key question for the 119th Congress will be whether Republican leaders will be able to maintain the extremely high unity required to enact Trump's legislative priorities, and whether members will eventually push back against the administration's expansive power claims. A 2026 midterm election in which control of the House will be very much up in the air and a handful of Republican Senate seats will be vulnerable to Democratic challenges also looms over

the 119th Congress. The window of opportunity for new presidents to enact their legislative agenda has proven short amid the narrow, shifting majorities in recent decades.

The precarious fortunes of recent presidents and congressional majorities are a reminder of the pervasive pluralism of the U.S. political system, with its diverse viewpoints and interests. Presidents and congressional leaders see their perceived mandates collide with the founders' intricate "auxiliary precautions" for preventing majorities from winning quick or total victories. Not the least of the system's attributes is what we call the "two Congresses": Congress is both a conduit for localized interests and a maker of national policy.

In this edition, we discuss new developments and fresh research on nearly every aspect of Congress. When the first edition of this book came out, political scientists were still seeking to explain the decline of party unity in Congress. Today, the strength of partisanship is the most salient reality of Capitol Hill. Congress is a vortex of the so-called permanent campaign, in which electioneering is interlocked with the process and content of lawmaking. Individual incumbents work tirelessly for reelection, and just as importantly, the two parties engage in an all-out battle to win or maintain majority control of each chamber. We record shifts in party leaders, the committee system, floor procedures, and the Capitol Hill community. Complex, interdependent relationships with presidents, bureaucrats, and the courts put Congress at the center of the entire federal government.

In the midst of fundamental political change, there remain underlying constants in Congress's character and behavior. Most important is the dual nature of Congress as a collection of career-minded politicians and as a forum for shaping national policy. We employ the two-Congresses theme to explain the details of congressional life as well as scholarly findings regarding legislators' behavior. Colorful personalities and interesting events are never in short supply on Capitol Hill. We strive to describe recent developments and trends; more importantly, we try to place them in broader historical and conceptual contexts.

These are troubling times for those of us who believe in representative democracy. True, Congress has, with varying levels of success, absorbed astonishing changes in its membership, partisan control, structural and procedural arrangements, and policy agendas. Yet Congress has all too often retreated from its constitutional mandate to initiate national policy and oversee government operations. Its prerogatives are under siege from executive decision makers, federal judges, and elite opinion makers, who constantly belittle its capacities, ignore its authority, and evade its scrutiny. Congress, in short, faces challenges on all sides. Lawmakers themselves are to blame for reinforcing disdain of the institution, and for substituting partisan allegiance for independent judgment and critical thinking. Today's Congress all too often falls short of the founders' vision as the "first branch of government"—for reasons that this book explains.

This edition, like its predecessors, is written for general readers seeking an introduction to the modern Congress, as well as for college or university students taking

courses on the legislative process or national policymaking. We try to present accurate, timely, and readable information, along with insights from scholars and practitioners. Although wrapped around our core theme, the book's chapters are long on analysis. We make no apologies for this. Lawmaking is an arduous, complicated business; those who would understand it must master its details and nuances. At the same time, we hope to convey the energy and excitement of the place. After all, our journalist friends are right: Capitol Hill is the best beat in town.

Acknowledgments

This edition marks the first in which our longtime collaborator, Walter Oleszek, has not directly participated. Walter, along with Roger Davidson, wrote the first edition of *Congress and Its Members* in 1981. Together, they developed the "Two Congresses" framework that has guided our understanding of the institution over the past four decades. The premier authority on congressional rules and procedures for several decades, Walter is the author of numerous important books and articles. His *Congressional Procedures and the Policy Process* has long been a critical resource for practitioners and scholars alike. Walter was a senior specialist in the legislative process at the Congressional Research Service. On a more personal level, he stood out as a kind and generous colleague—always eager to help answer big questions and small ones. His legacy is one that extends not only to the multiple congressional reorganization efforts that he advised, but also to generations of congressional scholars who have been enriched by his insights. This legacy includes his son, Mark, a political scientist who joined the Congressional Research Service soon after completing his Ph.D.

We have incurred more debts to friends and fellow scholars than we could ever recount. We thank especially our colleagues at the Congressional Research Service and elsewhere: Christina Bailey, Christopher Davis, C. Lawrence Evans, Louis Fisher, William Heniff Jr., Gary C. Jacobson, Emery Lee, Megan Lynch, Jennifer Manning, Molly Reynolds, Elizabeth Rybicki, James Saturno, Jim Thurber, and Donald Wolfensberger. The views and interpretations expressed in this book are in no way attributable to the Congressional Research Service.

Our friends at CQ Press deserve special appreciation. We thank Anna Villarruel and Christy Sadler for keeping us on track as we revised the book to reflect the most recent developments. Jessica Meyer for her thoughtful work on photo research, artwork development, and permissions. Diane DiMura did a skilled and probing copyedit of the new edition. And we thank Jessica Meyer, who supervised the book's production.

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

—Frances E. Lee
Princeton, New Jersey

—Eric Schickler
Berkeley, California

—James M. Curry
South Bend, Indiana

About the Authors

Roger H. Davidson was professor emeritus of government and politics at the University of Maryland and served as visiting professor of political science at the University of California, Santa Barbara. He was a senior fellow of the National Academy of Public Administration. During the 1970s, he served on the staffs of reform efforts in both the House (Bolling-Martin Committee) and the Senate (Stevenson-Brock Committee). For the 2001–2002 academic year, he served as the John Marshall chair in political science at the University of Debrecen, Hungary. His books include *Remaking Congress: Change and Stability in the 1990s*, co-edited with James A. Thurber (1995), and *Understanding the Presidency*, 7th ed., co-edited with James P. Pfiffner (2013). Davidson was co-editor with Donald C. Bacon and Morton Keller of *The Encyclopedia of the United States Congress* (1995).

Walter J. Oleszek is a senior specialist in the legislative process at the Congressional Research Service. He has served as either a full-time professional staff aide or consultant to many major House and Senate congressional reorganization efforts beginning with the passage of the Legislative Reorganization Act of 1970. In 1993, he served as policy director of the Joint Committee on the Organization of Congress. A former adjunct faculty member at American University, Oleszek is a frequent lecturer to various academic, governmental, and business groups. He is the author or co-author of several books, including *Congressional Procedures and the Policy Process*, 11th ed. (2020), and *Congress Under Fire: Reform Politics and the Republican Majority*, with C. Lawrence Evans (1997).

Frances E. Lee is professor of politics and public affairs in the School of Public and International Affairs and the Department of Politics at Princeton University. She has been a research fellow at the Brookings Institution and an APSA congressional fellow. Most recently, she is co-author of *The Limits of Party: Congress and Lawmaking in a Polarized Era* (2020) and *In Covid's Wake: How Our Politics Failed Us* (2025). She is also the author of *Insecure Majorities: Congress and the Perpetual Campaign* (2016) and *Beyond Ideology: Politics, Principles, and Partisanship in the U.S. Senate* (2009) and co-author, with Bruce I. Oppenheimer, of *Sizing Up the Senate: The Unequal Consequences of Equal Representation* (1999). Her articles have appeared in the *American Political Science Review, Journal of Politics, Legislative Studies Quarterly*, and *American Journal of Political Science*, among others.

Eric Schickler is Jeffrey & Ashley McDermott Professor of Political Science at the University of California, Berkeley. He is the author of three books that have won the Richard F. Fenno Jr. Prize for the best book on legislative politics: *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress* (2001), *Filibuster: Obstruction and Lawmaking in the United States Senate* (2006, with Gregory Wawro), and *Investigating the President: Congressional Checks on Presidential Power* (2016, with Douglas Kriner; also a winner of the Richard E. Neustadt Prize for the best book on executive politics). His book *Racial Realignment: The Transformation of American Liberalism, 1932–1965* was the winner of the Woodrow Wilson Prize for the best book on government, politics, or international affairs published in 2016, and is co-winner of the J. David Greenstone Prize for the best book in history and politics from the previous two calendar years. His most recent book is *Partisan Nation: The Dangerous New Logic of American Politics in a Nationalized Era* (with Paul Pierson).

James M. Curry is professor of political science at the University of Notre Dame. He is coauthor of *The Limits of Party: Congress and Lawmaking in a Polarized Era* (2020); author of *Legislating in the Dark: Information and Power in the House of Representatives* (2015); and winner of the Alan Rosenthal Prize, the E. E. Schattschneider Award, and the Carl Albert Award. His research appears in the *American Political Science Review, Journal of Politics, Perspectives on Politics*, and *Legislative Studies Quarterly*, among other outlets. He received his Ph.D. in government and politics from the University of Maryland, and he previously worked on Capitol Hill in the offices of Rep. Daniel Lipinski and the House Appropriations Committee.

Part I

In Search of the Two Congresses

Chapter 1

The Two Congresses

Rep. Dan Newhouse, R-Wash., picks apples on his farm, outside of Sunnyside, Washington.
Tom Williams/CQ Roll Call/Getty Images

"I guess I assumed that Republicans would stand behind him, Dan," said a county GOP leader to Rep. Dan Newhouse (R-WA) in August 2024. "I was hurt, I was disgusted, I was dismayed when you came out and voted to impeach the man."[1] Newhouse was meeting with a group of Republicans in the back room of a local pizza joint in his central Washington district in the lead-up to the 2024 primary elections. As one of the ten House Republicans who had voted to impeach President Donald J. Trump in the wake of the January 6, 2021, attack on the Capitol, Newhouse had been faced with many similar questions from his constituents over the past three years. Maintaining a respectful tone, Newhouse replied that the Capitol riot had occurred just days after he had taken an oath of office to defend the Constitution. "I took that [oath] very literally," said Newhouse. "I think I made the right choice for upholding the Constitution. It's not political."[2]

Newhouse would go on to finish second in the primary five days later. The first-place finisher was Navy veteran and former NASCAR driver Jerrod Sessler, who had been endorsed by President Trump. Just the weekend before the election, Trump took to his social media platform to denounce Newhouse as "a weak and pathetic RINO [Republican In Name Only] who stupidly voted to impeach me for absolutely no reason."[3] Despite finishing behind Sessler in the primary, Newhouse was not finished. He benefited from Washington state's unusual "top two" primary system, in which all candidates from any party compete in a single primary and then the two candidates receiving the most votes advance to the general election in November.

The 2024 primary was not the first time Newhouse had faced a serious challenge from within his own party. In 2022, in the immediate aftermath of his impeachment vote, he had also faced a competitive primary featuring another Trump-backed opponent. Facing six Republican challengers, Newhouse managed to eke out a primary win with just 25.5 percent of the vote. With a Democrat coming in second in the top two, Newhouse was easily able to dispatch his opponent in the 2022 general election. But after coming in second in the 2024 primary, Newhouse had to face down a Trump-backed Republican as his sole opponent in the 2024 general election—in one of the most reliably Republican districts in the country.

Washington's Fourth Congressional District encompasses the whole central part of the state from Canada to the Oregon state line. Encompassing no major cities, the district is heavily agricultural. It produces most of the nation's apples, along with many other crops, including grapes, wheat, potatoes, and hops. Clearly set on one side of the deep rural-urban divide in American politics, the district is a Republican bastion. No Democratic presidential candidate has won even one county in the district since Bill Clinton in 1992. None of the district's other counties have voted for a Democrat since 1964. Trump carried the district by more than 15 percentage points in 2016, 2020, and 2024.

Clearly, Washington's Fourth District is not friendly territory for a Trump "impeacher." To make matters more difficult, Newhouse staked out positions on other national issues unusual for a conservative Republican. He supported a path to legal status for undocumented immigrants.[4] He was one of only thirty-nine House Republicans to vote for the Respect for Marriage Act requiring the federal government and all U.S. states and territories to recognize same-sex marriages.[5] Against conservative Republican opposition, Newhouse advocated for the reauthorization of the Export-Import Bank, a credit agency that assists in financing and facilitating U.S. exports.[6] Newhouse opposes tariffs, another source of friction with President Trump.[7] Since his election to the House in 2014, Newhouse has often found himself at odds with Republican hardliners on prominent issues.

No one could question Newhouse's deep roots in the district, however. A third-generation farmer, he grew up in a Yakima Valley family. He graduated from Washington State University with a degree in agricultural economics. Before entering politics, he operated an 850-acre farm near Sunnyside growing hops,

grapes, and alfalfa. He is a former president of the Hop Growers of America. He served as Washington's Director of Agriculture from 2009 to 2013, under both a Republican and a Democratic governor. He has detailed positions on an array of regional issues, from his support for maintaining the federal hydropower dams on the Snake River to his opposition to reintroducing grizzly bears to the North Cascades ecosystem. Clearly, Newhouse has deep knowledge of the district and its principal industry.

The 2024 race in Washington's Fourth Congressional District featured one of the most competitive challenges to a House incumbent, even though, with two Republicans competing against one another, the outcome would have no effect on party control of the House of Representatives. Different Republican factions took stands on the race. Newhouse's opponent Sessler had the endorsement of Trump, the Washington State Republican party,[8] and the pro-Trump conservative House Freedom Caucus's campaign arm.[9] Newhouse had the support of the Main Street Caucus, a faction of mainstream House Republicans.[10] Speaker Mike Johnson and House Majority Leader Steve Scalise also flew out to visit Newhouse's district to support him in the last week before the election.[11] Recognizing that Trump would win the district in a landslide, Sessler constantly touted his Trump endorsement and promised to be Trump's "greatest ally."[12] Meanwhile, Newhouse campaigned on his understanding of local issues. "It's tough to make a buck in agriculture," he said. "That's why I think it's so important that we have a strong representative that knows agriculture. And I'm a farmer. Those are my issues."[13]

Faced with the choice, Washington's Fourth District voters reelected Newhouse with 52 percent of the vote. "The results from this election show the people want a results-driven leader who understands the unique challenges facing Central Washington," concluded Newhouse.

Newhouse's wins in 2022 and 2024 illustrate the central theme of this book. The work of Congress is conducted not only in Washington, DC but also in states and districts hundreds or thousands of miles away. Members of Congress gain and hold office not just by virtue of their stances on national issues but on the basis of their capacity to forge and maintain voters' trust. Newhouse's deep roots in his district afforded him some leeway to deviate from conservative orthodoxy on a number of national issues. But ambitious challengers were always waiting in the wings, ready to take advantage of any opportunity. In an overwhelmingly pro-Trump district, Newhouse's support for Trump's impeachment put his seat at severe risk. The decision has dogged him for years and will likely cause him trouble in the future, should he decide to run for reelection again. Nevertheless, his local ties and bonds of constituency trust have thus far enabled him to fend off Trump's efforts to purge him from Congress. He must continue to nurture and renew these personal relationships and open lines of communication if he is to have any hope of staying in Congress beyond 2026. Constituents may not always understand the details of national politics and policy, but they know whom they trust—and whom they doubt.

The Dual Nature of Congress

Dan Newhouse's reelection victories underscore the dual nature of Congress. Members of Congress continually inhabit two very different but closely linked worlds, attempting to strike a difficult balance between them. In Newhouse's case, there are, on the one hand, the unique needs and issues of central Washington, with its conservative rural voters, its reliance on agriculture, its dependence on international trade, and its appreciation for someone who knows and understands local ways of life. On the other hand, there is the world of national politics, where Newhouse has found himself in conflict with influential factions in Republican party politics and on the front pages of the newspapers as one of a handful of House Republicans who supported his own president's impeachment. These tensions highlight the dual character of the national legislature—Congress as a national policymaking institution and Congress as an assembly of local representatives.

In this sense, there are two Congresses. One is the Congress of textbooks, of "how a bill becomes a law." It is Congress acting as a collegial body, performing constitutional duties, and debating legislative issues that affect the entire nation. This Congress is a fascinating arena in which all of the forces of U.S. political life converge—presidents, cabinet members, career bureaucrats, activists, lobbyists, policy wonks, military leaders, and ambitious political entrepreneurs of every stripe. This Congress is more than a collection of its members at any given time. It is a mature institution with a complex network of rules, organizations, and traditions. Norms mark the boundaries of the legislative playing field and define the rules of the game. To be effective legislators, individual members generally must accept Congress on its own terms and conform to its established ways of doing things.

A second Congress exists as well, and it is every bit as important as the Congress portrayed in textbooks. This is the representative assembly of 541 individuals (100 senators, 435 representatives, 5 delegates, and 1 resident commissioner). This Congress includes men and women of many different ages, backgrounds, and routes to office, all doing what is necessary to maintain political support in their local constituencies. Their electoral fortunes depend less on what Congress produces as a national institution than on the policy positions they take individually and the local ties they build and maintain. "As locally elected officials who make national policy," observes Paul S. Herrnson, "members of Congress almost lead double lives."[14]

The two Congresses are, in many ways, separated by a wide gulf. The complex, often insular world of Capitol Hill is far removed from most constituencies, in perspective and outlook as well as in miles. Lawmaking and representing are separate tasks, and members of Congress recognize them as such. Yet these two Congresses are bound together. What affects one affects the other—sooner or later.

Legislators' Tasks

The duality between institutional and individual duties permeates legislators' daily activities and roles. As Speaker Sam Rayburn, D-Tex., once remarked, "A congressman

has two constituencies—he has his constituents at home, and his colleagues here in the House. To serve his constituents at home, he must also serve his colleagues here in the House."[15]

No problem vexes members more than that of juggling constituency and legislative tasks. For maintaining local connections, members know that there is no substitute for being present in their states and district. Congressional calendars allow for lengthy recesses, termed district work periods, and most legislative weeks are scheduled from Tuesday to Thursday. "I can tell you based on my experience . . . that time spent in our districts is not 'time off,'" observed Rep. Rob Bishop, R-Utah.[16] On average, between 2010 and 2022, Congress was in session for 134 days a year, about one out of every three days.[17] Members spend much of the rest of their time at home among their constituents.

Reelection is the paramount operational goal of members of Congress. As a former representative put it, "All members of Congress have a primary interest in getting reelected. Some members have no other interest."[18] After all, politicians must win elections before they can achieve any long-range political goals. "[Reelection] has to be the proximate goal of everyone, the goal that must be achieved over and over if other ends are to be entertained," David R. Mayhew observed in *Congress: The Electoral Connection*.[19]

Individual legislators vary in how they balance the twin roles of legislator and representative. Some legislators devote more time and resources to lawmaking while others focus almost entirely on constituency tending. With their longer terms, some senators stress voter outreach and fence mending during the two years before reelection and focus on legislative activities at other times. Yet senatorial contests normally are more competitive and costlier than House races, and many senators now run for reelection all the time—like most of their House colleagues.[20] Most senators and representatives would like to devote more time to lawmaking and other Capitol Hill duties, but the press of constituency business is relentless.[21]

Popular Images

The notion of two Congresses also conforms to the average citizen's perceptions. The public views the U.S. Congress differently from the way it sees individual senators and representatives. Congress, as an institution, is perceived primarily as a lawmaking body. It is judged mainly on the basis of citizens' overall attitudes toward politics, policy processes, and the state of the Union. Do people like the way things are going or not? Do they feel that Congress is carrying out its duties effectively? Are they optimistic or pessimistic about the nation's future?

In contrast with their expectations of Congress as a whole, citizens view their legislators in great part as agents of local concerns. People judge individual legislators by yardsticks such as communication with constituents, their positions on prominent issues, service to the district, and home style (the way officeholders present themselves

in their districts or states). In judging their senators or representatives, voters ponder questions such as, "Is the legislator trustworthy? Does the legislator communicate well with the state (or district) by being visible in the constituency and offering timely help to constituents? Does the legislator listen to the state (or district) and its concerns?"[22]

The public's divergent expectations of Congress and its members send conflicting signals to senators and representatives. Congress, as a whole, is judged by the processes it uses and the policies it adopts (or fails to adopt), however vaguely voters understand them.[23] But individual legislators are regularly nominated and elected to office on the strength of their personal qualities, the positions they take, and their constituency service. In response to this incongruity, officeholders often adopt a strategy of opening as much space as possible between themselves and those other politicians back in Washington.

The Constitutional Basis

Congress's dual nature—the dichotomy between its lawmaking and representative functions—is dictated by the U.S. Constitution. Congress's mandate to write the nation's laws is found in Article I of the Constitution. By contrast, Congress's representational functions are not specified in the Constitution, although these duties flow from the constitutional provisions for electing senators and House members.

It is no accident that the Constitution's drafters devoted the first article to establishing the legislature and enumerating most of the government's powers. Familiar with the British Parliament's prolonged struggles with the Crown, the authors assumed the legislature would be the chief policymaking body and the bulwark against arbitrary executives. "In republican government, the legislative authority necessarily predominates," observed James Madison in *The Federalist Papers*.[24]

Although in the ensuing years the initiative for policymaking has shifted many times between the legislative and executive branches, the U.S. Congress remains virtually the only national assembly in the world that drafts, in detail, the laws it passes instead of simply debating and ratifying measures prepared by the government in power.

The House of Representatives was intended to be the most representative element of the U.S. government. House members are elected directly by the people for two-year terms to ensure that they do not stray too far from popular opinion. As Madison explained, the House should have "an immediate dependence on, and an intimate sympathy with, the people."[25] For most representatives, this two-year cycle means nonstop campaigning, visiting, and looking after constituents.

The Senate was initially one step removed from popular voting. Some of the Constitution's framers hoped the Senate would temper the popular passions expressed in the House, so under the original Constitution, state legislatures selected senators. But this original vision was ultimately overruled in favor of a Senate that, like the House, directly expresses the people's voice. In 1913, the Seventeenth Amendment to the Constitution was adopted, providing for direct popular election of senators.

Although elected for six-year terms, senators must stay in close touch with the electorate. Like their House colleagues, senators typically regard themselves as constituency servants. Most have transformed their office staffs into veritable cottage industries for generating publicity and handling constituents' inquiries.

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

Back to Burke

On November 3, 1774, in Bristol, England, the British statesman and philosopher Edmund Burke set forth in a speech the dual character of a national legislature. The constituent-oriented parliament, or Congress, he described as

> a Congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates.
>
> The parliament of substantive lawmaking he portrayed in different terms. It was a deliberative assembly of one nation, with one interest, that of the whole—where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole.[26]

Burke preferred the second concept and did not hesitate to let his voters know it. He would give local opinion a hearing, but his judgment and conscience would prevail in all cases. "Your faithful friend, your devoted servant, I shall be to the end of my life," he declared. "A flatterer you do not wish for."[27]

Burke's Bristol speech is an enduring statement of the dilemma legislators face in balancing their two roles. Burke was a brilliant lawmaker. (He even sympathized with the cause of the American colonists.) But, as might be said today, he suffered from an inept home style. His candor earned him no thanks from his constituents, who turned him out of office at the first opportunity.

Burke's dilemma applies equally on this side of the Atlantic. U.S. voters tend to prefer their lawmakers to be delegates who listen carefully to constituents and follow their guidance. During an encounter in Borger, Texas, an irate Baptist minister shouted at then-representative Bill Sarpalius, D-Tex., "We didn't send you to Washington to make intelligent decisions. We sent you to represent us."[28] Sarpalius was later defeated for reelection.

Representing local constituents is not the whole story, of course. Burke's idea that legislators are trustees of the nation's common good is still extolled. In a 1995 decision, U.S. Supreme Court Justice John Paul Stevens noted that, once elected, members of Congress become "servants of the people of the United States. They are not merely delegates appointed by separate states; they occupy offices that are integral and essential components of a single national government."[29]

Many talented individuals seek public office, often forgoing more lucrative opportunities in the private sector, precisely because they believe strongly in a vision of what government should do and how it should do it. For such legislators, winning office is a means to a larger end. It is reasonable to assume that elected officials "make an honest effort to achieve good public policy."[30]

Burke posed the tension between the two Congresses so vividly that we have adopted his language to describe the conceptual distinction that forms the crux of this book. From Burke, we have also drawn the titles for Part II, "A Congress of Ambassadors," and Part III, "A Deliberative Assembly of One Nation." Every member of Congress, sooner or later, must come to terms with Burke's dichotomy; citizens and voters will also have to form their own answers.

The Two Congresses in Comparative Context

A look around the world reveals that most democracies differ from the United States in how they elect legislators. Members of Congress are selected using the oldest form of elected democratic representation: a plurality vote within geographic constituencies. By contrast, most other advanced democracies elect legislative representatives under systems of proportional representation (PR), a more recent innovation in democratic institutions. Many varieties of PR are in use, but compared with the U.S. electoral system, these systems tend to tie legislators more closely to their political parties than to local constituencies. In this way, PR systems alleviate the difficult trade-offs that members of Congress face as they attempt to balance national lawmaking with attention to local constituencies.

PR systems rest on the basic principle that the number of seats a political party wins in the legislature should be proportional to the level of support it receives from voters. If a political party wins 40 percent of the vote overall, then it should receive about 40 percent of the seats. In other words, these systems explicitly assume that political parties are more important than geographic locales to voters' values and political interests.[31] Most commonly in these systems, the parties put lists of candidates before the electorate. The number of a party's candidates to be seated in the legislature from those lists then depends on the percentage of voters supporting that party in legislative elections. To a greater extent than is true of members of the U.S. Congress, candidates elected in PR systems thus serve as representatives of their party's policy goals and ideological commitments.

Legislators in PR systems face fewer dilemmas about how to balance local constituency politics with national party platforms. Indeed, some PR systems, such as those in Israel and the Netherlands, do not tie representatives to local geographic constituencies at all; legislators represent the entire nation. Other countries, such as Austria and Sweden, elect multiple representatives from regional districts. Multimember districts are not captured by a single party on a winner-take-all basis. (The United States, by

contrast, employs single-member districts, meaning that each constituency elects a representative on a winner-take-all basis.) In countries with multimember districts, constituencies in which more than one political party enjoys a meaningful level of voter support will elect representatives from more than one party, with each legislator thus representing those voters who supported their party. Some countries, such as Germany, Italy, and New Zealand, use a mixed system, with some representatives elected in individual geographic constituencies and others drawn from party lists to ensure proportionality. In all PR cases, citizens and legislators alike recognize that the system is primarily designed to ensure that voters' party preferences are proportionally represented.

Members of the U.S. Congress, by contrast, officially represent all residents of their geographic constituency—a difficult task. The constituents grouped within congressional districts often have little in common. Indeed, constituencies can be very diverse in terms of race, class, ethnicity, religion, economic interests, and urbanization. The largest states are microcosms of the whole nation. Some constituencies are narrowly divided in terms of partisanship and ideology, forcing representatives to cope with continual local controversies about their stances on national issues. A few members of Congress face the challenge of representing constituents who lean toward the opposing party.[32]

In attempting to represent their whole state or district, some senators and House members attempt a "lowest common denominator" form of representation, deemphasizing their party affiliation and their opinions on controversial national issues. Instead, they advertise their accessibility to constituents; focus on narrow, localized concerns; and dodge hot-button questions whenever they can.[33] This strategy is most appealing to members representing swing or cross-pressured states and districts. But, to an important extent, the U.S. system of representation encourages a focus on parochial matters among lawmakers generally. Members see themselves, at least to some degree, as attorneys for their constituencies.

Even though the U.S. system of representation does not recognize the importance of political parties in the way that PR systems do, members of Congress have nevertheless become more closely tied to their parties in recent decades. Lawmakers vote with their parties far more reliably than they did in the decades spanning the 1950s through the 1980s. The sources of this increased partisanship are many, but it has corresponded with an increasingly partisan ideological polarization in the activist base of both political parties. "The American public has become more consistent and polarized in its policy preferences over the past several decades," writes Alan I. Abramowitz, "and this increase in consistency and polarization has been concentrated among the most politically engaged citizens."[34] At the same time, the politically engaged public has also sorted itself into more ideologically coherent political parties, with fewer liberals identifying with the Republican Party and fewer conservatives identifying with the Democratic Party.[35] Consequently, few voters split their tickets today by voting for one party's presidential candidate and another party's congressional candidate. These

trends have reduced the cross-pressures that members face as they attempt to balance their roles as constituency representatives and national policy makers. More members can cooperate with their national party leaders without endangering the support of an electoral majority in their constituency. At the same time, a body of members responding to this more polarized activist base may have a harder time engaging in genuine deliberation and crafting workable legislative compromises.

All members must constantly cultivate the local roots of their power as national legislators. Yet Congress is one body, not two. The same members who attempt to forge national legislation in committee and on the floor must rush to catch planes back to their districts, where they are plunged into a different world of local problems and personalities. The same candidates who sell themselves at shopping centers also shape the federal budget or military weapons systems in the nation's capital. The unique character of Congress arises directly from its dual role as a representative assembly and a lawmaking body.

Divergent Views of Congress

Congress is subject to intense scrutiny, as the huge array of books, news outlets, and articles devoted to it attest. Many of its features make Congress a favorite object of scholarly attention. For one thing, it is relatively open and accessible, so it can be approached by traditional means—journalistic stories, case studies, normative assessments, and historical accounts. It is also amenable to the analytic techniques of social science. Indeed, the availability of quantitative indicators of congressional work (e.g., floor votes) permits elaborate statistical analyses. Its rule-governed processes allow it to be studied with sophisticated formal models. And Congress is, above all, a fascinating place—the very best location from which to view the varied actors in the U.S. political drama.

Writers of an interpretive book on the U.S. Congress thus can draw on a multitude of sources, an embarrassment of riches. In fact, studies of Congress constitute a vast literature. This is a mixed blessing because all of this information must be integrated into a coherent whole. Moreover, scholarly writing is often highly detailed, technical, and theoretical. We have tried to put such material in perspective, make it accessible to all interested readers, and use illustrative examples wherever possible.

Meanwhile, a gaping chasm exists between this rich scholarly literature and the caricature of Congress prevalent in the popular culture. Humorists from Mark Twain and Will Rogers to Stephen Colbert and Anthony Borowitz have found Congress an inexhaustible source of raw material. Citizens tend to share a disdain toward the legislative branch—especially at moments of furor over, say, ethics scandals or difficult legislative fights. When legislators are at home with constituents, they often reinforce Congress's poor image by portraying the institution as out of touch with reality. As Richard F. Fenno puts it, members "run *for* Congress by running *against* Congress."[36]

The picture of Congress conveyed by the media is scarcely more flattering. Journalistic hit-and-run specialists perpetuate a cartoon-like stereotype of Congress as "a place where good ideas go to die in a maelstrom of bureaucratic hedging and rank favor-trading."[37] News magazines, editorial writers, and nightly news broadcasts regularly portray Congress as an irresponsible and somewhat disreputable gang, reminiscent of Woodrow Wilson's caustic description of the House as "a disintegrated mass of jarring elements."[38] A common refrain is that today's Congress is a "broken" institution where little happens save partisan bickering.[39]

To comprehend how the two Congresses function—both the institution and individual members—popular stereotypes must be abandoned and the complex realities examined. Citizens' ambivalence toward the popular branch of government—which goes back to the beginnings of the Republic—says something about the milieu in which public policy is made. We believe we know our subject well enough to understand why Congress works the way it does, yet we try to maintain a professional, scholarly distance from it.

According to an old saying, two things should never be viewed up close: making sausages and making laws. Despite this warning, we urge readers to take a serious look at the workings of Congress and form their own opinions. Some may recoil from what they discover. Numerous flaws can be identified in members' personal or public behavior, in their priorities and incentive structures, and in lawmaking processes generally. Recent Congresses especially have displayed troubling tendencies, including rushed legislation, extreme partisanship, frequent gridlock, and abdication of legislative power to the executive branch.[40]

Yet careful observers will also discover much behavior in Congress that is purposeful and principled and many policies that are reasonable and workable. We invite students and colleagues to examine with us what Congress does and why—and to ponder its values and its prospects.

Chapter 2

Evolution of the Modern Congress

The United States Capitol Dome was constructed more than 150 years ago from a design by architect Thomas U. Walter. The Dome recently underwent a major renovation to restore its original grandeur, which had been gradually eroded by age and weather. Just as the physical appearance of the Capitol has undergone many changes over the years, the institutions of Congress have developed over many decades as members have adapted to new challenges and opportunities.

Library of Congress/Contributor/Getty Images

The First Congress met in New York City in the spring of 1789. Business couldn't begin until April 1, when a majority of the fifty-nine House members finally arrived to make a quorum. Members then chose Frederick A. C. Muhlenberg of Pennsylvania as Speaker of the House. Five days later, the Senate achieved its first quorum, although its presiding officer, Vice President John Adams, did not arrive for another two weeks.

New York City, the seat of government, was then a bustling port on the southern tip of Manhattan Island. Congress met in Federal Hall at the corner of Broad and Wall Streets. The House of Representatives occupied a large chamber on the first floor

and the Senate a more intimate chamber upstairs. The new chief executive, George Washington, was still en route from Mount Vernon, his plantation in Virginia; his trip had become a triumphal procession, with crowds and celebrations at every stop. To most of his countrymen, Washington—austere, dignified, the soul of propriety—embodied a government that otherwise was no more than a plan on paper.

The two houses of Congress did not wait for Washington's arrival. The House began debating tariffs, a perennial legislative topic. In the Senate, Vice President Adams, a brilliant but self-important man, prodded his colleagues to decide on proper titles for addressing the president and himself. Adams was dubbed "His Rotundity" by a colleague who thought the whole discussion absurd.

On inauguration day, April 30, Adams was still worrying about how to address the president when the representatives, led by Speaker Muhlenberg, burst into the Senate chamber and seated themselves. Meanwhile, a special committee was dispatched to escort Washington to the chamber for the ceremony. The swearing-in was conducted on an outside balcony in front of thousands of assembled citizens.[1]

Then, a nervous Washington reentered the Senate chamber and haltingly read his inaugural address. After the speech, everyone adjourned to nearby St. Paul's Chapel for a special prayer service. Thus, the U.S. Congress became part of a functioning government.[2]

Antecedents of Congress

The legislative branch of the new government was untried and unknown, searching for procedures and precedents. And yet, it grew out of a rich history of development—stretching back more than five hundred years in Great Britain and no less than a century and a half in North America. If the architects of the U.S. Constitution of 1787 were unsure of how well their new design would work, they had firm ideas about what they intended.

The English Heritage

The evolution of representative institutions on a national scale began in medieval Europe. Monarchs gained power over large territories where inhabitants were divided into social groupings, called *estates of the realm*—among them, the nobility, clergy, landed gentry, and town officials. The monarchs brought together the leaders of these estates, not to create representative government but to fill the royal coffers.

These assemblies later came to be called parliaments, from the French *parler*, "to speak." Historians and political scientists have identified four distinct stages in the evolution of the assemblies of estates into the representative legislatures of today. The first stage saw the assemblies representing the various estates gathering merely to approve taxes for the royal treasury; they engaged in little discussion. During the second stage,

INDEX

D

F

G

H

K

L

M

P

Q

R

T

U