

AP American Government

WILSON, CHAPTER 13

Congress



OVERVIEW

Over the last fifty years or so, Congress, especially the House, has evolved through three stages. The Congress is presently an uneasy combination of stages two and three.

During the first stage, which lasted from the end of World War I until the early 1960s, the House was dominated by powerful committee chairs who controlled the agenda, decided which members would get what services for their constituents, and tended to follow the leadership of the Speaker. Newer members were expected to be seen but not heard; power and prominence came only after a long apprenticeship. Congressional staffs were small, and so members dealt with each other face to face. In dealing with other members, it helped to have a southern accent: Half of all committee chairs, in both the House and the Senate, were from the South. Not many laws were passed over their objections.

The second stage emerged in the early 1970s, in part as the result of trends already under way and in part as the result of changes in procedures and organization brought about by younger, especially northern, members. (As an example of continuing trends, consider the steady growth in the number of staffers assigned to each member.) Dissatisfied with southern resistance to civil rights bills and emboldened by a sharp increase in the number of liberals who had been elected in the Johnson landslide of 1964, the House Democratic caucus adopted rules that allowed the caucus to do the following:

- select committee chairs without regard to seniority;
- increase the number and staffs of subcommittees;
- authorize individual committee members (instead of just the committee chair) to choose the subcommittee chairs;
- ended the ability of chairs to refuse to call meetings; and
- made it much harder to close meetings to the public.

Also, the installation of electronic voting made it easier to require recorded votes, and so there was a sharp rise in the number of times each member had to go on record. The Rules Committee was instructed to issue more rules that would allow floor amendments.

At the same time, the number of southern Democrats in leadership positions began to decline, while the conservatism of the remaining ones began to lessen. Moreover, northern and southern Democrats began to vote together a bit more frequently, though the conservative Boll Weevils remained a significant—and often swing—group.

These changes created a House ideally suited to serve the reelection needs of its members. Each representative could be an individual political entrepreneur, seeking publicity, claiming credit, introducing bills, holding subcommittee hearings, and assigning staffers to work on constituents' problems. There was no need to defer to powerful party leaders or committee chairs. But because representatives in each party were becoming more ideologically similar, there was a rise in party voting. Congress became a career attractive to women and men skilled in these techniques. Their skills as members were manifest in the growth of the sophomore surge, the increase in their winning percentage during their first re-election campaign.

Even junior members could now make their mark on legislation. In the House, more floor amendments were offered and passed; in the Senate, filibusters became more commonplace. Owing to multiple referrals and overlapping subcommittee jurisdictions, more members could participate in writing bills and overseeing government agencies.

Lurking within the changes that defined the second stage were others, less noticed at the time, that created the beginnings of a new phase. This third stage was an effort in the House to strengthen and centralize party leadership. The Speaker acquired the power to appoint a majority of the Rules Committee members. That body, worried by the flood of floor amendments, began issuing more restrictive rules. By the mid-1980s, this had reached the point where Republicans were complaining that they were being gagged. The Speaker also got control of the Democratic Steering and Policy Committee (which assigns new members to committees) and was given the power to refer bills to several committees simultaneously.

These opportunities for becoming a powerful Speaker were not noticed while Tip O'Neill (D, Massachusetts) held that post. However, Jim Wright (D, Texas), O'Neill's successor, began to make full use of these powers shortly after he entered office. Perhaps if he had not stumbled over his ethical problems, Wright might have succeeded in becoming the policy leader of the House, setting the agenda and getting much of it adopted. The replacement of Wright by Tom Foley (D, Washington) signaled a return to a more accommodationist leadership style.

The pendulum continued to swing between different leadership styles in the latter half of the 1990s. Foley's replacement, Republican Newt Gingrich (Georgia), was a more assertive policy leader. The first sitting Speaker to be reprimanded by the House for ethics violations, Gingrich resigned from office after the 1998 elections. He was succeeded by a more moderate speaker, J. Dennis Hastert (R, Illinois). The evolution of the House remains an incomplete story. It is not yet clear whether it will remain in stage two or find some way of moving decisively into stage three. For now, it has elements of both. Meanwhile, the Senate remains as individualistic and as decentralized as ever—a place where it has always been difficult to exercise strong leadership.

Congress is a collection of individual representatives from states and districts who play no role in choosing the president. They are therefore free to serve the interests of their constituents, their personal political views, and (to a limited extent) the demands of congressional leaders. In serving those interests, members of necessity rely on investigating, negotiating, and compromise, all of which may annoy voters who want Congress to be "decisive." The unpopularity of Congress is made worse by the recent tendency of its members to become ideologically more polarized.

One of the most important changes in the profile of Congressional members is the increased ability of incumbents to get re-elected. This reflects the growth of constituent service, name recognition, and the weakening of party loyalties among voters.

Though its members may complain that Congress is collectively weak, to any visitor from abroad it seems extraordinarily powerful. Congress has always been jealous of its constitutional authority and independence. Three compelling events led to Congress reasserting its authority. These were the war in Vietnam, which became progressively more unpopular; the Watergate scandals, which revealed a White House illegally influencing the electoral process; and the continuance of divided government, with one party in control of the presidency and another in control of Congress.

In 1973, Congress passed the War Powers Act over a presidential veto, giving it a greater voice in the use of American forces abroad. The following year, it passed the Congressional Budget and Impoundment Control Act, which denied the president the right to refuse to spend money appropriated by Congress. This act gave Congress a greater role in the budget process. Congress also passed laws to provide a legislative veto over presidential actions, especially with respect to

the sale of arms abroad. Not all these steps have withstood the tests of time or of Supreme Court review, but taken together they indicate a resurgence of congressional authority. They also helped set the stage for sharper conflicts between Congress and the presidency.

OBJECTIVES

The purpose of this chapter is to describe the roles and organization of Congress. After reading and reviewing the material in this chapter, the student should be able to do each of the following:

- Explain the differences between a congress and a parliament and delineate the role that the Framers expected the United States Congress to play.
- Pinpoint the significant eras in the evolution of Congress.
- Describe the characteristics of members of Congress and outline the process for electing members of Congress.
- Identify the functions that party affiliation plays in the organization of Congress.
- Describe the formal process by which a bill becomes a law.
- Identify the factors that help to explain why a member of Congress votes as he or she does.

CHAPTER OUTLINE WITH KEYED-IN RESOURCES

- I. Congress versus parliament
 - A. Comparison with British Parliament
 1. Parliamentary candidates are selected by their party
 - a) Become a candidate by persuading your party to place your name on ballot
 - b) Voters choose between national parties, not between multiple candidates within a single party
 - c) Members of Parliament select prime minister and other leaders
 - d) Party members vote together on most issues
 - e) Renomination depends on remaining loyal to party
 - f) Principal work is debate over national issues
 - g) Members have very little actual power, very little pay or staff resources
 2. Congressional candidates run in a primary election, with little party control over their nomination
 - a) Vote is for the candidate, not the party
 - b) Result is a body of independent representatives of districts or states.
 - c) Members do not choose the chief executive—voters elect president
 - d) Power is decentralized and members are independent
 - e) Party discipline is limited, not enduring (104th Congress, 1995)
 - f) Members' principal work is representation and action
 - g) Members have a great deal of power, high pay and significant staff resources
- II. The evolution of Congress
 - A. Intent of the Framers
 1. To oppose the concentration of power in a single institution
 2. To balance large and small states: bicameralism
 3. Expected Congress to be the dominant institution
 - B. Competing values shape congressional action: centralization vs. decentralization

1. Centralization
 - a) Would allow Congress to act quickly and decisively
 - b) Requires strong central leadership, restrictions on debate, little committee interference
 2. Decentralization
 - a) Allows for the protection of individual members and their constituencies
 - b) Requires weak leadership, rules allowing for delay, and much committee activity
 3. General trend has been toward decentralization, especially since mid-20th century
 - a) Trend may not have been inevitable; decentralization has not occurred in state legislatures
 - b) Changing organization of the House may have facilitated decentralization
- C. Changes in organization of House of Representatives
1. Phase one: the powerful House
 - a) Congressional leadership supplied by the president or cabinet officers in first three administrations (Washington, J. Adams, Jefferson)
 - b) House of Representatives preeminent, originating legislation
 - c) Party caucus shaped policy questions, selected party candidate for the presidency
 2. Phase two: a divided House (late 1820s)
 - a) Andrew Jackson asserted presidential power through the veto
 - b) Caucus system disappears, replaced with national nominating conventions
 - c) Issue of slavery and Civil War shatter party unity, limiting the Speaker's power
 - d) Radical Republicans impose harsh measures on post-Civil War South
 3. Phase three: the speaker rules
 - a) Thomas B. Reed (R-ME), Speaker, 1889–1899, produced party unity
 - (1) Selected committee chairs and assigned committee members
 - (2) Chaired the Rules Committee
 - b) Joseph G. Cannon (R-IL), Speaker, 1899–1910, more conservative than many House Republicans and he therefore could not sustain his power
 4. Phase four: the House revolts
 - a) Speaker stripped of power to appoint committee chairs and members
 - b) Speaker removed from the Rules Committee
 - c) Other sources of power emerged in the chamber
 - (1) Party caucuses, though their power soon waned
 - (2) Rules Committee
 - (3) Chairs of standing committee, who acquired office on the basis of seniority
 5. Phase five: the members rule
 - a) Defining issue was civil rights during 1960s and 1970s
 - b) Powerful Southern committee chairs blocked legislation until 1965
 - c) Democratic members changed rules to limit chairs' power
 - (1) Committee chairs become elective, not selected just on the basis of seniority
 - (2) Subcommittees strengthened
 - (3) Chairs could not refuse to convene committee meetings and most meetings were to be public
 - (4) Member staff increased
 - (5) Each member could introduce legislation

- (6) Half of the majority members chaired at least one committee or subcommittee
 - 6. Phase six: the leadership returns
 - a) Efforts began to restore Speaker's power because the individualistic system was not efficient
 - (1) Speaker appointed a majority of the Rules Committee members and of the committee that assigns members to committees
 - (2) Speaker given multiple referral authority
 - b) Sweeping changes with 1994 election of a Republican majority
 - (1) Committee chairs hold positions for only 6 years
 - (2) Reduced the number of committees, subcommittees
 - (3) Speaker dominated the selection of committee chairs
 - (4) Speaker set agenda (Contract with America) and sustained high Republican discipline in 1995—Gingrich's forcefulness had its costs and his successor (Hastert) was much more moderate, but has come to be regarded as a powerful speaker
 - D. The evolution of the Senate
 - 1. Escaped many of the tensions encountered by the House
 - a) Smaller chamber
 - b) In 1800s, balanced between slave and free states
 - c) Size precluded need of a Rules Committee
 - d) Previous to 1913, Senators were elected by the state legislature, which caused them to focus on jobs and contributions for their states.
 - 2. Major struggle in the Senate about how its members should be chosen, 17th amendment (1913)
 - 3. Filibuster another major issue: restricted by Rule 22 (1917), which allows a vote of cloture
- III. Who is in Congress? (THEME A: WHO GETS TO CONGRESS)
- A. The beliefs and interests of members of Congress can affect policy
 - B. Sex and race
 - 1. The House has become less male and less white
 - 2. Senate has been slower to change
 - 3. Members of color may gain influence more quickly than women because the former often come from safe districts
 - 4. Republican control has decreased the influence of all minorities
 - C. Incumbency
 - 1. Membership in Congress became a career: low turnover by 1950s
 - 2. 1992 and 1994 brought many new members to the House
 - a) Redistricting after 1990 census put incumbents in new districts they couldn't carry
 - b) Anti-incumbency attitude of voters
 - c) Republican victory in 1994, partially due to the South's shift to the Republican party
 - 3. Incumbents still with great electoral advantage
 - a) Most House districts safe, not marginal
 - b) Senators are less secure as incumbents
 - 4. Voters may support incumbents for several reasons
 - a) Media coverage is higher for incumbents
 - b) Incumbents have greater name recognition owing to franking, travel to the district, news coverage

- c) Members secure policies and programs for voters
 - D. Party
 - 1. Democrats were beneficiaries of incumbency, 1933–2004: controlled both houses in 25 Congresses, at least one house in 29 Congresses
 - 2. Gap between votes and seats: Republican vote is higher than number of seats won
 - a) Argument that Democratic state legislatures redraw district lines to favor Democratic candidates
 - b) Republicans run best in high-turnout districts, Democrats in low-turnout ones
 - c) Incumbent advantage increasing (now benefiting both parties)
 - d) Gap closed in 1994: scholars argue that stable pattern of Republican control now in place
 - 3. Electoral convulsions do periodically alter membership, as in 1994
 - a) Voters opposed incumbents due to budget deficits, various policies, legislative-executive bickering, scandal
 - b) Other factors were 1990 redistricting and southern shift to voting Republican
 - 4. Conservative coalition of Southern Democrats and Republicans now has less influence
 - a) Many Southern Democrats have now been replaced with Republicans
 - b) Remaining Southern Democrats are as liberal as other Democrats
 - c) Result: Greater partisanship (especially in the House) and greater party unity in voting
- IV. Do members represent their voters? (THEME B: DOES CONGRESS REPRESENT CONSTITUENTS' OPINIONS?)
 - A. Member behavior is not obvious
 - B. Members may be devoted to their constituents, their own beliefs, pressure groups, congressional leaders or some other force
 - C. Three primary theories of member behavior
 - 1. Representational view: members vote to please their constituents, in order to secure re-election
 - a) Applies when constituents have a clear view and the legislator's vote is likely to attract attention
 - b) Correlations found on roll call votes and constituency opinion for civil rights and social welfare legislation, but not foreign policy
 - c) Cannot predict that members from marginal districts will adhere to this philosophy or that members from safe districts will not be independent
 - d) Even if a member votes against constituent preferences, she/he can win election in other ways
 - 2. Organizational view: where constituency interests are not vitally at stake, members primarily respond to cues from colleagues
 - a) Party is the principal cue, with shared ideological ties causing each member to look to specific members for guidance
 - b) Party members of the Committee sponsoring the legislation are especially influential
 - 3. Attitudinal view: the member's ideology determines her/his vote
 - a) House members are ideologically more similar to the "average voter" than are Senators

- b) Senate less in tune with public opinion, more likely to represent different bases of support in each state
 - (1) 1950s–early1960s: conservative institution dominated by southern senators
 - (2) Mid–1960s–late 1970s: rise of liberal senators and increasing decentralization
 - (3) 1980–present: rise of ideologically-based conservative Republicans
 - D. Ideology and civility in Congress
 - 1. Members are increasingly divided by political ideology
 - a) Attitudinal explanation of voting is increasingly important
 - b) Organizational explanation is of decreasing importance
 - 2. Polarization among members has led to many more attacks and to less constructive negotiations of bills and policies
- V. The organization of Congress: parties and caucuses (THEME C: CONGRESSIONAL ORGANIZATION AND PROCEDURES)
 - A. Party organization of the Senate
 - 1. President pro tempore presides; this is the member with most seniority in majority party (a largely honorific office)
 - 2. Leaders are the majority leader and the minority leader, elected by their respective party members
 - a) Majority leader schedules Senate business, usually in consultation with minority leader
 - b) Majority leader who is skilled at political bargaining may acquire substantial influence over the substance of Senate business as well
 - 3. Party whips: keep leaders informed, round up votes, count noses
 - 4. Each party has a policy committee: schedules Senate business, prioritizes bills
 - 5. Committee assignments are handled by a group of Senators, each for their own party
 - a) Democratic Steering Committee
 - b) Republican Committee on Committees
 - c) Assignments are especially important for freshmen
 - d) Assignments emphasize ideological and regional balance
 - e) Other factors: popularity, effectiveness on television, favors owed
 - B. Party structure in the House—House rules give leadership more power
 - 1. Speaker of the House is leader of majority party and presides over House
 - a) Decides who to recognize to speak on the floor
 - b) Rules on germaneness of motions
 - c) Assigns bills to committees, subject to some rules
 - d) Influences which bills are brought up for a vote
 - e) Appoints members of special and select committees
 - f) Has some informal powers
 - 2. Majority leader and minority leader: leaders on the floor
 - 3. Party whip organizations
 - 4. Committee assignments and legislative schedule are set by each party
 - a) Democrats—Steering and Policy Committee
 - b) Republicans divide tasks
 - (1) Committee on Committees for committee assignments
 - (2) Policy Committee to schedule legislation
 - 5. Democratic and Republican congressional campaign committees
 - C. The strength of party structures

1. Loose measure of the strength of party structure is the ability of leaders to get members to vote together to determine party rules and organization
2. Tested in 104th Congress—Gingrich with party support for reforms and controversial committee assignments
3. Senate contrasts with the House
 - a) Senate has changed through changes in norms, rather than change in rules
 - b) Senate now less party-centered and less leader-oriented; more hospitable to freshmen, more heavily staffed, and more subcommittee oriented