of this kind of undertaking, and there is more to be said about it. The subject will be covered more exhaustively in the next chapter. "Credit-claiming" can for the moment be abandoned, its complexities having been introduced.

The third activity Congressmen engage in may be called position-taking, defined here as the public enunciation of an explicitly or implicitly normative statement on anything likely to be of interest to political actors. The statement may take the form of a roll call vote. "The war should be ended" is an example of an explicitly normative statement; "Inflation has reached 10%" and "I will support the President on this matter" are examples of implicitly normative statements when they are made by politicians in a political context. (120) The Congressman as position-taker is a speaker rather than a doer. The electoral requirement is not that he make pleasing things happen but that he make pleasing judgmental statements. The position itself is the political commodity. Especially on matters where governmental responsibility is widely diffused it is not surprising that political actors should fall back on positions as tests of incumbent virtue. For voters ignorant of Congressional processes the recourse is an easy one. The following comment by one of Clapp's House interviewees is highly revealing: "Recently, I went home and began to talk about the ______ act. I was pleased to have sponsored that bill, but it soon dawned on me that the point wasn't getting through at all. What was getting through was that the act might be a help to people. I changed the emphasis: I didn't mention my role particularly, but stressed my support of the legislation." (121)

The ways in which positions can be registered are numerous and often imaginative. There are floor addresses ranging from weighty orations to mass-produced "nationality day statements." (122) There are speeches before home groups, television appearances, letters, newsletters, press releases, ghost-written books, Playboy articles, even interviews with political scientists.

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(120) In the terminology of Stokes, statements may be either "position issues" or "valence issues." Donald E. Stokes, "Spatial Models of Party Competition," ch. 9 in Campbell et al., Elections and the Political Order, pp. 170-174.

(121) Clapp, op. cit., p. 108. A difficult borderline question here is whether introduction of bills in Congress should be counted under position-taking or credit-claiming. On balance probably under the former. Yet another Clapp

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Congressman addresses the point: "I introduce about sixty bills a year, [illegible] 120 a Congress. I try to introduce bills that illustrate, by and large, my ideas -- legislative, economic, and social. I do like being able to say when I get cornered, 'yes, boys, I introduced a bill to try to do this in 1954.' To me it's the perfect answer." Op. cit., p. 141. But voters probably give claims like this about the value they deserve.

(122) On flag speeches, generally see Matthews, op cit., p. 247. On ~~statement~~ celebrating holidays cherished by ethnic groups, Hearings on the Organization of Congress before the Joint Committee on the Organization of the Congress, 89th Congress, 1st Session, p. 1127; and Alan J. Large, "And Now Let's Toast Nicolaus Copernicus, The Famous German," Wall Street Journal, March 12, 1973, p. 1.

On occasion Congressmen quote what amount to petitions; whether to sign the 1956 Southern Manifesto defying school desegregation rulings was an important decision for Southern members.(123) Outside the roll call process the Congressman is usually able to tailor his positions to suit his audiences. A solid consensus in the constituency calls for ringing declarations; for years the late Sen. James K. Vardaman (D.-Miss.) campaigned on a proposal to repeal the Fifteenth Amendment.(124) Division or uncertainty in the constituency calls for waffling; in the late 1960's a Congressman had to be a poor politician indeed just to be able to come up with an inoffensive statement on Vietnam ("We must have peace with honor at the earliest possible moment consistent with the national interest"). On a controversial issue a Capitol Hill office usually prepares two form letters to send out to constituent letter-writers -- one for the pros and one (not directly contradictory) for the antis.(125) Handling discrete audiences in person requires simple agility, a talent well demonstrated in this selection from a Nader profile:

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> "'You may find this difficult to understand,' said Democrat Edward R. Roybal, the Mexican-American representative from California's thirtieth district, 'but sometimes I wind up making a patriotic speech one afternoon and later on that same day an anti-war speech. In the patriotic speech I speak of past wars but I also speak of the need to prevent more wars. My positions are not inconsistent; I just approach different people differently.' Roybal went on to depict the diversity of crowds he speaks to: one afternoon he is surrounded by balding men wearing Veterans' caps and holding American flags; a few hours later he speaks to a crowd of Chicano youths, angry over American involvement in Vietnam. Such a diverse constituency, Roybal believes, calls for different methods of expressing one's convictions."(126)

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(123) Sometimes members of the Senate ostentatiously line up as "co-sponsors" of measures -- an activity that may attract more attention than roll-call voting itself. Thus in early 1973, 76 Senators backed a provision to block trade concessions to the U.S.S.R. until the Soviet government allowed Jews to emigrate without paying huge exit fees. "'Why did so many people sign the amendment?' a Northern Senator asked rhetorically. 'Because there's no political advantage in not signing. If you do sign, you don't offend anyone. If you don't sign, you might offend some Jews in your state.'" David E. Rosenbaum "Firm Congress Stand on Jews in Soviet Is Traced to Efforts by Those in U.S.," *New York Times*, April 6, 1973, p. 14.

(124) "... an utterly hopeless proposal and for that reason an ideal campaign issue." V.O. Key, Jr., *Southern Politics* (New York: Knopf, 1949), p. 232.

(125) Instructions on how to do this are given in Tacheron and Udall, op. cit., pp. 73-74.

(126) Nader profile by William Lazarus on Edward R. Roybal (D.-Cal.), p. 1

Indeed it does. Versatility of this sort is occasionally possible in roll call voting. For example a Congressman may vote one way on recommittal and the other on final passage, leaving it unclear just how he stands on a bill.(127) Members who cast identical votes on a measure may give different reasons for having done so. Yet still it is on roll calls that the crunch comes; there is no way for a member to avoid making a record on hundreds of issues, some of which are controversial in the home constituencies. Of course most roll call positions considered in isolation are not likely to cause much of a ripple at home. But broad voting patterns can and do; member "ratings" calculated by the Americans for Democratic Action, Americans for Constitutional Action, and other outfits are used as guidelines in the deploying of electoral resources. And particular issues often have their alert publics. Some national interest groups watch the votes of all Congressmen on single issues and ostentatiously try to reward or punish members for their positions; over the years some notable examples have been the Anti-Saloon League,(128) the early Farm Bureau,(129) the American Legion,(130) the American Medical Association,(131) and the National Rifle Association.(132) On rare occasions single roll calls achieve a rather high salience among the public generally. This seems especially true of the Senate, which every now and then winds up for what might be called a "showdown vote," with pressures on all sides, Presidential involvement, media attention given to individual Senators' positions, and suspense about the outcome. Examples are the

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(127) On obfuscation in Congressional position-taking see Raymond A. Bauer, Ithiel de Sola Pool, and Lewis A. Dexter, American Business and Public Policy (New York: Atherton, 1964), pp. 431-432.

(128) "Elaborate indexes of politicians and their records were kept at Washington and in most of the states, and professions of sympathy were watched with [illegible]. The voters were constantly apprised of the doings of their representatives." Peter H. Odegard, Pressure Politics: The Story of the Anti-Saloon League (New York: Columbia University Press, 1928), p. 91.

(129) On Farm Bureau dealings with Congressmen in the 1920's see Orville M. Kile, The Farm Bureau Through Three Decades (Baltimore: Waverly Press, 1948), ch. 7.

(130) V. O. Key, Jr., "The Veterans and the House of Representatives: A Study of a Pressure Group and Electoral Mortality," 5 Journal of Politics 27-40, 1943.

(131) "The American Medical Association: Power, Purpose, and Politics in Organized Medicine," op. cit., pp. 1011-1018. See also Richard Harris, A Sacred Trust (New York: New American Library, 1966).

(132) On the N.R.A. generally see Stanford N. Sesser, "The Gun: Kingpin of 'Gun Lobby' Has a Million Members, Much Clout in Congress," Wall Street Journal, May 24, 1972, p. 1. On the defeat of Sen. Joseph Tydings (D.-Md.) in 1970: "Tydings himself tended to blame the gun lobby, which in turn was quite willing to take the credit. 'Nobody in his right mind is going to take on that issue again [i.e., gun control],' one Tydings strategist admitted." John F. Bibby and Roger H. Davidson, On Capitol Hill: Studies in the Legislative Process (Hinsdale, Ill.: Dryden, 1972), p. 50.

votes on the nuclear test-ban treaty in 1963, civil rights cloture in 1964, civil rights cloture again in 1965, the Haynsworth appointment in 1969, the Carswell appointment in 1970, and the A.B.M. in 1970. Controversies on roll calls like these are often relived in subsequent campaigns, the Southern Senate elections of 1970 with their Haynsworth and Carswell issues being cases in point.

Probably the best position-taking strategy for most Congressmen at most times is to be conservative — to cling to positions of the past where possible and to reach for new ones with great caution where necessary. Yet in an earlier discussion of strategy the suggestion was made that it might be rational for members in electoral danger to resort to innovation. The form of innovation available is entrepreneurial position-making, its logic being that for a member facing defeat with his old array of positions it makes good sense to gamble on some new ones. It may be that Congressional marginals fulfill an important function here as issue pioneers — experimenters who test out new issues with the result that other politicians can see which ones are usable. (133) An example of such a pioneer is Sen. Warren Magnuson (D.-Wash.), who responded to a surprisingly narrow victory in 1962 by reaching for a reputation in the area of consumer affairs. (134) Another example is Sen. Ernest Hollings (D.-S.C.), a senator of a shaky and racially heterogeneous Southern constituency who launched "hunger" as an issue in 1969 — at once pointing to a problem and giving it a useful non-racial definition. (135) One of the most successful issue entrepreneurs of recent decades was the late Sen. Joseph McCarthy (R.-Wis.); there was his close primary of 1946, his fear of defeat in 1952, his desperate casting about for an issue, his famous 1950 dinner at the Colony Restaurant where suggestions were tendered, his decision that "Communism" might just do the trick. (136)

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(133) A cautious politician will not be sure of an issue until it has been tested in a campaign. Polling evidence is suggestive but it can never be conclusive.

(134) David Price, Who Makes the Laws? (Cambridge: Schenkman, 1972), p. 29. Magnuson was chairman of the Senate Commerce Committee. "Out the old Magnuson, interested in fishing, drinking, and Boeing Aircraft, and running a rather sleepy committee, in jumped a new one: the champion of the consumer, the national legislative leader, and the patron of an energetic and innovative legislative staff." p. 78.

(135) Marjorie Hunter, "Hollings Fight on Hunger Is Stirring the South," New York Times, March 8, 1969, p. 14. The local reaction was favorable. "Already Senator Herman E. Talmadge, Democrat of Georgia, has indicated he will begin a hunger crusade in his own state. Other Senators have hinted that they may do the same."

(136) Robert Griffith, The Politics of Fear: Joseph R. McCarthy and the Senate (New York: Hayden, 1970), p. 29. Rovere's conclusion: "McCarthy took up the Communist menace in 1950, not with any expectation that it would make him a sovereign of the assemblies, but with the single hope that it would help him hold his job in 1952." Richard Rovere, Senator Joe McCarthy (Cleveland: World, 1961), p. 120.

The effect of position-taking on electoral behavior is about as hard to measure as the effect of credit-claiming. Once again there is a variance problem; Congressmen do not differ very much among themselves in the methods they use or the skills they display in attuning themselves to their diverse constituencies. All of them, after all, are professional politicians. There is intriguing hard evidence on some matters where variance can be captured. Schoenberger has found that House Republicans who signed an early pro-Goldwater petition plummeted significantly farther in their 1964 percentages than their colleagues who did not sign.[137] (The signers appeared genuinely to believe that identification with Goldwater was an electoral plus.) Erikson has found that roll call records are interestingly related to election percentages: "... [A] reasonable estimate is that an unusually liberal Republican Representative gets at least 6 per cent more of the two-party vote.. than his extreme conservative counterpart would in the same district."[138] In other words, trimming helps. (More specifically, it helps in November; some primary electorates will be more tolerant of it than others.) Sometimes an inspection of deviant cases offers clues. There is the ideological odyssey of former Congressman Walter Baring (D.-Nev.), who entered Congress as a more or less regular Democrat in the mid-1950's but who moved over to a point where he was the most conservative House Democrat outside the South by the late 1960's. The Nevada electorate reacted predictably; Baring's November percentages were astoundingly high (82.5% in 1970), but he encountered guerrilla warfare in the primaries which finally cost him his nomination in 1972--whereupon the seat turned Republican.

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(137) Robert A. Schoenberger, "Campaign Strategy and Party Loyalty: The Electoral Relevance of Candidate Decision-Making in the 1964 Congressional Elections," 63 American Political Science Review 515-520, 1969.

(138) Robert S. Erikson, "The Electoral Impact of Congressional Roll Call Voting," 65 American Political Science Review 1023, 1971.

There can be no doubt that Congressmen believe positions make a difference. An important consequence of this belief is their custom of watching each other's elections to try to figure out what positions are saleable. Nothing is more important in Capitol Hill politics than the shared conviction that election returns have proven a point. Thus the 1950 returns were read not only as a rejection of health insurance but as a ratification of McCarthyism.(139) When two North Carolina non-signers of the 1956 Southern Manifesto immediately lost their primaries, the message was clear to Southern members that there could be no straying from a hard line on the school desegregation issue. Any breath of life left in the cause of school bussing was squeezed out by House returns from the Detroit area in 1972. Senator Douglas gives an interesting report on the passage of the first minimum wage bill in the Seventy-Fifth Congress.(140) "In 1937 the bill was tied up in the House Rules Committee, and there was an effort to get it to the floor through use of a discharge petition. "Two primary elections, in Florida and Alabama, broke the jam." Claude Pepper (D.-Fla.) and Lister Hill (D.-Ala.) won nominations to fill vacant Senate seats. "Both campaigned on behalf of the Wages and Hours bill, and both won smashing victories. . . . Immediately after the results of the Florida and Alabama primaries became known, there was a stampede to sign the petition, and the necessary 218 signatures were quickly obtained." The bill later passed. It may be useful to close out this section on position-taking with a piece of political lore on impact that can stand beside the piece on credit-claiming impact offered earlier. The discussion is of the pre-1972 Sixth California House district:

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(139) Griffith, op. cit., pp. 122-131. The defeat of Sen. Millard Tydings (D.-Md.) was attributed to resources (money, endorsements, volunteer work) conferred or mobilized by McCarthy. . . "And if Tydings can be defeated, then who was safe? Even the most conservative and entrenched Democrats began to fear for their seats, and in the months that followed, the legend of McCarthy's political power grew." p. 123.

(140) Douglas, op. cit., p. 140.

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"Since 1952 the district's congressman has been Republican William S. Mailliard, a wealthy member of an old California family. For many years Mailliard had a generally liberal voting record. He had no trouble at the polls, winning elections by large majorities in what is, by a small margin at least, a Democratic district. More recently, Mailliard seems caught between the increasing conservatism of the state's Republican party and the increasing liberalism of his constituency.

"After [Governor Ronald] Reagan's victory [in 1966], Mailliard's voting record became noticeably more conservative. Because of this, he has been spared the tough conservative primary opposition that Paul McCloskey has confronted in the 11th. But Mailliard's move to the right has not gone unnoticed in the 6th district. In 1968 he received 73% of the vote, but in 1970 he won only 53% -- a highly unusual drop for an incumbent of such long standing. Much of the difference must be attributed to the war issue. San Francisco and Marin are both antiwar strongholds; but Mailliard, who is the ranking Republican on the House Foreign Affairs Committee, has supported the Nixon Administration's war policy. In the 6th district, at least, that position is a sure vote-loser." (141)

These, then, are the three kinds of electorally-oriented activities Congressmen engage in -- advertising, credit-claiming and position-taking. It remains only to offer some brief comments on the emphases different members give to the different activities. No deterministic statements can be made; within limits each member has freedom to build his own electoral coalition and hence freedom to choose the means of doing it. (142) Yet there are broad patterns. For one thing Senators, with their access to the media, seem to put more emphasis on position-taking than House members; probably House members rely more heavily on particularized benefits. But there are important differences among House members. Congressmen from the traditional job-hold machine cities rarely advertise and seldom take positions on anything (except on roll calls), but devote a great deal of time and energy to the distribution of benefits. In fact they use their office resources to plug themselves into their local party organizations. Congressman William A.

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(141) Barone et al., op. cit., p. 53. Mailliard was given a safer district in the 1972 line-drawing.

(142) On member freedom see Bauer et al., op. cit., pp. 406-407.

Barrett (D.–Downtown Philadelphia), chairman of the Housing Subcommittee of the House Banking and Currency Committee, claimed in 1971 to have spent only three nights in Washington in the preceding six years. He meets constituents each night from 9:00 to 1:00 in the home district; "Folks line up to tell Bill Barrett their problems." (143) On the other hand Congressmen with upper middle-class bases (suburban, city reform, or academic) tend to deal in positions. In New York City the switch from regular to reform Democrats is a switch from members who emphasize benefits to members who emphasize positions; it reflects a shift in consumer taste. (144) The same difference appears geographically rather than temporally as one goes from the inner parts to the outer suburbs of Chicago. (145)

Another kind of difference appears if the initial assumption of a re-election quest is relaxed to take into account the "progressive" ambitions of some members -- i.e., the aspirations of some to move up to higher elective offices rather than keep the ones they have. (146) There are two important subsets of climbers in the Congress -- House members who would like to be Senators (over the years about a quarter of Senators have come up directly from the House (147)), and Senators who would like to be Presidents or Vice Presidents (in the Ninety-third Congress about a quarter of the Senators had at one time or another run for these offices or been seriously "mentioned" for them). In both cases higher aspirations seem to produce the same distinctive mix of activities. For one thing, credit-claiming is all but useless. It does little good to talk about the bacon you have brought back to a

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(143) Nader profile by Linda M. Kupferstein on William A. Barrett (D.-Pa.), p. 1. This profile gives a very useful account of a machine Congressman's activities.

(144) One commentator on New York detects "a tendency for the media to promote what may be termed 'press release politicians.'" A result is that "younger members tend to gravitate towards House committees that have high rhetorical and perhaps symbolic importance, like Foreign Affairs and Government Operations, rather than those with bread-and-butter payoffs." Donald Haider, "The New York City Congressional Delegation," <u>City Almanac</u> (published bi-monthly by the Center for New York City Affairs of the New School for Social Research), vol. 7, no. 6, April 1973, p. 11.

(145) Snowiss, <u>op. cit.</u>

(146) The term is from Joseph A. Schlesinger, *Ambition and Politics: Political Careers in the United States* (Chicago: Rand McNally, 1966), p. 10.

(147) *ibid.*, p. 92; Matthews, *op. cit.*, p. 55.

district you are trying to abandon. And, as Lyndon Johnson found in 1960, claiming credit on legislative maneuvers is no way to reach a new mass audience; it baffles rather than persuades. Office advancement seems to require a judicious mixture of advertising and position-taking. Thus a House member aiming for the Senate heralds his quest with press releases; there must be a new "image," sometimes an ideological overhaul to make ready for the new constituency.(148) Senators aiming for the White House do more or less the same thing — advertising to get the name across, position-taking ("We can do better"). In recent years Presidential aspirants have sought Foreign Relations Committee membership as a platform for making statements on foreign policy.(149)

There are these distinctions, but it would be a mistake to elevate them over the commonalities. For most Congressmen most of the time all three activities are essential. This closing vignette of Sen. Strom Thurmond (R.-S.C.) making his peace with universal suffrage is a good picture of what the electoral side of American legislative politics is all about. The Senator was reacting in 1971 to a 1970 Democratic gubernatorial victory in his state in which black turnout was high:

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(148) Thus upstate New York Republicans moving to the Senate commonly shift to the left. For a good example of the advertising and position-taking strategies that can go along with turning a House member into a Senator see the account on Sen. Robert P. Griffin (R.-Mich.) in James M. Perry, The New Politics (New York: Clarkson N. Potter, 1968), ch. 4.

(149) Fenno, Congressmen in Committees, pp. 141-142.

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"Since then, the Republican Senator has done the following things:

--Hired Thomas Moss, a black political organizer who directed Negro voter registration efforts for the South Carolina Voter Education Project, for his staff in South Carolina, and a black secretary for his Washington office.

--Announced Federal grants for projects in black areas, including at least one occasion when he addressed a predominantly black audience to announce a rural water project and remained afterwards to shake hands.

--Issued ~~moderate~~ statements on racial issues.

In a ~~statement~~ to Ebony magazine that aides say Thurmond wrote himself, he said, 'In most instances, I am confident that we have more in common as Southerners than we have reason to oppose each other because of race. Equality of opportunity for all is a goal upon which blacks and Southern whites can agree.'" (150)

(150) "Thurmond Image Seen As Changing," New York Times, October 17, 1971, p. 46.

PART II : PROCESSES AND POLICIES

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"We live in a cocoon of good feeling -- no doubt the compensation for the cruel buffeting that is received in the world outside."

--a comment by the late Clem Miller (D.-Calif.) on serving in the House (151)

The purpose of Part I of this essay has been to show what activities are electorally useful to Congressmen. The goal of Part II will be to show what happens when members who need to engage in these activities assemble for collective action. The argument will be long and complicated, with some backing and filling, but with this general ordering of subjects: first, an examination of the salient structural units of Congress (offices, committees, parties) and the ways in which these units are arranged to meet electoral needs; second, an exploration of the "functions" Congress fulfills or is thought to fulfill; third, an examination of structural arrangements in Congress that serve the end of institutional maintenance; fourth, a discussion of the place of assemblies in governance in the U.S. and elsewhere; and fifth, a consideration of "reform" efforts provoked by dissatisfaction with Congressional performance.

But it will be useful to start here with two prefatory points -- to be substantiated as the discussion proceeds. The first is that the organization of Congress meets remarkably well the electoral needs of its members. To put it another way, if a group of planners sat down and tried to design a pair of American national assemblies with the goal of serving member electoral needs year in and year out they would be hard pressed to improve on what exists. The second point is that satisfaction of electoral needs requires remarkably little zero-sum conflict among members. That is, to a remarkable degree members can successfully engage in electorally useful activities without denying other members the opportunity

(151) Clem Miller, Member of the House (New York: Charles Scribner's Sons, 1962), p. 93.

successfully to engage in them. With credit-claiming this second point requires elaboration further on. With advertising it is perhaps obvious. The members all have different markets, so that what any one member does is not an inconvenience to any other. There are exceptions here -- House members are sometimes thrown into districts together, Senators have to watch the advertising of ambitious House members within their states, and Senators from the same state have to keep up with each other (152) -- but the case generally holds. With position-taking the point is also reasonably clear. As long as Congressmen do not attack each other -- and they rarely do (153) -- any member can champion the most extraordinary causes without inconveniencing any of his colleagues. The *Congressional Record* is largely a series of disjointed insertions prepared for the eyes of relevant political actors, with each member enjoying final editing rights on his materials. (154)

A scrutiny of the basic structural units of Congress will yield evidence to support both these prefatory points. First there are the 535 Capitol Hill *offices*, the small personal empires of the members. Annual staff salary schedules now run at about $140,000 per office on the House side, with variation upward according to state population on the Senate side. The Hill office is a vitally important political unit, part campaign management firm and part political machine. The availability of its staff members for election work in and out of season give it some of the properties of the former, its casework capabilities some of the properties of the latter. And

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(152) "Each senator watches the publicity of his colleague very closely indeed, and many a feud has been touched off by the fact that one senator seemed to be getting better publicity than the other. Sometimes full-scale 'publicity battles' will break out between the two senators.... The relations between two senators from the same state are almost always strained, and their competition for publicity in the same arena seems to be one reason for this coolness." Matthews, *op. cit.*, p. 216. It may be that the problem is especially acute when two Senators are members of the same party with similar supporting coalitions. Senator Douglas recalls from his days in office that Sen. Jacob Javits (R.-N.Y.) had "a genius for hitting the front page of the *New York Times* and *Herald Tribune* every morning. The rivalry for newspaper attention between Jack and his Republican colleague, Kenneth Keating, was both intense and amusing. When one would make a brief and catching statement on the floor during the morning hour, the other would soon rush in to deliver another speech on the same topic, but with a different twist." *Op. cit.*, p. 248.

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(153) A Congressional norm easily arrived at and well ingrained is that members should not attack each other — even across party lines: "Public disparagement of colleagues is strongly discouraged; it is not the way to play the game. Personal attacks are sharply censured, and members seldom invade the congressional districts of colleagues of another party to campaign against them. Democrats reacted strongly to the action of one House Republican in sending letters into the district of a Democratic colleague criticizing the latter for apparent inconsistencies between a stated position and a vote." Clapp, _op. cit._, pp. 16-17. See also Matthews, _op. cit._, pp. 97-99. These references are to personal attacks. Militant disagreement between members "on the issues" can of course be helpful to both sides if the constituencies differ.

(154) Editing rights are carefully protected. See Roger H. Davidson, David M. Kovenock, and Michael K. O'Leary, _Congress in Crisis_ (Belmont, Calif.: Wadsworth, 1966), p. 118.

The _Record_ was more or less the same a century ago. See Woodrow Wilson, _Congressional Government_ (New York: Meridian, 1960), p. 76.

[illegible] the franking privilege for [illegible] emanations. The dollar value of this array of resources in an election campaign is difficult to estimate. Leuthold gives a 1962 value of $25,000 for House members (including a sum for member salary). (155) In 1971 a House member put it at $100,000 (including a sum for general media expense). (156) The value has certainly increased over the last decade. It should be said that the availability of these incumbency advantages causes little displeasure among members. In the early 1970's a flurry of court decisions brought the franking privilege under attack. The reaction of the House was to pass a bill outlawing some of the more questionable uses but also rendering the frank less vulnerable to judicial incursion. The spirit of the reform was evident in a statement of the bill's floor manager: "The fact is that 98 or 99 percent of the material going out of the mail room is good, solid information and in the public interest." (157) A final comment on Congressional offices is perhaps the most important one: office resources are given to all members regardless of party, seniority, or any other qualification. They come with the job.

Second among the structural units are the committees, the 21 standing committees in the House and 17 in the Senate — with a scattering of other special and joint bodies. (158) Committee membership can be electorally useful in a number of different ways. Some committees supply good platforms for position-taking. The best example over the years is probably the House Un-American Activities Committee (now the Internal Security Committee), whose members have displayed hardly a trace of an interest in legislation. (159) Lowi has a chart showing numbers of days devoted to H.U.A.C. public hearings in Congresses from the Eightieth through the Eighty-ninth. It can be read as a supply chart, showing biennial volume of position-taking on subversion and related matters; by inference it can also be read as a measure of popular demand (the peak years were 1949-1956). (160) Sen.

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(155) Leuthold, op. cit., p. 131.

(156) Richard Harris, "Annals of Politics: A Fundamental Hoax," New Yorker, July 7, [illegible], p. 48.

(157) Congressional Record (daily ed.), April 11, 1973, p. H2601. The floor manager was Morris Udall (D.-Ariz.).

(158) The more interesting characteristics of the House Rules, Ways and Means, and Appropriations Committees will be left for treatment later under institutional maintenance.

(159) The best account of HUAC activities is in Walter Goodman, The Committee (New York: Farrar, Straus and Giroux, 1968).

(160) Theodore J. Lowi, The Politics of Disorder (New York: Basic Books, 1971), p. 117.
Shils had this assessment of the investigations of the late 1940's: "The congressional investigation is often just the instrument which the legislator needs in order to remind his constituents of his existence. That is the reason why investigations often involve such unseemly uses of the organs of publicity. Publicity is the next best thing to the personal contact which the legislator must forego. It is his substitute offering by which he tries to counteract the personal contact which his rivals at home have with the constituents." Edward A. Shils, "Congressional Investigations: The Legislator and His Environment," 18 University of Chicago Law Review 573, 1950-51.

Joseph McCarthy used the Senate Government Operations Committee as his investigative base in the Eighty-third Congress; later on in the 1960's Senators Abraham Ribicoff (D.-Conn.) and William Proxmire (D.-Wis.) used subcommittees of this same unit in catching public attention respectively on auto safety and defense waste. (161) With membership on the Senate Foreign Relations Committee goes a license to make speeches on foreign policy. (162) Some committees perhaps deserve to be designated "cause committees;" membership on them can confer an ostentatious identification with salient public causes. An example is the House Education and Labor Committee, whose members, in Fenno's analysis, have two "strategic premises:" "to prosecute policy partisanship" and "to pursue one's individual policy preferences regardless of party." (163) Committee members do a good deal of churning about on education, poverty, and similar matters. In recent years Education and Labor has attracted media-conscious members such as Shirley Chisholm (D.-N.Y.), Herman Badillo (D.-N.Y.), and Louise Day Hicks (D.-Mass.). (164)

Some committees traffic in particularized benefits. Just how benefits of this sort are likely to be distributed by governments has been the subject of theoretical speculation. Buchanan and Tullock suggest a kind of round-robin rip-off model, with narrow seriatim majorities coalescing to do in excluded minorities. (165) Barry replies that politicians who have

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(161) On Ribicoff see Price, _Who Makes the Laws?_ p. 50.

(162) See Fenno, _Congressmen in Committees_, p. 189.

(163) _Ibid._, pp 75-76.

(164) Fenno assigns his House members three basic goals: 1) having more influence inside the House than other Congressmen, 2) helping their constituents and thereby insuring their re-election, and 3) helping to make good public policy. _Ibid._, ch. 1. The second of these evokes what [illegible] here has been called credit-claiming behavior. Fenno puts his Education and Labor members in the third category. But he has no place for position-taking, and indeed it is doubtful whether position-taking is the sort of activity that will make a vivid and explicit appearance in interview data. It is probably better to watch what members do than what they say they intend to do, and on the actual activities of Education and Labor members Fenno's account is fascinating and persuasive. _Ibid._, pp. 85-88, 101-105, 127-133, 226-242. More on the committee [illegible].

(165) Buchanan and Tullock, _op. cit._, pp 135-140.

to deal with each other over time are more likely to come up with an "obvious solution" that more securely protects their interests. (166) The Congressional evidence is overwhelmingly with Barry. Specifically, in giving out particularized benefits where the costs are diffuse (falling on taxpayer or consumer) and where in the long run to reward one Congressman is not obviously to deprive others, (167) the members follow a policy of universalism. (168) That is, every member, regardless of party, seniority, or any other criterion, has a right to his share of benefits. There is evidence of universalism in the distribution of projects on House Public Works, (169) projects on House Interior, (170) projects on Senate Interior, (171) project money on House Appropriations, (172) project money on Senate Appropriations, (173) tax benefits on House Ways and Means, (174) tax benefits on Senate Finance, (175) and (by inference from the reported data) urban renewal projects on House Banking and Currency. (176) The House Interior Committee, in Fenno's account, "takes as its major decision rule a determination to process and pass _all_ requests and to do so in such a way as to maximize the chances of passage in the House. Succinctly, then, Interior's major strategic premise is: _to secure House passage of all constituency-supported, member-sponsored bills._" (177)

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(166) Brian Barry, _Political Argument_ (London: Routledge and Kegan Paul, 1965), pp. 255-256. "It would require trust, but hardly altruism, for all concerned to settle on some scheme from which all would benefit compared with the alternatives of deadlock or anarchy." p. 253.

(167) There can be controversy, of course, over specific benefits. If only one federal office building is to be built in the Midwest it cannot simultaneously be put in Des Moines and Omaha. But over time office buildings are the sorts of goods that can be given out in fair shares. Another kind of problem arises with pre-1934 tariff bargaining, a game not all Congressmen were in a position to play. But the evidence is that most of the time all who wanted to play were dealt in (e.g., Pennsylvania and Louisiana Democrats). Members who had no protectable products suffered no political deprivation, for they could fall back on militant anti-tariff position-taking.

(168) In Polsby's treatment of the House, this is one of the properties of an "institutionalized" organization. Polsby, _op. cit._, p. 145.

(169) Murphy, _op. cit._, pp. 3, 23, 39.

(170) Fenno, _Congressmen in Committees_, p. 58.

(171) ibid., pp. 165-166.

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(172) Richard F. Fenno, Jr., *The Power of the Purse* (Boston: Little, Brown and Co., 1966), pp. 8

(173) Fenno, *Congressmen in Committees*, p. 160; Stephen Horn, *Unused Power: The Work of the Senate Committee on Appropriations* (Washington, D.C.: Brookings, 1970), p. 91.

(174) Manley, *op. cit.*, pp. 78-84; Surrey, *op. cit.*

(175) Fenno, *op. cit.*, pp 156-159; Surrey, *op. cit.* Depletion allowances offer a good example of universalism. Initial allowances for products like oil provided appeals for more esoteric ones like rock asphalt and ball and sagger clay. "Since 1942, the list of tax-favored minerals has become all-encompassing, and there is likely not a single state without its own built-in pro-depletion lobby." Stern, *op. cit.*, p 298.

(176) Charles R. Plott, "Some Organizational Influences on Urban Renewal Decisions," 58 *American Economic Review* 306-311, May 1968.

(177) Fenno, *op. cit.*, p. 58.

House Public Works, writes Murphy, has a "norm of mutual advantage;" in the words of one of its members, "[We] have a rule on the Committee, it's not a rule of the Committee, it's not written down or anything, but it's just the way we do things. Any time any member of the Committee wants something, or wants to get a bill out, we get it out for him.... Makes no difference -- Republican or Democrat. We are all Americans when it comes to that." (178) Not surprisingly there is some evidence that members of these distributive committees gain more from them than non-members. (179) But there is also evidence that committee members act as procurers for others in their states or regions. (180) An interesting aspect of particularistic politics is its special brand of "rules." There have to be allocation guidelines precise enough to admit judgments on benefit "scarceness" (no member can have everything he wants), yet ambiguous enough to allow members to claim personal credit for what they get. Hence there are unending policy minuets; an example is the one in public works where the partners are the Corps of Army Engineers with its cost-benefit calculations and the Congressmen with their *ad hoc* exceptions. (181) Particularism has its position-taking side. On occasion members capture public attention by denouncing the allocation process itself; thus in 1972 a number of liberals held up some Ways and Means "members' bills" on the House floor. (182) But such efforts have little or no effect. Senator Douglas used to offer floor amendments to excise projects from public works appropriations bill, but he had a hard time even getting the Senate to vote on them. (183)

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(178) Murphy, *op. cit.*, p. 23.

(179) See, e.g., Plott, *op. cit.*; and also Carol F. Goss, "Military Committee Membership and Defense-Related Benefits in the House of Representatives," 25 *Western Political Quarterly* 215-233, 1972.

(180) See, e.g., Murphy, *op. cit.*, p. 8; Fenno, *Power of the Purse*, pp. 87-88; Fenno, *Congressmen in Committees*, pp. 272-273.

(181) See Murphy, *op. cit.*, pp. 39-47; and also Arthur Maass, *Muddy Waters: The Army Engineers and the Nation's Rivers* (Cambridge: Harvard University Press, 1951), ch. 1. In the late years of the Congressional tariff there was a set of allocation guidelines based on differences between home and foreign production costs of individual products. The economics of all this was decidedly dubious, and the cost figures were virtually non-existent. But the idea was politically serviceable. See Schattschneider, *op. cit.*, pp. 67-84.

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(182) Eileen Shanahan, "Special Tax Bills Blocked by Reform Drive in House," New York Times, March 1, 1972, p. 1.

(183) Douglas, op. cit., pp. 264-270, 314-315. "Other members of the Senate had little to gain and everything to lose by supporting a specific cut, and so they had no incentive to stay on the floor to vote. As a result, although I tried for ten years to make cuts, always with a thorough case, I was constantly beaten. Often I failed to get the necessary one-fifth for a quorum roll call, and even if I did, I was overwhelmingly defeated." p. 315.

Finally, and very importantly, the committee system aids Congressmen simply by allowing a division of labor among members. The parceling out of legislation among small groups of Congressmen by subject area has two effects. First, it creates small voting bodies in which membership may be valuable. An attentive interest group will prize more highly the favorable issue positions of members of committees pondering its fortunes than the favorable positions of the general run of Congressmen. Second, it creates specialized small-group settings in which individual Congressmen can make things happen and be perceived to make things happen. "I put that bill through committee." "That was my amendment." "I talked them around on that." This is the language of credit-claiming. It comes easily in the committee setting and also when "expert" committee members handle bills on the floor. To attentive audiences it can be believable. Some political actors follow committee activities closely and mobilize electoral resources to support deserving members.(184) The postal unions have been mentioned. In the late 1960's the tobacco industry got together a campaign kitty to finance House Commerce Committee members who had been taking a position against tobacco labeling.(185) In 1970 B.A.N.K.P.A.C., a bankers' outfit, distributed money among members of the House Banking and Currency Committee.(186) In his 1970 campaign Congressman George H. Fallon (D.-Md.), chairman of the House Public Works Committee, received 167 donations from highway-construction interests in 37 states other than his own.(187) Also in 1970 a group representing cable-TV interests gave $1000 to the Committee for Effective Government, an outfit set up solely to back the campaign of Congressman Torbert H. Macdonald, chairman of the Communications and Power Subcommittee of the House Commerce Committee.(188) Money, of course, is only one electoral resource among many. With the postal unions volunteer work was probably more useful. But money is an important resource, and it can be used in sophisticated fashion by good committee-watchers.(189)

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(184) For about a decade there have been enough published data to allow statistical analyses of the strategies groups using in giving campaign money to Congressional candidates. No one has done any. Three strategies are detectable. Some outfits -- the A.F.L.-C.I.O. Committee on Political Education is an example -- follow a "marginal-ideological" strategy; that is, they give funds to candidates of a particular ideological view and they concentrate money in the marginal states and districts. The official Democratic and Republican campaign committees of the House seem to follow a "fair shares" strategy; that is, they divide up money more or less equally among their incumbents. And some groups (including some referred to below in the text) follow an "interest" strategy; that is, they

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give money to members of particular committees, with little regard for party affiliation, and with higher contributions going to senior members who are usually in rather safe districts.

(185) Jerry Landauer, "Political Fund-Raising: A Murky World," Wall Street Journal, June 28, 1967, p. 14.

(186) Walter Pincus, "Silent Spenders in Politics: They Really Give at the Office," New York, January 31, 1972, pp. 42-43.

(187) Hess, "Ducats of Politics," p. 52. Fallon still managed to lose his primary.

(188) Ibid.

(189) "For example, at the Washington headquarters of the National Small Business Association ... a computer operation has been set up to make the most of the money its members have donated to members of Congress. When a bill that the association is interested in comes up in committee, a specific list of who gave how much to which members of the committee is produced by the computer. Workers in the headquarters then telephone the donors -- often men with wide influence, since they usually sit on boards of directors of various companies and can call on those connections, too -- and ask them to get in touch with the member, or members, of the committee they helped, and remind them of the association's position on the legislation in question. That way, only eight or ten members of a committee, rather than a majority of the House members, have to be reached." Ibid., p. 56.

A list of the standing committees only begins to show the Congressional division of labor. At the beginning of the Ninety-third Congress there were 143 subcommittees in the Senate and 132 in the House.[190] With disaggregation carried to this extreme the number of members covering subject areas becomes small enough to permit relatively easy credit-claiming. Thus on the House Agriculture Committee there are no more than about half a dozen members handling each commodity.[191] In small working units formal voting tends to recede in importance as a determinant of outcomes, and what individual members do with their time and energy rises in importance. Whatever else it may be, the quest for specialization in Congress is a quest for credit. Every member can aspire to occupy a part of at least one piece of policy turf small enough so that he can claim personal responsibility for some of the things that happen on it.[192] Better yet, he can aspire to rise in seniority and claim ever more responsibility -- perhaps even be called by the press a "czar" or a "baron."[193] What the Congressional seniority system does as system is to convert turf into property; it assures a Congressman that once he initially occupies a piece of turf no one can ever push him off it. And the property automatically appreciates in value over time. With these advantages for all hands, it is not surprising that Congressmen are strongly attached to the seniority system.[194] In recent years there have been efforts to "reform" seniority in the House, and in fact both parties have changed some of their rules. But the problem here seems to be not that members are against the system but that there is not enough turf to go around. House members are staying on the Hill longer, with the result that there are more members who have lasted several terms and who feel entitled to wield considerable subcommittee influence. The reform drive has produced a devolution (in some committees) of staff and budget resources to the subcommittee level, and a Democratic rule that no member can hold more than one subcommittee chairmanship.[195] But the House may have to

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(190) As listed in *Congressional Quarterly Weekly*, April 28, 1973. There were also 16 subcommittees of the joint committees.

(191) Charles O. Jones, "The Role of the Congressional Subcommittee," 6 *Midwest Journal of Political Science* 327-344, 1962.

(192) Price supplies a good example of an occupier of policy turf in his writing on Sen. Warren Magnuson (D.-Wash.): "Shipping and fishing ... were areas in which Magnuson had been interested since he first came to Congress in 1937. They were

important to [the state of] Washington, and the groups involved wielded considerable influence there and controlled sizable campaign chests. As Magnuson gained seniority and influence, he was increasingly in a position to champion the interests of American shipping and fishing; his assumption of that role worked to his and industry's mutual advantage." Price, Who Makes the Laws? p. 63.

(193) See, e.g., Norman C. Miller, "The Farm Baron: Rep. Jamie Whitten [D.-Miss.] Works Behind Scenes to Shape Big Spending," Wall Street Journal, June 7, 1971, p. 1. Whitten is chairman of the Subcommittee on Agriculture of the House Appropriations Committee.

(194) In the Eighty-eighth Congress House members were polled to find out their positions on 32 proposals for reforming the House. The proposal with least support (14% "strongly for" or "for," 86% "strongly against" or "against") was one to "require members to forfeit seniority privileges after each six consecutive terms." (The only proposal with a majority "strongly for" it was one to allot more money for staff salaries.) Davidson et al., Congress In Crisis, Appendix B. In the Senate, writes Matthews, the seniority system "is almost universally approved." Matthews, op. cit., p. 163.

(195) It should be kept in mind that some subcommittees are useful as bases for position-taking -- with hearings, investigations, and such. This may be one consequence of a recent proliferation of chairmanships on the House Foreign Affairs Committee. See Fenno, op. cit., pp. 283-285.

create more subcommittees to satisfy its members. There is little reform impetus in the Senate, where there are more subcommittees than there are Senators.

So much for committees. The other basic structural units in Congress are the parties. The case here will be that the parties, like the offices and committees, are tailored to suit member electoral needs. They are more useful for what they are not than for what they are. It is easy to conjure up visions of the sorts of zero-sum politics parties could import into a representative assembly. One possibility -- in line with the analysis here -- is that a majority party could deprive minority members of a share of particularized benefits, a share of committee influence, and a share of resources to advertise and make their positions known. Congressional majorities obviously do not shut out minorities in this fashion. It would make no sense to do so; the costs of cutting in minority members are very low, whereas the costs of losing majority control in a cutthroat partisan politics of this kind would be very high. (196) A more conventional zero-sum vision is the one in which assembly parties organize in disciplined fashion for the purpose of enacting general party "programs;" the battle is over whose program shall prevail. It should be obvious that if they wanted to American Congressmen could immediately and permanently array themselves in disciplined legions for the purpose of programmatic combat. They do not. Every now and then a member does emit a Wilsonian call for program and cohesion. (197) But these exhortations fail to arouse much member interest. The fact is that the enactment of party "programs" is electorally not very important to members (although some may find it important to take positions on programs).

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(196) Discrimination of this sort might also be a recipe for civil war, and it is doubtful whether many assemblies anywhere engage in it. Where assemblies have important decision powers, a pattern of militant position-taking on the floor combined with amiable particularistic logrolling and interest-group servicing in committee seems a common one. It is a design for spreading contentment among an entire membership. Thus in the Italian parliament Communist deputies seem to get their share of particularistic benefits, and they seem to have little trouble working with Christian Democrats at the committee level. See Giorgio Galli and Alfonso Prandi, Patterns of Political Participation in Italy (New Haven: Yale University Press, 1970), pp. 268-274.

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(197) In the plan of Congressman Richard Bolling (D.-Mo.), "The party leader would become the true leader of a legislative team that would produce a coherent and co-ordinated legislative program." Bolling, House Out of Order (New York: Dutton, 1965), p. 241. Former Senator Joseph Clark (D.-Pa.) puts forth this objective: "To change the party leadership structure so that within both parties and in both houses a majority will decide party policy and enforce party discipline against recalcitrant members." Clark, Congress: The Sapless Branch (New York: Harper and Row, 1964), p. 166.

What is important to each Congressman, and vitally so, is that he be free to take positions to serve his advantage. (198) There is no member of either house who would not be politically injured -- or at least who would not think he would be injured -- by being made to toe a party line on all policies (unless of course he could determine the line). There is no Congressional bloc whose members have identical position needs across all issues. Thus on the school-bussing issue in the Ninety-second Congress, it was vital to Detroit white liberal Democratic House members that they be free to vote one way and to Detroit black liberal Democrats that they be free to vote the other. With these member needs the best service a party can supply to its Congressmen is a negative one; it can leave them alone. And this in general is what the Congressional parties do. Party leaders are chosen not to be program salesmen or vote mobilizers, but to be brokers, favor-doers, agenda-setters, and protectors of established institutional routines. (199) Party "pressure" to vote one way or another is minimal. (200) Party "whipping" hardly deserves the name. (201) Leaders in both houses have a habit of counseling members to "vote their constituencies." The Senate Democratic whip, Robert C. Byrd (D.-W.Va.), studies the voting records of his members, and when they appear on the floor for a roll call he "tries to steer them in their own direction with a 'this is a no (or yes) for you.'" (202) In fact neither Congressional party demands anything like a truth test of its members. Anyone who survives a Democratic (or Republican) primary and a November election is entitled to appear in Washington and proclaim himself a Democratic (or Republican) Congressman. Wild heresy can pose some problems --

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(198) Cf. Huitt on party platforms: "The attitude of the member of Congress toward the platform is precisely the same as that of the President: he uses it, condemns it, or ignores it as it suits him in dealing with <u>his</u> constituency.... The constituency has a virtually unqualified power to hire and fire. If the member pleases it, no party leader can fatally hurt him; if he does not, no national party organization can save him." Ralph K. Huitt, "Democratic Party Leadership in the Senate," ch. 3 in Huitt and Peabody, _op. cit._, p. 140

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(199) See Nelson W. Polsky, "Two Strategies of Influence: Choosing a Majority Leader, 1962," Ch. 3 in Peabody and Polsky, op. cit.; and

Robert L. Peabody, "The Selection of a Majority Leader, 1970-71: The Democratic Caucus and Its Aftermath," unpublished manuscript.

(200) "Many new members of the House express surprise that so little pressure is exerted by the party leadership regarding voting. Clearly they had anticipated more frequent guidance or instruction. Their more senior colleagues also indicate that leadership intervention is minimal. Activities of the party whips prior to a vote generally consist of little more than forwarding requests to be on the floor or occasional checks regarding the intended vote of the member. Seldom is advice given or party position urged." Clapp, op. cit., p. 150.

(201) Froman and Ripley report data on polls the House Democratic Whip's Office took in 1963 to find out how members stood on upcoming bills. The office took soundings on only ten bills, and the predictions on whether or how members would vote were correct in only 90.5% of cases. A ten per cent error rate! Party leaders work in a context in which member positions are pretty well fixed, and in which it is surprisingly difficult to figure out what they are. Lewis A. Froman and Randall B. Ripley, "Conditions for Party Leadership: The Case of the House Democrats," 59 American Political Science Review 54, 1965. One problem is that some Democratic assistant whips are unenthusiastic about party causes. See Randall B. Ripley, "The Party Whip Organization in the United States House of Representatives," 58 American Political Science Review 569, 1964.

(202) Paul R. Wieck, "Keeping Senate Traffic Moving: The Efficiency Byrd," New Republic, January 20, 1973, p. 13. See also Clapp, op. cit., p. 285. Byrd achieved his position by being a good favor-doer. "Byrd's strength in the Senate is made up of his loyalty to the club, his thoughtfulness or sycophancy (depending on your perspective), his willingness to do the drudgery and take care of the details." Sherrill, op. cit., p. 52.

a Republican liberal would find it difficult to win an appointment to the Ways and Means Committee. Even so a member can build a quite satisfactory career within either Congressional party regardless of his issue positions. As time goes on the seniority system protects him from party incursion.(203) The issue catholicity of the Congressional parties probably accounts for the fact that hardly any Congressmen serve as independents or members of third parties. With such permissive standards it is easy enough for everyone to be a Democrat or a Republican.(204)

Of course the Congressional parties are still important pieces of Capitol Hill furniture. There remain significant differences between Democrats and Republicans in their roll call voting.(205) Partisan electoral swings, by taking out members sustained by one kind of supporting coalition and bringing in members sustained by another, can change the position-taking balance in both houses with detectable legislative effect. (As in the Eightieth and Eighty-ninth Congresses.) The custom of denying committee and subcommittee memberships to minority party members remains one of the two leading forms of invidious discrimination on the Hill (the other being discrimination by seniority). Yet as time goes on all this adds up to less and less. "Party voting" in the House, however defined, has been declining since the turn of the century and has reached a record low in the last decade.(206) Partisan seat swings in the House have declined considerably in amplitude; one reason is that a fall in the proportion of incumbents holding seats in the marginal range has lowered the casualty rate in times of voter volatility.(207) Alternation in party control has ceased, at least temporarily, with the Democrats becoming

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(203) In recent years House Democrats have deprived three members of their seniority for endorsing Presidential candidates of other parties. But this new standard poses no threat to incumbents who want to keep their seniority. It is astonishingly easy to refrain from endorsing Presidential candidates of other parties.

(204) When compared with assemblies in other countries (even the English-speaking countries) the American Congress is exceptional in its lack of minor party members. See the discussion in Douglas Rae, The Political Consequences of Electoral Laws (New Haven: Yale University Press, 1967), p. 141. The proportion of the House popular vote cast for minor party candidates has declined during this century -- from figures usually in the 4 to 6% range in 1896-1920, to figures in the 2 to 4% range in 1920-1942, to figures generally under 2% after 1942. See Gerald H. Kramer and Susan J. Lepper, "Congressional Elections," ch. 5 in William O. Aydelotte et al., The Dimensions of Quantitative Research

in History (Princeton: Princeton University Press, 1972), pp 264-265. The decline is probably a consequence of the adoption of the direct primary system at the state level. The primary gives each of the major parties a great deal of issue flexibility at the nominating stage. Any popular cause can find expression in a major party, and any politician, regardless of his views, can try to win a major party nomination.

(205) For recent treatments see Clausen, *op.cit.*; Julius Turner, *Party and Constituency: Pressures on Congress* (Baltimore: Johns Hopkins Press, 1970 edition revised by Edward V. Schneier, Jr.); David R. Mayhew, *Party Loyalty among Congressmen* (Cambridge: Harvard University Press, 1966).

(206) Turner, *op.cit.*, ch. 2. In this 1970 updating of the 1951 Turner work, Schneier writes, "By comparison with Julius Turner's original *Party and Constituency*, the single most striking finding of this study is the continuing decline of party voting in the House of Representatives." p. 239. Probably what has been going on here is that politicians have come to rely on party cues less as the information explosion has made other cues available (e.g., cues for polling data).

(207) See Mayhew, "Congressional Elections: The Case of the Vanishing Marginals." Tufte defines a "swing ratio" -- a "rate of translation of votes into seats" -- that yields an exceptionally low U.S. House reading for the late 1960's. Edward R. Tufte, "The Relationship Between Seats and Votes in Two-Party Systems," 67 *American Political Science Review* 550, 1973.

Something of a "party of state" at the Congressional level; in both houses unbroken Democratic control in the years 1955-1974 has set durability records unmatched since the rise of the two-party system in the 1830's. As for chairmanship discrimination against Republicans, it is made bearable by the fact that minority members on most committees share in the decision-making in all its stages.(208) Some committees look like dual (limited) monarchies, with Democratic chairman and ranking Republican congenially sharing influence. Among the notable partnerships of recent years have been those of J.W. Fulbright (D.-Ark.) and George D. Aiken (R.-Vt.) on Senate Foreign Relations, Wilbur D. Mills (D.-Ark.) and John W. Byrnes (R.-Wis.) on House Ways and Means, and Emanuel Celler (D.-N.Y.) and William M. McCulloch (R.-Ohio) on House Judiciary.(209) The general picture of the Congressional party system is one of a system in

low decline -- or, to put it another way, a system the zero-sum edges of which have been eroded away by powerful norms of institutional universalism. In a good many ways the interesting division in Congressional politics is not between Democrats and Republicans but between politicians in and out of office. Looked at from one angle the cult of universalism has the appearance of a cross-party conspiracy among incumbents to keep their jobs.(210)

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(208) There are records of minority exclusion in the past. In the 1920's the 15 Ways and Means Republicans used to work up tariff bills by themselves. See F.W. Taussig, *The Tariff History of the United States.* (New York: G.P. Putnam's Sons, 1931), p. 492. When the Republicans came blustering back into power in the Eightieth Congress they used steam-roller tactics against the Democratic minority on the House Appropriations Committee. See Fenno, *Power of the Purse*, pp. 245-249.

(209) Yet there does remain the discrimination. One wonders what kinds of linkage theories can still be conjured up to justify it. Committee chairmen working together to put across a party program? No such thing. Party slates of chairmen differentiated by devotion to separate sets of party principles? Very dubious. Alternation in control between slates of chairmen? There is none. What lingers on is a sort of demographic discrimination.

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(210) One place where universalism prevails over party division is in House districting. Wherever Congressmen have a say on line-drawing they seem to prefer cross-party deals among members of a state delegation assuring safe seats for all incumbents. For an account of the California districting of 1967 see Joseph W. Sullivan, "Massive Gerrymander Rigged in California by 38 Congressmen," *Wall Street Journal*, November 9, 1967, p. 1. For an account of the incumbency plan proposed by the Illinois delegation for 1972 see "Redistricting: Intervention of U.S. Court in Illinois," *Congressional Quarterly Weekly*, October 23, 1971, pp. 2180-2185. "Most of the [Illinois] Republican incumbents preferred a map that cost the party a chance to win three new seats but which preserved their own districts virtually intact." P. 2181. For a general discussion see David R. Mayhew, "Congressional Representation: Theory and Practice in Drawing the Districts," ch. 7 in Nelson W. Polsby (ed.), *Reapportionment in the 1970's* (Berkeley: University of California Press, 1971), pp. 274-284.

Now, with Congressmen having the electoral needs they do, and with Congressional institutions tailored to suit these needs in the foregoing ways, what happens? What are the policy consequences of these arrangements? A traditional route to an answer takes the form of a rundown of "functions" performed by representative assemblies. That will be the route briefly pursued here. One function exalted by John Stuart Mill is that of simply *expressing public opinion*.[211] At doing this, at giving voice to opinions held by significant numbers of voters back in the constituencies, the U.S. Congress is extraordinarily effective. There is direct payment for services rendered; the politics of position-taking assures that voter sentiments will be echoed.[212] The diversity of the constituencies makes it likely that any given sentiment will find an official voice somewhere. Hence Congress emerges as a cacophanous chorus, its members singing different tunes but always singing something. One effect is that criticism of executive conduct is both more versatile and more voluminous than in a typical cabinet regime.[213] There is not the constraint of party loyalty to keep majority members from criticizing at all and minority members from developing their own individual lines. The idea of an "opposition" achieves idiosyncratic realization. In recent decades Presidents have been harassed most resolutely not by official opposite-party spokesmen (Carl Albert an opposition leader? Everett Dirksen?), but by Congressmen as often as not of the Presidential party with aroused public followings. On national security policy, where opposition has been most intense, Roosevelt had to contend with Sen. Burton D. Wheeler (D.-Mont.), Truman and Eisenhower with Sen. Joseph McCarthy, Johnson and Nixon with Sen. J. William Fulbright. Sen. Sam J. Ervin, Jr. (D.-N.C.) on Watergate follows in the tradition of Sen. Thomas J. Walsh (D.-Mont.) on Teapot Dome.[214] Often the voicing of

(211) Mill, *op. cit.*, p. 211.

(212) Cf. Bryce on the U.S.: "There is no country whose representatives are more dependent on popular opinion, more ready to trim their sails to the last breath of it." *Op. cit.* p. 42.

(213) The same point is made in K.C. Wheare, *Legislatures* (New York: Oxford University Press, 1963), pp. 142-143.

(214) The Congressional reaction to Teapot Dome was generally more partisan than the reaction to Watergate. Still the Teapot Dome investigation was sustained for several years by a Senate with a formal Republican majority. See the account in Burl Noggle, *Teapot Dome: Oil and Politics in the 1920's* (New York: W.W. Norton and Co., 1962)

public opinion has policy effects without any laws being passed; Presidents, bureaucrats, and judges, anticipating trouble with Congress, take action to avoid it. Thus the Congressional uprising during the Tet offensive of 1968 (no legislation was passed) was a contributing element in President Johnson's decision to stop escalating the Vietnam War. As an expressive institution Congress, in short, is noisy, versatile, and effective. And it is worth pointing out that the versatility extends over time; public opinion shifts can be registered without changing the membership when politicians have their ears to the ground.

A second function is that of <u>handling constituent requests</u> -- sometimes, when the requests have to do with grievances against officialdom, an "ombudsman" function. Here again there is direct payment for services rendered; the politics of credit-claiming gives Congressmen a strong incentive to supply particularized benefits and to supply them quickly and efficiently. With their office facilities U.S. Congressmen are probably better equipped than members of any other national parliamentary body to supply them. The over-all policy effects of Congressional servicing activities have been given little scholarly attention. Gellhorn is skeptical, his argument being that favors requiring intervention in the bureaucracy bring only episodic constituent relief without changing bureaucratic procedures.(215) Another problem is that there is almost certainly a class bias in servicing activities, a bias that appears by undoubtedly strong inference in data on what kinds of people write letters to their Congressmen. A 1965 national survey posing the question, "Have you written to your congressman during the last 12 months?" yielded these proportions of affirmative responses: income under $0-4999, 4.8%; $5000-$9999, 9.1%; $10000-14999, 19.5%; over $15000, 21.0%. And by education: not completed high school, 3.8%; completed high school, 13.0%; completed college, 25.0%. In the occupations business executives led the field with 19.4%, unskilled workers lagged at 4.7%.(216) Yet these percentages are high enough to suggest that there are

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(215) Walter Gellhorn, <u>When Americans Complain: Governmental Grievance Procedures</u> (Cambridge: Harvard University Press, 1966), pp. 77-86. If Congressional intervention has the sole effect of speeding up redress for one constituent there is another difficulty: raising one case to the top of the pile and lowering the others may contribute nothing to the sum of human satisfaction. P. 77.

(216) Roper data supplied by the Roper Center. In their elite sample of heads of business organizations Bauer <u>et al.</u> found that three-fourths of them had communicated with Congressmen at one time or another on matters other than foreign-trade policy. <u>Op cit.</u>, p. 201.

millions of letters annually in each class category. The Congressional service is there for anyone who is aware of it and wants to use it. It may give a way of registering need intensity not available through administrative channels. Moreover, in an age of proliferating bureaucracies it would be a foolish to derogate any governmental process that offers individual attention. In *Political Ideology* Lane and this passage of Congressmen among his working-class interviewees: "From the Congress, and more particularly from the idea of home-state congressmen, these men derive a sense of protection, of a friend in power, of an accessible person who is not likely to be protected by a number of secretaries. The right of petition here is expressed in personal, human contact, not through paper forms and proper channels." (217)

With the functions of legislating and overseeing administration (to be considered together here) the story is at once more interesting and vastly more complicated. As individual responsibility for what Congress passes or what the government does becomes less readily attributable the relation between payment and services becomes obscured. On the other hand there do exist opportunities for claiming credit. Analyzing what happens in legislating would be simple enough if measures to be voted on in Congress were prepared and worded by some unspecified outside source, if Congressmen did not communicate with each other or the source, and if all approved measures were automatically implemented. In these circumstances Congress would be something like a referendum electorate, and the activities of its members would be distilled into pure position-taking. But in these circumstances Congress would not look much like an American legislative body. There are at least three things Congressmen do or can do that violate the referendum principle: a) They can engage in mobilization activity on pieces of legislation. This may require only nose-counting, in itself an exhausting enterprise in an assembly of 100 or 435. It may also require bargaining — trading

(217) Robert E. Lane, *Political Ideology* (New York: Free Press, 1962), p. 148. For an especially good example of a constituent grievance redressed by a Senator's intervention and apparently not redressable anywhere else see Douglas, *op. cit.*, p. 342.

away votes on other bills or modifying the legislation at hand to attract support. b) They determine the content of measures they vote on. Acceptance of Presidential formulations is in a sense an alternative here, but acceptance is itself a choice. c) They can affect the way legislation is implemented by giving post-enactment cues to the bureaucracy. Behind the cues lies the threat of future legislation, but in a relation of anticipated responses the cues may be sufficient. The ways in which Congressmen do these three things, and in the cases of a) and c) the extent to which they do them, are the products of an interplay between credit-claiming and position-taking impulsions.

Vote mobilization in legislative bodies has been the subject of a good deal of theoretical speculation but surprisingly little empirical research. Probably the dominant image is one of "the legislative struggle," of a furious scrambling among members for victories. In one view -- Riker's in The Theory of Political Coalitions (218) -- we should expect politicians in legislative bodies and other settings to form "minimum winning coalitions," the logic being that members of winning majorities can maximize benefits for their supporters by splitting the loot as few ways as possible (normally among 51%). A possible corollary of this idea is that we should expect Congressional roll calls to be close. The short empirical response is that most of them are not. Figure 1 gives frequency distributions of proportions of House and Senate roll calls won by percentages in grouped ranges in the year 1972. (Whether or not motions carried is irrelevant here; what is recorded in each case is the vote percentage won by the winning side.) No data are included for the many motions carried without formal roll calls. The distributions for both houses are bimodal, with a mode in the marginal range (50-59.9%) and a mode in the unanimity or near-unanimity range (90-100%). (219) In both houses fewer than 30% of the roll calls turn up in the 50-59.9% range. It is hard to

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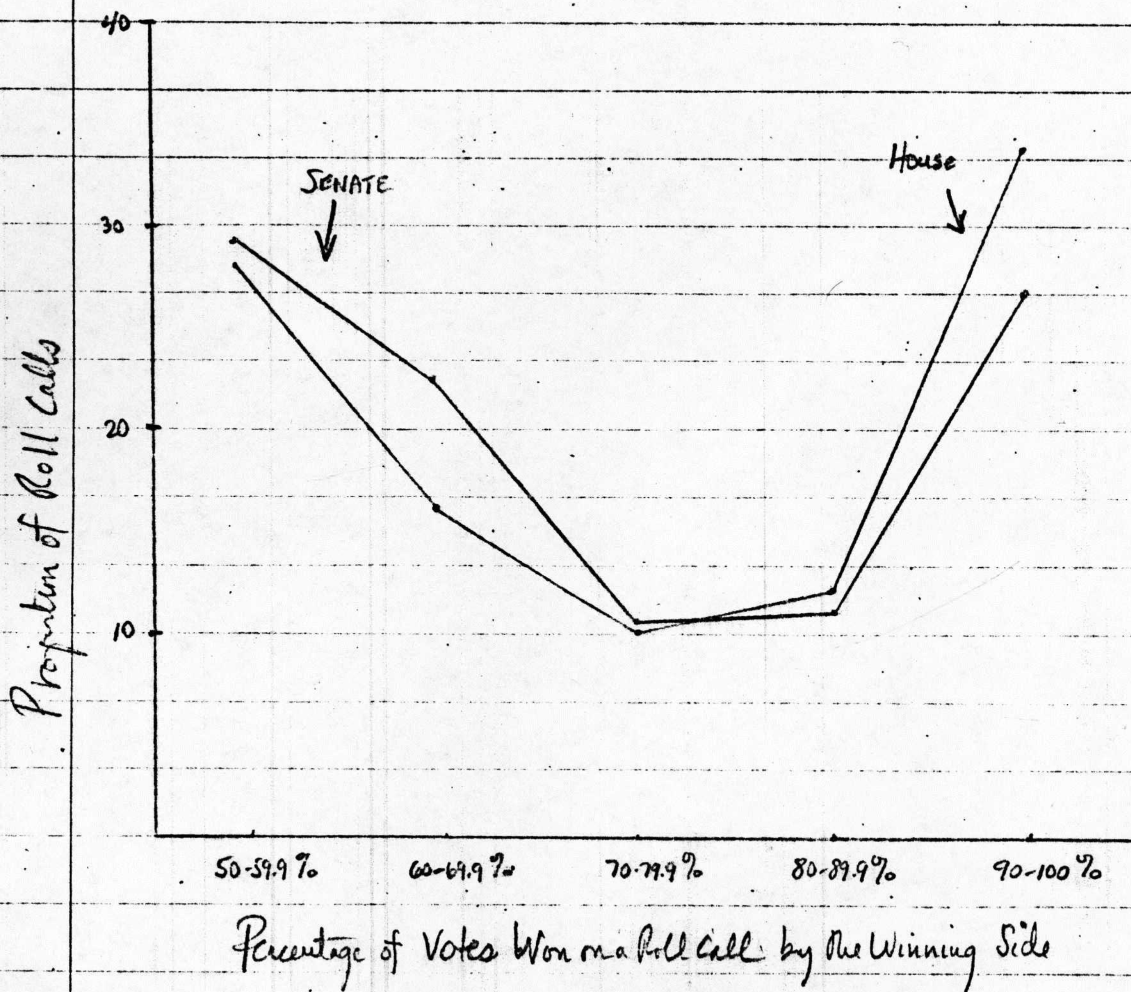
(218) Op. cit.

(219) Distributions for some of the state legislatures look about the same. There are data on Texas in Donald S. Lutz and Richard W. Murray, "Coalition Formation in the Texas Legislature: Issues, Payoffs, and Winning Coalition Size," paper delivered at the annual convention of the Midwest Political Science Association, 1972. And there are data on New Jersey, Alabama, Tennessee, and Wisconsin in David H. Koehler, "Coalition Formation in Selected State Legislatures," paper delivered at the same convention. The modes at the near-unanimity extreme tend to be higher in those legislatures. New Jersey has no trace of a mode at the marginal extreme.



	House
7	23.2
2.5	16.4
5	10.1
	11.5
6	33.5
	100

Figure 1. Frequency Distributions of Proportions of House and Senate Roll Calls Won by Percentages in Specified Ranges, 1972

Source: Congressional Quarterly, [illegible]

Figures are included for all recorded House and Senate roll call votes in the year 1972, except those where the victory requirement was 2/3 (i.e., treaties, Senate cloture votes, rules suspensions, veto overrides, Constitutional amendments). Senate N = 501. House N = 287. Percentages are of total votes cast on each roll call (rather than of total membership).

know what to make of these marginal modes. They could be evidence that at least in some occasions Congressmen try to build minimum winning coalitions. But the same modes would appear if there were "natural" position cleavages in the membership or indeed if members were casting their votes randomly.

If there is a lack of evidence it makes sense at least to try to get the theory straight.[220] On legislation supplying particularized benefits two points may reasonably be made. The first is that it is vital for members to win victories; a dam is no good unless it is authorized and built. The second is that winning victories can be quite easy; the best way for members to handle the particular is to establish inclusive universalistic standards. Thus the House Interior Committee churns out an enormous number of bills, and of the ones that pass the House about 95% go through without formal roll calls at all.[221] In other areas the same effect can be achieved by use of "omnibus" bills. Hence on particularized benefits there is no reason to expect to find minimal winning coalitions or close roll calls.

But on legislation bereft of particularized benefits there is another reason not to look for minimal winning coalitions. The members' intrinsic interest in winning vanishes; the bills promise no governmental effects members can claim personal credit for. Hence the image of members on the winning side "splitting up the loot" is inapplicable; there is no politically relevant loot. A good example of legislation devoid of any trace of particularized benefits is the previously mentioned school busing legislation of the Ninety-second Congress. The Detroit Congressmen had every reason to worry about whether they were voting on the right side but no reason to worry about what passed or was implemented. The electoral payment was purely for positions. Of course Congressmen must at all times generate an impression that they are interested in winning victories, but there may not be much behind the impression. The simple fact that Congress records a roll call, whether close or one-sided, supplies no evidence that anyone has engaged in any mobilizing activity.

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(220) A root problem in the Riker formulation is that he begins by defining the relationship between elected officials and their electorates to be a "fiduciary" relationship. Op. cit., p. 24-28. This gives away the game at the start. In fact the electoral process guarantees not that there will be a fiduciary relationship, but only that politicians will make it appear as if there were one. The distinction is critical.

(221) Fenno, Congressmen in Committees, p. 255.

When will they mobilize? The short answer is that they will do so when somebody of consequence is watching, when there is credit to be gained for legislative maneuvers. The most alert watchers are doubtless representatives of attentive interest groups -- or, more broadly, of attentive clientele groups straddling the public and private sectors. They may be able to detect whether or not a Congressman can "deliver." Surprisingly little precise evidence exists on just how programs like the agricultural and merchant marine subsidies win Congressional majorities year after year, but the strong likelihood is that relevant Congressmen are sufficiently motivated by clientele scrutiny to engage in the bargaining needed to keep them going. (222) To use Lindblom's term, "partisan mutual adjustment" prevails. (223) Of course there are other watchers beside clientele agents. "Good government" outfits may point out which Congressmen are taking the trouble to mobilize for their causes. On occasion the audience for maneuvers becomes quite large, as in 1964 when C.B.S. stationed Roger Mudd outside the Capitol for several weeks to give daily television accounts on who was doing what in moving along the civil rights bill on public accommodations.

Yet scrutiny has its limits. Congressional processes are so complicated that it is very difficult for outsiders to tell what is going on. On matters where the audience for Congressmen's activities is not a closely scrutinizing audience the incentive to mobilize diminishes. Mobilization, after all, requires time and energy; it may require the trading away of valued goods. Congressmen always have other things to do -- making speeches, meeting constituents, looking into casework, etc. To put too much into mobilization would be to misallocate resources. For members who make the motions or carry the bills there may be a value in winning, but how much of a value? A Congressman can hardly be blamed if there are not enough right-thinking members around to allow him to carry his motions. He's fighting

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(222) Do the agricultural programs offer what have been defined here as "particularized benefits?" Probably not, or not many, although the subject area is murky. A tip-off is that Congressmen displayed hardly any interest in what we now call "farm programs" until the Farm Bureau set up shop in Washington in the early 1920's. The formation of the Congressional "farm bloc" quickly followed. If farm programs could have been particularized the Congressmen probably would have been peddling benefits long before the 1920's.

(223) Op. cit., pp. 126-131.

the good fight. On large, contentious issues with broad audiences observers realize that most members' positions are fixed anyway.[224] In the Ninety-second Congress Sen. Robert P. Griffin (R-Mich.) no doubt found it quite useful to be the ostentatious purveyor of an anti-bussing amendment, but did it make much difference to him whether it carried? In fact, does anybody remember whether it carried? Would Sens. Mark O. Hatfield (R-Oreg.) and George McGovern (D.-S.D.) have been any the more esteemed by their followers if their anti-war amendment had won rather than lost? Particularized benefits aside, the blunt fact is that Congressmen have less of a stake in winning victories than they normally appear to have.[225] Indeed, to look at the point another way, we do not ordinarily think of losses as being politically harmful. We can all point to good many instances in which Congressmen seem to have gotten into trouble by being on the <u>wrong</u> side in a roll call vote, but who can think of one where a member got into trouble by being on the <u>losing</u> side? A decade ago the Southern Senators took a last-ditch stand on civil rights; they lost heroically; but at no time were their jobs in danger. That the pressure to win is only modest is an enormously important fact of life in Congress and doubtless in assemblies generally. If members had to win all the time they would tear each other to shreds. When combined with universalism on particularized benefits, the ability of its members to survive losses renders Congress the most effectively integrative institution in American politics; its members can live in a "cocoon of good feeling."

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(224) In their study of Texas roll calls Lutz and Murray found that the closest votes were on "moral issues" -- prostitution, blue laws, liquor, racetrack betting, et al. <u>Op. cit.</u>, pp. 11, 28. These are precisely the kinds of issues on which a model of minimum winning coalitions is least applicable. Every member worries about how he should stand and none about which side wins. If each constituency is homogeneous in its views every member is in a sense a "winner," regardless of how close or one-sided the roll calls are.

(225) Journalists commonly offer better insights on Congressional affairs than social scientists. One example is this comment of Elizabeth Drew: "The quality of ego that motivates people to seek political office is not conducive to collective action once they succeed. Each member of Congress is wont to consider himself a sort of autonomous principality, sent forth to Washington by an adulatory constituency. Having arrived, they find it difficult to accommodate their views, work for legislation that does not bear their name, or spend time on the dreary business of seeking each others' support and counting the votes on forthcoming bills. What's more, the lawmakers come to learn that this is not the sort of thing to which glory attaches. A thumping speech is more likely to attract the attention of the press galleries and the hometown papers than is quiet work in the corridors to change national policy." Drew, "Members of Congress Are People," New York Times, January 29, 1973, p. 27.

How much mobilization occurs in Congress is still an empirical question. Probably less than is commonly supposed.[226] Members in both Houses seem to offer a lot of floor amendments with nothing accompanying them except speeches. An interview with Sen. James L. Buckley (R.-N.Y.) shortly after he took office (he was still a political innocent and for that reason a good observer) contained this comment: "He has been been surprised, he said, to discover that so many things happen in the Senate 'for symbolic reasons' rather than practical reasons, such as the practice of Senators offering amendments that they know have absolutely no chance of passing."[227] Fenno's account of the activities of the House Education and Labor Committee is a classic picture of non-mobilization.[228] An executive official: "When an Education and Labor bill is on the floor, things are so confused that the Members don't even know who is in charge of the bill. There are amendments coming out of your ears.... From the beginning every bill is accompanied by bickering. Powell, Mrs. (Edith) Green, (Carl) Perkins, and (John) Brademas are all talking at once, vying to see who will get what. And it shakes the confidence of the Members of the House."[229] Fenno: "More often than our other five Committees [in the Fenno study], Education and Labor members will be reluctant to choose 'something' over 'nothing'. More often than the other five, they will prefer a live political issue to a passed compromise bill."[230] The

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(226) Clapp points intriguingly to what may be barriers in logrolling activity between what goes on in particularized areas and what goes on elsewhere: "Although the legislators are sympathetic to the pleas of colleagues that they support projects that may be expected to benefit the latter in home districts, they react in a much more detached and objective way to the arguments of associates who have come to be recognized as spokesmen for important interest groups. The importance of the local project to electoral success is a matter of which they are quite aware, and a member pleading his own cause receives attention, understanding, and usually cooperation, particularly if he does not request the support of his colleagues often. Congressmen who represent large 'interests' are less successful." Op. cit., pp. 181-182.

(227) Richard L. Madden, "Buckley After 100 Days in Washington: At Ease in Senate Role," New York Times, May 2, 1971, p. 20.

(228) Of course the labor unions watch the committee closely. But on "causes" beyond labor-management relations the unions themselves commonly play a position-taking role.

(229) Fenno, op. cit., pp. 239-240. The Congressmen are the late Adam Clayton Powell (D.-N.Y.), Edith Green (D.-Ore.), Carl Perkins (D.-Ky.), and John Brademas (D.-Ind.).

(230) Ibid., p. 234.

committee's success rate on the House floor is low.[231] It is an interesting question how much mobilizing activity went on in the Senate anti-war campaign of the late 1960's and early 1970's. One constant problem was a kind of product differentiation -- Senators each coming up with their own peace plans.[232] Overall it may just be true that the level of mobilization activity in Congress is declining. Electoral demand for position-taking seems to be on the rise. In the House taciturn machine Congressmen are being replaced by voluble city reformers and suburbanites. City and state blocs once maneuverable for logrolling purposes are crumbling.[233] For a member with a reasonably alert middle-class constituency the best course is probably to register an elaborate set of pleasing positions, a course which reduces the chances of vote-trading.[234] As an approximation of Congressional behavior the referendum model is not quite as far-fetched as it may appear.

What happens in determining the content of measures and in overseeing implementation is also the result of an interplay between credit-claiming and position-taking impulsions. (Of course content can be shaped by what goes on in mobilization.) The important point here is that on measures lacking particularized benefits the Congressmen's intrinsic interest in the impact of legislation vanishes. Hence it is a misallocation of resources to devote time and energy to prescription or scrutiny of impact unless, again, credit is available for legislative maneuvering. On matters where credit-claiming possibilities wear thin, therefore, we should not be surprised to find that members display only a modest interest in what goes into bills or what their passage accomplishes.[235] Thus Dexter, after interviews in the late 1950's with scores of staff and Congressmen on the military committees *, concluded that their members had a vigorous interest only in particularistic real estate transactions -- "the location of installations and related transfer, purchase, and sale of properties."[236] On other military matters:

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(231) Ibid., p. 235.

(232) For a provocative commentary see John Rothchild, "Cooling Down the War: The Senate's Lame Doves," Washington Monthly, August 1971, pp. 6-19.

(233) See "Power in the House: Days of the Brokers Are Gone," Congressional Quarterly Weekly, April 7, 1963, pp. 767-771.

(234) Thus city machine Congressmen have been more willing to vote for farm price support programs (probably a trade) than city reformers. An infinitely alert public would encourage vote-trading in its own interest, but publics are not infinitely alert. At times American reformers have tried to get rid of legislative logrolling. Thus, reports Truman, the Mississippi constitution of 1890 "required legislators to take an oath that they would not trade votes." David B. Truman, The Governmental Process (New York: Knopf, 1960), p. 368.

(235) This point is irrelevant to those economists in the public finance tradition who look only at budgets. (Niskanen is an exception.) Where analysis stops with budgets all governmental expenditures are in principle transfer payments; the impact of spending is irrelevant. Looking at impact becomes important when government is conceived as an agency for making things happen rather than just for cutting up pies. Some of the most significant governmental decisions require no spending at all.

(236) Lewis A. Dexter, "Congress and the Making of Military Policy," ch. 8 in Peabody and Polsby, op. cit., p. 182.

by the members of the relevant committees reach their decisions and evaluate the proposals made by the military? The answer seems to be that usually no such evaluation is made![237] On broad policy the members did, of course, generate what Dexter calls a "rhetoric of justification."[238] On the Senate Foreign Relations Committee, with no real estate transactions to evoke interest, it seems to be difficult to get members to do legislative work at all. For one thing Foreign Relations has a serious attendance problem; in the words of chairman Fulbright, "This is the kind of committee that Senators like to be on, but they don't like to do anything."[239] On House Education and Labor the concern for programmatic impact is, to say the least of it, restrained; an executive official's appraisal: "The work habits of the members are terrible and it makes for bad legislation. These habits become the norm.... The younger members of the committee have a unique opportunity. They can get amendments in the bill, amendments galore. They can speak up and participate all over the place. Nothing about being seen and not heard on this committee. They can make speeches knowing that no one will contradict them, because nobody knows enough. No one knows the bills."[240] In recent years the House Interior Committee has attracted a small corps of members dedicated to the cause of environmentalism rather than to supplying constituency benefits. But they seem to skimp on their homework. There is this comment by an official of Friends of the Earth, a preservationist group: "They are usually preoccupied with their other committee

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(237) Ibid., p. 185.

(238) Ibid., p. 176. Dexter has these other statements: "Congressmen interviewed generally indicate that they have little tendency to raise or consider questions of military policy in terms of its meaning for some national or international political objective or goal.... In fact, during the 1956-57 period, few examples could be found where congressional committees created any impression of seriously evaluating decisions about weapons, appropriations, personnel, missions, organization, or administration in terms of national or international goals or objectives." P. 175. For a more recent comment on Congress, the military, and policy impact, see Charles L. Schultze et al., Setting National Priorities: The 1973 Budget (Washington, D.C.: Brookings, 1972) pp. 171-174. The conclusion is about the same as Dexter's.

(239) John W. Finney, "Study in Absenteeism: One Senate Committee's Week," New York Times, January 30, 1972, p. 20. On Foreign Relations see also Fenno, op. cit., pp. 187-190.

(240) Fenno, op. cit., p. 104.

assignment. So they don't provide any leadership. They vote with us, but they don't take the time to learn about the subject matter. They don't have a real interest." (241) And so it goes. The Congressmen's lack of interest in impact has as a corollary a lack of interest in "research." To assign committee staffs or the Congressional Research Service to do research on the non-particularistic effects of legislation (research before or after enactment) would be to misallocate resources. Hence, generally speaking, Congressmen do not so assign them. They can find a good many more useful things for staff members and the C.R.S. to do. (242) The conclusions that hold here for enactment of legislation hold also for oversight; in general, members intervene effectively in bureaucracy on matters where they can claim credit for interventions. (243)

Now, if these are the impulsions behind legislating and overseeing, what are the effects? What seems to happen is that Congressional policy-making activities produce a number of specifiable and predictable policy effects. Taken together these effects display what might be called an "assembly coherence" -- an over-all policy pattern that one might expect any set of assemblies constructed like the U.S. Congress to generate. (244)

One effect is delay -- or, more properly, since the eye of the beholder creates it, a widespread perception of delay. Not too much should be made of this, but it is fair to say that over the years Congress has often lagged behind public opinion in enacting major legislation. (245) Thus a perceived "inaction" was the major source of dissatisfaction with Congress in a survey of a

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(241) Fenno, op. cit., p. 286. Fenno adds: "The Committee members who do know the subject matter and do take a real interest are those with goals of constituency service and re-election. Mostly Westerners, the stakes are, for them, more immediate and the incentive to participate higher." p. 287.

(242) Former Sen. A. S. Mike Monroney (D.-Okla.), a practical reformer of Congressional institutions and procedures, voiced a not unusual judgment on the old Legislative Reference Service (now the C.R.S.): "We have great criticism in a wide area of the failure of the Legislative Reference Service to measure up as a reservoir of legal research talent that would be available generally to the Congress. I personally have expressed the view in these hearings, and I believe it, that one of the failures is that Congress itself will misuse the Legislative Reference Service for constituent mail, the writing of senior class themes and term papers and doctorate papers and things of that kind, rather than informing Congress on the basic things." Hearings on the Organization of Congress, op. cit., p. 814.