

(243) The best theoretical treatment of oversight is in Selig, "Conditions for Legislative Control."

(244) In recent years the study of policy effects has effloresced among analysts writing in a number of different scholarly traditions. The range of writings on policies substantially shaped by Congress includes the following: James T. Bouillon, "The Distribution of Benefits from Cotton Price Supports," in Samuel B. Chase (ed.), Problems in Public Expenditure Analysis (Washington, D.C.: Brookings, 1968); on urban renewal: Theodore J. Lowi, The End of Liberalism (New York: W.W. Norton and Co., 1969), ch. 9; Richard Urban and Richard Mancke, "Federal Regulation of Whiskey Labelling: From the repeal of Prohibition to the Present," 15 Journal of Law and Economics 411-426, 1972; Richard S. Sterne, Alvin Rabushka, and Helen A. Scott, "Serving the Elderly—An Illustration of the Niskanen Effect," 13 Public Choice 81-90, 1972;

A. Bruce Johnson, "Federal Aid and Area Redevelopment," 14 Journal of Law and Economics 275-284, 1971; James W. Davis, Jr., and Kenneth M. Dolbeare, "Selective Service and Military Manpower: Induction and Deferral Policies in the 1960's," ch. 5 in Austin Ranney (ed.), Political Science and Public Policy (Chicago: Markham, 1968); Yale Brozen, "The Effect of Statutory Minimum Wage Increases on Teen-Age Employment," 12 Journal of Law and Economics 109-122, 1969; on national policies generally: Schultz et al., op. cit., ch. 15. There is an analysis of the attention

or rather lack of it) Congress gave to impact at the time it considered a policy decision in Aaron Wildavsky, "The Politics of AGM," Commentary, November 1969, pp. 55-63.

(245) This, for example, this critique: "The people of this country... are, as it seems to me, thoroughly tired of the stagnation of business and the general inaction of Congress. They are disgusted to see year after year go by and great measures affecting the business and political interests of the country accumulate at the doors of Congress and never reach the stage of action." The author was Henry Cabot Lodge in 1889. Quoted in George B. Gallaway, History of the House of Representatives (New York: Crowell, 1961), p. 13

generally dissatisfied public in 1963. ⁽²⁴⁶⁾ In the delay may exist in the eyes of elites; President Kennedy's tax cut proposal of 1963 and President Johnson's tax increase proposal of 1967, both paths for the purpose of fiscal management, each took year to wend its way through a Democratic Congress. ⁽²⁴⁷⁾ Recurrent questions of Congressional delay on non-particularized matters should cause little surprise. Mobilization may be half-hearted; there are so many other things to do; some issues may be uncomfortable to vote on at all; a live issue may be better than a live program; the effects are not important anyway.

A second effect is particularism -- that is, a strong tendency to inage policies in packages that are saleable as particularized benefits. Not only do Congressmen aggressively seek out opportunities to supply such benefits (little or no "pressure" is needed), they tend in framing laws to give a particularistic cast to matters that do not obviously require it. The only benefits intrinsically worth anything, after all, are ones that can be packaged. ⁽²⁴⁸⁾ Thus in time of recession Congressmen reach for "accidental public works" bills listing projects in the various districts; Presidents prefer more general fiscal effects. In the education field a Congressional favorite is the "impacted areas" program with its ostentatious grants to targeted school districts; again Presidents prefer ventures of more diffuse impact. Presidents are capable of closing a hundred Veterans hospitals like a shut in the interest of "efficiency"; Congressmen combine to keep them open. The handling of revenue policy is particularistic; in Marley's extensive treatment of Congressional tax processes there is hardly any mention of an interest in

(246) Davidson et al., Congress in Crisis, pp. 56-59.

(247) See G. L. Bach, Making Monetary and Fiscal Policy (Washington, D.C.: Brookings, 1971), pp. 118, 155.

(248) The only things of legislative legislation that make any sense are the ones that impact information costs on observers. Thus Barry on the "public panel": "... [I]t is perhaps easy to guess that leg-rolling under conditions of imperfect information will tend to produce over-investment in projects which yield specific benefits to determinate groups, because such benefits are highly visible to the beneficiaries whereas costs are not so visible to the general taxpayer." Op. cit., p. 318.

fiscal effects (though of course the members must worry about how it looks to vote for a tax cut or tax increase). Rather the concern is with distributive effects. The highly talented staff of the Joint Committee on Internal Revenue Taxation, serving both Senate Finance and House Ways and Means, is in the business of "explaining... how individuals and groups will be affected by changes in the Internal Revenue code...." (249)

manipulable Across policy areas generally the preprogrammatic ministry of Congressmen is the categorical grant. In fact the categorical grant is for modern Democratic Congresses what vouchers and barbers and the laiff were for pre-New Deal Republican Congresses. It supplies goods in small packets. "Congressmen... like categorical programs because of the opportunities they afford to interfere in administration and thus to secure special treatment, or at least the appearance of it, for constituents among whom... state and local as well as federal agencies sometimes figure prominently." (250) The quest for the particular impels Congressmen to take a vigorous interest in the organization of the federal bureaucracy. Thus, for example, the Corps of Army Engineers, structured to undertake discrete distinct projects, must be guarded from Presidents who would submerge it in a quest for "glammy." (251)

A third effect is the servicing of the organized. (252) This takes two familiar forms. First there is a deference toward nationally organized groups with enough widespread local clout to inspire favorable roll call positions ^{in legislative} among a majority of members. Thus under four Presidents in a row -- Harding through Roosevelt -- Congress passed veterans' Bonus bills, the Presidents vetoed them, and the House voted decisively to override the vetoes. (253) In recent years the National Rifle Association

(249) Manley, *op. cit.*, p. 309. Coleman makes the relevant point that Keynesian macroeconomics is after all an "organic-type theory" not built by aggregating individual preferences. "The fact that Keynes' goal is a benevolent one, supposedly beneficial to the people, has often obscured the fact that its perspective is that of the state, and that there is no microeconomic substructure through which individual pursuit of their interests leads to a Keynesian policy." *Op. cit.*, pp. 53-54.

(250) Edward C. Banfield, "Revenue Sharing in Theory and Practice," The Public Interest, Spring 1971, pp. 41-42.

(251) On struggles over the Corps under Roosevelt and Truman see Maass, *op. cit.*, chs. 3, 5. Particularism is no doubt universal. It is hard to top his example drawn from the experience of the Italian parliament of the late Nineteenth Century: "The legislators, in fact, look upon themselves as agents to procure favors for their constituents, and a striking illustration of the extent

to which this is carried is furnished by the difficulty the government found in managing the railroads in running fast express trains, on account of the interference of the members of the chamber, who insisted that all the trains passing through their districts should stop at every station." A. L. Lowell, Government and Parties in Continental France (Boston: Houghton-Mifflin, 1890), Vol. I, p. 220.

(252) Sets of voters who are organized for political action should not be confused with sets of voters who have intense preferences. Whether the latter become the former depends upon whether there are incentives to organize and stay organized. One specific pattern is that producers have better incentives than consumers. On the general point see Mancur Olson, Jr., The Logic of Collective Action (Cambridge: Harvard University Press, 1965), pp. 125-131; and Barry, op.cit., p. 273.

(253) F. E. Schattschneider, Party Government (New York: Rinehart, 1959) p. 194. In the 1930's, 1931 and 1936 were the only years in which the fiscal effects of tax and spending activities of American governments (at all levels) were clearly countercyclical. In both Keynesian instruments was apparently veterans' bonus bill passed over presidential vetoes (Hoover's and Roosevelt's). See E. Cary Brown, "Fiscal Policies in the Thirties: A Reappraisal," 46 American Economic Review 483, 1956.

has weighed in against gun control legislation. (254) Second there is deference toward groups with sizeable electoral resources whose representatives keep a close watch on Congressional maneuvers. Clientelism at the committee level is the result, with its manifestations across a wide range of policy areas. Agriculture is an obvious example. (255) Clientelism, like particularism, gives form to the federal bureaucracy. Congressmen protect clientelistic systems -- alliances of agencies, Hill committees, and clientele -- against the incursions of Presidents and Cabinet Secretaries. (256)

A fourth effect is symbolism. The term needs explanation. It is probably best to say that a purely symbolic Congressional act is one expressing an attitude but prescribing no policy effects. An example would be a resolution deploring Communism or poverty. But the term "symbolic" can also usefully be applied where Congress prescribes policy effects but does not act (in legislation or overseeing or both) so as to achieve them. No doubt the main cause of prescription-achievement gaps is the intractability of human affairs. But there is a special reason why a legislative body arranged like the U.S. Congress can be expected to engage in symbolic action -- by this second, or perhaps, construction of the term. The reason, of course, is that in a large class of legislative undertakings the electoral payment is for positions rather than for effects.

An interesting subclass here consists of enactments that are "charitable" in nature. That is, they are designed to benefit people other than the ones whose gratification is the payment for passage. If the gratified receive muddled feedback on programmatic accomplishment the actual supplying of the prescribed benefits becomes a distinctly secondary Congressional concern. (257) Thus the civil rights acts of

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National polls lean one way on gun control, Congress leans the other. "It is difficult to imagine any other issue on which Congress has been less responsive to public sentiment for a longer period of time." Hazel Erskine, "The Polls: Gun Control," 36 Public Opinion Quarterly 456, 1972.

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There is an analysis of agricultural clientelism in Lowi, The End of Liberalism, pp. 102-115. A clientele system less developed in Congress than in some European parliaments is the one in education. With the nationalization of educational financing it seems likely that the two Congressional houses will soon or later create independent education committees (separate from labor) whose members will serve education groups in Big game fashion.

(256) The best analysis of the impact of Congressmen's electoral needs on the organization of the executive branch is in Harold Sedgwick, Politics, Position, and Power: The Dynamics of Federal Organization (New York: Oxford University Press, 1970), ch. 2, 5.

(257) This argument is taken from Gordon Tullock, "Injunction without Profit," in Tullock, op. cit. On charitable outfits: "They are 'selling' a feeling of satisfaction derived from sacrifice; whether the sacrifice does or does not improve the well-being of someone else is not of direct interest to the donor. He is interested not in what actually happens, but in his image of it. The entrepreneurs, accordingly, should falsify the image." P. 146. The reasoning holds where no financial sacrifice is involved - i.e., where some people write rules governing other people's private behavior.

1957 and 1960 were passed to benefit non-voting Southern blacks but to please Northern audiences. No one should be surprised that they had little impact in the South. ⁽²⁵⁸⁾

Title I of the Education and Secondary Education Act of 1965 allocated money to aid the poor. The audience for the enactment was middle class. In the implementation the money went elsewhere. ⁽²⁵⁹⁾ Laws regulating private conduct have a "charitable" flavor to them. Thus prohibition -- its audience teetotalers and its beneficiaries others who were given the pleasure of having their liquor taken away. That the enforcement was indifferent should cause no surprise.

In the more general case there is reason to expect Congress to act "symbolically" whether audiences and beneficiaries are separate, overlapping, or identical. Position-taking politics may produce statutes that are long on goals but short on means to achieve them. ⁽²⁶⁰⁾ Or bureaucrats may sense that there is little Congressional interest in enforcement. Or efforts to achieve proclaimed goals may run up against Congressional particularism or clientelism. Or all these things may happen at once. Thus when water pollution became an issue it was more or less predictable that Congress would pass a law characterized as an anti-pollution act, that the law would take the form of a grant-in-aid program for localities, and that it would not achieve its proclaimed end. ⁽²⁶¹⁾ Probably the best examples of Congressional symbolism are those arising out of efforts to regulate business. ⁽²⁶²⁾ Regulatory statutes are the by-products of Congressional position-taking at times of public dissatisfaction. They tend to be vaguely drawn. ⁽²⁶³⁾ What happens in

⁽²⁵⁸⁾ The civil rights acts of 1964 and 1965 did, of course, have considerable impact in the South. For an American legislative venture the 1965 voting rights act was a remarkable exercise in instrumental rationality both in wording and in enforcement. Both these latter acts were substantially Presidential creations.

⁽²⁵⁹⁾ See Jerome T. Murphy, "Title I of ESEA: The Politics of Implementing Federal Education Reform," 41 Harvard Educational Review 35-63, 1971. "Most federal legislators are sure to be more responsive to the wishes of state and local school officials than to the desires of bureaucrats in the Executive Branch. As a result, the Title I program administrators act as though their main constituency lies in the Congress and the state and local school officials, rather than among the poor whose children the legislation is supposed to assist." P. 51.

⁽²⁶⁰⁾ "Within the Congress words are sometimes equated with deeds. Votes represent final acts. There is a concern with administration, but it is focused primarily on those elements which directly affect constituency interests or committee jurisdiction. Legislative

proposals seldom are debated from the viewpoint of their administrative feasibility." Scidman, op-cit., pp. 65-66.

(261) See A. Myrick Freeman and Robert H. Haveman, "Clean Rhetoric, Dirty Water," The Public Interest, Summer 1972, pp. 51-65. The article is only incidentally about Congress, but its arguments are apposite.

(262) Edelman gives prime attention to regulatory policies in his work on symbolic politics. Murray Edelman, The Symbolic Uses of Politics (Urbana, Ill.: University of Illinois Press, 1967), pp. 23-29.

(263) A conclusion of a ^{recent} Brookings conference on regulation: "The conference participants generally agreed that the lack of clarity in regulatory policies creates a critical problem. First, the Congress has not seen fit to write legislation with specific policy mandates, preferring fatuous, self-contradictory wish-lists...." Roger G. Noll, Reforming Regulation (Washington, D.C.: Brookings, 1971), p. 101.

enforcement is largely a result of Congressional credit-claiming activities on behalf of the regulated; there is every reason to believe that the regulatory agencies do what Congress wants them to do. (264) The ambitious "public interest" aims of the statutes are seldom accomplished. (265) Another place where symbolism occurs is in "housing" programs; there exists no close analysis of housing politics on the Congressional side, but it is fair to say that the programs offer members a complex mix of opportunities for position-taking and credit-claiming. To point to Congressional symbolism is not, of course, to denounce it. The Constitution does not require, nor does political theory decisively insist, that legislative processes must enshrine high standards of instrumental rationality. By some defensible criteria it is perfectly proper to put laws on the books and then not enforce them. Among other things doing so may offer a murky way of maximizing governmental satisfaction of popular preferences; prohibition is a case in point. (266)

A special word may be in order here on the politics of transfer payments. (267) What distinguishes American transfer programs is not that they are "redistributive" (268) — they are not any more so than some other programs — but that they offer legislators no particularized benefits. Who gets a check of what size

(264) For a good theoretical treatment of the political economy of regulation, with statements on the relations between agencies and Congress, see *ibid.*, pp. 39-46. See also Scher, "Congressional Committees as Independent Agency Overseers: A Case Study."

(265) For a rundown of the literature on the impact of regulation see Richard E. Caves, "Direct Regulation and Market Performance in the American Economy," 54 American Economic Review 172-181, 1964. Two relevant studies giving data on impact of regulation at the state level are George J. Stigler and Claire Friedland, "What Can Regulators Regulate? The Case of Electricity," 5 Journal of Law and Economics 1-16, 1962; and William A. Jordan, "Producer Protection, Prior Market Structure and the Effects of Government Regulation," 15 Journal of Law and Economics 151-176, 1972. Stigler and Friedland were to the conclusion that regulation has no effect, Jordan to his conclusion that having it benefits producers. At the national level the effects of regulatory acts passed in the 1960's are still unclear. Measured by its proclaimed goals the Wholesale Meat Act of 1967 is apparently a disaster. See Simon Lazarus and Leonard Ross, "Rating Nader," New York Review of Books, June 28, 1973, p. 32.

- (266) The state of Mississippi once had a prohibition law, widespread bootlegging, and at the same time a liquor tax. Would any other arrangement have been as good? See Key, Southern Politics, p. 233.
- (267) For a general treatment of social security see Colin D. Campbell, "Social Insurance in the United States: A Program in Search of an Explanation," 12 Journal of Law and Economics 249-265, 1969.
- (268) Lowi's categorization in "American Business, Public Policy, Case-Studies, and Political Theory," p. 691.

is clearly prescribed by law, so Congressmen get no credit for the handing out of individual checks. In these circumstances what can be said about the politics?

A first point is that Congress will favor the passage of transfer programs when they are championed by powerful interest groups against unorganized opposition. The obvious example is the veterans' bonus. A second point is that Congress will legislate incremental payment increases in existent programs when there is little organized sentiment for or against doing so. Hence the biennial hike in social security benefits.

The public assistance program has been enriched in an absent-minded way over the years, mostly through the medium of Senate floor amendments. ⁽²⁶⁹⁾ A third point is that Congress will be reluctant to legislate new programs benefiting the unorganized over the opposition of the organized. The third point is important. For when deciding how to vote there is

lack of prospective performance credit to counterbalance the influence of organized opposition. Hence major transfer innovations are unlikely to spring from individualistic personalities.

The impetus comes from elsewhere -- Bismarck for regime reasons; Lloyd George for party reasons; Roosevelt (social security), Johnson (medicine) and Nixon (family assistance) for presidential reasons. A fourth and last point is that the politics of transfers would be vastly different if Congressmen were allowed to put their names on the checks.

The final argument on Congress and the legislative function has a different cast to it. The argument is that Congress in a peculiar way is an extraordinarily democratic body. If, on matters beyond the particular, Congressmen are judged by positions rather than effects, then what kinds of laws are they likely to write?

The answer is that they are much inclined to incorporate popular conceptions of instrumental rationality into the statute books. Attentive public judges positions on means as well as on ends. Hence the Congressional penchant for the blunt, single action -- the national debt limit, the minimum wage, ⁽²⁷⁰⁾ the price roll-back, the 10% across-the-board budget slash, the amendment cutting off aid to Communist countries, the amendment ending the war in

(269) See Gilbert Y. Steiner, Social Insecurity: The Politics of Welfare (Chicago: Rand McNally, 1966), pp. 48-51.

(270) Politically attractive but economically dubious. One analysis in a fairly large literature is Brozen, op.cit.

90 days. (271) A good example of an issue where popular conceptions prevail is crime; one side tries to bring back the lash or silence the Supreme Court, the other side (with a taste of sociology) goes after the "real causes." (272) If it is widely believed that spending money will "solve social problems" then Congress will spend money. Keynesian economics receives a chilly reception on the Hill than in the White House not because Congress is more "conservative"

but because it is in no sense more democratic; The image of a balanced family budget is a powerful one. (273) The fact that Congress echoes public reasoning makes it necessary that large governmental ventures requiring Capitol Hill approval be explained in advance.

Prime Minister Heath could take Britain into the Common Market abruptly, telling the public, in effect, to judge him by the consequences afterwards. President Truman had to justify N.A.T.O and the Marshall Plan before they were launched. A failure to make persuasive explanations probably underlay the defeat of President Nixon's family assistance plan. (274)

One ability of mass publics to prescribe means as well as ends is a neglected subject of democratic theory. If, as Morton White argues, the question of whether ordinary citizens are capable of making normative appraisals is a central one in democratic theory, (275) so also is the question of whether we are capable of making cognitive appraisals. An institution like the U.S. Congress can stay afloat only if the public grasp of means-ends relationships is reasonably sophisticated. It does stay afloat, although there are shoals now and then. Probably half the adverse criticism of Congress by elites is an indirect criticism of the public itself. Over time the effectiveness of Congress as a decision-making body can be expected to pay with

(271) A good way to get a feel for an institution is to examine its language. The Congressional Record is full of mares' nests, catering wedges, camels' noses, cans of worms, Pandora's boxes, golden eggs, roasting chickens, pigs in a poke, fresh and tins, babies and bathwater. This is the language of common sense, of folk wisdom. It infuses Congressional activities. See the fascinating analysis in Allen J. Lange, "Pandora Opens a Can of Worms," Wall Street Journal, August 28, 1973, p. 10.

(272) Neither course seems to make much sense. See James P. Wilson, "If Every Criminal Knew He Would Be Punished If Caught...." New York Times Magazine, January 28, 1973, p. 56.

(273) Ways and Means chairman Wilbur Mills (D-Ark) was still speaking of a balanced federal budget as a desirable norm in its own right in 1969. Buch, op.cit., p. 155.

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The plan made it through the House but was sabaged in the Senate Finance Committee.

Daniel P. Moynihan, the author of family assistance, says that another committee might have acted differently -- perhaps constructively revised the House bill. "But the

Senate Finance Committee was not bent to any such norm of crossaic, workmanlike persistence. The senators were individualists, and more than a normal quota

were exhibitionists as well. At the expressive, symbolic level of politics

they are hardly to be faulted, but there was lacking an eventual seriousness which is the hallmark of mature government." Moynihan, The Politics of a

Guaranteed Income (New York: Random House, 1973), p. 482.

Yes indeed. But the Senators, after all, were worried about how the program looked rather than about what was in it. The symbolism was confusing; it was hard to know what position to take

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Morton White, Science and Sentiment in America (New York: Oxford University Press, 1972).

public awareness but also with the inherent complexity of governmental affairs.

The mention of staying afloat can serve as a lead-in to a discussion of a different topic. How indeed does Congress stay afloat? The problem is a real one, important enough to require a theoretical modification to deal with it:

Consider "assembly coherence" as a set of institutional goals -- delay, particularism, servicing of the organized, symbolism. It is easy to conjure up visions of exasperated publics in search of unattainable effects shunting Congress aside and taking their business elsewhere. Efficient pursuit of electoral goals by members gives no guarantee of institutional survival. Quite the contrary. It is not too much to say that if all members did nothing but pursue their electoral goals

Congress would decay or collapse. Some of the institutional maintenance problems are implicit in the earlier discussion, including a serious one arising from the difficulty of getting members to do yeeling and unweaving legislative work. (276) (Sometimes in the Senate it is even hard to get them to appear and vote. (277))

At least three kinds of problems can arise in the handling of money, a basic Congressional prerogative the exercise of which is central to member electoral goals. The first has to do with allocation. Given popular preferences, will members spend money on various matters at "optimal" levels? Will they distribute tax burdens "fairly"? There may be a predictable tendency to "underspend" in some areas -- e.g., transfers. It is easy to see how particularism and clientelism could produce "distortions" in both taxing and spending. The old image of Congress as a pork barrel outfit can be looked upon as an

(216) See the section in Clayton, op. cit., entitled "The Legislative Water Boy Off?" p. 108-110.

The popular image of an ineffective Congress is probably one of somebody doing a lot of moving and shaking in public. In the classic 1939 film "Mr. Smith Goes to Washington" the hero, Jefferson Smith (Jimmy Stewart) chose as his mission the building of a boys' camp along Willitt Creek. But the sinister Boss Taylor (Edward Brophy) wanted to build a dam in the same place. So what Smith did was to filibuster until he dropped from exhaustion.

(277) Senate majority leader Mike Mansfield (D.-Mont.): "How we can walk in a situation like this I don't know. But I am at the end of my wits. I do not know any way to keep them here, unless perhaps the local newspapers start publicizing the absenteeism of their Senators."

John W. Finney, "Senate's Inaction Exasperates Leaders," New York Times, February 7, 1972, p. 25

institutional maintenance problem.⁽²⁷⁸⁾ The second has to do with over-all economic effects. There are the effects of Congressional taxing and spending decisions on price and employment levels, and the effects of Congressional tariff decisions on price levels and trade flow. (Whether the tariff should be taken up under revenue policy is of course unclear; the tariff is a tax, but the direct benefits it confers do not come out of the Treasury.) The institutional danger arises from the fact that Congressmen have little or no electoral reason to worry about any of these effects. Yet an institution that generates them blindly is an institution in trouble.⁽²⁷⁹⁾ The third kind of problem is fiscal in nature, but in a way it is more fundamental. Spending is generally popular and taxes are not. In the public mind the connection between the two is there but it is decidedly ambiguous.⁽²⁸⁰⁾ If Congressmen reflect public opinion, what is to prevent them from systematically voting in favor of spending but against taxes?⁽²⁸¹⁾ Alert public opinion can no doubt act as check on behavior of this

⁽²⁷⁸⁾ There is a theoretical economics literature on whether democratic governments can be expected to spend on various matters at optimal levels -- i.e., levels geared to popular preferences. Authors differ in their assumptions about information costs and about governmental structure. A recent guide to the literature is J. Ronnie Davis and Charles W. Meyer, "Budget Size in a Democracy," ch. 19 in James M. Buchanan and Robert D. Tollison, Theory of Public Choice (Ann Arbor, Mich.: University of Michigan Press, 1972). Buchanan and Tullock argue that a government centered in a majority-rule assembly will overspend because of logrolling. Op. cit., chs. 10-12. But the problem of information costs is ignored. Niskanen allows for information costs (e.g., no one is quite sure what the activities of bureaus accomplish) and argues that, if certain assumptions about public opinion distributions are made, a government with close relations between bureaus and supportive assembly committees will overspend in the areas of those relations. Op. cit., ch. 14. What happens, in effect, is that particularism or clientelism or both lead to overspending. Downs argues that a democratic government (structure unspecified) will systematically underspend because of voter information costs. To voters it is clearer where the money comes from (taxes) than where it goes (programs with diffuse effects). Hence underspending. Anthony Downs, "Why the Government Budget Is Too Small in a Democracy," 12 World Politics 541-563, 1960. A possible corollary of the Downs argument is that a government centered in an individualistic assembly will spend less than one organized like, say, the British -- the reason being that a government like the British can jam through ill-understood programs and get paid for their effects four or five years later. These authors raise important questions but there are no certain answers. One problem is the virtual non-existence of empirical analysis --

either of the sort that matches public opinion readings with spending levels or of the sort that compares spending levels in systems with different governmental arrangements. A theoretical problem in allocation thinking is that government budgeting differs from family budgeting in an important respect -- on many salient matters no one can be sure what the effects of spending will be. Arguments about cutting up the pie quickly turn into arguments about the effects of giving out slices. Whole ideologies can be spun out on such questions as whether spending can reduce poverty. (Downs discusses the problem) *Uncertain Politics*, p. 554.) On the U.S. Congress it may be that both Niskanen and Downs are right. That is, there may be underspending in some areas for the Downs reason and overspending in others for the Niskanen reason (although it is not clear that bureau empire-building has to enter the picture for particularism or interest group pressure to induce overspending.) This was more or less Woodrow Wilson's conclusion. *Op.cit.*, ch. 3.

(279) It is surprisingly difficult to figure out what independent impact Congressional money decisions have on price and employment levels. Some spending authority is discretionary and some extends over periods of years. Peckman concluded in 1971 that the net effect of Congressional decisions had probably been fiscally too restrictive in the preceding decades. Joseph A. Peckman, *Federal Tax Policy* (Washington, D.C.: Brookings, 1971), p. 47. It may be that the piling up of categorical grant programs in the 1960's has tipped the Congressional balance to the inflationary side. But this is just a guess. Transfer payments have risen too.

(280) See Angus Campbell, et al., The American Voter (New York: Wiley, 1960), pp. 175-197.

(281) Senator Douglas writes: "One of my closest associates never voted against any appropriation for any Congress, no matter how extravagant or foolish it was. This never hurt him politically. In fact, I think it helped him." *Op.cit.*, p. 312.

sort, but how much of a check? There is a primal danger here that any taxing and spending body has to come to grips with.

One way to stay afloat is to hire people to man the helm. This in effect is what Congressmen do. It seems proper here to discuss institutional maintenance as a collective goods problem, following Olson's arguments in The Logic of Collective Action.⁽²⁸²⁾ The case goes as follows. If members hope to spend careers in Congress they have a stake in maintaining its prestige as an institution. They also have a stake in maintaining Congressional control over resources that are useful in electoral quests. But if every member pursues only his own electoral goals the prestige and power of Congress will drain away. What can be done? The inclination to do anything at all is, of course, minimal; Congress is more fragile than it looks.⁽²⁸³⁾ Yet from the member point of view the maintenance of the institution is a collective good of some importance.⁽²⁸⁴⁾ What is needed is a system of "selective incentives"⁽²⁸⁵⁾ to induce at least some members to work toward keeping the institution in good repair. And it is just such a system that has evolved over the decades.

what happens is that

prestige and power within the Congress itself are accorded to upholders of the institution; the Capitol Hill pecking order is geared to the needs of institutional maintenance. Members are paid in internal currency for ^{engaging in} institutionally protective activities that are beyond or even against their own electoral interests.⁽²⁸⁶⁾

To some extent the incentives apply generally across the membership: Thus the hero of the Hill is not the hero of the airwaves. The member who earns prestige among his peers is the lonely gnome who passes up news conferences, cocktail

(282) Op.cit.

(283) Ferris has been out traveling with incumbent House members in their districts. His report on what they say to their constituents: "Every Representative with whom I traveled criticized the Congress and portrayed himself, by contrast, as a fighter against its manifold evils. Members run for Congress by running against Congress." ^{Richard F. Ferris, Jr., "If, as Ralph Nader says, 'Congress is the Broken Branch,' How Come We Love Our Congressmen So Much?" manuscript prepared for the "Time" "State of Congress" series, p. 2.}

(284) It would not be if members did not plan to spend careers there. That it would not supplies a persuasive argument against reform efforts to limit members to a few years in office. Institutional maintenance would suffer. An analogous argument holds in universities, where permanent faculty have an institutional stake lacking among students and junior faculty. Or at least so it is said.

(285) Olson's term. Op.cit., p. 51.

(286) It may occur to the reader that the earlier discussion of policy-making could have been set up as a collective goals problem. That is, on matters like regulatory policy members could have been portrayed as seekers of effects unable to achieve them because of the difficulty of generating collective action. But to argue this way would have been a mistake. The notion of members as seekers of effects needs a razor taken to it; the electoral payment is for positions, not effects. A related point is that the "selective incentives" discussed above work quite clearly in the interest of institutional maintenance and not in the interest of general programmatic performance.

parties, sometimes even marriage, in order to devote his time to legislative "housework." But the most interesting paid protectors are those in official positions -- elected leaders in both houses and members of the three "control committees" in the House. (285)

Party leaders may not amount to much as partisans, but they are vitally important as institutional protectors. As Fenno says of the more successful House majority leaders and Speakers, "They have been men whose devotion to the House was considered greater than any devotion to ideological causes." (288) Keeping legislative business moving is a major service in itself. But leaders are also on the alert for men's activities that threaten to earn Congress a bad reputation. Thus Democratic House leaders put a dagger in the House Un-American Activities Committee in the Eighty-first Congress after the H.U.A.C. circus in the Eightieth. (289)

~~Even today, the House majority is not immune from the attacks of Speaker Sam Rayburn (D.-Tex.) placed a general ban on the televising of House hearings. (290) Leaders have an eye for the more ostentatious ventures in interest-group servicing and particularism. Control of the agenda allows them to bring up matters like veterans' bills or rules suspension motions, requiring a two-thirds vote. (291) They know the dangers of the tariff; Bauer, Hyde and Pool give an account of Rayburn pleading with those members not to open up an Eisenhower trade bill to floor amendments. (292)~~ Some of the major achievements of the Texas leaders can be

interpreted as acts of institutional maintenance -- Johnson's maneuvering in 1954 to bring about the McCarthy censure, Johnson's maneuvering in 1957 to pass a civil rights bill (symbolic or not, it proved that Congress could pass one), (293) Rayburn's maneuvering in 1961

(287) Institutional maintenance in the Senate's less tied to formal position. For years the chief "Senate man" was Richard Russell (D.-Ga.).

(288) Richard F. Fenno, Jr., "The Internal Distribution of Influence: The House," in Truman (ed.), The Congress and America's Future, p. 63.

(289) See Goodman, op.cit. p. 273. At no time since 1938 have a majority of those members been willing to take a position against the committee. But there has been intense opposition to the committee in sections of the public in a position to cast general doubt on Congress's reputation.

(290)

Rayburn's biographer quotes him: "When a man has to run for re-election every two years," he explained, "the temptation to make headlines is strong enough without giving him a chance to become an actor on television. The normal processes toward good law are not even dramatic, let alone sensational enough to be aired across the land." Booth Mooney, Mr. Speaker (Chicago: Follett, 1954), p. 167.

(291)

See Neil MacNeil, Forge of Democracy: The House of Representatives (New York: Doubleday McKay, 1963), p. 342.

(292)

Bauer et al., op.cit., p. 64. Rayburn's attitude has been handed down to his successors. Thus this statement by the new House majority leader, Thomas P. O'Neill (D.-Mass.): "The country's becoming more protectionist again," he said. "You get a tariff bill on the floor today with an open rule, and there will be 4,000 amendments to it. There are going to be people who want to protect the shoe industry, protect the glass industry, protect the fish industry...." Marjorie Hunter, "O'Neill of the House: A Majority Leader's Perspective," New York Times, January 20, 1973, p. 21.

(293)

For accounts of the 1954 and 1957 maneuverings see Rowland B. Evans and Robert Novak, Lyndon B. Johnson: The Exercise of Power (New York: New American Library, 1966), pp. 81-85, 119-140.

to pack a Rules Committee holding up bills favored by public opinion. (294)

The three "control committees" of the House — Rules, Appropriations, and Ways and Means — are delicately arranged to contribute to institutional maintenance. (In this respect none of the three has a functional analogue in the Senate.)

The inducements to serve on them are the power and prestige within the House that go with membership. (295) Appointments are not easy to get; for several decades Congressmen have more eagerly sought places on these committees than on any others. (296)

Appointments on the three go to "responsible" legislators, with this definition of the term: "According to the party leaders and the members of the committees — or — committees, a responsible legislator is one whose ability, attitudes, and relationships with his colleagues serve to enhance the prestige and importance of the House of Representatives." (297)

Membership on any of the three is not an electoral liability, and in the case of Appropriations or Ways and Means it can be a considerable asset. But what makes the committees interesting is the set of services each supplies to Congressmen individually, and to the Congress as an institution. In one role each committee gives direct services; it makes decisions that are helpful to individual Congressmen in their electoral quests. In another role each committee supplies indirect services; it does things helpful to the Congress as an institution that go beyond or against member electoral quests. This may seem an odd mix but there is institutional wisdom in it; the committees have to offer the right combination of power and prestige to induce talented members to serve on them.

(294) See Milton C. Cummings, Jr. and Robert L. Bealby, "The Decision to Enlarge the Committee on Rules: An Analysis of the 1961 Vote," ch. 11 in Bealby and Bealby, *op. cit.*

(295) For Appropriations and Ways and Means there is direct interview evidence that Congressmen seek membership because of the power and prestige it offers. See Ferris, *Causes of the Crisis*, p. 82; Manly, *op. cit.*, p. 56; Ferris, *Congressmen in Committees*, pp. 2-5.

(296) For the 1914-1941 period there are data collected by John C. Eberhart and reported in George B. Galloway, *Congress at the Crossroads* (New York: Crowell, 1946), p. 90.

(297) Nicholas A. Masters, "Committee Assignments," ch. 10 in Bealby and Bealby, *op. cit.*, p. 240.

The Rules Committee's services derive from its power to hold up or expedite bills. It can aid members directly by moving along bills they want or by blocking bills they find it uncomfortable to vote on at all. (298) The best recent example of this latter is probably the Rules blocking action on federal aid to education in 1961. From the member standpoint the Kennedy education bill was a nightmare; there were cross-cutting public opinion cleavages on race, on religion, and on the issue of federal spending. Rules voted 8 to 7 to kill the bill, with James J. Delaney (D.-N.Y.) casting the deciding vote. In the liberal press Delaney was a villain but in the House he was a hero. Newsweek reported: "When Delaney cast his vote," one Southerner said, "you could hear the sigh of relief all over the Capitol." And hours later in the Speaker's lobby, grateful congressmen still were shaking the New Yorker's hand. (299) One's suspicions is prestige woven. But Rules also supplies indirect services. With the party leaders it arranges the House agenda. (300) In blocking bills it probably serves as a check on particularism and interest-group servicing; Robinson reports that the standing committees most often denied rules for their bills seem to be Veterans' Affairs, Public Works, and Interior. (301) And it may also serve as a check on symbolism by blocking proposals that are unworkable. (302)

(298) "... [A]n institution that dispenses and obscures responsibility has distinct advantages for many of its members, who find it useful to reduce political pressures upon themselves by shifting to others the blame for the success or failure of certain measures. That the House Committee on Rules performs this valuable function is clearly demonstrated by our survey data [a sample of House members showing that a majority were against stripping Rules of its blocking powers]." Davidson et al., Congress in Crisis, pp. 104-105.

(299) Newsweek, July 31, 1961, p. 25.

(300) For an account see James A. Robinson, The House Rules Committee (Indianapolis: Bobbs-Merrill, 1963), chs. 2, 3.

(301) Ibid., p. 28.

(302) The Rules Committee flashes across the headlines, of course, at those times when a majority position on important issues among House members is only a minority position among Rules members. This happened in the Eighty-first and Eighty-sixth Congresses, in each case as a result of large gains in Democratic seat holdings. On these occasions Rules was more conservative than the House and there arose the problem of stopping it from blocking bills favored by a House majority.

The House Appropriations Committee directly aids Congressmen by supplying money for their pet projects. But its indirect service is far more important. What Appropriations does is to act as the "guardian of the federal Treasury."⁽³⁰³⁾ Its members adopt as their mission the cutting of budget estimates,⁽³⁰⁴⁾ and they work remarkably hard at it.⁽³⁰⁵⁾ They "cut," "carve," "slice," "prune," "trim," "chop," "slash," "shave," and "whack."⁽³⁰⁶⁾ There is a custom of arranging subcommittees so that members do not handle programs they have a direct interest in financing.⁽³⁰⁷⁾ The Senate Appropriations Committee has no budget-cutting ethic; it acts as an "appeals court" for agencies that want more money.⁽³⁰⁸⁾ House committee members disdain Senators for their extravagance.⁽³⁰⁹⁾ All this is well known from Fenno's account.

But how do we explain the House committee's activities? In at least four ways the members fill an institutional maintenance role. By cutting budgets they work against the diffuse and primal danger that Congress will spend more money than it takes in. They lean against particularism and also against service of the organized. And they lean against symbolism, which the members call "waste" -- a term that has disappeared in modern theories of public finance. "Waste" can occur when a standing committee authorizes a billion dollars in a good cause but takes no interest in what happens to the money afterwards; the ostentatious authorization is what counts. To guide them in their manifold efforts Appropriations members recall what is taken to be a past institutional record of sin and redemption. Between 1555 and 1721

(303) Fenno, Power of the Purse, p. 95-102.

(304) Ibid., p. 102-108.

(305) Ibid., p. 90-95.

(306) Ibid., p. 105.

(307) Ibid., p. 147.

(308) Ibid., p. 151-159. The Senate had the same "appeals court" role a century ago. See Wilson, p. 113-114.

(309) Fenno, op. cit., p. 626-632.

most of the appropriations bills were synthesized out among House standing committees, with committees suggestion of programs doing both the authoring and the appropriating. There is a scholarly consensus that this arrangement produced extravagant spending in the areas of irrigation.⁽³¹⁰⁾ Certainly Appropriations members believe that it did.⁽³¹¹⁾ Rebenston came in 1921 with the gathering back of all the appropriations bills into one place. The modern Committee enjoys solid House support. Members may get upset by its decisions now and then, but in general they honor it for its penny-pinching.

Appropriations

The House Ways and Means, like Appropriations, serves members directly -- in this case mostly by processing special tax provisions. (The Democratic delegation also handles appointments to the other standing committees.) But again the indirect services are more important. In effect Ways and Means is hired to put a damper on particularism in tax and tariff making, and to protect what members call the "actuarial soundness" of the social security program.⁽³¹²⁾ The Senate, where the Finance Committee assumes no such role, tends to differ from the House by voting for lower taxes,⁽³¹³⁾ higher tariffs,⁽³¹⁴⁾ and more liberal transfer benefits.⁽³¹⁵⁾ The current Senate instrument is the "Christmas tree bill," laden with goodies of all sorts often added on by floor amendment.⁽³¹⁶⁾ Given their mission, Ways and Means members consider it vitally important that the House membership not unravel their bills. The first "strategic premise" of the

(310)

"Such a disintegration of fiscal control was fatal to balancing income and outgo." Leonard D. White, The Republican Era: 1869-1901 (New York: Macmillan, 1956), p. 65.

"With many of the department heads and bureau chiefs sharing in the general irresponsibility of this spending heyday, the rapid growth of federal expenditures during the next decade became a national scandal. No congressional floodgates were open, and funds flowed out unabated for such projects as improvements for rivers and harbors that carried little traffic, and superfluous post offices for tiny villages." Joseph P. Davis, Congressional Control of Administration (Washington, D.C.: Brookings, 1969), p. 54. See also Louis Fisher, President and Congress: Power and Policy (New York: Free Press, 1972), pp. 92-94.

(311)

Chairman George Mahon (D-Tax) makes the case in a speech celebrating the 100th anniversary of the committee. Congressional Record (daily ed.), March 2, 1965, pp. 3863-3867.

- (312) On social security see Mauley, op. cit., p. 281. On the rest, Mauley, ch. 6 generally.
- (313) Ibid., pp. 272-279.
- (314) Ibid., pp. 281-291.
- (315) Ibid., pp. 279-281.
- (316) Ibid., p. 258. "To [Ways and Means] Committee members, the Senate is characterized by irresponsible logrolling and by capitulation to politically popular but unwarranted demands; by the kind of decision-making, in short, that one could expect in the House without the closed rule." p. 250.

Committee, in Fermo's formulation, is "to write a bill that will pass the House." (217)

Accordingly the committee has nurtured the custom of using the "closed rule" -- outlawing floor amendments -- on tax, tariff, and transfer bills. (318)

"The closed rule acts as a shield for Ways and Means bills against hundreds of interest group demands that would be articulated if not fulfilled if the bill agreed naked on the floor." (319) Ways and Means, like Appropriations, may deprive Congressmen of immediate gratification now and then, but its members are excited for their institutional service.

It would be absurd, of course, to claim that the institutional maintenance efforts of the leaders and the "central committee" offer a cure-all for Congressional problems. No one exercises much of a check on symbolism; the Appropriations members bring to them search for "waste" a narrow accounting mentality. But to dampen is not to extinguish; the Ways and Means Committee does after all deal in tax loopholes, and it is hard to get on the committee at all without displaying support for the oil depletion allowance. (320) There is the possibility that Congressmen "undergo" in areas where they are not insulated by particularism or organized pressure. (321) And Congress has no clear way of generating intended fiscal effects; the effort to set up a joint budgetary committee in the late 1940's foundered in disarray. The fiscal problem surfaced in the winter of 1972-1973, as an "impoundment crisis," with President Nixon lashing out at Congress for its alleged inflationary inclinations. (322) It was difficult to tell whether the money conflict between President and Congress was likely to be temporary (i.e., caused by an ephemeral difference in supporting conditions between President and Congress), or chronic (i.e., caused by a shift in Congressional programs and processes giving Capitol Hill activities an inflationary bias). The Congressional response to impoundment was once again to try to establish a joint budgetary process. (323) Whether it would work was problematic; again this was a collective goods problem. But if the

(317) Fermo, Congressmen in Committees, p. 55.

(318) Nawley, op. cit., p. 226.

(319) Ibid., p. 223.

(320) Ibid., pp. 26-27.

(321) The liberals tend to think so. That Congress might do so is deducible from the arguments in Downs, "Why the Government Budget Is Too Small in a Democracy." (See the explanation above in Footnote 278.) What "underspending" means is of course problematic. The

public finance theorists build models that aggregate popular preferences. A Rawls definition of "underspending" would be different. See Rawls, op. cit.

(322) A weary reflection on Congressional spending programs by Senate Minority Leader Hugh Scott (R.-Pa.): "It is difficult because, as I said yesterday, we are all responsible. We voted for these things last year, and some of us will vote for them again. When they come before us after a veto, and the veto is not sustained, we go through the debt ceiling by our own legislation, and we contribute to inflation, which we collectively deplore. Then we face a congressional tax increase, which we always call 'tax reform.'" Congressional Record (daily ed.), February 21, 1973, p. S 2945.

(323) See "Congress and the Budget: Better Days Ahead," Congressional Quarterly Weekly, April 28, 1973, pp. 1013-1018.

Existing institutional maintenance arrangements in Congress are imperfect, they nevertheless exist. They help to work off what the past has shown to be real dangers. They are blunt and negative -- the three "portal committees" are big governments or what can all too easily become a runaway engine. Within their limits the arrangements are effective. It is hard to see how Congress could maintain its prestige and power without them. And there is an important constitutional point here. To check the modern Presidency the Congress after all has to maintain its prestige and power. Hence it is always important that Congressional "reformers" go about their task with eyes open; to get rid of the closed rule in the interest of "democratization," for example, would be indirectly to weaken the Congress and strengthen the Presidency. (324)

Surely it is easy enough for assemblies to frame a collage. In the United States, with its flexible constitutional arrangements, decision powers can ^{be} transferred to other governmental organs. The history of American city reform is largely a history of taking powers away from city councils. One problem has been council particularism; in Georgia reform meant among other things take down stop-signs the alderman had put at almost all the city cross-roads. (325)

~~There was a time, to be sure, when "bosses" were informally bound to govern; in Chicago the party boss in the mayor's office still serves as a demi ex machina check on council particularism. (326)~~ But over the long haul formal institutional changes have been the pattern -- at large elections to make councilors serve "the city as a whole" rather than their wards, item vetoes to give mayors control over projects, rules outlawing council increases in budget estimates, laws generally strengthening the mayoral office. (327) City councils as a result are burned-out volcanoes here and there disfiguring the urban landscape.

- (324) Of course to give in to selective Presidential impeachment would also be to lose power. Congressman James Whitten (D-Miss.) makes this case: "What we must not do is turn over to the executive branch the right to select projects and programs to go forward and vice versa to be killed. If we do that there is no further need for Congress, for the Congress will have given up its place as the people's branch whose prime responsibility is to look after the people." Congressional Record (Daily ed.), October 10, 1972, p. H9375.
- (325) John Barthlow Martin, "The Town that Tried Good Government," in Edward C. Banfield (ed.), Urban Government: A Study in Politics and Administration (Glencoe, Ill.: Free Press, 1961), p. 280.
- (326) Banfield, Political Culture, chs. 11, 12.
- (327) On the logic of city reform see Samuel P. Hays, "Political Parties and the Community - Society Continuum," ch. 6 in Chambers and Burnham, op. cit., p. 170; and Edward C. Banfield and James Q. Wilson, City Politics (Cambridge: Harvard University Press, 1963), pp. 89-96, ch. 11.

The Boston council, with Benfield and Wilson, "has no real function in city government." (321) American councilors do some ombudsman work, they champion the civil service unions, they fire occasional symbolic broadsides, but prying about the general impact of government is left to the mayors.

Is it possible for an individualistic assembly to govern all by itself? The United States, with its constitutional mixtures at all levels of government, offers no clear test. But the case of France is illuminating. France, the other great Nineteenth-Century republic, had the same problem as the U.S. in deciding where to locate executive power. The French solution in the Third and Fourth Republics, following the logic of the 1790s, was to concentrate power in a set of national assemblies (with the lower house dominant). But France, like the U.S., never developed into a party regime. For a brief moment after World War II there were signs that it would, but the alliance of the three cohesive Resistance parties broke in 1947 with the coming of the Cold War. The Fourth Republic leaped back into the individualism of the Third. In both republics there was, in Mon's words, a "mixed system, in which some candidates owed their election to their personal position in the district or departement, others to the success of a party..." (329)

In both republics majority coalitions normally included the centrist Radicals with their tradition of deputy individualism. In broad political outline the assemblies of the two republics had much in common with the American Congress. Communist aside, deputies had to build and sustain personal followings in order to keep nominations and win elections. (330) Communist aside, the parliamentary parties were incohesive in their roll call voting. (331) Assembly committees were as strong and as independent as those in the American Congress. (332)

The result was "assembly coherence." Deputies gave extraordinary time and energy to the supply of particularized benefits to their constituents. (333) The shift from single districts in the Third Republic to proportional representation in the Fourth cut down on "pork-pump politics" but by no means eliminated it. (334) What the shift did do was to give greater electoral value to the servicing

- (328) Banfield and Wilson, op.cit., p. 95.
- (329) Raymond from, France, Stability and Change: The Fourth to the Fifth Republic (Cambridge: Harvard University Press, 1960), p. 29.
- (330) See Lowell, op.cit., pp. 133-136; Philip M. Williams, Politics Post-War France: Politics and the Constitution in the Fourth Republic (New York: Longmans Green and Co., 1958), pp. 154-155, 349, 355. Rosenthal makes a case that Gaullist deputies

in the Fourth Republic individually attend their assembly voting to local coalition needs: "... [T]here may be a pure political game of shifting one's position to winning electoral contests. Consideration of what is necessary to win in a constituency may then dictate the deputies' decisions in the Legislature." Howard Rosenthal, "The Electoral Politics of Gaullists in the Fourth French Republic: Ideology or Constituency Interest?" 62 American Political Science Review 487, 1969. One difference between French and Americans is that between a quarter and a half of the non-Communist deputies of the Fourth Republic were simultaneously local mayors. Duncan MacRae, Jr., Parliament, Parties and Society in France, 1946-1958 (New York: St. Martin's, 1967), p. 54.

- (331) See MacRae, op.cit.
- (332) See Williams, op.cit., pp. 234-241.
- (333) All analysts agree on the point. See, e.g., Williams, op.cit., pp. 205, 252, 257; Lowell, op.cit., p. 220.
- (334) Williams, op.cit., p. 349.

of interest groups. (335) Parliamentary committees with clientele clashed with cabinets on matters like veterans' pensions and teacher salaries. (336) Managing Parliamentary Business was in itself a formidable task. (337) It was hard to keep budgets in balance. (338) To serve the needs of institutional maintenance there was of course the cabinet but also the Finance Committee, which walked the same fine line as the "control committees" of the American House. (339) As for doing or saying on major policy matters, the French had their own word for it -- "immobilisme!"

On social policy Thomson argues that parliaments of the Third Republic were profoundly insensitive to the non-particularistic needs of the working class. (340)

9

All this does not add up to a conclusive case that individualistic assemblies cannot govern. With occasional German interruptions the two French republics did after all last for 87 years -- not a bad record given the turmoil of the last century. Indeed in the long run a particularistic regime may prove more durable than an efficient bureaucratic state without local roots. And it should be recalled that the French republics, like the American, were experiments in democracy in ways foreign to elitist party regimes housed in limited monarchies. (341) Citizens rather than subjects are needed to appraise the means and ends of policy ventures in individualistic assemblies. Yet the French republics undeniably had problems. There were continual crises de régime. In every election during the Fourth Republic at least 40% of the electorate voted for anti-system parties. (342) The Napoleonic system

(335)

Ibid., p. 328-329.

(336)

Brown, "Pressure Politics in France," p. 715. On committees see also Williams, op. cit., p. 245-249

(337)

Williams, op. cit., p. 207-209. "In refusing to accept a minimum of discipline in the conduct of parliamentary business, the deputies stultify themselves. Their attention is continually distracted to minor matters instead of being concentrated on the main aspects of policy, which in practice frequently escape from their control." p. 209.

(338)

Ibid., p. 252-253, 258-261. "The unwillingness of the deputies to vote for higher

- (339) "Indeed, the institutional barriers set up by the Assembly against irresponsible expenditure are wholly dependent for their effectiveness on the attitude of the Finance Committee. The attitude of the latter is therefore a decisive factor; in some respects it is the most 'governmental' of committees, while at the same time it is the one whose opposition is most dangerous." Phil., p. 243.
- (340) David Thomson, Democracy in France Since 1870 (New York: Oxford University Press, 1969), ch. 5. "Thus the experience of the pre-war years bred disillusionment amongst the working classes, and spread the conviction that social reform was, in the existing system and with the prevailing balance of parties, subordinated to the political mechanism of parliamentary manoeuvres." p. 176.
- (341) A distinctive move ~~or less~~ gone from public consciousness. It was still vivid when Theodore Roosevelt and the French representative had to trail in a ^{black coach} behind a dreary ^{in scarlet coaches} line of kings at Edward VII's funeral in 1910.
- (342) Aron, op.cit., p. 19.

was always kept open and in 1938 it was chosen. The basic problem in an assembly regime is the lack of a clear accountability relation between electorate and officialdom. ⁽³⁴³⁾ Voters find it hard to get a handle on government. There is a tendency, dangerous to a regime, for assembly members to be individually esteemed but collectively despised. As in France so in America. Fenno writes, "We do, it appears, love our Congressmen.... On the other hand, it seems equally clear that we do not 'love our Congress.'" ⁽³⁴⁴⁾ The tie between Congress and the U.S. electorate is in some ways a curious and distant one. As Table 1 shows, there has been no direct relation in recent years between voter disapproval of Congressional performance and voter inclination to deprive incumbents of their seats.

In the circumstances keeping Congress afloat for nearly two centuries has been a considerable achievement, and it makes sense to close this essay by speculating briefly on the ways Americans have tried to deal with the problems inherent in Congressional rule. A good way to do so is to bring up the American "reform" tradition, which is something to be explained as well as applauded or deplored. By American usage as well as ancient etymology the term "reform" carries a meaning of rationalization -- of conferring form or reason where it is lacking. The term is overworked and imprecise, but it can usefully be applied to either or both of the two

re-phrase page 92 should go on a separate page just after the page with this reference on it.

(343)

The popularity ratings of Fourth Republic premiers hovered in the low percentiles, about the same as those recorded by Truman and Nixon in their worst years. The exceptions were readings for Pinay, Mendès-France, and de Gaulle (in his brief role as last premier of the Fourth Republic), who reached for public support outside the parliament. See MacRae, *op. cit.*, pp. 309-310.

~~... the tie between Congress and the U.S. electorate is in some ways a curious and distant one. As Table 1 shows, there has been no direct relation in recent years between voter disapproval of Congressional performance and voter inclination to deprive incumbents of their seats.~~

- (34) Fenna, J., as Ralph Nader says, 'Congress is the Broken Branch,' How Can We Love Our Congressmen So Much? p. 1. ^{Harris} A national survey reported in 1967 turned up these diagnostic responses:
- "How would you rate the job which has been done by Congress in 1968 -- excellent, pretty good, only fair, or poor?" Excellent or pretty good, 46%; fair or poor, 46%; not sure, 8%.
- "How would you rate the service your Representative gives in looking after his district in Washington -- excellent, pretty good, only fair, or poor?" Excellent or pretty good, 59%; fair or poor, 22%; not sure, 19%. Data supplied by ^{the} Institute for Research in Social Science, University of North Carolina

Table 1. Public Ratings of Congressional Performance Compared with Membership Turnover

Year	Public Ratings of Congress ^(a)			Number of Incumbents Defeated in Primary or General Elections ^(b)		Net Criticism Seat Swing Over Previous Election ^(b)	
	Positive	Negative	Not Sure	House	Senate	House	Senate
	1964	59	33	8	52	3	36 D
1966	49	42	9	49	4	47 R	4 R
1968	46	46	8	13	8	5 R	6 R
1970	26	63	11	22	7	12 D	3 R

(a) Harris survey data supplied by the Institute for Research in Social Science, University of North Carolina. Responses are to a question posed to a national sample at the end of each even-numbered year: "How would you rate the job Congress did in 19** -- excellent, pretty good, only fair, or poor?" The first two choices are coded as positive, the last two as negative. Wording of the question has varied slightly over the years.

(b) Data taken from Congressional Quarterly election reports. Some of the defeats of House members occurred necessarily where redistricting threw two incumbents of the same party into the same district in a primary election or two incumbents of opposite parties into the same district in a November election. There were 3 throw-in defeats of one kind or the other in 1964, 4 in 1966, 5 in 1968, and 2 in 1970.

following kinds of activities: 1) Efforts to impart instrumental rationality to governmental undertakings. In the Congressional context this means attempts to deal with symbolism and delay. 2) Efforts to apply universalistic distributive standards in the activities of government, or, more broadly, to have the government venture forth and impose universalistic distributive standards on society. This last we call "social reform." In the Congressional context universalistic standards impinge on particularism⁽³⁴⁵⁾ or the servicing of the organized. There is no need here to decide what instrumental rationality or universalistic standards "really are." The meanings change from time to time; in effect the connotative meanings of efficiency and justice change over time. It will suffice here to take a philosophical short-cut and say that "reform" demands on government mean ^{important} a class of popular preferences expressed or discussed in the language of efficiency or universalism. Probably every regime generates its own style of reform. The American style is distinctive and it fits the contours of American institutions. Its most vigorous component is the "Progressive" tradition, with emphases on streamlining government, strengthening executives, rooting out particularism, exposing official complacency and dereliction. Progressivism is largely a middle-class tradition associated only ambiguously with redistributive ventures traveling under the label of "social reform."⁽³⁴⁶⁾ Indeed the ideological confusion of American reform movements stems from the fact that they have simultaneously, in various proportions, ^{quests for} efficiency and justice. In dealing with Congress there are at least four theoretically interesting "reform recourses" to which Americans have turned or thought about turning.

(345) This can be true even though the term "universalism" was used earlier to characterize the way Congressmen agree among themselves to hand out particularized benefits. Take the example of the impacted areas program. Every Congressman who wants an impacted area subsidy gets one, but there is no overriding rationale for handing out education money his way - - - so it

is alleged -- beyond the political rationale that makes' subsidies in visible pockets electorally attractive. Hence it is alleged that some school districts and hence some students profit unjustifiably at the expense of others -- an over-all violation of universalistic standards. There are no certain answers on questions like these but there is a language for dealing with them. The Supreme Court makes judgments of this sort in constraining the Equal Protection clause of the Fourteenth Amendment.

(346) It is an interesting question whether social classes differ in their attitudes toward the various American national institutions. Some intriguing data exist for 1965-1966. Samples of people with college degrees and people without high school degrees were asked to give their views on Congressmen and on high federal government appointees. In the college sample 75% gave "favorable portrayals" of the appointees, 65% gave "favorable portrayals" of the Congressmen. In the other sample the rankings were reversed; the Congressmen ran ahead of the appointees by 61% to 50%. This is not much to go on, but it suggests a middle-class admiration for efficiency (putatively found in the executive class). See M. Kent Jennings, Milton C. Cummings, Jr., and Franklin P. Kilgore, "Trustful leaders: Perceptions of Appointed Federal officials," 30 Public Opinion Quarterly 377-389, 1966.

The first and most important recourse has been to strengthen the Presidential office in the interest of democratic accountability. (So in the cities with the mayors.) The logic here is reasonably clear. Since Presidents can be held individually accountable for ^a policy efforts and states of affairs, they are likely to go about their business with a vigorous insistence on instrumental rationality. (347) And both because they are paid for efforts and because voter costs of watching their activities are lower, Presidents are less likely than Congressmen to traffic in particularized benefits or to defer to the organized. So goes the logic. How about the facts? The American record lends a good deal of support to the logic, and indeed it gives a reminder of how often American political controversy has flared between institutions rather than between parties or ideologies. (348) The old tariff issue divided the parties but it also divided President and Congress. (349) Cleveland's tariff reforms foundered in a Democratic Senate; Taft was ruined by the tariff log-rolling of a Republican Senate. Hoover signed the Smoot-Hawley bill but it was far from what he wanted. Even McKinley supported reciprocity agreements that were given short shrift in a Republican Senate. The tariff was only one pre-New Deal issue. Woodrow Wilson's 1885 work was aptly titled Congressional Government -- a system in which ^{most of the} revenue came in through the tariff ^{a lot of it} and went out in veterans' pensions and rivers and harbors projects. (350) Small wonder that Cleveland earned a reputation as a reformer simply by vetoing bills.

The dignities of office have persisted in the modern period. Next on the subject of categorical grants sounds like Cleveland on ^{veterans'} pensions.

(347) John Stuart Mill draws the following distinction between cabinet ministers and assemblies:
 "To a minister, in the head of an office, it is of more importance what will be thought of his proceedings some time hence, than what is thought of them at the instant: but the assembly, if the cry of the moment goes with it, however hastily raised or

artificially stirred up, thinks itself and is thought by everyone to be completely exalted. However disastrous may be the consequences." Op.cit., pp. 100-101.

(348) In an essay on predictable conflict between Presidency and Congress see the progressive Willmoore Kendall, "The Two Majorities," 4 Midwest Journal of Political Science 317-345, 1960.

(349) On the Congressional side the pro-Norval tariff was a truly astonishing political creation. Schattschneider has the best account, and he uses the term "unwisdom" to characterize the way Congressmen agreed among themselves to distribute benefits. Protection followed a policy of "reciprocal non-interference." If there was a duty on a raw material a "compensatory duty" was levied against finished materials to satisfy manufacturers of the latter. An established duty was regarded as a vested right more or less like an agency's "base" in the appropriations process. ~~The tariff acted as an~~
~~"obstacle" for industrial development in the~~
~~again suggesting the~~ Not surprisingly the tariff rates rose higher and higher decade after decade. To dismantle all this in the 1930's was to destroy an elaborate political system. See Schattschneider, Colleges, Pressures, and the Tariff, pp. 86, 130-131, 135, 144. His summary judgment: "The history of the American tariff is the story of a dubious economic policy turned into a great political success." P. 283.

(350) Wilson, op.cit., ch. 3.

Almost every President starting with Coolidge (Johnson and the early Roosevelts are exceptions) has opposed Congressional farm programs. Every President starting with Kennedy has opposed the integrated access program. Every President starting with Kennedy has had to sell Keynesian economics to a skeptical Hill audience. Presidents surround themselves with deputies of efficiency -- Louis Brownlow, Herbert Hoover, Robert McNamara, and Roy Ash have been salient among them -- provoking clashes with Congress over the organization of the executive branch; Nixon's design for reorganizing the executive in 1971 was not far from a carbon copy of Roosevelt's in 1937. Legislative and executive branches attract different personality types -- "one oriented to particular relations with persons and another which abstracts from persons to principles." (351) Of the incidence of office there is no shortage; to find a ^{President's} man with a contempt for Congress matching John Ehrlichman's one only has to go back to Harry Hopkins. In the area of social reform five of the last six Presidents have proposed ambitious redistributive transfer programs and usually met indifference or hostility on the Hill; Truman, Kennedy and Nixon respectively got nowhere with health insurance, medicare, and family assistance. The Presidency is in short a vitally important democratic office which complements the brand of democratic relations offered by Congress. (352) One explanation of why Congress has maintained its strength reasonably well over the years is that it has shucked off to the Presidency some of the policy problems it is incapable of handling; thus the Bureau of the Budget was lodged in the Executive in 1921 and the tariff went over to a Commission in 1934. (353)

(351) Baum, *et al.* *op. cit.*, p. 446.

(352) Opinion polls assessing Presidential performance give a kind of accountability relation that fills in the blanks between quadrennial election returns. See John E. Mueller, "Presidential Popularity from Truman to Johnson," 64 American Political Science Review 18-34, 1970. There is an analogy in Britain where monthly opinion readings on Cabinet performance

Close match trends in the economy. See C.A.E. Goodhart and R.J. Bhansali, "Political Economy," 18 Political Studies 43-106, 1970.

In a sense the American Supreme Court is a democratic institution also -- an indirectly elected legislature dealing in general rules that Congress is incapable of enacting itself but unwilling to strike down if the Court enacts them. Before the New Deal the rules mostly had to do with domestic free trade, afterwards with civil rights and civil liberties.

(353) At which time Congressional tariff politics shifted largely (but not entirely) from credit-claiming to position-taking. The modern pattern: "The individual representative can placate a local industry by writing to the Tariff Commission about an escape-clause proceeding or to the Committee on Reciprocity Information when a trade agreement is about to be negotiated. But letters are cheap. He can also make a speech on the floor of Congress or before a trade association. Having done his bit for local industry in this way, he is not necessarily called upon to try to translate local interests into the law of the land." Bauer et al., op.cit., p. 247.

Again there is a French analogy. The French invented the plebiscite, the Americans the Presidential election; the latter has proven a more durable electoral connection and the French have now adopted it. In fact the French have built a Fifth-Republic Presidency stronger than the American by severely restricting parliamentary power to amend government bills or propose public expenditures. ⁽³⁵⁴⁾ But to bring up the French tradition is to suggest the difficulties of executive democracy. How democratic can a one-man office be? Leaving aside the problems inherent in centralized decision-making -- which are serious ⁽³⁵⁵⁾ -- there is a single problem of statistics. A pleasing property of an assembly is that its actions are more or less predictable. Some of its members may turn out to be crooks, incompetents, paranoics, megalomaniacs, or saints, but the proportion will be low and will not change much over time. But no amount of model-building can exercise the fact that a lone President once in office may prove a considerable surprise. An awe-inspiring feature of both Teapot Dome and Watergate is that whole Administrations crumbled in ruins. And the Presidential temptation to go home after world glory or a place in the history books is a real one; American foreign policy can come down to a depressing choice between Presidential imperialism and Congressional symbolism. Moreover, when electorates are given a chance to choose national executives they display a sobering tendency to choose generals. In the public eye what is a military man after all but a package of instrumental rationality? From the Bonapartes through Boulanger and de Gaulle the executive recourse in France (by coup or election) has been ^{Weimar Germany says the case of Hindenburg.} military. Americans have elected generals whenever they have been available. It is to be recalled that the founder of the Jacksonian tradition was General Jackson -- vanquisher of the British and leader of the Cherokees. All in all for a democratic people to lodge power in an elective executive is a risky business. But Americans have taken the risk in order to overcome the policy deficiencies of Congress.

(354) See Philip M. Williams, The French Parliament: Politics in the Fifth Republic (New York: Praeger, 1968), pp. 19-20, 66, 81. Some Americans, including Walter Lippmann, have favored the idea of making Congress vote Presidential bills up or down within a given time period. See Huntington, op. cit., p. 30.

(355) See Lippmann, op. cit.

A second American "reform recourse" -- more in thought than in action -- has been to try to strengthen the ^{political} parties within Congress specifically or in the system generally. The familiar logic of focused accountability has been especially appealing to academics. Keeping up the parties was Woodrow Wilson's first reform nostrum in the years before he discovered the potential of the Presidency.

There is no need to expound here on the theory of party government. (356)

In fact the main thrust of reform in Twentieth-Century America has been to destroy parties rather than strengthen them; Progressivism in its heyday was largely ~~in part~~ a revolt against the rooted particularism of American parties at the local level. (357)

Within Congress there does remain as an historical curiosity the venture in strong party leadership and cohesive party voting ~~in the~~ around the turn of the century -- especially in the House between the laying down of the Reed rules in 1890 and the weakening of the Speakership in 1910. In its time the bolstering of the Speakership was

perceived as a reform. The Reed rules allowed a more expeditious handling of House business. (358) Taussig gives an economist's judgment that the Dingley Tariff Act of 1897 was the better for having been packaged and jammed

through by party leaders. (359) But the party experiment was short-lived. Strong Speakers clashed with Presidents, and the public accountability relations of the former were inevitably more ambiguous than those of the latter. Speaker Cannon may have been trafficking in a streamlined form of assembly coherence,

(356)

Downs makes the abstract case for it. Barry discusses the trade-offs between having a "power-concentration" system and a "power-diffusion" system. *Op. cit.*, pp. 237-243.

In France elites on the left have favored government by party, in the center government by individualistic assembly, and ^{or} the right government by single-man executive -- making for a politics in which controversy has flourished as often over institutions as over policies. Most of the arguments against the party model are familiar. Two

perhaps are not. One raises the question whether voters who live in a system of disciplined parties in fact approve its arrangements. Survey evidence on British voters in one locale suggests that they would prefer M.P.'s to be more constituency-oriented. See Raymond F. Wolfinger et al., "Popular Support for the British Party System," paper presented at the 1970 convention of the American Political Science Association. Another argument raises the question whether the abstract assumption of party competitiveness is necessarily the proper assumption to make. Just about everyone takes for

granted that it is. Writers following Downs have refined the logic of competition with the tenacity of Thirteenth-Century metaphysicians. But why has no one built a model positing oligopolistic collusion? (Or monopolistic collusion?) The New York party system, to name one, offers ample material to flesh out such a case. Some elements of a collusion model appear in G. William Domhoff, Falcons and Democrats (Englewood Cliffs, N.J.: Prentice-Hall, 1972).

(357) See Hayes, op. cit.

(358) See Gallaway, History of the House of Representatives, pp. 52-53.

(359) On its House passage: "In the main, the committee scheme was adopted as it stood, being accepted once for all as the party measure and passed under the pressure of rigid party discipline. The whole procedure was doubtless not in accord with the theory of legislation after debate and discussion. But it was not without its good side also. It served to concentrate responsibility, to prevent haphazard amendment, to check in some measure the log-rolling and the give-and-take which beset all legislation involving a great variety of interests." Tausig, op. cit., pp. 326-327.

But, as in the case of the tariff, it was an assembly coherence method. New reforms overturned the old. Under Taft the Progressives brought into Congress an ethic of member individualism that has since become the norm. Freedom to take positions is so firmly established among modern Congressmen that something of a revolution would be required to upset it. The current attitude of Democratic incumbents toward the idea of holding midterm national conferences to hammer out party policies is resolutely hostile. (360)

A third resource, and the favorite of the journalistic profession, is "exposure." The logic here is that the diffuseness of American governmental institutions makes it hard for voters to keep track of what incumbent politicians are doing and the effects of what they are doing. Information costs are ^{extraordinarily} high. Hence the muckraking habit — essentially a persistent effort by journalists and others to reduce information costs. (361) To enlarge the audience on a Congressional issue can be to change the outcome. Thus when auto safety arose as an issue in the Eighty-Ninth Congress one ordinarily would have expected the House Commerce Committee to side with the manufacturers. "The reason it did not behave in this fashion can be summarized in a single word: publicity." (362) In this case the publicity was supplied largely by Ralph Nader. In the last decade both the Nader organization and Common Cause have set up shop in Washington as publicizers of Capital Hill activities. Over the long haul most of the salience-raising in Congressional politics has been the achievement of journalists. Indeed the relation between reporters and office-holders in American politics is one of the more important instances of ambition checking ambition. The logic of exposure has less force in a system where voters can more clearly judge

(360) On the controversy over a party "charter" see "Democrats Plan Warily for 1974 National Conference," Congressional Quarterly Weekly, June 16, 1973, pp. 1499-1502.

(361) Of course a good many reporters enjoy comfortable and symbiotic relations with Congressmen. See Matthews, op. cit., ch. 9. But others supply a cutting edge of criticism.

(362) Price, 'Who Makes the Laws?' p. 59.

governments by their efforts, and in fact the British have not sustained an equivalent tradition of exposure.

A fourth and final recourse has been to try to regulate the deployment of resources in Congressional election campaigns. The chronic effort to regulate campaign finance is distinctly American; in other systems where disciplined parties speak for identifiable social groupings, no one much cares where the campaign money comes from. For better or worse almost all Congressional enactments on campaign finance have been symbolic — bold in theory but haphazardly drafted and unenforced or unenforceable in practice. An exception is the Federal Election Campaign Act of 1971, which placed ceilings on radio and television spending by Congressional candidates. The law is enforceable because stations keep accurate records of their advertising revenue. Congressional incumbents had an interest in making it enforceable because it protects them from media blitzes by primary or November challengers. One certain yield of Watergate is a new flurry of statutes on campaign finance; whether they will have much effect is difficult to say.

These recourses are as central to American politics as Congress itself. In fact it is fair to say that in indirect ways two of them — the involving of the Presidency and the tradition of exposure — have contributed as much to the institutional maintenance of Congress as internal arrangements. And again, keeping individualistic assemblies politically robust is not an easy task. On present trends there are two points worth making. The first is that ~~the~~ American national government has ^{recently} delinked one complexity of municipal government — an environment in which assemblies have not flourished. The second is that candidates running for Congress have been relying increasingly on position-taking; we now have talk-show Senators, a House rife with subcommittees, a huge and individualistic California delegation, a reformed New York City delegation. Whether frantic position-takers can make an institution work is a difficult question. No doubt academics and reformers have added to the emphasis on position-taking by elevating roll-call voting as a test of political virtue. Making up ideological dimensions is an agreeable activity, but from the voter standpoint

it ignores at least two other dimensions of considerable importance. There is, or could be, a "particularism-universalism" dimension, gauging the scope of Congressmen's activities. And there is, or could be, an "intentions-effects" dimension, gauging the inclination of Congressmen to try to accomplish what they say they are in favor of. Appraising Congressmen in these ways requires a good deal more information than that supplied in the roll calls, and the Nader profiles of 1972 are probably a response to a felt need for such information. In the long run Congressional survival may require institutional maintenance arrangements more sophisticated than the ones that have succeeded in the past. It may be necessary to build in selective incentives to reward members who take an interest in programmatic impact. To do so may be possible in an institution where life-time careers are the norm. But to do so would be to violate the canons of American legislative politics as we have come to know them.