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Edited by Steven S. Smith, Jason M. Roberts and Ryan J. Vander Wielen
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PART I. THE AMERICAN CONGRESS:
MODERN TRENDS

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CHAPTER ONE

What Is Wrong with the American Political System?

John Hibbing and Elizabeth Theiss-Morse

Hibbing and Theiss-Morse argue that the American public dislikes Congress, as it does other parts of government, because it dislikes the *processes* of government. Congress, in which conflict, partisanship, and bargaining is quite visible to the public, is disliked the most. It is Congress's transparency that makes it the least-liked among the major institutions of government.

The voices of citizens matter in a democracy, but understanding what these voices are truly saying is difficult. We know that the American public holds the political system, and the institutions composing it, in astonishingly low regard. We also know that people are especially disgusted with Congress. The reason for these negative feelings is much less clear. If we are to understand what citizens are saying, however, we must determine what lies behind their antipathy. We pursue this task in the pages that follow. Our primary thesis is that dissatisfaction with the political system and especially Congress is due in no small part to public perceptions of the *processes* involved. As will become apparent, some aspects of these allegedly flawed governing processes are of the sort that could be improved through the adoption of certain political reforms, but other aspects are endemic to open democratic government. That the people of the United States,

a country often viewed as the initiator of modern democratic government, have an aversion to democratic processes may sound absurd to many, and perhaps obvious to a few, but we ask for patience as we develop the evidence and logic behind this contention and as we append the necessary caveats and qualifications.

The public's negativity toward the political system and Congress has reached the saturation point. It pours forth with only the slightest provocation and has been duly recorded by countless political observers. In fact, these sentiments have been so much a part of the recent scene that only the briefest sampling is needed here. The title and first few paragraphs of a 1991 *Washington Post* article include these words and phrases: "an electorate ready to revolt," "anger," "frustration," "crisis of confidence," a political system "under indictment," "crisis of confidence" (again), "disaffection," "anxiety," "decline of confidence" (for variety), "disillusionment," "government off track," "frustrations," and "further frustrations" (for good measure).

While it is difficult to locate a portion of the political system currently held in high esteem, it is not difficult to locate the focal point of the alleged public unrest. It is, fittingly, the first branch of government, the U.S. Congress. The initial report of the joint American Enterprise Institute and Brookings Institution effort to renew Congress begins by stating simply: "Make no mistake about it: Congress is in trouble." We are told that people believe Congress is

John Hibbing and Elizabeth Theiss-Morse. 1995. "What Is Wrong with the American Political System?" in John Hibbing and Elizabeth Theiss-Morse, *Congress As Public Enemy* (Cambridge University Press), 1–21. Reprinted with permission.

the broken branch, that it is an embattled institution, that its approval rating among the public is at an all-time low, that Congress faces “a wave of public criticism that is unprecedented in recent memory,” and that “the public hates Congress.”

It is now common practice, both for those retiring from Congress and for those staying, to complain about the hectic pace, the difficulty of passing legislation, the lack of comity among members, shrill demands from the people, the demanding interest groups, the intrusive media, and the byzantine, balkanized legislative process. Alas, House Republicans’ 1995 success in eliminating three minor committees and a few dozen subcommittees was hardly sufficient to alter these perceptions. Perhaps the most jarring statement on the plight of Congress came when William Gray (D.-Penn.), who held one of the more powerful positions in the House as majority whip, explained his decision to leave Congress by noting that he wanted to make a difference in society. It used to be that people entered Congress because they wanted to make a difference; now it appears that some leave for the same reason.

So, virtually everyone – insiders and outsiders alike – seems to be upset with our national political institutions and particularly with Congress. The unrest may appear most intense outside the beltway, but many Washingtonians also are sincerely disappointed with the current functioning of the political system. Discontent seems ubiquitous.

When previous researchers have attempted to determine people’s level of commitment to democratic values, the standard practice has been to focus on freedom of speech. This approach is not unreasonable, but a commitment to freedom of speech is hardly commensurate with a commitment to all democratic values, as many more elements of democratic values exist. More important, and as the research on commitment to freedom of speech indicates, a claimed commitment to certain values should not be equated with a commitment at the operational level. We may profess attachment to broad values but react negatively when these values are put into practice in specific instances.

The aspect of democratic values that concerns us most, and that has been largely ignored by previous research, is a commitment to basic democratic processes. We agree with Bernard Crick when he writes that the process of democratic politics involves compromise among competing interests, tolerance of diverse points of view, and “some recognition that government is . . . best conducted amid the open canvassing of rival interests.” This means that democratic processes will not usually highlight certainty, agreement, and speed. Rather, they often reveal our lack of certainty, often remind us of our disagreements, and are seldom speedy.

In addition, the nature of modern democracy in a mass technocratic society is consistent with processes allowing for disagreements, debates, and decisions to be undertaken by *representatives* of various people, causes, and interests rather than by the people themselves. This leaves open the possibility that these representatives will be perceived to have been co-opted, leaving the ordinary people out of the process. Further, though it may not be absolute (and some people, such as the term-limit supporters, are trying to reverse the trend), there is a tendency in developed and differentiated societies for institutions to become complex, bounded, professionalized, and distinguished by unique norms, rules, standard operating procedures, and support structures.

So, true democratic processes in any realistic environment are bound to be slow, to be built on compromise, and to make apparent the absence of clean, certain answers to important questions of the day. Given the size, nature, and developmental stage of American society, our democratic processes are further characterized by visible agents (representatives of various concerns and people) and less visible principals (the people and concerns themselves), and by elaborate and ponderous governmental structures.

With these core features of democratic processes in mind, we turn to a brief preview of the public’s process preferences. To put it simply, Americans tend to dislike virtually all of the democratic processes described above. They dislike compromise and bargaining, they dislike committees and bureaucracy, they dislike

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political parties and interest groups, they dislike big salaries and big staffs, they dislike slowness and multiple stages, and they dislike debate and publicly hashing things out, referring to such actions as haggling or bickering.

Americans want both procedural efficiency and procedural equity. What seems to escape many people is that democratic processes are practically by definition not procedurally efficient. The “haggling and bickering” so frequently decried by the people could very easily be termed informed discussion. And while eliminating interest groups and political parties might alleviate the sense that equity has been trashed by special interests, it would be impossible for democratic procedures to work in our kind of society without something like them. We need these groups to link the people and the governmental structures unless we want to try direct democracy (and the people do not).

In stressing Americans’ distaste for open debate and methodical coalition building as well as their fondness for clear, quick decisions, we are not simply restating the point that most people have authoritarian streaks; the situation is more complicated than that. It is not so much that Americans are authoritarians in the sense that they crave a “man on a white horse.” This would be easy to provide. What Americans want is much more difficult. They want stealth democracy.

They want opportunities for involvement, and they want to know that if they take the opportunity they will be taken seriously. At the same time, they do not really want to get involved. Not only that, they do not really want to have to see the political process being played out. They want democratic decision-making processes in which everyone can voice an opinion, but they do not prefer to see or to hear the debate resulting from the expression of these inevitably diverse opinions. To them, such debate is bickering, haggling, and all talk. They want openness in the sense that they want to know they or anybody else can exercise influence if they want to. They do not want key decisions to be made in private, but this does not mean people are likely to try to influence government or to want to see and hear every

laborious step of the governing process. They only want to know that the opportunities exist. The American people want democratic procedures, but they do not want to see them in action.

Do not ever say that people will henceforth be denied the opportunity to observe a congressional committee meeting or that the position of dog catcher or weed commissioner will be turned into a nonelective office. Such proposals are usually opposed vigorously by a loud and substantial majority of Americans. But at the same time, do not infer from this opposition that the public likes to be involved – even in a passive way – in politics. It does not. The people simply do not want to be told that they *cannot* be involved. This desire should not obscure the basic fact that the American public dislikes many of the core features of democratic procedures.

Just as people want governmental services without the pain of taxes, they also want democratic procedures without the pain of witnessing what comes along with those procedures. Political observers have failed to understand this situation no doubt partly because many of us enjoy watching the give and take of politics. In this, we are quite different from ordinary people. They are put off by this same give and take; they do not want it. They want efficient, equitable decisions, and they want them reached in a fashion that does not force them to be exposed to the process. They also want to be confident nobody has been given an inside track or special, undeserved attention. Of course, the belief that politicians are always “haggling and bickering” is fueled by the perception that the process is dominated by special interests. A popular myth is that if members of Congress listened to the people rather than to the special interests, most disagreements would magically disappear. So while it is true that public dissatisfaction may be directed at what is felt to be a perversion of democracy rather than at democratic processes themselves, it is also true that popular assumptions about the cohesiveness of public opinion (and the detachment of special interests from that public opinion) are so unrealistic as to make this point inconsequential. People still wish to

avoid the “open canvass” of diverse interests that is unavoidable with democracy.

None of this is to say that the public is displeased with the existing constitutional structure. Quite the contrary. The public still reacts negatively to proposals that would seriously disrupt the institutional relationships outlined in the Constitution even if some of the positions favored by the public seem consistent with a parliamentary structure. But the public draws a distinction between the constitutional outline and the way things are currently working or

not working. It believes portions of the original design have been subverted. The problem is not the Constitution; it is that we are not sticking closely enough to the Constitution.

If open debate is seen as bickering and haggling; if bargaining and compromise are seen as selling out on principle; if all support staff and division of labor are needless baggage; if carefully working through problems is sloth; and if all interests somehow become evil special interests, it is easy to see why the public is upset with the workings of the political system.

CHAPTER TWO

A Reassessment of Who’s to Blame
A Positive Case for the Public Evaluation of Congress

David W. Brady and Sean M. Theriault

Brady and Theriault argue that there are things legislators do that bring public disapproval upon their institution. Legislators devise procedures to avoid accountability, engage in hyperbolic rhetoric, and blame their own institution. Moreover, extremists in Congress get disproportionate media coverage so that the public sees more conflict and partisanship than actually exists.

That Americans disapprove of Congress is generally as well accepted as any stylized fact in American politics. From 1974 (when Gallup first asked a congressional approval question) through 1997, congressional approval hovered around 30 percent. The average for 54 Gallup polls taken over the 23 years was 31 percent. At no point did a majority of Americans approve of the way Congress did its job – approval climaxed in 1974 at 48 percent amid the Watergate proceedings. Such bleak numbers led Glenn Parker to conclude, “Congress, like Prometheus, is inevitably doomed to suffer indignities.” Sometimes, however, stylized facts turn out to be fiction. In 1998, Congress enjoyed widespread popular support, reaching a high of 63 percent in late September. Notwithstanding Congress’ current popularity, the causes and consequences of the American public’s

disapproval of Congress have been studied in classrooms.

The myriad opinions and explanations of low congressional approval can generally be broken down into two schools of thought. The first argues that the American public’s disapproval of Congress is based on policy or conditions. Low congressional approval is an artifact of either a recessing economy or policies inconsistent with the public’s preferences. Sometimes the latter is caused when Congress enacts policies that the public does not like; however, it is more likely caused when Congress does not respond to the public’s demand for policy.

The second school of thought absolves Congress of its doggedly low approval in arguing that low approval stems from the Framers’ institutional design. Fred Harris, a former member of Congress and chief defender of the institution, summarizes:

By its nature, Congress is conflictual, and sometimes confusingly, disturbingly, unattractively so. This is another reason for its seemingly perennial unpopularity. We say we like democracy, yet we hate conflict. But dealing with conflict, offering a forum for it and for its resolution – these are essential elements of democratic government.

Parker takes Harris’ argument a step further by blaming the public: “The public often lacks the basic understanding of the legislative process that would lead to an appreciation of the significance of legislative actions.” Although congressional defenders admittedly place some of

David W. Brady and Sean M. Theriault. 2001. “A Reassessment of Who’s to Blame: A Positive Case for the Public Evaluation of Congress” in John R. Hibbing and Elizabeth Theiss-Morse, eds., *What Is It about Government That Americans Dislike?* (Cambridge University Press), 175–92. Reprinted with permission.

the blame on members themselves, they generally conclude similarly to Harris: “The U.S. congress is today, perhaps more than ever, a place of largely well-motivated, well-prepared, and high-minded professional members.”

Hibbing and Theiss-Morse provide an integrated explanation for low congressional approval. Their comprehensive and systematic argument consists of elements from both schools. They argue that “large staffs, mossback politicians, and oversized benefits packages” lead to congressional unpopularity. Additionally, they demonstrate how the American public unrealistically expects members to legislate without the democratic vulgarities defined as “diversity, mess, compromise, and a measured pace.” For them high approval scores would result from both more responsible action by members of Congress and a more informed and understanding American public.

Even though the arguments summarized above represent a number of different explanations for low congressional approval, they each, either explicitly or implicitly, contain a comment element: low approval is at least partially the fault of the American public. Each explanation suggests that a more informed, educated American citizenry would not evaluate Congress as poorly as it does.

Before giving in fully to any of these explanations, we think that it is fair to ask if the American public legitimately holds the views that it does. In other words, do populist reasons exist for the public to view Congress negatively? Or, do members explicitly perpetuate the American public’s cynical evaluation? We do not claim to have a definitive answer to these questions; rather we offer several speculative arguments that place the blame of low congressional approval squarely upon the members. We argue that it is *because of* the decisions made by the political elite that the American public disapproves of Congress. We present four practices members actively engage in that lead to congressional unpopularity. Each practice is briefly mentioned in this introduction before we present the more complete argument.

First, members of Congress avoid difficult votes by engaging in questionable legislative

procedures. They employ these procedures to circumvent accountability. In this section, we examine the history of the congressional pay raise. We argue that individual members of Congress sacrifice the integrity of the institution so they can receive salary increases without paying a political price.

Second, members frequently engage in hyperbolic rhetoric. The hyperbolic rhetoric takes two forms. First, they employ Perot’s quick-fix rhetoric in claiming to have easy solutions to hard problems. Unfortunately, the public hears the rhetoric and is left profoundly disappointed when their expectations are not realized. Second, and inversely, divergent proposals are not debated meaningfully; rather, the consequences are overblown and exaggerated in hopes of demonizing the proponents and killing the proposals. Members not only lose credibility when the consequences are not realized, but in the process the practice demeans the institution. We discuss the rhetoric used by Democrats during the Persian Gulf War debates and Republicans during Clinton’s first budget as examples of this irresponsible rhetoric.

Third, members run for Congress by running against it. A popular campaign tactic in congressional elections is to bash the institution. Challengers try to tie incumbents to the “mess in Washington,” as incumbents try to persuade the voters to send them back so an experienced voice can fight against the “Washington establishment.” Congressional campaigns also intensify other activities disliked by the public such as negative campaigning. In this section, we show that as the elections get closer and more people pay more attention, the American public’s approval of Congress decreases.

Last, and perhaps most important, the public face of Congress distorts the internal workings of the institution. While ideological extremists bash each other on television as well as in newspapers, the moderates are left to negotiate and legislate. We show, through a series of tests, that those who are most influential in passing legislation are least likely to show up in newspapers and television talk shows. Consequently, the public witnesses a higher proportion of fighting and combative rhetoric than actually exists.

Those aspects of Congress that Americans like least, according to Hibbing and Theiss-Morse, are those that they see most.

QUESTIONABLE LEGISLATIVE PROCEDURES

We argue that members often subvert the normal process to obtain outcomes that might not otherwise be realized. In doing so, members of Congress make the process appear even uglier than it already is. When the public witnesses a debasement of a process it already views skeptically, can we be surprised that they disapprove? David Dreier, a reform-minded member of the House, argues, "I don't think it's mere coincidence that the growing prevalence of restrictive floor procedures has coincided with the decline in public support for Congress." We show how the politics of congressional pay raises subverted the normal process. We speculate that both the subversion and the enactment of pay raises cause an already skeptical public to express disgust at Congress.

Congressional Pay Raises

Congressional pay raises are an explosive issue. Indeed, as James Madison noted over 200 years ago, "There is a seeming impropriety in leaving any set of men, without control, to put their hand into the public coffers, to take money to put in their pockets." Unfortunately for members of Congress, the Constitution reserves for them exclusively the duty to decide their pay. Controversies surrounding congressional pay are nearly as old as the republic itself.

Lest the American public think this controversy of increasing pay is a recent phenomenon, the congressional history is replete with stories surrounding congressional pay raises. In 1816, members changed their pay from a per diem basis to an annual salary. During the next election, many members lost their seats amid the public's rebellion, including nine who resigned even before the election. Perhaps the most audacious pay raise occurred in 1873. Just as the 42nd Congress was drawing to a close, members not

only passed a 50 percent salary increase, but they made it retroactive for two years. Not surprising, the majority party paid dearly for this abuse of public authority. In the next election, 96 members of the Republican majority lost their seats.

The more recent history is also illustrious. In 1953, Congress established the Commission on Judicial and Congressional Salaries in hopes of delegating the duty of setting their pay to a commission. Two years later, upon the recommendation of the commission, Congress voted to increase their salaries from \$12,500 to \$22,500. In an attempt to keep pace with inflation, members again increased their salaries in 1964 to \$30,000. Three years later, they modified the old commission, giving it a new name and new powers. The President's Commission on Executive, Legislative, and Judicial Salaries would meet every four years to make salary recommendations to the president. If the president included them in his budget, then they automatically became law unless either chamber passed a resolution to block them. In this way, members could increase their pay without having to risk public scorn by explicitly voting for it.

The commission was not raising their pay quickly enough, so Congress instituted additional devices. Following the inflationary early 1970s, Congress enacted a proposal that would "make members eligible for the same annual October cost-of-living increases given to other federal employees." It was not until 1981, when Congress rejected four consecutive cost-of-living increases, however, that the procedure became automatic. In 1985, Congress made it even more difficult to prohibit a pay raise increase. In response to a Supreme Court decision against the use of the legislative veto, Congress required both chambers and the president to disapprove of a pay raise within thirty days of the president's submission of his budget in order to stop the automatic increase. In exploiting their newly enhanced rules, members from both chambers passed a resolution to disapprove of the 1987 increase exactly one day after the thirty-day cutoff (which resulted in an almost 20% salary increase). Critics called this the "vote no and take the dough strategy."

The following year, the Senate passed the Grassley Amendment that “prohibit[ed] members from receiving a pay raise proposed by the president unless both the House and Senate explicitly voted for it.” When the House failed to pass the same measure, Senate conferees on a 5–2 vote agreed to drop it from the conference report. In 1989, the commission recommended a 51 percent salary increase. The Senate voted to disapprove the pay raise in hopes that the House, where the agenda is more easily manipulated, would save the day. Unfortunately for them, one day before it would have automatically taken effect, Speaker Wright, already under intense scrutiny for his alleged ethics violations, buckled under public pressure and held a vote to kill the pay raise. Before caving in to the pressure, Wright strategized for the increase by both scheduling little legislative business prior to the thirty-day cutoff and trying to stiff-arm an adjournment vote as an increasing disapproval vote pended on the cutoff date.

Despite the public’s rebuke early in the year, Congress was not ready to let their pay raise die. By tying the pay raise to a series of ethics provisions including a reduction in permissible honoraria, a restriction on the amount and kinds of gifts, and a prohibition on the conversion of campaign cash to personal income after retirement, members hoped that a pay increase would be more publicly palatable. These rule changes were coupled with a 10 percent immediate salary increase for Senators and an 8 percent immediate as well as a 25 percent future increase for Representatives. The measure passed in the waning days of the session. In 1991, the Senate brought its pay scale in line with the more progressive House scale so that their salaries were again the same at \$125,000.

Since 1953, members of Congress have tried numerous attempts to increase their pay without politically paying for it. They have delegated the responsibility of setting their pay to a commission. They have linked it to inflation. They have delegated it to the president. They have made increases automatic. Finally, they have hidden it amongst a series of reforms.

Have any of these strategies been successful in isolating the members from a public that frowns upon congressional pay raises? No.

In each case, the pay raise became public. It invited criticism – not only because of the ends (increasing congressional pay), but also because of the means (perverse legislative procedures).

Fortunately for members, the public disapproves of the institution for these pay raise debacles. Except for 1816 and 1873, it appears that members have not been individually harmed. In this sense, the strategies devised for increasing their pay without repercussions have worked. A by-product of these questionable legislative procedures is an American public who lacks trust in Congress. Fortunately for members, broken trust in an institution does not typically have adverse electoral consequences for individuals.

EASY SOLUTIONS – DIRE PREDICTIONS

Through CSPAN members of Congress can speak directly to the American public. With this privilege comes a responsibility to lead, inform, and educate. Unfortunately, the hallowed chambers of Congress sometimes bear a striking resemblance to an elementary school playground. In this section, we argue that politicians engage in hyperbolic rhetoric to the detriment of the public’s approval of political institutions, generally, and of Congress, specifically. The hyperbolic rhetoric of politicians is manifested in two ways. The first is the simplification of complex public policy problems. Instead of outlining the difficulty of rigorously and systematically solving complex problems, political actors frequently simplify the problems not so much to solve them but to gain politically. When the quick-fix solutions fail, the process is demeaned, and the American public reacts negatively. Second, politicians exaggerate policy implications in hopes of not only defeating the policy but also humiliating the policy’s proponents in the process.

That politicians engage in hyperbolic rhetoric cannot be disputed. In this section we offer several case studies as proof. That this leads directly to public disapproval of Congress is speculation, albeit speculation with just cause. We submit that the hyperbolic rhetoric of politicians exacerbates negative feelings. Should we be surprised that the American public