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Introduction

Participation in Congress is seldom universal. It is never equal.

– Richard L. Hall. *Participation in Congress* (1996, p. 2)

As the lawmakers left their hometowns and cities scattered across the mountains, prairies, and shores of the United States, they carried with them the goals and concerns of the American people who voted them into office. Arriving in Washington to start the 110th Congress, excitement and ambition were particularly high among Democrats. They had just recaptured the House of Representatives after twelve years of Republican control. They had an opportunity to oppose President George W. Bush in the final years of his second term, and to advance their own agendas in hopes of setting the stage for Democratic control of the presidency in the 2008 elections. Between early 2007 and the fall of 2008, these men and women could confront the president on the unpopular Iraq War and on his tax cuts for big corporations and wealthy Americans. They could also attempt to take the country in new directions, with minimum wage increases, green energy policies, and health policy reforms.

Yet, beyond their collective concerns, each lawmaker was keenly aware of the many local needs of constituents back home. Experienced Democrats knew that this was an opportunity they should not take for granted. Those senior members who had entered Congress under Democratic control prior to the 1994 Republican Revolution had seen the difference in what they could accomplish in the majority party or the minority party. Would they make the most of the situation to help their constituents back home? How effective would they be in advancing their own policy agendas?

Four such senior Democrats each entered Congress with policy goals for themselves, their districts, and all Americans. Earl Pomeroy represented the entire state of North Dakota, with its vast rural landscape. Would he be able to help the agricultural sector, address concerns of Native Americans, or direct federal funds toward renewable energy given the great potential for wind power

in the state? Next door, Jim Oberstar represented Minnesota's 8th district, including the city of Duluth on Lake Superior. Would he be able to address needs in the Great Lakes area, or to provide support for the railroad industry given the confluence of rail traffic through his district from the upper Midwest and southern Canada? Would he be able to advance even more localized concerns, such as the need for a hospital in rural Cass County?

Further east, Dale Kildee represented Michigan's 5th District. Like Pomeroy, Kildee was interested in policies to address the needs of Native Americans, and particularly the Saginaw Chippewa Tribe in his district. Like Oberstar, Kildee was interested in Great Lakes policy, with parts of his district nestled on the shores of Lake Huron. But, with the city of Flint playing a central role in his district, Kildee was also deeply concerned about the auto industry and international trade. And, for a variety of reasons, he was also personally concerned about advancing educational opportunities for children. Finally, in New York's 21st District, Mike McNulty was sent to Congress to represent Albany, Schenectady, and much of the Mohawk River Valley. How effective would he be at advancing policies to help the region's hydroelectric power plants and its textile industry?

Although each had different goals and agendas, these four lawmakers all looked relatively similar to one another. They were all white, male members of the majority party. They had all served in Congress for many terms; in fact, the least senior of the four was starting his ninth term, having served for sixteen years. They were all coming from relatively safe districts, with their previous vote margins ranging from 64 percent to 74 percent. None of the four members held formal positions of party leadership, and none of the four had previously served as committee chairs in the House. How would these otherwise quite similar lawmakers use their institutional positions and legislative skills to advance their policy agendas?

The first and most fundamental tool every member of Congress has at his or her disposal is the ability to sponsor a piece of legislation, in an attempt to change the laws of the land and make policy perhaps a bit better for the people whom they represent. Yet members differ in how much they take advantage of their sponsorship opportunities. Of our four lawmakers, Pomeroy and Oberstar introduced the most legislation in the 110th Congress by far, with thirty-six and thirty-nine bills, respectively. In contrast, Kildee introduced eleven bills, whereas McNulty introduced only five bills. In thinking about these numbers, it seems that the differences in the sizes of legislative portfolios cannot be easily explained by such factors as committee assignments. McNulty and Pomeroy were both members of the House Committee on Ways and Means (a traditional "power" committee), yet they had starkly different policy agendas. Likewise, while not sitting on power committees, Oberstar and Kildee both sat on major substantive committees (as Chair of Transportation and Infrastructure for Oberstar, and on Natural Resources and on Education and Labor for Kildee); yet they, too, introduced notably different amounts of legislation.

Moving beyond simple introductions, however, there is also a question regarding the policy focus of the different bills. While Oberstar and *Pomeroy both introduced almost forty bills, the majority of their introductions came from one issue area, with Oberstar introducing twenty transportation-related measures, and Pomeroy introducing nineteen bills that engaged taxation and revenue issues. Such introduction patterns seem quite sensible given their respective committee assignments. In contrast to the focus of these portfolios, however, Kildee and McNulty not only introduced much less legislation, but their respective policy portfolios were also relatively more diffuse.*

Yet each lawmaker sought in no small measure to address his constituents' needs. Pomeroy focused much of his agenda on issues of importance to North Dakota, such as farming, rural education, and energy. Oberstar introduced bills dealing with the Great Lakes and railroads, as well as one for the Cass County hospital. Kildee spent his efforts on trade in the automotive industry, Native Americans, and college access and Head Start for kids. And McNulty's legislation dealt with the Mohawk River Hydroelectric Projects and with textiles. Additionally, each advocated for agenda items that may not have been obvious given their districts, such as Pomeroy's beer-tax reduction bill, Oberstar's Appalachian regional development bill, or McNulty's identity theft prevention bill. Were such agenda items being introduced to further the interests of other legislators, perhaps because Pomeroy, Oberstar, and McNulty held institutional positions of influence that others lacked?

The sum of these sponsored bills offers a glimpse into the needs and aspirations of constituents from back home. These legislative suggestions are the instruments by which American democracy is designed to translate good ideas into public policy. Yet by the end of the legislative term, two of these four legislators would not have succeeded in passing a single piece of their sponsored legislation; one would shepherd more than half of his agenda into law; and one would be considered among the most effective lawmakers in the 110th Congress. Who would succeed and who would fail? Why are some members able to translate their policy proposals into public law, while others are routinely ignored and dismissed? And what is it about these four members in particular that might explain their relative levels of legislative effectiveness?

Regardless of profession, from salespeople to journalists to major league sluggers, some individuals simply outperform their peers. Lawmakers are no different. It takes a certain set of political skills (and the right political circumstances) to formulate a viable solution to a major public policy problem, to construct a coalition in support of that solution, and to shepherd the related legislation through committee, across the floor, and into law. Uncovering the personal and institutional characteristics that lead some members of Congress to be more effective legislators than others is crucial to understanding the American system of political representation and public policy formation. At a time when public

satisfaction with Congress is at historic lows, assessing the opportunities for effective lawmaking is particularly important.[1]

The problems faced by the modern American society are immense, ranging from the threat of terrorism to the new challenges of the information age, from concerns about the national debt to fears about climate change. The nation needs leaders who can help address these problems. It needs effective lawmakers who can move ideas into policy. Some of these new policies will help solve the country's problems. Others will be ineffective, needing to be revised or abandoned later. Still others will create altogether new problems to be overcome. Indeed, the public policy process is uncertain and prone to error. One thing is clear, however. Absent effective leaders to address societal problems, our system of representative democracy cannot thrive.[2] With such leaders, it may or may not thrive, depending on the choices that they make.

The need for effective leadership was expressed in more colorful terms by Sam Rayburn (D-TX), who served as Speaker of the House through much of the 1940s and 1950s. He is credited with declaring: "Any jackass can kick down a barn, but it takes a good carpenter to build one."[3] Throughout his term, Rayburn saw the need for more of the latter in Congress, and fewer of the former.[4] Such is no less true today.

The search for good carpenters – for "effective lawmakers," in our terms – is central to this book. Throughout, we aim to engage two broad questions in American politics. First, why are some members of Congress more effective than others at navigating the lawmaking process? And second, what does this variation across members imply for the organization of Congress and the creation of public policy in the contemporary American political system? In engaging the first question, we seek to uncover what personal characteristics, as well as institutional factors, contribute to (or detract from) a given legislator's effectiveness in Congress. Our investigation leads us to examine how factors such as gender, race, and previous experiences influence different legislators' careers and

[1] A *Real Clear Politics* analysis of public opinion polls that were conducted between January 5 and February 3, 2014, revealed that approximately 13 percent of Americans approved of the job Congress was doing, whereas more than 81 percent of Americans expressed disapproval. Retrieved from http://www.realclearpolitics.com/epolls/other/congressional_job_approval-903.html, accessed on February 6, 2014.

[2] Related to this point, recent history is rife with examples of how other branches of government, and the president in particular (i.e., Howell 2003; Moe and Howell 1999; Oppenheimer 2013), may step in to fill the power vacuum when Congress is unable to formulate new policies, in spite of pressing national issues.

[3] For instance, see *Time Magazine*, "The Congress: The Prelude of the 83rd," January 12, 1953.

[4] Moreover, before becoming Speaker of the House, Rayburn served as a member, and then chair, of the Interstate and Foreign Commerce Committee, where he facilitated the creation and passage of numerous prominent pieces of legislation such as the Securities Act of 1933, the Securities Exchange Act of 1934 (which created the Securities and Exchange Commission), and the Public Utilities Act of 1935. As discussed in Caro (1982, chapter 18), Rayburn clearly demonstrated significant legislative skill in the years before he became Speaker.

their productivity in the U.S. House of Representatives, and how these features have varied in importance over time. In engaging the second question, we identify how the activities of effective legislators in different issue areas facilitate the creation of new public policies.

The concept that some members of Congress are more effective than others comports well with conventional wisdom and modern parlance. When Representative Dan Rostenkowski (D-IL) was forced to resign his chairmanship of the Ways and Means Committee in the wake of a scandal in 1994, commentators were quick to note that legislators

> like Mr. Rostenkowski are needed who can close a deal, who can put together a majority behind a delicate piece of legislation, and few of them are left. His fall from power as chairman of the Ways and Means Committee changes the calculus of health insurance legislation this year and opens questions about how well the House of Representatives will be able to handle other difficult matters.[5]

Even those who traditionally criticized Rostenkowsi, such as *Chicago Tribune* columnist Mike Royko, readily conceded that he knew

> how to cut through the bunk, make a deal, twist an arm, do a favor, call in a chit, and move point A to point Z without a lot of philosophical mumbo jumbo. . . . [These] are rare skills in Washington, where most congressional creatures – even their hired flunkies – are babbling exhibitionists.[6]

Finally, when Rostenkowski passed away in the summer of 2010, the obituaries and editorials upon his death were decidedly mixed in opinion as to whether his legacy would be that of a hero or a thief. Yet a common thread in nearly all of the memorials was that Rostenkowski was an incredibly effective legislator during his time in Congress.[7]

More recently (and not involving the specter of a scandal), in discussing the influence of Representative Henry Waxman (D-CA) in 2009, Speaker Nancy Pelosi (D-CA) argued that "almost every aspect of people's lives has been affected by

[5] Quote from Rosenbaum (1994). It is important to note that being an effective legislator should not necessarily be equated with being a policy wonk. Very few observers of congressional politics would argue that Rostenkowski was intimately familiar with the complicated details of many of the policies that he advanced through his committee; but, as Rosenbaum and others argue, Rostenkowski was quite adept at identifying what was politically feasible, and knowing who he could rely on (whether it be other Representatives or staff members) to cultivate the specific legislative details that would serve Representatives' varying needs, to engender their support.

[6] Quote from Royko (1994).

[7] A parsimonious sample of these sentiments can be found in Charles Madigan's April 13, 2010, editorial in the *Chicago Tribune*, entitled "Dealmaking and Downfall," in which he argues that "Rostenkowski delivered for Chicago in heroic proportions across the careers of five mayors, perhaps the only consistent and dependable piece of government from Daley to Daley. He made bold threats in exchange for dollars that saved theaters here or fixed messes there or helped rebuild neighborhoods. He sure loved his dealing. . . . He did business the way all smart businesspeople in Washington did business. He did it the way that worked."

Chairman Waxman – generic drug safety, clean air, so many things. . . . [He] has really been an effective, effective legislator."[8] And these observations about Waxman's effectiveness were not reserved to his legislative allies. When Waxman assumed the chairmanship of the House Energy and Commerce Committee, Thomas Pyle, president of the Institute for Energy Research, noted that "Waxman is as liberal as it gets; and he's a very effective legislator." Thus, his rise to the chair position will provide "about as hostile a climate as there could possibly be" for energy providers.[9] Similarly, upon naming Representative Rahm Emanuel as White House Chief of Staff in November of 2008, president-elect Barack Obama commented, "No one I know is better at getting things done than Rahm Emanuel." And Republicans like Senator Lindsey Graham (R-SC) conceded, "Rahm knows Capitol Hill and has great political skills."[10]

These observations about varying degrees of legislative effectiveness are not confined to commentators and journalists. Political scientists have long believed that such classifications of "being effective" or "getting things done" are important to understanding legislative politics. In the 1950s, David Truman discussed how the effectiveness of skilled legislators influences the congressional agenda, in that "legislative skill, usually acquired only after considerable experience in the law-making body, creates its own following; less experienced or overly busy members will often be guided by the skilled veteran."[11] In the 1970s, Richard Fenno pointed to how legislative effectiveness is advertised by incumbents on the campaign trail, and how "to the extent possible – even if it requires a bit of imagination – members will picture themselves as effective users of inside power" when meeting with constituents.[12] Moreover, in the 1990s, David Mayhew eloquently noted that legislative effectiveness is ostensibly a necessary precondition for political career advancement: "Like power contenders in the Roman Republic who headed for Gaul or Spain to win battles, would-be presidents try to score points by showing they can actually do something – pass laws."[13] Hence, one would naturally suspect that a legislator's ability to move bills through the legislative process would have a direct bearing on the types of coalitions that she participated in, on her electoral security, and on the viability of her career progression onto higher office.[14]

More broadly speaking, it is fair to argue that individual and collective legislative effectiveness is a fundamental feature of practically every aspect of legislative policymaking, profoundly influencing American public policy. For example, scholarly research and conventional wisdom suggests that the majority party in Congress exerts substantial influence on policy outcomes, both through

[8] Quoted by O'Connor (2009).
[9] Quoted by Woellert (2008).
[10] Quotations taken from CNN.com, November 6, 2008.
[11] See Truman (1951, 344–345).
[12] See Fenno (1978, 137).
[13] See Mayhew (1991, 110).
[14] To avoid the awkward gender-neutral "he or she" and "his or her" language, we refer to generic members of Congress in feminine terms throughout the book.

its institutional advantages and in how it pressures its members. Yet little is known about how parties facilitate the strategic activities of their most effective members, who are crucial to advancing the parties' policy goals. With respect to representation, women and minorities serve a critical role within Congress. Yet does this role allow them to serve their constituencies as equally effective lawmakers? Additionally, the extent to which Congress as a collective body can develop meaningful policy solutions depends on the effectiveness of members and on how well such members are positioned within the organizational structure of Congress. The precise relationships between legislative effectiveness and these matters of partisan politics, representation, and policy advancement, however, have remained opaque. They are the focus of our inquiry.

Given the importance of these concepts, the legislative effectiveness of members of Congress is a surprisingly and sorely understudied topic in political science. While the above notable scholars recognize its importance in passing, and while an occasional article finds its way into scholarly journals, the questions of who can get things done in Congress, why, and with what effects have suffered from widespread neglect.[15] Far more often, members of Congress are characterized not in terms of their effectiveness, but instead solely by their party label or by their ideological stances, ranging from highly liberal to very conservative and everywhere in between.[16] Legislative scholars have spent enormous energy measuring the ideological *ideal points* of members of Congress, and rightly so. Based on *spatial models* of legislative politics, countless researchers have shed light on the role of political parties and party factions, on whether Representatives accurately represent their constituents, on the relationship between representation patterns (i.e., roll-call votes) and electoral success, on the match between descriptive representation by race and gender and substantive policy representation, and on the causes and effects of policy gridlock.

Yet we argue that all of these important topics (and many more) can instead be approached and examined through the lens of legislative effectiveness, and that such an approach will in many ways be more insightful. For instance, with a focus on members' effectiveness, we can study the importance of party status in advancing legislation through each stage of the lawmaking process, crucially uncovering where in the policy process majority-party members enjoy the greatest advantage. We can link the representation of women and minorities in Congress to their institutional strength, and thus better understand how the legislative strategies at their disposal influence the success or failure of their policy initiatives. And we can examine legislative stalemate across issue areas, yielding greater insight into how

[15] Throughout the book, we discuss earlier scholarly contributions relative to our own, with the greatest detail offered in Chapter 2.

[16] Fiorina (2011) and Mayhew (2011) both provide elegant recent reviews of prominent schools and thematic highlights in congressional scholarship over the past 40–100+ years. Clearly absent from either scholars' characterization of the literature is any body of work that speaks to some aspect of legislative effectiveness, as we have described it here.

political entrepreneurs and policy experts overcome policy gridlock. We take on all of these tasks here in an attempt to showcase the value of measuring legislative effectiveness and of using such measures to ask and answer questions, both new and old, about the workings of Congress.

More specifically, in Chapter 2 we develop a Legislative Effectiveness Score (LES) for each member of the House of Representatives in each Congress from the 93rd to the 110th (corresponding to the years 1973–2008). This chapter serves four broad purposes. First, it offers an example of applied measurement theory, illustrating how broad concepts in political science can be defined, how indicators of the concepts can be identified and then combined into a systematic measure, and finally how researchers can explore the measure's validity. Of course, the context for this exploration of measurement theory is the development of the LES. Here, as the second contribution for Chapter 2, we combine fifteen indicators of effectiveness, accounting for the number of bills introduced by each member of Congress and bill progression across five key lawmaking stages, for each of three levels of bill significance, all relative to the effectiveness of each other member of the House.

Third, we explore the robustness of the LES to alternative formulations, such as those that place different weightings on the various stages of legislative progression or those that take amendment activities more fully into consideration. And finally, we explore the characteristics of effective lawmakers, such as the importance of being a majority-party member, a committee leader, more senior, or from an electorally safe seat. In combination, in Chapter 2 we demonstrate how legislators with some degree of innate lawmaking abilities can cultivate a skill set and rely on their institutional positions to become highly effective in advancing their legislative agendas. We illustrate these findings by returning to the four lawmakers introduced at the start of this current chapter, offering an LES Scorecard for each and a discussion of why they became more or less effective in the 110th Congress.

In the subsequent chapters, we rely upon our measure of legislative effectiveness and expand it in a variety of directions to address some of the most important questions about the workings of Congress today. For example, in Chapter 3, we take an in-depth look at the initial finding that members in the majority party are more effective than members in the minority party. Although the vast majority of scholarly studies of party effects in Congress have focused on floor-voting patterns, there are good reasons to believe that the source of majority-party strength arises much earlier in the lawmaking process, specifically in the agenda-setting stage within congressional committees. Because the Legislative Effectiveness Scores are based on progressive stages across the lawmaking process, we can focus in on the relative importance of action in committees, the ability to overcome committee hurdles, and success on the floor of the House. In so doing, we isolate the relative importance of majority-party status for lawmaking success not only on the floor of the House, but also in committees and beyond the House chamber. Such an examination strongly establishes that

majority-party effectiveness is found not based on voting behavior on the floor of the House. Rather, lawmakers within the majority party gain such a high degree of effectiveness based on the systematic exclusion of minority-party members' proposals from consideration in congressional committees.

In Chapter 4, we focus on other potential coalitions of members of the House, apart from their party affiliations. Because effective lawmaking requires the forging of significant coalitions, subsets of members who share common interests may band together and adopt coordinated strategies in order to achieve legislative success. In Chapter 4, we examine three such groups. First, scholars have long established that women bring different goals and ambitions to the legislatures in which they serve. Our initial analyses from Chapter 2 show that, all else equal, women are more effective than men. Here, we explore the legislative strategies adopted by female lawmakers to help advance their agenda items. We particularly note the tendency of women to try to achieve consensus, and how this perspective on lawmaking helps advance the interests of women, especially when they are in the minority party.

Second, we focus on the interests of African Americans in Congress. Like women, African Americans bring different legislative agenda items to Congress. However, unlike women, their proposals do not typically bridge partisan divides. Rather, African-American legislators, and their proposals, tend to reside on the liberal end of the Democratic Party. One possible strategy to achieve some degree of lawmaking success involves African-American lawmakers narrowing their policy portfolios to a small number of "black interest" bills, concentrating their efforts on such issues crucial to their constituencies. We establish that such a strategy, while possibly the best available, offers only a very limited payoff when Democrats are in the majority. When Republicans are in the majority, African Americans tend to limit their proposals still further, seeking often-symbolic policies that can pass through the Republican House. In contrast to their lack of success with Democrats, this part of their strategy works well.

Our final focus of Chapter 4 is on Southern Democrats. Given their moderate ideological position, Southern Democrats could (and did) sometimes bolt from the Democratic Party to join the Republicans in blocking Democratic initiatives or in advancing conservative causes. Because of their pivotal position, Southern Democrats may have been in a position to be even more effective than other majority-party Democrats throughout the 1970s and 1980s. On the other hand, by sometimes casting their lot with the Republicans, Southern Democrats may have been seen as unreliable, resulting in their proposals being dismissed along with those of minority-party Republicans. We test between these two alternatives, and find support for the latter. Specifically, when liberal members of the Democratic Party achieved a majority of House seats in the mid-1980s, they systematically excluded proposals of Southern Democrats from their governing coalitions, largely lumping them in with members of the minority party. Such a diminution of the effectiveness of Southern Democrats disappears when the Republicans assume majority-party status in the mid-1990s.

Crucial to these three examinations in Chapter 4 is the use of changing Legislative Effectiveness Scores over time. As the numbers of Southern Democrats declined and the ranks of African-American and female members of Congress increased, their strategies evolved and their successes and failures became more clear. By focusing on the LES measure across eras of Republican and Democratic control of Congress, we gain greater insight into how each of these minority groups fared both when in the majority party and within the minority party.

In contrast to the findings for individuals or groups of lawmakers in the earlier chapters, in Chapter 5 we turn our gaze to the institution of the House of Representatives as a whole. Specifically, we ask whether Congress can effectively overcome institutional hurdles to lawmaking and avoid being mired in policymaking gridlock. Here we move away from our overall Legislative Effectiveness Scores to generate a score for each member in each of nineteen issue areas that Congress commonly confronts. By focusing on each policy area separately, we establish that legislative gridlock is highly contextual. Some policy areas are many times more gridlocked than others. And the rates of policy gridlock vary within each issue area significantly from one Congress to the next.

Yet we argue that such patterns of gridlock across issue areas are far from random. Rather, congressional gridlock can be studied and understood based on a variety of characteristics of the policies themselves, and of the lawmakers who help to overcome legislative stalemate. In particular, in Chapter 5, we use issue-by-issue Legislative Effectiveness Scores to identify which issues are more partisan than others, which require greater expertise, and which feature a more prominent role for political entrepreneurs. These three factors vary across policies and over time. Together they go a long way toward explaining which issues are more gridlocked than others and how lawmakers may work together to overcome such gridlock.

Given the importance of political entrepreneurs in bringing about policy change, and given our interest in identifying highly effective lawmakers, in Chapter 6 we turn from our largely quantitative approach to a more qualitative assessment of the most effective legislators. Specifically, we identify the ten most-effective lawmakers across each of the nineteen issue areas explored in Chapter 5. We also find the ten most-effective members of each party in each Congress. In order to focus on the members themselves, rather than on the benefits of their institutional positions, we set aside party leaders and committee chairs. We then find that twenty rank-and-file members of Congress appear repeatedly (four or more times) on our top-ten lists, and we conduct a systematic qualitative assessment of the lawmaking habits common to these twenty highly effective members. Identifying five such habits, we note how new members of Congress can cultivate these habits in their own quests to become highly effective lawmakers.

Taken together, we believe that these chapters make a compelling case for studying the U.S. Congress through the lens of legislative effectiveness. Rather