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Theorizing about Congress

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Abstract and Keywords

This article discusses congressional scholarship within the context of some literature and analytical schools that have focused on the study of Congress. In this article, various rubrics, each of which featured in the Wilsonian sense, are analyzed. The rubrics discussed herein are: spatial dissonance; norms and rules systems under the framework of sociology, goals-oriented or purposive politicians, and formal theorists.

congressional scholarship, analytical schools, Congress, spatial dissonance, norms and rules, goals-oriented, purposive politicians, formal theorists

In the beginning was Woodrow Wilson. That was the introduction many of us got as students of Congress. In political science, Wilson's *Congressional Government of 1885* was the founding text. It was Wilson who famously wrote: "I know not how better to describe our form of government in a single phrase than by calling it a government by the chairmen of the Standing Committees of Congress" (Wilson 1981, 82).

What kind of a claim was that? Well, it was a scientific claim, in a way. It addressed the essence of something, not just the secondary traits. It was meant to apply across time, not just at the moment. It was a simplification, but it reached for the roots: from it, considerable illumination of the American system in general was supposed to emanate. Of special importance in Wilson's view, it was a positive claim rather than a murky, conventional mixture of aspiration and constitutional rhetoric. A positive approach was in

order (although Wilson had a normative side, too). Wilson was much taken by Walter Bagehot's *English Constitution* (1867), which, in a break from customary discourse, had reported in gloves-off fashion how that country's system really worked.[1] Models, it might even be said, percolated in Wilson's mind. One was of the British system motored at the top by party leaders like the eloquent William Gladstone (Wilson 1981, 57–8, 101–2, 144, 167, 209). A different model—Wilson's invention in *Congressional Government*—was of the inferior (he thought) American system marked by disorder and shrouded dealings on Capitol Hill.

How much explanatory utility does Wilson's claim, or a claim like it, offer? With hindsight—a lot of hindsight in the Wilson case, since more than a century has gone by—we might wish to apply certain boundaries to the future president'sargument of 1885. We can see that, on the facts, it ran up against difficulties or limits. Two limits are of particular interest. The "standing committees are the game" claim was an exhibit of *highlighting* as well as, in a time sense, *localism*. The highlighting is no doubt obvious. Wilson was emphasizing, or exaggerating, or placing the standing committees in relief, to make a point. But it is as well to realize just how much reality he was intentionally ignoring, or not being aware of, or setting aside as secondary or contingent, as he wove his argument while sitting in the library at Johns Hopkins University. What about the main legislative enactment of those years—the Pendleton Act of 1883 creating the civil service? As Wilson knew, that move had little to do with the standing committees: "It was a formulated demand of public opinion made upon Congress," which eventually "Congress heeded" (Wilson 1981, 190).[2] Absent in Wilson's work is any mention of the riveting square-off between President Rutherford B. Hayes and congressional Democrats during the 46th Congress of 1879–81 over appropriations riders targeting the enforcement of Reconstruction-era civil rights laws in the South. The Republican Hayes cast a series of seven vetoes to emerge dramatically victorious.[3] Here was a recent exhibit of presidential power. One wonders if Wilson had been following the newspapers.

As for localism, in a time sense, Wilson's claim seems to have fit best the season of his writing. That was the brief era of Chester A. Arthur—a recessive lame-duck president sharing the government for nearly four years with, to boot, a recessive congressional leadership. No doubt the standing committees flourished. But earlier had loomed the stubborn Hayes.[4] Just later came the assertive Grover Cleveland (a prototype for Wilson himself as he warmed to the idea of White House leadership), as well as

Speaker Thomas B. Reed, who broke molds. To pose a wider time envelope, a generation earlier offered the public leadership of, for example, Abraham Lincoln and Thaddeus Stevens, as well as Congress's striking override of its own standing committees during the Civil War and Reconstruction as ad hoc special committees decked with leading politicians and sensitive to crisis needs were crafted on the spot to handle much of the institution's major work (Mayhew 2000, 178, 180). A generation after 1885 would come the presidential leadership of Theodore Roosevelt and Wilson himself.

Is this discussion a putdown of Wilson? No, it is not. Notwithstanding the complexities, he hit on a basic truth. He drew a picture of Congress, or at least the House of Representatives, as an arena of dispersed influence and deliberation. As one side-effect of this dispersion, a Gladstonian kind of crystallizing debate was not ordinarily to be found there. Peering through it all, the standing committees were fundamental units. For good reason, this was an arresting picture. It has served as an analytic template since. Among other things, it helped inject a discordant Anglophile model into the study of American institutions: "The British system is perfected party government," Wilson wrote (1981, 91). As a focused presentation, Wilson's idea of Congress as an arena of dispersed influence and deliberation was novel. We do not see it in, for example, the country's earlier theoretical text, the *Federalist*.

As a political scientist, Wilson set a powerful example. Since his time, a good deal of scholarship about Congress—or, more broadly, about the complex of U.S. national institutions into which Congress fits—has borne a scientific stamp something like his. Highlighting—the urge to simplify, to reach for the basics and bypass the rest—has been much in evidence. But so has localism. Explanatory enterprises apt for their times have ordinarily sagged or faltered somewhat, albeit not to the limit of complete non-utility, when carried outside their times. That is the way the scholarship has gone.

I will discuss certain aspects of that scholarship here in these terms. Some of it has dwelt on Congress in isolation, some on the constellation of Congress and the presidency. My choice of authors or schools is selective—not, of course, anything like exhaustive. One of the analytic schools is partly my own. I organize the discussion under six rubrics, each of which has featured, in the Wilsonian sense, a claim.

Spatial dissonance

The mid-twentieth century brought a reprise of Wilson in the "responsible parties" school of analysis. Here again the ingredients included Anglophilia;

a broad brush; a theme of lamentation; a blending of the normative with the positive; a juxtaposing of Congress to the presidency; and a boundless regard for party leadership. It was a fetching mix. The analysis had its epicenter around 1950, but its life spanned from the mid-1940s through the mid-1960s. In those days, political science was not as differentiated professionally as it later became. Leading authors could double as academics and public intellectuals.[5] One author I draw on here, Congressman Richard Bolling (1965, 1968), was not an academic at all, yet his writing seems to fit into the responsible parties school more or less seamlessly. Otherwise, the main authors of the school included at least E. E. Schattschneider (1942, also a major author of *Towarda More Responsible Two-party System*, 1950 —henceforth *APSA Report*), Stephen K. Bailey (1950), and James MacGregor Burns (1949, 1963).

The responsible parties approach is ordinarily seen as normative, yet it was positive, too. Without a positive side, the school would likely have drawn little enthusiasm or notice. What was that positive side? As I see it, the writers were pitching an idea of spatial dissonance. I use "spatial" here in the dimensional sense that the term enjoys today. This usage is anachronistic: the authors back then did not use the term or have a developed sense of dimensions. But they did see an issue or policy space confronting American society that, looking back, with perhaps some squeezing, appears unidimensional. There was not a uniformity of labeling. A "coherent" or "nationwide" stance on policy matters as opposed to a sectional, localistic, or special- interest stance was one coding (Schattschneider 1942, 206–7; Bailey 1950, ix, 239; *APSA Report* 1950, 4, 33–4; Burns 1949, 42–3). Yet a coding of liberal versus conservative was often the formulation, too (Bailey 1950, xi, 75–7, ch. 5, ch. 7, 190–218; Burns 1963, 198, 199, 252; Bolling 1965, 71, 81, 91). It all seems to have come down to more or less the same thing, at least on domestic matters.[6]

With regard to this dimension, these authors argued that a dissonance of treatment and outcome inhered in the array of national institutions. Burns saw a "four-party system" in which the presidential Democrats operated at the liberal extreme, the congressional Republicans at the conservative extreme, and the congressional Democrats and presidential Republicans near the middle—"in general, though, both presidential parties [consider Dewey, Eisenhower] have been more liberal, and both congressional parties have been more conservative" (1963, 199). Eisenhower, like the Democratic presidents in Burns' view, often pressed a reluctant Congress from the liberal side (Burns 1963, 192).[7] In a finer judgment, the House of Representatives

was sometimes seen to bound the system—except on civil rights—on the conservative side. Bolling wrote in 1968 (15–16): "The primary failures of political leadership [read: policy positioning] at the Federal level are found in the United States Congress: more particularly in the place where I serve, the House of Representatives rather than in the United States Senate, with the exception of the one critical field of civil rights."[8] Relevantly, a separate scholarship (not the responsible parties school) has asked of those post-war decades the question: why is the Senate more liberal than the House? (Koenig 1962; Froman 1963, ch. 6; Cleaveland 1969, 374; Kernell 1973; Grofman, Griffin, and Glazer 1991). The responsible parties writers saw the dissonance across the three institutions—presidency, Senate, and House —as a major feature of the American system. Vexatious policy deadlock, or at least a good deal of grinding, frustration, and delay could result. As instances of unfortunate congressional foot-dragging or naysaying over the years, the school's authors mention the minimum wage in 1938 and later (Burns 1949, 68–82; 1963, 163; Bolling 1965, 199, 209; 1968, 136–7); price controls during World War II (Burns 1949, 82–90); employment policy in 1946 (Bailey 1950); Truman's proposed Missouri Valley Authority (Burns 1949, 90–7); Eisenhower's plan to expand social security in 1954 (Burns 1963, 192); Kennedy's 1961 program in general (Burns 1963, 2); civil rights (Bolling 1965, 85–6, 209; 1968, 197); education (Bolling 1965, 82, 208; 1968, 197, 200, 212); housing (Bolling 1965, 93, 208); labor policy (Bolling 1965, 96–7); aid to depressed areas (Bolling 1965, 208; 1968, 198–9); and medicare (Bolling 1968, 241).[9] It is a substantial list.

Cause as well as pattern figured in the responsible parties claim. What might explain the spatial dissonance? It wasn't clear, but an industry bent to the task of explanation. Possibly the electoral college nudged the presidency in an urban direction (Burns 1963, 198, 252). Certainly the Senate filibuster dammed up civil rights. Spotlighted most often was the House of Representatives, whose parochial-minded members (Schattschneider 1942, 142–50; Bailey 1950, 159–60, 181–6; Burns 1949, ch. 1; 1963, 242–4), districts biased toward rural areas (*APSA Report* 75–6; Burns 1949, 49–54, 140–1; Bolling 1965, 25–6), and conservative committee oligarchies— notably the Rules Committee (Bailey 1950, 151–3, 164–6; Burns 1949, 54–66; 1963, 197–8, 245–9; Bolling 1965, 70–2, chs 4 and 10; 1968, 197–200, 212, 239–45)—were seen to offer explanatory leverage. Strengthening the party leaders and caucuses in the House (read: the Democratic ones) was a prime reform aim of the responsible parties school (Burns 1949, 202–7; 1963, 320; Bolling 1965, 125, ch. 11; 1968, 16, 265–71).

A certain highlighting was going on in this responsible parties presentation. Alleged features of the system were singled out and pressed. The four-parties idea was a stretch. In hindsight, at least, apparently overblown, was the idea, often stated or implied, that a House oligarchy of the time was blocking the wishes of the chamber's median member.[10] There was localism—in a time sense. The school's gestalt of pattern and explanation looked important and at least plausible as it applied to, say, the late 1930s through the mid-1960s, but a telling application of it before or after that era would be harder. Still, taken as a claim, the responsible parties presentation was probably the chief analytic offering of the American political science discipline at the midpoint of the twentieth century, and it was ambitious and engaging.

Systems with norms and roles

A decade later, judging in terms of prominence and influence, came an abrupt, indeed sometimes haughtily dismissive, break with the responsible parties school. A "great generation" of congressional scholars came along, offering serious interview work on Capitol Hill—this was new—and a dedication to professional, as opposed to armchair or "literary," social science.[11] The new school's authors included Richard F. Fenno, Jr. (1962, 1966), Ralph K. Huitt (1954, 1957, 1961), Donald R. Matthews (1960), John F. Manley (1965), Roger H. Davidson (1969), and Nelson W. Polsby (1968).[12] Writing as a kind of outrider to the school in the 1950s was the journalist William S. White (1956).

These authors lodged a trademark claim: the best way to understand Congress is to see it as a bounded "system," or a set of "subsystems," in which embedded "norms" or "roles" induce behavior. The theoretical borrowing was from sociology.[13] Abundant in the new school's writings were such terms as "function," "socialization," "adaptation," "differentiation," "integration," "autonomy," "institutionalization," "interdependence," and "system maintenance." In the Senate, Matthews (1960, ch. 5) detected a pattern of "folkways" that nurtured such behavior as specialization, courtesy, and reciprocity. White (1956, ch. 7), labeling that upper body a "citadel"— the ultimate in boundedness—found at its core an "inner club."[14] These various insights were not pointless. Aided by them, we could see better how Congress really worked. It *did* work, these authors argued. Thanks in part to the force of the system's norms and roles, goals could be achieved, problems could be solved, conflict could be managed, and duties could be performed (Fenno 1962, 310; Manley 1965, 927; Matthews 1960, 116; Polsby 1968,

144). As much as anything, the edge could be taken off partisan conflict. Fenno (1962, 317) saw in the House Appropriations Committee, for example, a norm of "minimal partisanship." Manley (1965, 929) saw in the House Ways and Means Committee a norm of "restrained partisanship."

It is no surprise that this generation's work, saturated as it was with interesting information, insights, and methodological innovations, has remained the gold standard in the study of Congress. Basic, enduring truths were laid out. Today's Senate, for example, given its encumbering rules, might come to a halt within twenty-four hours if it were not for some sense of comity shared by its members. Not to be lost in any view of Congress is that it is an organization, which means that it is laden with inner impulsions and connections that need to be witnessed and parsed close up to be appreciated. In a close-up inspection, they *will* be appreciated.

Still, there was highlighting in this school's message. For one thing, a congressional scholarship built on the experience of the late 1940s through the early 1960s, as this one was, might have emphasized other things— for example, the Senate's endless protection of the South's racial caste system through filibuster politics, or the parties' occasionally explosive drives to enact their legislative programs (the focus for the responsible parties writers).[15] Selection of what to look at was going on. Also, there was an ingredient of time localism. The school's interpretation matched the 1950s very nicely. Evolved into a crustacean perfection by then was Congress's seniority system (Polsby, Gallagher, and Rundquist 1969). The Keynesian synthesis, the waging of the Cold War, the demise of the far left around 1950, and the anesthetic calm administered by President Eisenhower, had tamped down the level of conflict that had been present in U.S. national politics previously, and would flare again in the late 1960s and 1970s. In hindsight, the 1950s was a kind of timeout. On the institutional side, certain features of Congress, given exquisite life by the systems school of the 1960s, would frazzle away in succeeding decades as partisan combat overtook Capitol Hill. By the time of Newt Gingrich and Nancy Pelosi, the House Appropriations and Ways and Means Committees, for example, would come to look different.

Purposive politicians

The 1970s brought a new theoretical claim: the best way to get a handle on Congress was to see its individual members as goal-seekers. Basically, they *were* that, it was argued. What's more, there were implications. Because the members were goal- seekers, they would organize their Capitol Hill structures

and activities and generate public policy in corresponding ways.[16] Three authors, it is probably fair to say, set this scholarly course. Fenno again, reflecting an evolution in his thinking, led off a new work in 1973 with a chapter entitled "Member Goals," of which he saw three as fundamental to explanation: "reelection," "influence within the House," and "good public policy" (Fenno 1973, 1).[17] Committee processes were thus illuminated. Morris P. Fiorina and David R. Mayhew built cases for accenting a single goal — reelection. Fiorina (1977) saw a "Washington establishment" cementing itself in place in the 1970s, thanks to members of Congress who created federal programs and then curried favor with voters through "fixit" services as those programs sprang bureaucratic leaks.[18] Mayhew (1974a, 5, 49–73, 125–38) posited members of Congress to be "single-minded seekers of re-election" who to that end engaged in "advertising," "credit claiming," and "position taking." Stemming from these practices, at the level of Congress as a whole, was said to be a pattern of "assembly coherence" marked by delay, particularism, servicing of the organized, and symbolism. This was a pure individualistic view of Congress that downplayed the political parties: "The fact is that no theoretical treatment of the United States Congress that posits parties as analytic units will go very far" (Mayhew 1974a, 27).

To view members of Congress as blinkered seekers of reelection was an obvious instance of theoretical highlighting. Indeed, Fenno's notion of multiple goals offered a kind of antidote to the idea. Also, in hindsight, the individualization of congressional politics in these "goals" theories— at least the reelection theories—looks like a case of time localism. Where were the parties?[19] Their faint showing had reasons. On today's evidence, the early 1970s—the juncture when these theories were being hatched— stands out in a number of century-long time series as an all-time low in party conflict in the House of Representatives. Action that flouted party lines was peaking (Aldrich, Berger, and Rohde 2002, 23, 24, 27; Brady and Han 2006, 141, 142). Also, the late 1960s had brought a unique surge in the value of personal incumbency in House elections (Erikson 1971; Mayhew 1974b). Accordingly, as possibly never before, individual exertion was looking like the name of the game in congressional politics. One realm for that exertion was a record high in government programs crying out for corrective casework.

The "goals" theories arose and thrived in this 1970s context. This is not to say that their utility has fallen to zero since. Adding traction to the reelection account, R. Douglas Arnold (1990) has written of the "traceability" of the members' activities. The sinews of a "Washington establishment" may figure in Diana Evans' recent (2004) account of congressional earmark politics.

"There they go again" was one possible reaction to the House's "cap and trade" energy bill of 2009, which began as a stern blueprint to raise revenue and auction off pollution permits, yet ended as more of a distributive subsidy measure leaner in revenue and blurrier in its incentive effects as specific districts and industries, including agriculture, had to be appeased. Thrusts toward symbolism (that is, a gap between label and content), particularism, and servicing of the organized, mushroomed as the need for 218 votes loomed.[20] It was a familiar performance.

The committees, the parties, the floor

In the selection of claims I have discussed so far, there is a certain pre-Socratic texture. What is basically true? The universe is made of water, said Thales. No, the answer is air, said Anaximenes. Pythagoras opted for number. And so on. Similarly, the early scholarship about Congress brought a cascade of essentialism in what I have called the spatial dissonance, norms and rules, and purposive politicians schools. This cascade continued in a burst of creativity around 1990 as a generation of formal theorists put their ideas on the boards. This school could be approached as at least three distinct schools that each offered its own influential take on what is basically true. Yet there was a trademark commonality in intellectual origin and style, as well as a good deal of interlocking discussion, and, following a custom set by the school itself, I will take it up as a whole.[21] The "claim" treated in this section is thus actually a small family of claims prominently similar in DNA and some traits.

Look to the committees was the formulation of Barry R. Weingast and William J. Marshall (1988; see also Shepsle and Weingast 1987). As with Woodrow Wilson, those are the congressional nodes that best support theorizing. The committee system is "the formal expression of a comprehensive logrolling arrangement" (Fiorina 1987, 338) whereby the members of Congress, to serve their particular policy and reelection aims, award jurisdictional monopolies and agenda-setting edges to committees made up of policy advancers, as in agriculture and urban housing, and then profit through gains from exchange as those panels defer to each other on the floor. In this sense, the committees rule. No, argued Gary W. Cox and Mathew D. McCubbins (1993, 2005): look to the House majority party, not the committees. The majority party, crystallizing itself into a "cartel," wields committee appointments and floor agenda control so as to serve the electoral interests of its membership. "The party's reputation, based on its record, is a public good for all legislators in the party" (Cox and McCubbins

1993, 123). Among other things, "The more favorable is the majority party's record of legislative accomplishment, the better its reputation or brand name will be…." (Cox and McCubbins 2005, 7). Wrong on both counts, argued Keith Krehbiel. In back of the committees and parties, exercising at least remote control, is a legislative chamber's floor majority indexed by the stance of the median member. A "majoritarian postulate" pertains (Krehbiel 1992, 15–19). The floor is sovereign. Majority parties if divided can be overridden. Committees exist to serve the informational needs of the floor, not the possibly sectoral needs of their own memberships—and, anyway, how much do those memberships really exhibit sectoral tilts?

There was plenty of highlighting in these formal presentations. That, in a sense, was their aim. An excellent guide to the various authors' possible overclaiming, so to speak, has been a stream of writing within the school itself. Vigorous criticism has been endogenous to the school.[22] Krehbiel has asked, for example (1992, 9–14,255): is it really true that the classic House Agriculture Committee could get its way by structuring proceedings on the floor? Cox and McCubbins have asked (2005, 89, 243–51): isn't our account of majority-party "rolls"—that is, instances where the bulk of the House majority party loses out in a final-passage roll call to a cross- party coalition—better than Krehbiel's? External criticism is possible, too. There are matters of emphasis. For example, as a statistical matter, Cox and McCubbins document that cross-party coalitions have not "rolled" the House majority party all that often. Yet in fact, when the publicity runs high, notably when the White House pushes its priorities, things can be different.[23] Think what the history of the last thirty years would look like, without the majority-party "rolls" on the votes listed here in Ta b l e 38.1. Veteran followers of public affairs will find all these showdowns familiar.[24] In presiding over one of them—the funding of the Iraq War by a Democratic House in 2007—Nancy Pelosi commented, "I'm the Speaker of the House. … I have to take into consideration something broader than the majority of the majority in the Democratic Caucus" (Davis 2007, 1).

Time localism has also figured in certain offerings of the formal school. The committee theorizing looked backward. In the 1980s, as the new politics of multiple bill referrals and caucus selection of committee chairs played out, the grip of the House committees was fading. Marching to their own drums was getting tougher. The party theorizing, on the other hand, looked forward. To crank best in previous times, Cox and McCubbins' analysis seemed to need a codicil that the congressional Democrats had amounted to two

factions, not one coherent party, but the analysis fit more surefootedly the oncoming age of Gingrich and Pelosi.[25]

A signal contribution of the formal school was to offer a catechism of sharpness. There had been vagueness in congressional studies. Exactly what, here and there, was being argued for? How could we tell if it was right? The formalists brought a pioneering finesse in definition, theoretical workup, and evidence testing. Even the inconclusiveness of the school in addressing certain questions was an advance, since we could see better how to think about them. Regarding the history of the discipline, here might be an interesting class assignment for students steeped in the formalist writings: turn them loose on Wilson's *Congressional Government* with a directive to

Table 38.1 Selected notable final-passage "rolls" of the House majority party since 1980[26]

Year	President	Majority party vote	Minority party vote	Measure
1981	Reagan	47 to 188	185 to 5	Reagan spending cuts (OBRA)
1991	Bush 41	86 to 179	164 to 3	Persian Gulf War resolution
1993	Clinton	102 to 156	132 to 43	North American Free Trade Agreement (NAFTA)
2002	Bush 43	41 to 176	198 to 12	Campaign finance reform (BCRA)
2007	Bush 43	86 to 140	194 to 2	Fund the Iraq War
2008	Bush 43	80 to 151	188 to 4	Fund the Iraq War
2008	Bush 43	105 to 128	188 to 1	Authorize domestic surveillance procedures (the FISA fix)

Page 11 of 35

sharpen it. For example, does the Wilson analysis map better onto Weingast and Marshall's committee idea, or onto Krehbiel's "information" idea? Did Wilson see the difference? Is there any sign of a "party cartel" in Wilson? What aspects of Wilson's case wouldn't be reached in such an inquiry? For one thing, his emphasis on the lack of Gladstone-quality public debate in Congress.

Bracketing pivots

Of all the theorizing about Congress, perhaps the most elegant came a few years later in Keith Krehbiel's *Pivotal Politics* (1998, ch. 2).[27] All else aside, Krehbiel argued, anyone wishing to understand congressional lawmaking needs to know about the "pivots" that bracket a central span of the policy space, stipulated to be unidimensional, that Congress operates in. At the very center is a "gridlock interval," now second nature to congressional scholars. Already existing policy located within that space cannot be changed. Key to the analysis are the presidential veto, supplying a pivot at the two-thirds mark, and the Senate cloture rule, supplying one at the sixty- vote mark. The pivots are blocking points that mirror each other. The elegance of thetheory has lain in the explication of this mirroring. As a practical matter, in 1993–4, for example, a Senate Republican party numbering in the forties, wielding filibusters, could block certain initiatives of the Clinton administration and the majority Democratic parties on Capitol Hill. In 1995–6, Clinton wielding vetoes could block certain initiatives of the now Republican Congress led by Newt Gingrich and Bob Dole. So much for congressional majority rule.

As always, there was highlighting here. White House budgets and trade agreements are shielded from filibusters—a non-trivial dose of reality. Exact parallelism is missing from the veto and cloture-point analogy since congressional rules are endogenous, which means they can be changed or significantly reconstrued, and sometimes they have been, on the spot, and the senators' realization that this can happen may bear on the politics.[28] Cross-pressured senators can diversify their positioning by voting one way on cloture and another on policy, which clouds, theoretically, what they are up to. Also, shouldn't a consideration of intensity enter into this discussion (Bawn and Koger 2008)?[29]

In addition, there is a time localism to the Krehbiel presentation. The Senate filibuster of yesterday doesn't seem to have amounted to the more or less absolute veto instrument that we see it as today. Why, is another matter, but that seems to be the what (Wawro and Schickler 2006). See Table 38.2, for

example, for some relevant data from the 1950s and 1960s. It lists a number of White House legislative priorities of that era that drew heated opposition from minorities numbering better than one-third of the senators—the cloture juncture at that time—but cleared the upper chamber anyway.[30] Where were the blocking coalitions? Catherine Fisk and Erwin Chemerinsky concluded in a detailed assessment in 1997 (184), "The contemporary filibuster is an entirely different—and generally more powerful—weapon than the filibuster of the past."[31]

Even so, the pivots analysis has offered a compelling analytic fit—arguably the best fit—to the congressional politics of the last two decades. That is a considerable accomplishment. Krehbiel, in writing *Pivotal Politics*, cut his teeth on the lawmaking drives of the Clinton era, but the George W. Bush era lined up for the ideas just as nicely, and the Obama era may follow. One attractive feature of the pivots analysis is that, by taking up veto politics, it has brought the presidency back into the picture. Since Burns' *Deadlock of Democracy* in 1963 and Fenno's *Power of the Purse* in 1966, which in different ways theorized the House and Senate to be parts of an overall

Table 38.2 White House priorities approved by the Senate in the 1950s and 1960s by margins under the cloture barrier

Congress	President	Presidential request	The vote
83rd	Eisenhower	Tidelands oil	56 to 35
83rd	Eisenhower	St Lawrence Seaway	51 to 33
87th	Kennedy	Federal aid to education	49 to 4
87th	Kennedy	Housing Act of 1961	53 to 38
89th	Johnson	Creation of HUD	57 to 33
89th	Johnson	Housing Act of 1965	54 to 30
91st	Nixon	DC crime control	54 to 33

three-ring system, the study of Congress had grown narrow to the point of positing single chambers to be theoretically isolated. It was good to have the White House back.[32]

Temporal instability

All the theorizing I have covered so far has been static. A side glance at change has occurred here and there, but that is it.[33] Yet let me resort to the pre-Socratics again. An outlier among them was Heraclitus, who saw change as exactly the essence of things. Hard as change may be to theorize, students of Congress have increasingly been addressing it. Perhaps this attention is itself a localism phenomenon. Once seemingly timeless, Congress's institutions and processes have undergone changes since the 1960s that have not been easy to ignore. The chin-scratching has taken a while, but it has brought scholarship.[34]

Narrative spiced with genetic and probabilistic explanation (Nagel 1961, 564–75)— that is, these particular events and contexts generated those results, the analytic stock- in-trade of historians—has characterized some accounts. Often that kind of approach seems like enough. James L. Sundquist contributed *The Decline and Resurgence of Congress* in 1981. Just recently, Julian E. Zelizer and Nelson W. Polsby have recounted the long-drawn-out reform of Congress during the 1950s through the 1970s in, respectively, their *On Capitol Hill* (2004) and *How Congress Evolves* (2004).[35] Working i n that same historical terrain, also in a narrative frame, David Rohde in his *Parties and Leaders in the Postreform House* (1991, 31–4, ch. 6; see also Cooper and Brady 1981) hasadded an analysis-of-variance logic: in general, this X will cause that Y. Here, Rohde's X is ideological homogeneity in a chamber's majority party. His Y is a resulting empowerment of party leadership. The X and thus the Y are said to have kicked into place in the House of Representatives a generation ago.

In 2001, Eric Schickler carried the change analysis a step further in his *Disjointed Pluralism*.[36] Generous ingredients of narrative, historical causation, and analysis of variance appear in this Schickler work, yet there is also a guiding *developmental* component. This is an additional logic. In general, over a very long period of time, what is it that has motored Congress's continuing bent toward changing its institutions and processes? In fact, those institutions and processes do not seem to stay still. Why is that? Members of Congress have a kit of "multiple interests," Schickler argues— reelection, party, policy, personal power bases, and the power and capacity of Congress as an institution—not just one goal or interest. As a result, the coalitions that the members join to create internal institutions and processes —such as the strong House Speakership of the early twentieth century —tend to produce "untidy compromises" that incorporate "tensions and

contradictions" (Schickler 2001, 3). Such settlements are thus unravelable and they may indeed unravel as their ramifications are experienced and new issues, contexts, members, and itchy institutional reformers come along. Basic member interests that once were recessive can jump ahead in the line —as did, for example, the need to curb a growingly powerful White House as an upshot of the New Deal and World War II. In this case, reforms ensued (Schickler 2001, 24–5, 140–63). In general, there exists a built-in instability in the realm of congressional institutions and processes. A stable equilibrium is not to be found.[37]

Perhaps in all these accounts of change there is a certain highlighting. One of the more striking features of the American regime, after all, is the *continuity* in its basic formal processes since 1789. Samuel C. Patterson wrote in 1978 (132), "If Henry Clay were alive today, and he were to serve again in the House and Senate to which he was chosen so many times in the nineteenth century, he would find much that was very familiar." The United States enjoys "one of the world's more antique polities," Samuel P. Huntington wrote in 1968 (129, 133). "With a few exceptions, such as a handful of colleges and churches, the oldest institutions in American society are governmental institutions." That antiquity includes Congress. Tough control of revenue processes by the Ways and Means Committee dates to the 1790s. Raising the roof over the presidents' conduct of national security policy dates to the 1790s (Mayhew 2000, 103–13). Flashy impeachment moves began under Jefferson. Polarization in Congress reached one of its peaks around 1800 (Poole and Rosenthal 2007, 39). Legislative drives could offer drama back then as well as now. For example, Congress's approval of the Jay Treaty in 1795–6 (Elkins and McKitrick 1993, 425–49), was largely mirrored in itsapproval of NAFTA in 1993. Both cases brought a familiar pattern of executive initiative, staunch opposition, drawn-out public debate, each side campaigning for support back in the states and districts, and final roll-call victories in which an executive-led coalition "rolled" a House majority party. There has been a lot of sameness. There is a lot to be said for the fundamental importance of Constitutional structure.

Discussion

What does theorizing about Congress amount to? Novelty, breadth, bite, and credible insight need to figure in the mix—that we could all agree on—but so does simplification. Yet simplification entails "highlighting," which in turn brings on empirical vulnerability. Yet such vulnerability can be productive if it spurs a continuing conversation of empirical testing and counter-theorizing.

This seems to be the way things work. Of great importance is a tradition of stern empirical testing that keeps the tires getting kicked.

There is nothing surprising in this argument. A bit more surprising, perhaps, is the case I have made for the persistence of time localism in theorizing about Congress. It is a weed that will not go away. We tend not to see it as clearly as we might because we live in the present, think in the present, and write books and articles in the present. There is nothing particularly culpable in this localism tendency. I would guess all the social sciences exhibit a pretty clear pattern of time localism in the ways they go about theorizing. Yes, it might be wise for us to step back and think a bit more than we ordinarily do before launching that new theory. Is it really as timeless as its label says? But, on the record, the grip of this advice is likely to have limits. It is an ontological matter. Time localism, to some degree anyway, is probably baked into the nature of the theoretical trade. Like highlighting, it stays with us.

Is this an argument against the possibility of progress? No, it is not. Yes, we tend to lurch from claim to claim. We tend to highlight and think local. Yet in rereading the various works addressed in this chapter, I have been impressed by the standing on earlier shoulders.[38] Concepts, arguments, and measurement have gotten continually sharper. Reference lists have become thicker as new authors take heed of earlier ones. Most important, the evolving thinking shows a large component of cumulativeness. Authors often build new ideas by bouncing themselves against earlier ones, as in the opening chapters of Krehbiel's *Pivotal Politics* and Schickler's *Disjointed Pluralism*.

With all this, is it possible for a theoretical tradition to evolve into a rut? It is a question not to lose sight of. Highlighting can build on highlighting. A good feature of the tradition of theorizing about Congress is that it offers a cupboard of variety. That cupboard is always available to be consulted. Today, for example, notwithstandingits long-term constancies, Congress has changed a good deal in certain ways since the Fenno generation of the 1960s pinned down its internal workings through on- site examination. There are troubles. These days, a composite downside image of Congress might go as follows: its members are mediocre slackers given to nastiness, pork-barreling, corruption, extremism, broken processes, lapdog behavior toward presidents of their own party, and other behaviors that vitiate policymaking and leave the public cold.[39] For the most part, political science is not targeting these widely alleged difficulties. Roll-call analysis and most existent theorizing are not much help. As in the 1960s, a new behavioral revolution

steeped in on-site experience might be in order.[40] On such evidence, fresh theoretical claims might lurk out there waiting to be born.

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Notes:

(1) For Wilson's reliance on Bagehot, see Wilson 1981, 49, 131, 150–2, 164, 202, 205.

(2) Wilson's discussion is cursory. For a recent analysis of the passage of the Pendleton Act, see Theriault 2005, ch. 3. Party strategies as well as public opinion figured in the result.

(3) An account appears in White 1958, 35–8. Wilson was hostile to the intrusions of the Reconstruction era into the South's elections and jury system that brought on those Democratic riders (see Wilson 1981, 39–40, 42–3). In approaching *Congressional Government*, it helps to realize that Wilson was a typical southern Democrat of those post-Civil War times. It comes as no surprise that he was not a great admirer of either the U.S. national system or the policies that it was generating. On the policy front, besides the enforcement of the civil rights acts, he criticizes the Tenure of Office Act of 1867 (51–2); the era's internal improvements policies (40–1, 119–21, 133); tariff policy (100–1, 120, 123–4, 133); the government's extravagant spending (102) and running of surpluses (102); the Republicans' plans for federal aid to education (40–1); and, at least by implication, the Civil War pension system (132). All this was standard positioning for the southern, and indeed largely the northern, Democrats of those times.

(4) See the discussion of Hayes and Arthur in White 1958, 25.

(5) Also, three of the leading authors I discuss here wrote from liberal arts colleges, not research universities—James MacGregor Burns (Williams), E.E. Schattschneider (Wesleyan), and Stephen K. Bailey (Wesleyan).

(6) It is not all that hard to discern the burr under the saddle of the responsible parties school in its early, most prominent years. These writers

were unhappy that too many of the domestic designs of the Roosevelt and Truman presidencies were not being realized. Schattschneider, for his part, was plainly disconsolate that FDR's "purge" of dissident Democratic members of Congress in the 1938 primaries had not worked (1942, 163–9). Bailey, in the case of the Employment Act of 1946, favored a heavier dose of government control of the economy than Congress ended up buying (1950, xi). The *APSA Report* telegraphs its stance in its second paragraph: "It is in terms of party programs that political leaders can attempt to consolidate public attitudes toward the work plans of government" (p. 1). The work plans of government? It seems a lay-down bet that those, in the minds of the *APSA Report* writers, were the brand of domestic initiatives promoted by New Dealers and Fair Dealers associated with the White House during the 1930s and 1940s.

(7) This was not Bolling's view (see 1968, 189–91).

(8) See also, for example, Bailey 1950, 126–7, 153, 182.

(9) In the employment sphere, the authors of the *APSA Report* were clearly admirers of the Employment Act of 1946—it was the sort of thing the government should be doing (32)—but they do not comment on the act's difficult congressional birth.

(10) The idea appears in, for example, Burns 1949, 56; Bolling 1965, 21. Recent analysis bearing on the question appears in Schickler and Pearson 2009; Pearson and Schickler 2009; Mayhew 2011, ch. 3.

(11) Discussions of this new school appear in Peabody 1969, especially, regarding analytic content, 14–16, 19–22, 54–7, 59–63; Polsby and Schickler 2002, 335–46.

(12) These authors seem to fit best the intellectual thrust I discuss here.

(13) See, for example, Fenno 1966, xviii; Manley 1965, 928; Polsby 1968, 166.

(14) White's analysis is more casual than that of the political scientists, but his message is similar if more edgy.

(15) Fenno, in a co-authored work of a different kind (Munger and Fenno 1962), did exactly address a sequence of policy drives in the area of education.

(16) For a discussion of the congressional scholarship centering on purposive politicians, see Mezey 1993.

(17) Dodd (1977) also addressed the influence-seeking goal.

(18) ee also Fiorina 1974.

(19) Mayhew's downplaying of the parties has been criticized in light of later historical experience. See, for example, Aldrich 2001, 255–6. Also: "It is obvious that party leaders no longer 'leave members alone' to vote in their constituencies' interests on issues that are deemed important by the leadership" (Abramowitz 2001, 258).

(20) See "Cap and trade, with handouts and loopholes: The first climate-change bill with a chance of passing is weaker and worse than expected," *The Economist*, May 22-9, 2009, online; John M. Broder, "Adding Something for Everyone, House Leaders Won Climate Bill," *New York Times*, July 1, 2009, pp. A1, A17; Steven Pearlman, "For the Farm Lobby, Too Much Is Never Enough," *Washington Post*, June 26, 2009, online; Jim Tankersley, "House climate bill was flooded with last-minute changes: Many provisions were narrowly focused to help certain industries," *Los Angeles Times*, July 20, 2009, online.

(21) For an informative overview, see Shepsle and Weingast 1995.

(22) See, for example, Krehbiel 1992, ch. 2; Cox and McCubbins 2005, 243–51.

(23) Cox and McCubbins (2005, 106, see generally ch. 6) do acknowledge that "intense public pressure" may alter the odds.

(24) Regrettably, not included in Table 38.1 is the House vote in 1981 approving the Reagan tax cuts. Few House decisions during the last half-century have rivaled this one in importance, and probably none has been more devastating to the policy causes of a House majority party. Widely recognized as the showdown vote on this question was the approval of a Barber Conable substitute, backed by a cross-party conservative coalition, by 238 to 195. The majority Democrats voted 48 to 194, the minority Republicans 190 to 1. This was a roll, in a sense that the position of the floor median defeated that of the majority-party caucus median. In this instance, the O'Neill-led majority party did not devise an effective procedure to ward off cross-party floor trouble, and it did not dominate the floor result. But we

do not see here a final-passage roll. As a general proposition, members of Congress do not relish voting against tax cuts. The final-passage vote was 323 to 107, with Democrats voting 133 to 106, Republicans 190 to 1.

(25) A codicil addressing the northern and southern Democratic factions of earlier times appears in Cox and McCubbins 1993, 271. On House floor control during those times, see also the empirical analysis in Schickler and Pearson 2009; Pearson and Schickler 2009.

(26) Except for campaign finance reform in 2001, all these instances involved White House-led legislative drives that successfully rolled the House Democratic party. Campaign finance reform brought a roll of the House Republican party by a Democratic-centered cross-party coalition enabled by favorable publicity. The Iraq war votes of 2007 and 2008 brought a peculiar, possibly unique, process wrinkle. In each case, *two* final-passage roll calls were held. Sweeteners for the core of the Democratic party unhappy with the war funding figured in the companion votes. In the case of OBRA in 1981, the final-passage vote occurred quickly after a closer 217 to 211 approval of a Gramm-Latta amendment that really decided the issue. The party break on that roll call was Democrats 29 to 209, Republicans 188 to 2.

(27) See also Brady and Volden 1998.

(28) See, for example, Koger 2010.

(29) A pronounced intensity gap between northern and southern senators on civil rights questions seems to have underpinned the filibuster politics in that area from 1890 into the 1960s.

(30) So far as one can tell from accounts in *Congressional Quarterly Almanac*, in only one of the seven instances listed in Table 38.2 did a losing Senate minority even contemplate filibuster obstruction. The exception was the tidelands oil bill in 1953, where an intense opposing minority contemplated and also conducted a filibuster for a while yet did not prevail. The material in Table 38.2 is from Mayhew 2011, ch. 4. It draws from a larger dataset of White House domestic legislative priorities advanced by post-war presidents from Truman through George W. Bush during their first Congresses after getting elected or reelected. For the dataset and the sources underpinning it, see http://pantheon.yale.edu/~dmayhew/data5.html.

(31) See also Binder and Smith 1997, 6–19.

(32) It is also back in, for example, McCarty and Groseclose 2000; Cameron 2000; Jones 2005.

(33) A dynamic note figures in Krehbiel 1998, ch. 3.

(34) On the increasing interest in congressional history, see Polsby and Schickler 2002, 353–6.

(35) These authors discuss their respective analytic designs in Zelizer 2004, ch. 1; Polsby 2004, 3–4, ch. 5.

(36) Analytic design is discussed in chs 1 and 6.

(37) There is a certain kinship between Schickler's account and standard "cycling" theory, which also addresses instability. But in the standard account, "cycling" occurs in principle at the instant. In Schickler's account, experience is needed with the real downstream effects of an accomplished institutional or procedural initiative before its potential unravelers warm up to unravel. In this sense, we see in Schickler a historicizing of the cycling idea.

(38) Agreement on a pattern of progress may be found in Fiorina 1995.

(39) Ingredients of this indictment may be found in Eilperin 2006; Mann and Ornstein 2008.

(40) Works in this vein are Hall 1996; Sinclair 2000; Lee 2009.