

CONGRESS AND ITS WORK PART II

Congress may carry on the most wicked and pernicious of schemes under the dark veil of secrecy. The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them.

Patrick Henry



PARTY SYSTEM: PARTY LEADERSHIP IN THE SENATE

- The Senate is *less hierarchically* structured than the House. Power is more dispersed and informal.
- The Senate's folkways or norms are far *more permissive* than those of the House.
- The *floor leaders are the leaders of their parties* and are elected by their respective party conferences to serve as the chief Senate spokesmen for their parties and to manage and schedule the legislative and executive business of the Senate.
 - The majority and minority leader have virtually no *institutionalized* authority.
 - *Power derives from personal skills and style.*
- The Senate's smaller size and more intimate atmosphere pose *different leadership problems and opportunities.*
- Between 1869 and the present Congress, the Senate has gone through several stages of development: individualized leadership, centralized leadership, decentralized leadership



PARTY SYSTEM: PARTY LEADERSHIP IN THE SENATE

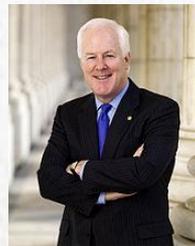
- The Constitution specifies the **vice president** as the presiding officer of the Senate.
 - He votes only in case of a tie.
- Official chair of the Senate is the **president pro tempore** (*pro tem*).
 - primarily honorific title
 - Generally goes to the most senior senator of the majority party.
 - Actual presiding duties rotate among junior members of the chamber.
- The true leader is the **majority leader**, but that position is not as powerful as the Speaker is in the House.



Majority Leader
Mitch McConnell



Minority Leader,
Democratic
Caucus Chair
Chuck Schumer



Majority Whip
John Cornyn



Minority Whip
Richard Durbin



Republican
Conference Chair
John Thune



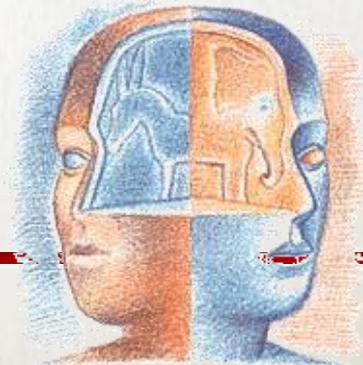
PARTY SYSTEM: PARTY ORGANIZATIONS IN THE SENATE

- **whips**: the second-highest ranking individual in the party whose task is to relay voting instructions to members and ensure party discipline ... whips in the US system are relatively weak
- **Campaign Finance Committees**: purpose to elect party members to Senate
- **Policy Committees**: responsible for the creation of new Democratic/Republican party policy proposals, supporting Democratic/Republican senators with legislative research, developing reports on legislation and policy, conducting oversight hearings, monitoring roll call votes, differentiating between Democratic and Republican positions, and building party unity



PARTY SYSTEM: PARTY ORGANIZATIONS IN THE SENATE

- pattern of leadership in the *Democratic* party
 - After 1913 leadership gravitated toward the floor leaders.
 - Since WWII the leadership has become more fluid and personal.
 - Beginning in 1953, Lyndon Johnson stamped his personal style on the Democratic Party in the Senate. What really makes things work in the Senate are personal relationships and Johnson was the best at that. If you want to know how it's done, read [LBJ Goes for Broke](#).
- By contrast, the *Republicans* have developed leadership that
 - is more collegial and institutionalized
 - operates through party committees
 - was originally developed for a truncated minority party





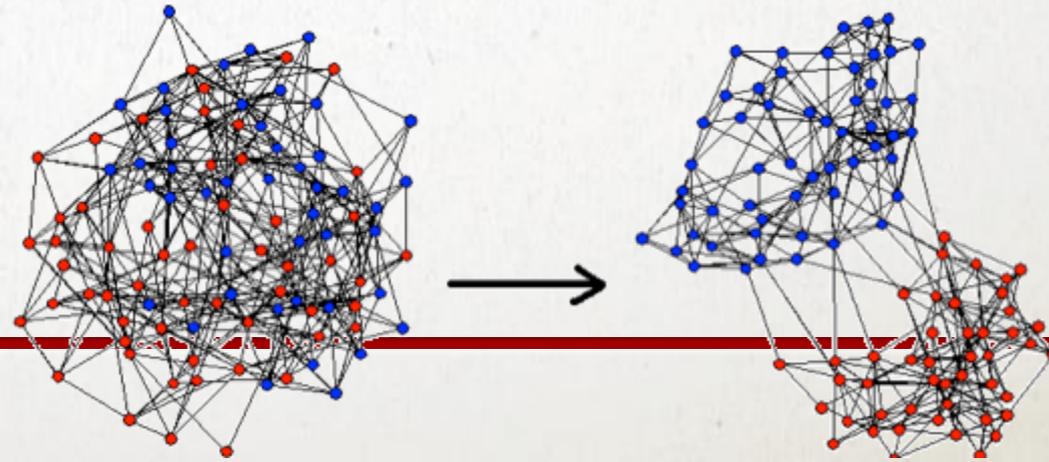
PARTY SYSTEM: STRENGTH OF CONGRESSIONAL PARTIES

- It is difficult to measure the **strength of congressional parties**.
 - power of leadership has varied over time
 - parties more powerful when unified
 - more unified if there is polarization in the Congress
 - leadership appears more powerful when unified party
 - **Leadership PACs** may help leaders influence their party members ... sense of obligation if given money.
 - Members may accept some party discipline because it is necessary for attaining policy goals.
- Over the past 20 years we have seen a marked increase in the partisan divide in Congress. **Party Unity scores** (the number of times that members of a party vote with other members of the party) have increased dramatically. Bipartisan agreements are more difficult to obtain.



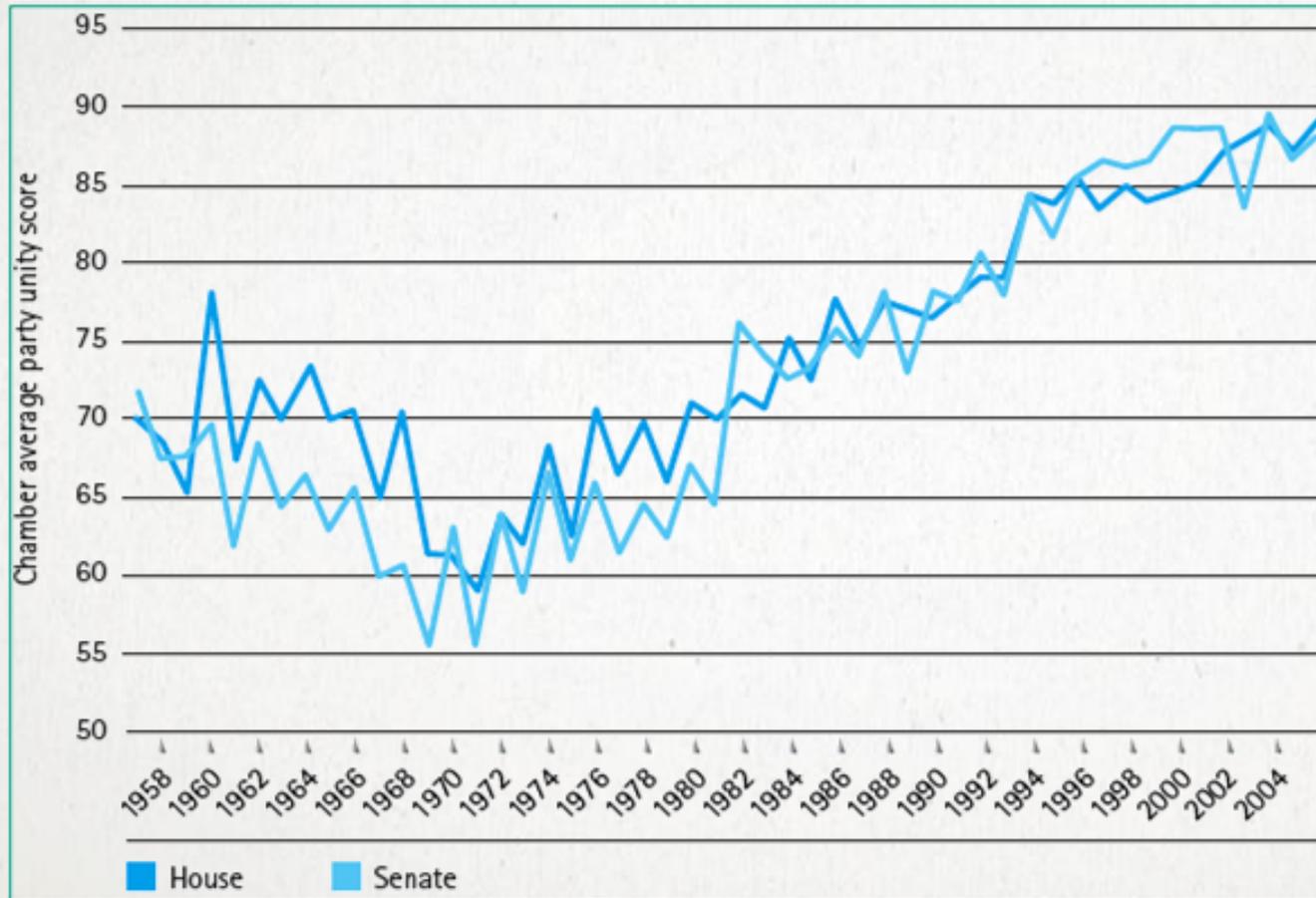
PARTY SYSTEM: INCREASED PARTISANSHIP OVER TIME

- causes of increased partisanship:
 - changing regional base of parties
 - nationwide increase in partisanship
 - greater ideological divergence
- result of increased partisanship: increasingly difficult to reach bipartisan agreements





PARTY SYSTEM: INCREASED PARTISANSHIP OVER TIME



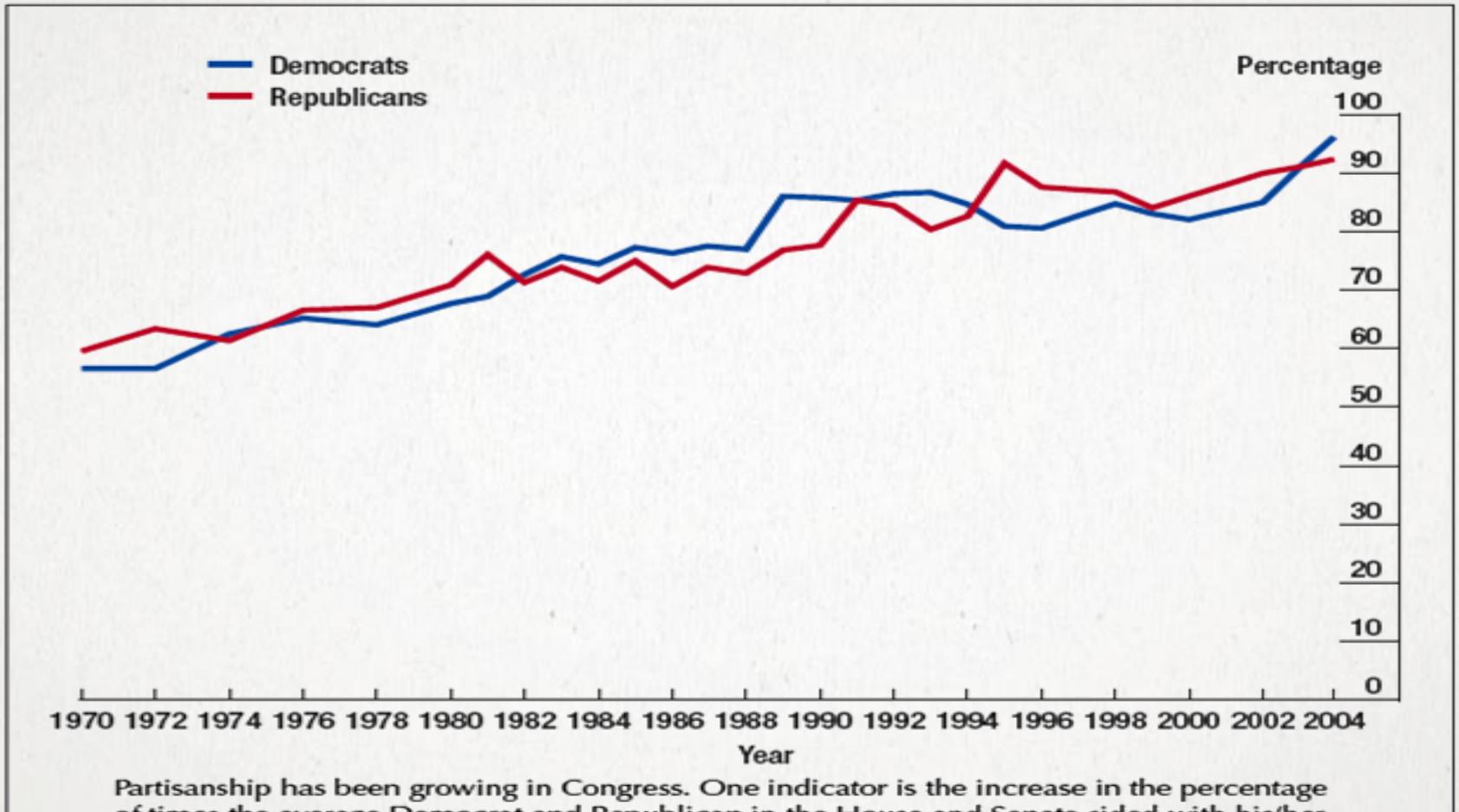
The Congressional Parties Are More Unified Today Than a Generation Ago

The graph shows the percentage of all recorded votes on which a majority of voting Democrats opposed a majority of voting Republicans. Numbers for each year have been averaged over each Congress.

Source: Washington, DC: *Congressional Quarterly*, xxxix, p 000.



PARTY SYSTEM: INCREASED PARTISANSHIP OVER TIME



Partisanship has been growing in Congress. One indicator is the increase in the percentage of times the average Democrat and Republican in the House and Senate sided with his/her party on partisan votes—those votes when a majority of Democrats voted against a majority of Republicans.



PARTY SYSTEM: MAJORITY VS. MINORITY

- two very different experiences of Congress for their respective members
- A shift in party control can be traumatic for those suddenly in the minority.
- **consequences of losing majority party status:**
 - lose leadership, committee chairmanships, opportunity to set and advance party's agenda, access to nicer spaces and meeting rooms, ability to determine which members and staff will go on overseas fact-finding trips, all sorts of little perks that make life on Capitol Hill more pleasant
 - On congressional committees, the majority often takes 2/3 - 3/4 of the budget and has three times the number of staff as the minority.
 - Leadership of the majority party completely controls the legislative agenda.
 - Majority party decides not only which issues will be taken up but also how they are debated, whether amendments will be allowed and how the matter will be handled on the House floor.



PARTY SYSTEM: MAJORITY VS. MINORITY

- **consequences of losing majority party status:**
 - Majority party can prevent minority party from offering even a single amendment to important bills brought up on the floor and prevent minority members from attaching their names to legislation.
 - Majority party can call for hearings and investigations; can control committee chairs, number of committee members and votes; and can use procedural tools (i.e. veto override, right of first recognition).
 - Members of minority party in House relegated to gloomy corridors underneath various House office buildings on Capitol Hill when they want to host a gathering for constituents or visitors.
- How the majority treats the minority, and vice versa, is hugely important in terms of setting the atmosphere and tone on Capitol Hill. As things stand at the moment, each side tries to manipulate the process to set up votes with an eye toward gaining a partisan advantage to enable them to win another seat or two, rather than producing good legislation. This can only be changed by a wholesale shift in attitude on the part of both parties.





PARTY SYSTEM: MAJORITY VS. MINORITY

- The influence of the majority and minority parties on members' behavior and on legislative outcomes is **asymmetric**, the majority party has a disproportionate impact.
- Party members are increasingly likely to choose to provide their legislative party institutions and party leadership with stronger powers and with greater resources.
- Party will be expected to employ those powers and resources more often.
- The aim of the party leadership is to enact as much of the party's program as possible.
- If the majority party has (by virtue of its being the party that organizes the House or Senate) more powers and resources to employ than the minority party, then legislation will become more and more skewed from the center of Congress to the center of the party.

MAJORITY
✓
RULES



PARTY SYSTEM: HOW EXCEPTIONAL?

- differences from parliamentary parties (such as Great Britain)
 - more candidate-centered
 - result: greater divergence from the party “line”
 - Candidates are self-selected and self-starting.
 - result: less time spent working in and for the party
 - separation of executive and legislative branches
 - result: party discipline does not always result in effective government action



KEY DIFFERENCES BETWEEN THE HOUSE AND THE SENATE

	House	Senate
Constitutional Powers	<ul style="list-style-type: none">• Initiates all revenue bills (Art. I, sec. 7)• Initiates (and passes or defeats) articles of impeachment (Art. I, sec. 2)	<ul style="list-style-type: none">• Gives "advice and consent" to treaties (Art. II, sec. 2) and to major presidential appointments (Art. II, sec. 2)• Tries impeached officials (Art. I, sec. 3)
Structure	<ul style="list-style-type: none">• 435 members with two-year terms• More hierarchically organized (more centralized, more formal, stronger leadership)• Power distributed less evenly• Members are highly specialized• Emphasizes tax and revenue policy• More committees and subcommittees	<ul style="list-style-type: none">• 100 members with six-year terms• Less hierarchically organized (less centralized, less formal, weaker leadership)• Power distributed more evenly• Members are generalists• Emphasizes foreign policy• Fewer committees and subcommittees
Legislative/Committee Procedures	<ul style="list-style-type: none">• Bills introduced into "the hopper" and referred to committee by the Speaker• Speaker may create ad hoc committees• Committee action more influential than floor action for final decision• Scheduling generally controlled by majority party leadership and Rules Committee• Rigid floor debate rules favor majority (debate limits set by Rules Committee)	<ul style="list-style-type: none">• Bills introduced (may be introduced directly on the floor) and normally referred to committee by majority leader• No ad hoc committees may be created• Floor action as important as committee action for final decision• Scheduling generally mutually agreed by majority and minority leaders• Flexible floor debate rules protect minority (debate limits rare, set by full Senate via unanimous consent or cloture)
Changes in the Institution (1990s-2000s)	<ul style="list-style-type: none">• Power centralized in the Speaker's inner circle of advisors• House procedures are becoming more efficient• Those seeking reelection almost always win	<ul style="list-style-type: none">• Senate workload increasing and informally breaking down, threat of filibusters more frequent than in the past• Becoming more difficult to pass legislation• Turnover is moderate



COMMITTEE SYSTEM: PURPOSE OF COMMITTEES

- Why do committees exist?
- theories:
 - Use committee system to **focus on district interests**.
 - logrolling: colloquial term given to politicians' trading of favors, votes or generalized support for one another's proposals
 - Committees serve **knowledge function** (enables members to develop specialized knowledge of the matters under their jurisdiction).
 - Committees serve as the **tools of congressional parties**.





COMMITTEE SYSTEM: DEVELOPMENT OF THE SYSTEM

- In the early years committees were created on an *ad hoc* basis. Although standing committees began to develop between 1811 and 1830 under such strong speakers as Henry Clay, they languished in the period before the Civil War. After the Civil War the problems of industrialization and economic integration required more **specialization** in the form of standing committees.
- In the period after the Civil War the growth of the committee system did not threaten party government because **strong speakers** such as Thomas Reed, Charles F. Crisp, John G. Carlisle, and “Uncle” Joe Cannon hand-picked the chairs and members. But in 1909-1910 there was a revolt against Cannon’s dictatorial practices. This led to the introduction of the seniority system.
- Since the 1970s there have been several **reforms** of the committee system:
 - **Power flowed away from senior members** as Congress changed many procedures.



COMMITTEE SYSTEM: DEVELOPMENT OF THE SYSTEM

- Since the 1970s there have been several **reforms** of the committee system:
 - The end of the Kamikaze system made it easier to depose dictatorial chairs. (**Kamikaze Rule**: 10 or more members of the House Democratic caucus could demand a separate vote on any chairman nominee if the challengers stood up publicly in the caucus to demand the vote.)
 - The **party caucus** has an enlarged role in removing committee chairs who frustrate the will of their committees.
 - It is somewhat easier for members to introduce a **discharge resolution** to force legislation onto the floor for debate and a vote.
- injected **more democracy** into the committee system
 - limited House committee chairs to holding one subcommittee chair
 - subcommittee bill of rights
 - spread power more evenly across subcommittees





COMMITTEE SYSTEM: TYPES OF COMMITTEES

- **Most of the work of Congress takes place in its committees and subcommittees.** Committees do the work before a bill goes (if it makes it) to the floor for a vote.
- Woodrow Wilson once wrote, "it is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work."
- types of committees
 - **standing committees:** fixed jurisdiction, continue from one Congress to the next, bills referred here for consideration, also have subcommittees (hearings, markup), can be combined or discontinued but most of them have been around for years



COMMITTEE SYSTEM: TYPES OF COMMITTEES

- types of committees
 - **select/special committees**: temporary committees appointed for specific purpose such as conducting special investigations or studies, appointed to deal with a specific issue or problem
 - **joint committees**: include members from both House and Senate, conduct investigations or studies
 - **conference committees**: joint committees created to iron out differences between Senate and House versions of a specific piece of legislation





COMMITTEE SYSTEM: TASKS OF STANDING COMMITTEES

- Committees articulate the interests of constituents and interest groups and give them an opportunity to express their views through **hearings and investigations**.
- Thus standing committees perform a **representative** as well as a **law-making** function.
- Through hearings and investigations, committees also perform the function of **overseeing** the executive branch and the independent regulatory agencies.
- What determines the particular emphasis that committees give to these functions?
 - **External pressures** from the executive, interest groups, political parties, etc may produce changes in emphasis.
 - The **internal expectations** of the House and Senate influence the activities of the standing committees.
 - each committee's **internal structure, norms, membership** and **chair**
- At the present time there are: 16 standing committees in the Senate with 67 subcommittees, 20 standing committees in the House with 95 subcommittees, 5 Senate special or select committees and 1 House special committee, 4 joint committees, e.g., the Joint Committee on the Economy and the Joint Committee on Taxation.



COMMITTEE SYSTEM: CATEGORIES OF COMMITTEES

- levels of importance
 - **top committees:** Rules, Appropriations, Ways and Means
 - **second level:** deal with nationally significant policy areas such as agriculture, armed services, civil rights
 - **third level:** housekeeping items such as Government Reform and Oversight or a narrow policy venue such as Veteran's Affairs
- Members rarely serve on more than one top committee.





COMMITTEE SYSTEM: MOST POWERFUL COMMITTEES

- **House Rules Committee:** most powerful committee in either the House or Senate, decides what goes to the floor for debate and sets limits as to who goes to the floor to debate/persuade, most House committees maintain membership in rough proportion to full chamber (If the majority party controls 55% of the House, it will tend to have 55% of committee seats.) but membership on Rules is disproportionately in favor of majority party
- **most prestigious committees**

House

Rules

Appropriations

Ways and Means

Commerce

Senate

Appropriations

Armed Services

Finance

Foreign Relations



COMMITTEE SYSTEM: CAUCUSES

- Caucuses are groups within Congress formed by members to pursue common interests. They are neither congressional committees nor party organizations.
- Formally, caucuses are formed as **congressional member organizations (CMOs)** through the *House* and governed under the rules of that chamber.
- Caucuses are informal in the *Senate* and receive neither official recognition nor funding from the Senate.
- sometimes called coalitions, study groups, task forces or working groups
- nearly 300 such groups in the 115th Congress
- examples: Congressional Black Caucus, Northeast-Midwest Congressional Coalition, Sportsmen's Caucus (funded by NRA and sporting industry), Wine Caucus
- May be increasingly important actors in the congressional process.





COMMITTEE SYSTEM: HOW COMMITTEES ARE FORMED

- Committee system is formally under the **control of the majority party** in the House or Senate.
- Each committee has a **ratio of majority to minority** members at least as favorable to the majority as is the overall division.
- The more important the committee, the more likely it is stacked in favor of the majority.
- **seniority**: practice by which the majority party member with the longest continuous service on a committee becomes the chair
 - has been weakened and reformed, example: Republican conference adopted a three-term limit on committee chairs, enforced by Senate Republicans in 1996



COMMITTEE SYSTEM: COMMITTEE CHAIRS

- Committee chairs have **tremendous power and prestige**.
 - select all subcommittee chairs
 - call meetings
 - recommend majority members to sit on conference committees
 - can kill a bill by not scheduling hearings on it
 - have additional staff at their disposal
- *House*: seniority vs. loyalty to the party
- *Senate*: seniority still important
- Both chambers have **term limits** for chairs.





COMMITTEE SYSTEM: COMMITTEE MEMBERSHIP

- Committee assignments based on
 - majority party
 - seniority
 - ranking minority member
- Members often **seek assignments** to committees based on
 - own interests or expertise
 - committee's ability to help their prospects for reelection
 - **pork**: legislation that allows representatives to bring home the “bacon” to their districts in the form of public works programs, military bases or other programs designed to benefit their districts directly
 - access to large campaign contributors
 - Committee assignment is one of the most important decisions for a new member's future work in Congress



COMMITTEE SYSTEM: SENATE COMMITTEES

- *Senate committee system is simpler* than that of the House.
 - has only major and minor committees
 - Appropriations, Finance and Foreign Relations are major committees.
- Committee power in the Senate is **widely distributed**.
 - Each senator can serve on **one minor and two major** committees, and every senator gets to serve on one of the four major committees.
 - Senators less likely to specialize.
 - Since they serve diverse constituencies within an entire state, senators cannot afford to limit themselves to one or two subjects.



NO



YES



YES



CONGRESSIONAL COMMITTEES

(115TH CONGRESS, 2017-2018)

House Standing Committees

Agriculture
Appropriations
Armed Services
Budget
Education and the Workforce
Energy and Commerce
Ethics
Financial Services
Foreign Affairs
Homeland Security
House Administration
Judiciary
Natural Resources
Oversight and Government Reform
Rules
Science, Space and Technology
Small Business
Transportation and Infrastructure
Veterans' Affairs
Ways and Means

Senate Standing Committees

Agriculture, Nutrition and Forestry
Appropriations
Armed Services
Banking, Housing and Urban Affairs
Budget
Commerce, Science and Transportation
Energy and Natural Resources
Environment and Public Works
Finance
Foreign Relations
Health, Education, Labor and Pensions
Homeland Security and Governmental Affairs
Judiciary
Rules and Administration
Small Business and Entrepreneurship
Veterans' Affairs



COMMITTEE SYSTEM: PERFORMANCE OF STANDING COMMITTEES

- **performance** of standing committees based on:
 - chairs of the standing committees
 - folkways of the committees and subcommittees
 - committees' policy goals
 - recruitment of committee members
 - professional staffs of committees
 - work of the Congressional Research Service, the Congressional Budget Office and the Government Accountability Office, with a total of ca. 4,000 specialists.
- **critiques** of standing committees:
 - They frustrate majority-rule democracy.
 - They are the captive of special interests.
 - They are the graveyard of legislation.
 - They frustrate the President's legislative program.
 - They promote delay and deadlock on Capitol Hill.



RULES AND NORMS: THE HOUSE AND SENATE

- **reciprocity**: exchange of support or favors, especially by legislators for mutual political gain as by voting for each other's bills
 - currently declining in favor of deference to party leaders
- Senate
 - bills scheduled by **unanimous consent**
 - **filibuster** and **cloture**
- House
 - more **rule-bound**
 - more **hierarchical**





RULES AND NORMS: DIFFERENCES BETWEEN THE HOUSE AND SENATE

House	Senate
Presiding officer has <i>considerable</i> discretion in recognizing Members	Presiding officer has <i>little</i> discretion in recognizing Senators
Rulings of presiding officer <i>seldom</i> challenged	Rulings of presiding officer <i>frequently</i> challenged
Debate time always restricted	Unlimited debate; ^a individual Senators can filibuster
Debate ends by <i>majority vote</i> in the House and in the Committee of the Whole	<i>Super-majority</i> vote required to invoke cloture; up to 30 hours of post-cloture debate allowed ^b
Most major measures considered in Committee of the Whole	No Committee of the Whole
Number and type of amendments often limited by special rule; bills amended by section or title	Unlimited amendments; bills generally open to amendment at any point
Germaneness of amendments required (unless requirement is waived by special rule)	Germaneness of amendments <i>not</i> required (except in four instances)
Quorum calls usually permitted only in connection with record votes	Quorum calls in order almost any time; often used for purposes of constructive delay
Record votes by electronic device; can be requested only after voice or division vote is completed	No electronic voting system; rollcall votes can be requested almost any time
House routinely adjourns at end of each legislative day	Senate often <i>recesses</i> instead of adjourning; legislative days can continue for several calendar days



THE WORK OF CONGRESS

- The **House** averages 139 *legislative days* a year, fewer than three days a week. However, a legislative day ends only when that individual session is adjourned so technically a legislative day can span more than 24 hours.
- In the **Senate**, a legislative day often stretches beyond the boundaries of the 24-hour workday and sometimes week. That simply means that a legislative session merely recesses but doesn't adjourn after a day's work.
- One of the most important aspects to the job is being accessible and responsive to constituents. When these activities are factored in, we find that the average workweek is 70 hours when members are in DC, and 59 hours when they're home in their districts/states.
- Members work long hours, regardless of whether in session or not. While there are lots of nice perks, members of Congress have a grueling job, whether in DC or at home in their states and districts.



THE WORK OF CONGRESS

Despite the perception that members spend a great deal of time on politics, legislators report that most of their work is focused on official activities - primarily public policy and legislation in DC, and services for constituents in their districts/states.

WHEN IN DC, MEMBERS REPORTED SPENDING THEIR TIME AS FOLLOWS:

- 35% on legislative/policy work
- 17% on constituent services work
- 17% on political/campaign work
- 9% on press/media relations
- 9% with family/friends
- 7% on administrative/managerial work
- 6% on personal time

WHEN IN THEIR CONGRESSIONAL DISTRICTS, MEMBERS REPORTED SPENDING THEIR TIME AS FOLLOWS:

- 32% on constituent services work
- 18% on political/campaign work
- 14% on press/media relations
- 12% on legislative/policy work
- 9% with family/friends
- 8% on personal time
- 7% on administrative/managerial work



THE WORK OF CONGRESS

A Typical Wednesday in DC

6:15 am - Wake up and go for a quick run on the National Mall.

8 am - Arrive in the office. Read the daily headlines and office briefing memos.

9 am - Meet with staff to discuss the day's committee hearings and votes.

9:30 am - Meet with the Corn and Wheat Growers Association to discuss drought conditions.

10 am - Head to a Financial Services Committee hearing. Treasury Secretary is testifying on the state of the economy.

noon - Stop by the cafeteria to grab a sandwich on the way back from the hearing. Check emails from office. Update social media sites.

12:30 pm - Greet three groups of constituents from the district. Take photos.

1 pm - Attend a classified State Department briefing on the situation in Syria.

2:15 pm - Head to the House floor for the first vote series of the day. Six votes in total.

3 pm - Meet with representatives from Summa Health System to discuss increasing costs and how Summa plans to deal with new regulations in the President's health care law.



THE WORK OF CONGRESS

A Typical Wednesday in DC (continued)

4 pm - Radio interview with WTAM to discuss legislation that would extend current tax rates.

4:15 pm - Meet with staff to discuss the evening's vote series.

4:30 pm - Meet with the Community Bankers Association to hear about their implementation costs associated with the Dodd-Frank financial overhaul law.

5 pm - Edit and sign correspondence, as well as congratulatory letters to four area students who have been accepted to one of the US Service Academies.

6 pm - Get dinner and bring it back to the office. Check emails. Update social media sites.

7:15 pm - Head to the House floor for second vote series of the day: 16 votes in total, including 14 amendments to an appropriations bill and final passage of the bill.

9 pm - Back in the office to check email and review briefing memos for the following day.

9:30 pm - Head to my apartment several blocks from the Capitol for some sleep.



THE WORK OF CONGRESS

Another Typical Day in DC

- 8:30 a.m. Breakfast with a former member.
- 9:30 a.m. Science Committee: Hearing.
- 10:00 a.m. Private briefing by NASA officials for afternoon subcommittee hearing.
- 10:00 a.m. Commerce Committee: Markup session of pending legislation
- 12:00 p.m. Photo opportunity with Miss Universe.
- 12:00 p.m. Lunch with visiting friend at Watergate Hotel.
- 1:30 p.m. Science Committee: Subcommittee hearing.
- 1:30 p.m. Commerce Committee: Subcommittee markup session of pending legislation.
- 2:00 p.m. House convenes.
- 3:00 p.m. Meeting with National Alliance for Animal Legislation official.
- 4:30 p.m. Meeting with American Jewish Congress delegates.
- 5:00 p.m. State University reception.
- 5:00 p.m. Briefing by the commissioner of the Bureau of Labor Statistics on the uninsured.
- 5:30 p.m. Reception/fundraiser for party whip.
- 6:00 p.m. Reception/fundraiser for fellow member from the same state.
- 6:00 p.m. Cajun foods reception sponsored by Louisiana member.
- 6:00 p.m. Winetasting reception on behalf of New York wine industry sponsored by New York member.
- 10:45 p.m. House adjourns.



THE FUNCTIONS OF CONGRESS

- Over the course of a session, individual members engage in a wide variety of activities in DC and in their districts. We tend to group that wide variety of individual activities into several functions of Congress.

- **functions of Congress**

- representation
- constituent service
- lawmaking
- oversight
- public education
- conflict resolution





FUNCTIONS OF CONGRESS: REPRESENTATION

Regardless of what else it does, Congress is always serving two, not wholly compatible, purposes - representation and lawmaking. Members of the House and Senate serve individual districts or states, yet they must act collectively to serve the country as a whole.

Members say that *staying in touch with constituents* is the most critical part of their job and congressional schedules have evolved to ensure members are home every week.

The only days you can guarantee every senator will be in the Capitol is Wednesdays and Thursdays, typically vote days. When the final votes are cast on Thursday evening, members rush to catch planes and head back home until they return Monday or Tuesday morning.





THEORIES OF REPRESENTATION

Edmund Burke described two *styles / modes of representation* in 1774: delegate representation and trustee representation.

- **delegate representation:** follow the expressed preferences of their constituents ... delegates vote the way their constituents want regardless of their own opinions ... James Madison's preference
 - But do representatives *know* what their constituents want ?
 - What legislators *believe* their constituents want, compared to their constituents' actual views, are remarkably inaccurate perceptions. Research shows that legislators have massive misperceptions about district views on big-ticket issues. Too, the mistakes legislators make tend to fall in one direction, giving US politics a rightward tilt compared to what most voters say they want. The typical conservative legislator overestimates his/her district's conservatism by 20%. The typical liberal legislator overestimates the conservatism by around 5%.



THEORIES OF REPRESENTATION

- **trustee representation**: follow their own understanding of the best action to pursue ... trustees listen to constituents' opinions and then use their best judgment to make final decision ... Senators (who have longer terms of office) usually have more latitude than Representatives to assume the trustee style ... John C Calhoun's preference
- **politico representation**: third style added ... politicos act both as trustees and delegates, switching back and forth depending on the issue

Trustee Model	Delegate Model
<p>The representative acts as the person who is vested with formal responsibility for the affairs of others.</p> <p>Such representation is based upon the considered judgement of the legislator.</p> <p>The elected representative is 'trusted' to make the right judgement.</p>	<p>Constituents elect their representatives as delegates for their constituency.</p> <p>Essentially, the representative acts as the voice of those who are (literally) not present.</p>



WHO DO MEMBERS REPRESENT?

In studies of representation, *perception matters a lot*. A constituency is, to an important degree, what the elected representative *thinks* it is. So how much of the district do members of Congress actually “see”? The short answer is that members see only a fraction - less than 1/3 - of the constituents in their district who are relevant to an issue. When thinking about health care reform, if members had a complete view of those they represent, they would identify doctors, hospitals, patients, businesses, trial attorneys and insurers in their district. But members only see a handful of those constituents despite the fact that they all exist in the district and any legislation on the issue affects them. Limited perception is important because constituents can't expect members to act for them if members don't see them.

Contact is the single most consistent predictor of which constituents members perceive in their district. If doctors in a district call their House member about once a month to express their feelings on health care while hospital administrators don't, the member will be three times more likely to see the interests of physicians when considering his district's interest on health policy. Both mail and personal contact increase the chances of being seen by members, but *personal* contact is especially effective on salient issues. Contact puts constituency interests on a member's radar screen, which has important consequences for future decision- and policy-making.



DELEGATE OR TRUSTEE REPRESENTATION?

Standing Up for a Cause You Don't Support

This story contrasts the efforts of Oregon's two US senators on Oregon's Death With Dignity Act, which allows doctors to prescribe lethal doses of controlled substances to terminally ill adults who request them. Through two direct ballot initiatives, one to create the law and one to decide whether or not to repeal it, Oregonians *twice* voted in favor of assisted suicide.

Federal courts blocked former Attorney General John Ashcroft's use of the Controlled Substances Act to threaten Oregon physicians who follow the Oregon law. The Supreme Court upheld the Oregon law in a 6-3 decision.

Both Republican Senator Gordon Smith and Democratic Senator Ron Wyden *personally* opposed the assisted suicide law. Once Congress challenged Oregon's law as a violation of the US Controlled Substances Act, the senators had to decide where they stood on the congressional challenge, and how much they should let the views of Oregonians sway their position. In the end, each had to decide if he was a delegate or a trustee.



Smith



Wyden



DELEGATE OR TRUSTEE REPRESENTATION?

Standing Up for a Cause You Don't Support (continued)

Wyden stood alone on the floor of the Senate and used his ability to filibuster to block legislative efforts that would have invalidated Oregon's law saying, "Despite my personal objections, I firmly believe that my election does not give me the authority or the right to [substitute my personal and religious beliefs](#) for judgments made twice by the people of Oregon."

Smith said that he supports Ashcroft's ruling as a matter of conscience. He has repeatedly said the law conflicts with his personal beliefs and he will continue to oppose it and the will of Oregonians by supporting federal action to overturn the law. Many Oregonians cited Smith's efforts to overturn DWDA as "a very convincing reason" to vote him out of office (which they did after his second term).

So which senator was the delegate and which the trustee? With which style do you most agree?



THE LINK BETWEEN DEMOGRAPHICS AND REPRESENTATION

Is it important that Congress be *demographically* representative of the American people?

- **political representation:** the activity of making citizens' voices, opinions and perspectives heard in public policy-making processes
- Hanna Pitkin's views of representation: descriptive and substantive
- **descriptive representation:** the idea that elected representatives will represent the interests of their race, gender, socioeconomic group, etc ... advocated by John Adams
 - **problems:** can twist society's perception of a candidate's agenda, no guarantee of accurate representation, allows voters to align themselves with a candidate by default rather than looking more closely at actual policies
- **substantive representation:** the tendency of elected officials to support an agenda based on their personal and political party's views ... Plato, Hobbes
 - **problems:** voters rely primarily on the symbols of party identification rather than choosing candidates on the basis of an informed view of the incumbents' voting records, less likely than descriptive representative to aggressively pursue group-related interests





THE LINK BETWEEN DEMOGRAPHICS AND REPRESENTATION

What does the research show?

- **gender:** Women representatives face disproportionate pressure to take strong leadership positions on “women’s issues” and are able to exert disproportionate influence on policy outcomes. Women representatives assign more importance to policy problems faced by women as a social group than male counterparts. Using personal experiences, women are able to bring unique insights and innovative solutions to the policymaking process.
- **race:** Minority legislators propose minority legislation more often than white colleagues, though they have greater difficulty in seeing that legislation enacted. Legislation adverse to minority interests is blocked by the presence of descriptive representatives. Descriptive representation for minorities has been linked to an increase in qualities that are often deemed valuable to democratic citizens, such as higher levels of political knowledge, efficacy and trust.



THE LINK BETWEEN DEMOGRAPHICS AND REPRESENTATION

What does the research show?

- **occupation:** Legislators who previously held working-class jobs consistently favor more progressive policies than legislators who were business or private-sector professionals. The occupational background of legislators matters to their positions on economic issues, but not social or cultural issues. When policy preferences of high-income earners diverge from those of low- and middle-income earners, public policy responds to the preferences of high-income earners.
- dominance of high-income individuals, lawyers and businesspeople in Congress
- lack of representation of blue-collar workers and farmers





The only time Congress bothers to lift a finger...



Continued in
**CONGRESS AND ITS
WORK PART III**