

Chapter 4: US Congress

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Today's class

- We will discuss how members of Congress behave in practice.
 - A vibe shift from previous classes
 - Life of the Congressman
 - Structure of Congress

Political Philosophy → Political Science

- We've been describing the political philosophy - Hobbes, Locke, and Montesquieu. These are value-laden, and tell us what governments should do.
- We will shift gears now to contemporary political science. These are facts-laden, and tell us what governments do.
- Normative vs Positive Analysis
 - Normative: What should be the norm?
 - Positive: What is happening on the ground? Why?
- In my opinion, neither is better. They are separate, and one must learn both.
 - David Hume - Is can't implicate ought

Political Science in the 1960s: The behavioralist turn (Dahl 1961)

■ History

- Early 20th century: (Immigrant) German sociologists influenced by Max Weber shaped political science.
- This went out of fashion in mid-19th century. Economics takes root.

■ Conceptual shift

- Sociologists worked top-down: Define groups and then study that group's behavior
- Economists worked bottom-up: Study individual behavior and understand how that aggregates

■ The Behaviorists

- This turn to focus on individual behavior inspired by economists is called the behavioral movement in political science of the 60s.
- Warning: The adjective “Behavioral” means something else entirely these days.
 - The Behaviorists in the 60s were so thoroughly successful in shifting their field we don't even call them “Behavioralists” in the 60s sense anymore!
 - It's taken on a new meaning, a la Kahneman and Tversky.

Congress: The Electoral Connection

- We will discuss the book by Mayhew (2004), originally published in the 70s in the behavioralist tradition of the time.
- It is a seminal piece of work in American Politics.

Let's refresh some basics first before we discuss behavior.

The basics: Bicameralism

- House
 - 435
 - Population based
 - Mid-terms every 2 years
- Senate
 - 2 seats per state
 - So 100 seats
 - 6 year terms
 - Only 1/3 is up for election any election cycle
 - Highly malapportioned since not population-based

The basics: Elections in Senate v House

■ Senate

- Only 1/3 is up for reelection every year
 - Both senators of a state are never up for reelection (unless someone dies or resigns).
 - Senators get six year terms
- Whole state is the election constituency
- Until 1918, senatorial elections took place in the state legislature rather than being decided by the people

■ House

- All 435 members get reelected every even numbered year
- States get carved into single-member districts and voting happens

The basics: Representation

- Substantive representation
 - A district is highly heterogeneous (avg. 700k people). How can everyone agree on one substantive stance?
 - In a more competitive environment, substantive representation is harder
- Trustee-Delegate-Politico model (An example of the older sociological tradition.)
 - Trustee model
 - Full trust of the voters to do what they think is best
 - Delegate model
 - Always check in with voters and see what they want.
 - Representative is just a mouthpiece
 - Politico model
 - Blending Trustee and Delegate models
- Descriptive representation
 - Does the elected representative demographically represent the electorate?

With the basics done, let's now discuss how members of Congress behave.

The Electoral Incentive

- “The discussion to come will hinge on the assumption that United States congressmen are interested in getting reelected - indeed, in their role here as abstractions, interested in nothing else.”
 - Why does a congressman breathe? Because being alive is a precondition to winning reelection! (Borrowed from Dr. Thomas Gray)
- But is this a fair model of a Congressman?
 - We will argue in the affirmative in what follows

Do members even seek reelection?

- Yes. Since the Civil War, turnover in the Senate and House has gone down dramatically.
- Average number of terms has gone up
- Good pay and high prestige

Reelection is the proximate goal

- Is everything really about reelection? What about policymaking?
- Well, whatever the goal might be, reelection is certainly a proximate goal. You need to have power first to wield that power however you see fit.
- Focusing on reelection also helps us political scientists study accountability.
 - There is some normative appeal to studying this goal.

Reelection prospects: Party or Politician?

- Maybe it's the party that decides whether reelection is possible, not an individual congressman? No.
- First, the nomination process doesn't foster any team spirit.
 - The primary process
- Second, campaign resources are in the hands of an individual Congressman rather than party.
 - The Congressman has to necessarily build a power base independent of the party
- Third, congressmen do not have to cohere for the executive to stay in power.
 - So if their party's president is in power, they can still rebel and just get away with it as long as their electoral district likes that rebellion
 - This is unlike the British

Can a Congressman impact national reelection prospects?

- National elections depend on how the electorate perceives (economic) performance of the President. So can an individual congressman control such things? NO
- What they can try
 - If in power: Vote in alignment with President's preferences
 - If in opposition: Tank the economy and hope people blame the sitting President
- Uncertainty kills these strategies
 - There are too many variables here

Can a Congressman impact their own vote percentages?

- "... it will be argued that they think that they can affect their own percentages, that in fact they can affect their own percentages, and furthermore that there is reason for them to try to do so"
- Local trends can matter a lot more than national moods.
 - Individual congressmen have reason to think they have some control over these trends.
 - They possibly also overestimate the risk of bad outcomes in their elections which makes them align their behavior with the reelection goal even more.
- Simpler but untestable assumption: They certainly think their actions affect their own vote percentage!
 - "Whether Congressman think their activities have electoral impact, and whether in fact they have impact, are of course two separate questions."
 - The "congratulation-rationalization effect": "... in their own minds successful politicians probably overestimate the impact they are having."

How do Congressman relate to people to affect their reelection chances?

- Focus on relationships with “relevant political actors”
 - Those who throw money at Congressman especially if they can do so for their opponent!
 - Potential campaign worker
 - A potential endorser
 - The primary electorate vs the November electorate care
- Congressman are not vote maximizers
 - They don't want ALL the votes. Just enough to stay in power.

The 3 things congressmen do I

- Advertising
 - Disseminate a favorable image among constituents without any reference to any issues
 - How?
 - Franking privileges
 - Frequent visits to the district
 - Attending weddings unannounced
 - Photo ops

The 3 things congressmen do II

■ Credit-claiming

- Generate a belief one is personally responsible for causing the government to do something that one considers desirable
- How? Doling out “particularized benefits” to individuals or groups at a scale relevant to the congressman, with the size of the benefits apparently decided by the congressman
 - Emergency leave for soldiers
 - Essays for high schoolers
 - Shiny construction projects
 - Earmarking and pork barrel legislation
 - Tax loopholes (which may spill outside of home district)
- How not? Difficult to do via large-scale legislation
 - Credit can't be appropriated by the Congressman
 - But some possibility via Committee memberships

The 3 things congressmen do III

- Position-taking
 - Public enunciation of a judgmental statement on anything likely to be of interest to political actors
 - How? “The electoral requirement is not that he make pleasing things happen but that he make pleasing judgmental statements ... The position itself is the political commodity”
 - Speaking of teleology of government
 - Flip flopping on positions happens because of the audience who is being addressed
 - Roll calls
 - A source of risky innovation
 - Congressmen put out new positions just to see if they work
 - Watching what positions work for others

Is one activity more important than the other?

- More access to media; Upper middle-class → Position-taking
- Old machine city → Credit-claiming via benefits
- Ambitious politician; A “climber” → Advertising and position-taking
 - Current district matters less

In summary...

- A monocausal narrative around the reelection incentive makes sense because...
 - Congressman apparently want to get reelected
 - Reelection is an inevitable proximate goal
 - Party cohesion (unlike Britain) is non-existent. Every Congress member is out for themselves.
 - Congress members can only affect their own reelection chances and not the national majority
 - They can't maximize votes. They can only relate to relevant political actors and barely hold onto power
- All this means a given Congress member's day-to-day life has only 3 categories of actions.
 - Advertising
 - Credit-claiming
 - Position-taking

Given that members can only do advertising, position-taking, and credit-claiming, what does Congress as a whole end up being and doing?

- Before we get there - some basics of Congressional structure.

The basics: How does a bill become a law?

- Bill song

The basics: Standing Committees

- It creates some division of labor and specialization.
- Composition
 - Typically 40-50 members
 - Majority party in that chamber almost always has majority of members in every committee in that chamber
 - Chair of committee is also from majority party
- Popular Committees control spending and taxation
 - Appropriations (Spending)
 - Ways & Means (Taxation)
- Subcommittees
- Lifecycle of a bill
 - Most bills die at the end of the Congress session without any action whatsoever
 - Some bills enter the agenda
 - At subcommittee level and committee level there are iterative adjustments
 - Congressional (Informational) hearings happen
 - Mark-up sessions will happen

The basics: The Process in the House of Representatives

- House Rules Committee
 - Called “Speaker’s committee”
- Majority does whatever it wants. The other party slows it down, and buys time.
- Can only speak for a little while - often just a minute
- “Committee of the Whole” and the symbolic mace

The basics: The Process in the Senate

- Minority in the Senate has more power than the one in the House
- Senators are allowed to speak for an unlimited amount of time. The tactical use of this to perpetually delay a bill is called filibustering.
- Rule 22 or cloture rule to prevent discussion from going beyond 30 hours requires 60 votes. This then means for a bill to pass the senate a three-fifths supermajority is required.
- Unanimous consent agreements in lieu of Rules Committee
 - These agreements can have varying scopes

Let's get back to behavior...

- Given that members can only do advertising, position-taking, and credit-claiming, what does Congress as a whole end up being and doing?

Arrangements in Congress meets the reelection incentive perfectly!

- “... if a group of planners sat down and tried to design a pair of American national assemblies with the goal of serving members’ electoral needs year in and year out, they would be hard pressed to improve on what exists.”
- Satisfying the electoral incentive of one member need not mean dissatisfaction for the other. This is not a zero-sum game. If it was it can’t cohere for 250 years!
 - Advertising is obvious: Each member has a different district
 - But of course Senators share a market and so there is some competition there.
 - Credit-claiming is non-obvious
 - Position-taking can be done without attacking colleagues

Does the Congressional office structure serve the electoral need?

- “The Hill office is a vitally important political unit, part campaign management firm and part political machine.”
 - Staff availability for campaign work both “in and out of season”
 - Case work ability for political machinations

Does the congressional committee structure serve the electoral need? I

- Committees are platforms for position-taking
 - McCarthy, House Un-American Activities Committee, and the Senate Government Operations Committee
 - Senate Foreign Relations Committee, and Foreign Policy position-taking
 - “Cause Committees” such as House Education and Labor Committee

Does the congressional committee structure serve the electoral need? II

- Committees can be platforms for credit-claiming
 - doling out particularized benefits
 - Members in a committee don't want to keep fighting each other over everything. Instead they come up with a strategy to ensure everyone gets some piece so that there is peace.
 - The specialized divisions of labor make it easy for Congressman to appropriate credit for passage of bills concerning their subject matter
 - “Whatever else it may be, the quest for specialization in Congress is a quest for credit. Every member can aspire to occupy a part of at least one piece of policy turf small enough so that he can claim personal responsibility for some of the things that happen in it.”
 - Make it easy for members to say things like “I put that bill through committee”, “That was my amendment”, and “I talked them around on that”
 - Also makes it easy for interest groups to know which committee members should be nudged with money and other efforts

Do the Congressional Parties serve the electoral need?

- “In regards to these member needs the best service a party can supply to its congressmen is a negative one; it can leave them alone. And in general this is what the congressional parties do.”
 - Members are counseled to vote their constituencies and NOT necessarily along party lines.
- There is no real test of who is the in-group in terms of principled issues.
 - Win the primary and the Nov election as a Democrat (or Republican) and you are a Democrat (or Republican).

What does Congress, thusly structured, do then?

- They can do 3 things to move legislation forward. But do they?
- Only in so far as credit-claiming and position-taking can allow for it.
 - Mobilize
 - Ideally, for maximal credit claiming, a minimum winning coalition (51%) should be formed. But not really...
 - Mobilization does happen when some relevant political actor is known to be watching.
 - Overall, mobilization requires collective action which is outside of an individual Congressman's control. They could be doing something else where advertising, position-taking, and credit claiming is more straightforward than this.
 - Determine the content of a measure
 - Credit-claiming strikes again: If there is no particularizable benefits, there would be no reason to pay attention to the contents
 - Be a member of the committee just to take positions but not to learn the subject matter at all
 - Affect implementation via bureaucracies

Congress exhibits Symptoms of 'made by committee' ("Assmebly coherence") I

- Delay (or its perception) (Credit-claiming + Position taking)
 - "Recurrent perceptions of congressional delay on nonparticularized matters should cause little surprise"
 - "Mobilization may be halfhearted; there are so many other things to do; some issues may be uncomfortable to vote on at all; a live issue may be better than a live program; the effects are not important anyway."
- Particularism (Credit-claiming)
 - "...a strong tendency to wrap policies in packages that are salable as particularized benefits"
 - Will my district get something out of it? If not, why bother?
- Servicing of the organized (Position-taking)
 - Deference to national groups with enough local clout

Congress exhibits Symptoms of ‘made by committee’ (“Assmebly coherence”) II

- Deference to groups with electoral resources that keep a close watch on congressional maneuvers
- Symbolism (Position taking)
 - “... a purely symbolic congressional act is one expressing an attitude but prescribing no policy effects.”
 - Most laws simply do not achieve their intended effect at all. Who cares?
- Democracy! (Or maybe demagoguery?!)
 - “If, on matters beyond the particular, congressmen are judged by positions rather than effects, then what kinds of laws are they likely to write? The answer is that they are much inclined to incorporate popular conceptions of instrumental rationality into the statute books.”
 - Why do we even care about balanced budget? Because that is what families do.
 - It is not economically sound for a country to be worried about such balances. But Congress does talk about it because of this family imagery.

Then why hasn't Congress died in over 250 years? I

- “It is easy to conjure up visions of exasperated publics in search of unattainable effects shunting Congress aside and taking their business elsewhere”
- Institutional maintenance is a collective (public) goods problem that is resolved via a pecking order of prestige, the highest of which is afforded to the maintainers of the institution.
 - “What happens is that power and prestige within the Congress itself are accorded to upholders of the institution; the Capitol Hill pecking order is geared to the needs of institutional maintenance. ... the hero of the Hill is not the hero of the airwaves. The member who earns prestige among his peers is the lonely gnome who passes up news conferences, cocktail parties, sometimes even marriage in order to devote his time to legislative ‘homework’.”
- Speakers and Party leaders serve such functions. They are not partisan actors as much as being keepers of the institutions.

Then why hasn't Congress died in over 250 years? II

- Also chairs of the three “control committees” serve a similar function. (Rules, Appropriations, Ways & Means)
 - These positions only go to people who are typically perceived as responsible legislators
 - We already saw how committees act as platforms for credit-claiming and position-taking. But the “control committees” also serve as a institution-keeper.
 - Rules committees set the House agenda and get rid of bills that are overtly particularistic or impractical symbolisms.
 - Appropriations committee “cut,” “carve,” “slice,” “prune,” “trim,” “chop,” “slash,” “shave,” and “whack” unnecessary spending!

People have tried to do some so-called reforms to fight against the “assembly coherence” perils. But are they sound?

- Giving more power to the President
 - It is easy for the public to keep an eye on just one person instead of 535.
 - They can propose things that can go beyond the particularistic or the symbolism tendencies since the people tie effects of policies to the President.
 - But of course there are dangers ...
- Strengthen the party
 - Would it be better to have some party cohesion instead of a dog-eats-dog world of individual Congressman?
- More exposure
 - Journos love this!
 - If only the public stays informed...
- Regulate deployment of resources in Congressional campaign
 - Campaign finance reform

In summary...

- Congress' structure reflects the need of the reelection incentive to claim credit, and take positions.
 - Offices are campaign management firms, and political machines.
 - Committees are platforms for position-taking and doling out particular benefits.
 - Parties are merely there to leave each member to their own devices.
 - This leads to laws that are merely “assembly coherence” via delays, particularism, servicing the organized, symbolism, and overt democracy.
 - Congress barely survives thanks to the higher prestige afforded to institution keepers
 - Speakers, Party leaders, and Chairs of the 3 control committees.
 - Reforms are hard.

Summary I

- We discussed how US Congressman behave, in practice.
 - A vibe shift from previous classes
 - We shifted from Political Philosophy (values) to Political Science (facts).
 - We focussed on how an individual Congressman ends up behaving within the institution a la Mayhew (2004).
 - Life of the Congressman
 - "...the assumption that United States congressmen are interested in getting reelected - indeed, in their role here as abstractions, interested in nothing else."
 - Structure of Congress
 - "... if a group of planners sat down and tried to design a pair of American national assemblies with the goal of serving members' electoral needs year in and year out, they would be hard pressed to improve on what exists."

References I



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