

Rethinking Political Reform: Beyond Spending and Term Limits

Ruy A. Teixeira
L. Sandy Maisel
John J. Pitney, Jr.

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Introduction: Toward an Alternative Approach to Political Reform

Ruy A. Teixeira
Progressive Foundation

The problems with American democracy today are well-documented and widely accepted. We have political campaigns dominated by misleading and frequently negative advertising and eight-to-ten-second sound bites on the evening news. We have congressional elections, particularly for the House, dominated by the reelection of incumbents. And we have a Congress that cannot seem to govern effectively and deal expeditiously with the issues of the day.

In light of these three problems—low-quality campaigns, uncompetitive elections, and ineffective governance—it hardly seems surprising that Congress is held in such low esteem (voters disapprove of the job Congress is doing by almost 3 to 1), or that so few citizens bother to show up at the polls on election day (only a little more than one-half in presidential elections and a little more than one-third in congressional elections). Clearly, something is wrong with American democracy and something should be done about it.

Unfortunately, when political reform has moved past ritual recitations of these problems to legislative actions to solve them, the lack of success has been stunning. Campaign reform, for example, typically generates either legislation that cannot pass (the 1992 campaign finance bill, vetoed by President

Bush), or, if it did pass, would do little good (the 1993 Senate and House campaign finance bills [S. 3 and H.R. 3]). Similarly, congressional reform efforts typically promise much, but deliver little (the 1993 Senate and House recommendations stemming from the Joint Committee on the Organization of Congress [JCOC]). Meanwhile campaigns and Congress continue as usual, deepening voter disaffection with the system.

The Progressive Foundation believes that a better, alternative approach to political reform is possible. But we knew that such an approach should be based on a careful consideration of current political reform proposals and the political context that seems to be stymieing progress. To this end, we commissioned the three studies contained in this report, each covering different aspects of the political reform situation.

The first study, written by Ruy Teixeira, examines the interrelationships between campaign reform, political competition, and voter turnout. Teixeira begins his paper by establishing that campaign reform must play a central role in efforts to improve voter turnout. Teixeira finds, however, that current campaign reform proposals are likely to hurt, not help, efforts to get more voters to the polls, the very opposite of what campaign reformers say they wish. This

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is because current proposals—specifically S. 3 and H.R. 3—contain numerous provisions likely to inhibit competition, reduce voter stimulation and weaken parties. All these factors should reduce voter turnout.

Teixeira argues that this unhappy outcome is almost inevitable, given the witches brew of political inputs shaping today's campaign reform legislation. These inputs consist chiefly of ideas associated with Common Cause, on the one hand, and narrow Democratic and Republican partisan concerns, on the other. Specifically, the motivating framework of this legislation—that money in campaigns is the problem and limits are the solution—has been popularized by Common Cause and other good government groups, while the specific limits proposed usually reflect complicated tradeoffs between perceived Democratic and Republican partisan interests.

The road to higher turnout, Teixeira concludes, lies in rejecting this overall framework and in embracing a new approach to campaign reform. Such an approach starts from the premise that limits, which damp down the democratic process and tend to produce *less* of what we need in campaigns—competitiveness, communication with voters, party activity—are not appropriate. Instead, we should seek to distribute and direct campaign resources so that we have *more* of all these campaign components and, therefore, higher turnout.

In Teixeira's view, moving along this alternative road to campaign reform entails action in four areas: (1) rolling back, rather than tightening, spending and contribution limits; (2) the adoption of partial public financing to help challengers mount credible campaigns, i.e., "floors not ceilings"; (3) the provision of free media time to candidates, preferably in a "talking heads" format; and (4) strengthening parties through tax breaks for party contributions, the targeting of soft money to grassroots party activities and, perhaps, control of the free media resources mentioned in (3). Such a program, Teixeira argues, would decisively break with Common Cause-style logic and provide a real opportunity to improve citizen participation levels in this country—an opportunity that will be lost if Common Cause and its political al-

lies continue to dominate the campaign reform debate.

Teixeira's prescription for better, more competitive campaigns does leave out one important factor, however—serious, high-quality challengers. Without such challengers, the desired leveling of the playing field will be much harder to obtain and the positive effects of campaign reform correspondingly vitiated. Indeed, given that a dearth of qualified challengers is a widely-lamented problem, perhaps campaign reform is putting the cart before the horse. First, it may be necessary to persuade potential candidates that being in Congress is a job worth having.

To investigate this possibility, the foundation commissioned Sandy Maisel, a distinguished scholar of congressional campaigns, to investigate why more qualified candidates do not seek congressional office. Due to the paucity of good data on potential candidates and their motivations for running (or not running), Maisel included the collection of original data addressing these issues in his research strategy.

Maisel drew his sample of potential candidates by visiting the Democratic and Republican National Conventions in 1992 and circulating, within selected state delegations, a questionnaire soliciting names of potential candidates. This "reputational" sampling technique ultimately yielded a pool of 890 names with valid mailing addresses. These 890 individuals received a ten-page, thirty-nine item questionnaire focusing on the decision to run for Congress. About 30 percent, or 259, responded.

Maisel's study summarizes the findings from this survey in detail. Perhaps the key finding is that the widely-perceived unpleasantness of a congressional job has very little influence on a potential candidate's decision to run. That is, factors like low housing allowances, restrictions on earning outside income, lengthy congressional sessions, relatively low salaries, moving to Washington, and even potential strains on family life were uniformly reported as being of low salience to the decision to run. Therefore, whatever factors deter potential candidates from running, they are apparently not personal in nature.

This suggests that reforming campaigns is probably *not* putting the cart before the horse, since the issue of personal sacrifice does not pose an obstacle for most potential candidates. Indeed, the other findings from Maisel's survey simply underscore the centrality of campaign reform to developing a pool of quality candidates.

Maisel finds, for instance, that the contextual factor most likely to deter these potential candidates from running is the necessity of opposing an incumbent. No other factor, such as divided government or even the prospect of being in the minority in a majority-controlled, one-party government, comes close. As Maisel points out, these potential candidates reveal themselves to be rational political actors who are deterred from running, not by the partisan situation, but by the difficulty of winning. This suggests that making it easier to challenge incumbents would encourage more qualified candidates to step forward.

Maisel's survey confirms that a wide variety of field-leveling campaign reforms would have a positive impact on candidates' decisions to run—far more of an impact than the personal factors alluded to above. Specific campaign reforms evaluated positively by respondents include: significant financial support from state and local parties; free television and radio time; free postage; public financing; and spending limits. The support for such a wide range of measures indicates that potential candidates are looking for some way—any way—to make incumbent challenges more viable, rather than holding a brief for a particular reform or set of reforms. Again, this suggests that reforms that successfully level the playing field should pay a dividend in terms of the supply of quality challengers.

Taken together, the Teixeira and Maisel papers present convincing evidence that an alternative approach to campaign reform—one that goes beyond a moralistic, Common Cause-style opposition to money in politics—is possible and could produce better, more competitive elections with more participation by ordinary citizens. But it leaves unanswered the question of governance. How can we get

better government after the campaigns are all over and the voters have gone home?

To look into this area, the foundation commissioned Jack Pitney, a congressional scholar currently teaching at Claremont McKenna College and a former staff member at the Republican National Committee. Pitney argues that Congress today is really a *microcracy*—a collection of atomized power centers answering to narrow interests—rather than the accountable, deliberative body it was originally intended to be. Pitney goes on to document the mismatch between appearance and reality on Capitol Hill (“Potemkin village on the Potomac”) and describes in vivid detail the charade that passes for debate and deliberation (“dialogues of the deaf”).

It is this charade, Pitney argues, that produces the routine passage of legislative time bombs like the 1980 regulatory change raising the ceiling on deposit insurance to \$100,000. This change directly led to the S&L disaster of the 1980s because S&L officials used the additional amount of risk-free money to pursue dubious, high-return investments. A deliberative Congress would have foreseen this disaster, Pitney believes, but how is such deliberation possible when bills may go through as many as ten committees and subcommittees before they are passed into law? And where members devote much of their staff and other resources (e.g., franking) not to legislating, but to self-promotion? And where the average House member has 5.9 committee/subcommittee assignments and the average senator 11.8, but because of time pressures frequently misses hearings and votes by proxy? And where debates before nearly-empty chambers accompany complex bills that members have not even had the time to read?

The depth of these problems leads Pitney to argue strongly for a fresh approach to the congressional reform issue—one that goes beyond nibbling at the margins, a practice exemplified by the tepid recommendations of the recent JCOC. As Pitney points out, Congress has been “reforming” itself for 48 years, a process that should have eliminated the need for the Joint Committee in the first place. Rather

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than relying on the gradualism of the JCOC, then, it is time to break with the incrementalist approach and make some serious changes.

Pitney makes the following specific recommendations: cut congressional staffs by 25 percent; reduce the number of committees; forbid committees to meet in private or vote by proxy; require committee members to attend meetings; limit how long any lawmaker (including the chair) can serve on a given committee; provide for more open floor debate; ensure that lawmakers have the time to read bills before voting on them; and prohibit Senate and House members from altering the *Congressional Record* or hearing transcripts.

Reform on this scale may be difficult to put through, but if we settle for the JCOC proposals, Pitney suggests, little of substance will change and the public perception of a gridlocked, ineffective Congress will not improve. In such a situation, the public is likely to take out its frustrations with Congress in unpleasant ways, of which term limits may only be the beginning. Given this, Congress would

be well advised to take the risks of real change now and avoid the unpredictable radicalism of an aroused public.

Taken together, then, the three studies in this report provide both bad news and good news. The bad news is that current efforts to reform campaigns [H.R. 3 and S. 3] and Congress [JCOC recommendations] seem unlikely to make things much better and might even make them worse. The culprits here appear to be the straitjacketing influence of organizations like Common Cause, combined with the parochial interests of Congress, considered both as a body and as two warring partisan factions.

The good news is that alternative approaches to campaign and congressional reform are possible, as the authors of these papers convincingly show. But they require rejecting the conventional wisdom that dominates thinking in Washington and challenging the interest structure (“microcracy”) of Congress itself. The foundation presents this report as a resource for moving in that direction.

Campaign Reform, Political Competition and Citizen Participation

Ruy A. Teixeira
Progressive Foundation

For a refreshing change, turnout went up quite substantially in the 1992 election, rising from about 50 percent of the voting-age population in 1988 to about 55 percent this year. This increase of 5 percentage points is the first substantial rise in presidential turnout since 1960. (The only other rise in turnout since 1960 was a slight half percentage point increase in 1984.) In addition, 55 percent is the highest turnout since 1972, when a virtually identical percentage participated in the presidential election.

That's the good news. The bad news is that 55 percent turnout is still quite anemic by a number of standards. To begin with, this level of turnout is still 8 percentage points below that of the 1960 election, when a three-decade long process of turnout decline commenced. Thus, we have not even come close to re-engaging the voters lost since that election.

Second, a 55 percent turnout level is still about 25 percentage points below the international turnout average. Indeed, we are still securely stationed near the bottom of the international turnout rankings. Only Switzerland ranks lower.

Third, despite the large increase in the 1992 election, turnout in the last three presidential elections has averaged only a little less than 53

percent. By way of comparison, the three elections of 1952, 1956, and 1960 averaged a little over 61 percent. Compared to the recent past, then (the supposedly "apathetic" 1950s), we are still mired in a low turnout era.

Finally, the figure of 53 percent, low as it is, only refers to *presidential* elections. Turnout levels in off-year elections, where only Senate, governor's and typically noncompetitive House races are on the ballot, are generally far lower. Indeed, the last three off-year elections (1982, 1986, and 1990) have averaged only an anemic 38 percent turnout.

Thus, there is still a need—and a strong one—to promote more citizen participation in the United States, both in presidential and off-year elections. What, if anything, can be done to move us farther in this direction?

The Need for Campaign Reform

One possibility is to make voting easier, since the U.S. system of registration by voluntary, individual initiative makes voting extraordinarily difficult by international standards. This issue was recently addressed by the National Voter Registration Act, the "motor voter" bill, that was signed by President Clinton in May of 1993. The key provision is

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the linkage of voter registration to driver's license applications (hence, the "motor voter" nickname), such that citizens can register to vote at the same time as they fill out license application forms (or renewals or changes-of-address). The intent is to make voter registration essentially free for all those who obtain driver's licenses (about 87 percent of the voting-age population).

How much of an effect on citizen participation can we reasonably expect from this new law? The short answer is we can expect turnout to go up, but not dramatically. There are several reasons to believe that this positive, but moderate, assessment is an accurate one.

First, estimates of the effects of general registration reform on turnout typically run in the 7–9 percentage point range (Wolfinger and Rosenstone, 1980; Mitchell and Wlezien, 1989; Teixeira, 1992). Thus, even if the motor voter reform delivers all of this estimated potential increase from registration reform, turnout levels will remain quite low by international standards—say, in the low 60 percent range (53 percent average turnout in the last three elections plus an 8-percentage point increase from reform equals 61 percent).

Second, thirty states already have motor voter in some form, including ten that have combined driver's license and voter registration forms, as called for in the motor voter bill. This should attenuate the nationwide effect of the motor voter reform, since it will have less effect in states whose registration provisions already approximate, in whole or in part, those called for by the new legislation.

Third, analysis of the effects of state-initiated motor voter reforms suggests that the magnitude of the turnout-promoting effect from motor voter may be less than that implied by general registration reform estimates. The Committee for the Study of the American Electorate (1993) found that states that implemented "active"¹ motor voter programs between 1988 and 1992 experienced no greater increase in turnout in 1992 (when aggregate turnout went up five points) than did

other states. And Knack (1993), who performed a detailed multivariate analysis of state-level data for 1976–1990 general elections, found that active motor voter programs did not have a significant effect on presidential-year turnout levels. Knack concluded that the motor voter reform bill was unlikely to have a large effect on average turnout levels, although he did believe an effect of several percentage points would probably be observed.

Of course, there are a number of problems with measuring the impact of a reform that is so new—even the oldest state motor voter systems are no more than a decade old. It seems likely that later data will show more tangible effects on turnout as the reform works its way into the system as a familiar and everyday feature. Still, the data adduced by the Committee for the Study of the American Electorate and Knack do not give one confidence that this future impact will be large. This leads me to suspect that the ultimate impact of the motor voter reform bill may not be much more than 4 or 5 percentage points—close to the lower estimate of the bill's effects I made in *The Disappearing American Voter* (1992), my upper estimate being ten points.

Need to Increase Voter Motivation

This suggests that the road to substantially higher turnout does not lie only, or even chiefly, in making voting easier. The motor voter reform does just that and yet appears likely to leave us with turnout levels far behind those of other industrialized democracies. This means we must directly confront the issue of voter motivation. If this is not done, simply removing the structural barriers to participation, as the motor voter bill does, while leaving the "motivational barriers" intact, will be only a partial fix for the low turnout problem.

This reasoning is given added force by consideration of research results on declining turnout. If it is true that the decline in turnout since 1960 (Teixeira, 1987; 1992) is primarily attributable to an evolving discon-

nection from politics that has eroded voter motivation, than lowering the costs of voting through registration reform does nothing, by itself, to address the root cause of declining voter turnout. It is therefore possible that, even if the motor voter bill does increase turnout levels, the decline in turnout might resume in the future, resulting eventually in turnout levels as low (or lower) than they currently are today. Thus, not only is the motor voter bill, by itself, unlikely to produce substantially higher turnout levels, it may not even produce a lasting increase in turnout levels, unless the problem of voter motivation is adequately addressed.

But how can this be done? One approach for increasing voter motivation flows from the fact that the U.S. political system—in terms of the legal structure of voting, the structure of electoral competition, and the level of party mobilization—is generally organized so as to generate a relatively low level of “perceived benefits” (motivation) for voters². In other words, the U.S. system is set up so that voter motivation is “naturally” low, relative to other countries. A logical solution, then, is to change our system so that, in terms of legal, electoral competition and/or party mobilization characteristics, voting looks more like it does in other countries. I call this approach to increasing voter motivation the “big fix” approach.³

But such radical systemic changes mean that the cure could be worse than the disease. It seems hard to justify such a risk simply to increase voter turnout levels. Fortunately, I believe there is a moderate alternative to the big fix approach—one that, while less straightforward, could provide benefits both in the form of increased voter turnout *and* general improvements in the conduct of U.S. politics. The approach would have positive value in and of itself and need not be justified solely in terms of its impact on turnout. Moreover, this approach has relatively little downside risk and does not involve a chimerical quest to

make the U.S. political system look and act like those in other countries. Instead, the approach is based on a “more like us” orientation that accepts and builds on the unique nature of American politics. This approach has as its goal *reconnecting* Americans to politics to counter the political disconnection that has characterized the last several decades.

Of course, no one can mandate that Americans feel more psychologically involved in politics, believe more in the responsiveness of government, care more about the political parties, know more about the positions of parties and candidates in elections, etc. But all of these connections of voters to politics should, potentially, be susceptible to changes in the political environment. And the political environment should, at least potentially, be susceptible to changes (structural and/or voluntary) in how elections are conducted and how government, parties, candidates, and the media organize their relationships with voters. This suggests that, if proper changes are made in the conduct of elections and the behavior of various actors in the political process, it may, in fact, be possible to counter trends of the last three decades and reconnect Americans to politics. This should lead, in turn, to an increase in voter motivation and, therefore, to increased voter turnout.

Substantial changes in the conduct of elections and associated political actors has another name, of course: *campaign reform*. While not only, or even mostly, motivated by concern about voter turnout, there is an evolving consensus in this country that the political process should be reformed to become more substantive, less manipulative, more accessible to the ordinary citizen, less money-driven, more competitive, and so on. The achievement of these goals should, at least in theory, do a great deal to reconnect Americans to their political system and promote a sense that voting is a worthwhile activity.

Campaign Reform and Voter Turnout

The term “campaign reform” covers a multitude of sins, however. It would be desirable to have a more specific sense of which *types* of campaign reform are likely to prove the most effective in fostering voter participation. Some light may be shed on this question by considering existing research on voter turnout.

Aggregate Studies

One stream of this research focuses on aggregate turnout levels. Such studies use percentage turnout in a given area (congressional district or state) as the dependent variable and attempt to relate fluctuation in turnout levels across areas to various demographic, economic, and political characteristics of those areas. While there are certain methodological problems with this approach⁴, aggregate studies have nevertheless yielded some interesting findings.

For the purposes of this discussion, the most important of these findings concern the influences of campaign expenditures and electoral competitiveness, broadly defined, on turnout. Studies⁵ tend to show that higher campaign spending and more competitive races (as measured by the closeness of final candidate vote totals) lead to higher turnout.

Why is this? The usual assumption is that higher spending produces a more highly mobilized⁶ electorate by direct stimulation (via campaign advertising and party outreach activities) and by indirect promotion of an information-rich environment. (The media are likely to provide more coverage of a high-spending race than a low-spending race.) These higher mobilization levels, in turn, lead to higher turnout levels.

Similarly, close races tend to generate various party and elite activities to reach voters (for example, registration and get-out-the-vote drives), as well as enhanced levels of media coverage, leading to higher turnout. In addition, close races should have indirect

mobilizing effects on turnout by promoting more campaign spending by candidates⁷.

Of course, it can be argued that the final vote margin between candidates is a poor measure of the actual competitiveness of a race prior to the election⁸ and that it is this pre-election competitiveness that determines elite activities and stimulates mass interest. Evidence about closeness and turnout, therefore, may not be good evidence about *competitiveness* and turnout.

Goldstein (1993) has dealt with this objection by using an actual measure of pre-election competitiveness in place of a traditional election closeness measure. His measure is based on the *Congressional Quarterly* status ratings of House races, compiled several weeks before a given election. These ratings integrate data on partisan distribution, poll results, and campaign expenditures with assessments of local experts to form a seven-point (1 = Safe Democrat...7 = Safe Republican) scale reflecting the pre-election status of the race. By simply collapsing the scale across parties (for example, giving Safe Democrat and Safe Republican the same score), a pre-election competitiveness measure can easily be generated.

Goldstein found that this competitiveness measure was a strong predictor of turnout in House races⁹, even controlling for district demographics and election laws. These findings provide important confirmation that voters do, in fact, respond to the competitiveness level of a race by becoming more likely to vote¹⁰.

According to aggregate data analyses, then, both higher campaign spending and more competitive races lead to, all else being equal, higher turnout levels. This implies that turnout-promoting political reform should emphasize stronger competition but *not* limiting total spending because spending itself has a positive effect on participation. Indeed, these aggregate data analyses imply that, if higher total spending is necessary to produce more competitive races—for example, by subsidizing challengers—it should be welcomed, at least from a voter participation perspective.

Of course, these findings leave a number of questions unanswered. Chief among them is whether more spending and more competition promote turnout in an undifferentiated way, or whether certain types of spending and competitiveness are particularly effective in generating higher turnout. The latter seems more plausible, since spending and competitiveness have their effects through campaign activities that mobilize individual voters who, in turn, seem likely to react with different levels of enthusiasm to different activities (for example, party canvassing versus negative campaign advertising). If this is true, the maximum effect on turnout is likely to be obtained when a high level of spending and competitiveness is combined with a particular *mix* of campaign activities.

Individual-Level Studies

But what should this mix of activities be? To understand which campaign activities may be particularly effective in motivating individual voters, it is necessary to turn to individual-level studies of turnout. This stream of research¹¹ shows that motivation to vote can stem from a variety of individual characteristics¹², many of which can be affected by campaign activities.

Some of the most important of these characteristics have to do with psychological involvement and interest in political campaigns. Multivariate estimations persistently show that the higher an individual's interest level in a campaign and the more closely they follow that campaign, particularly in the media¹³, the more likely they are to vote.

Another characteristic taps the extent to which individuals believe there is a responsive link between citizens and government. An individual who believes that the government and public officials pay attention to the views of the average citizen is much more likely to vote than one who does not.

Other characteristics have to do with the partisan dimension of elections. For example, individuals who have strong general commitments to one party or another are more likely to vote than those who profess independence, as are those who care which party wins

a particular election versus those who say they don't. In addition, if an individual is contacted personally by a political party, they are substantially more likely to vote than those who are not.

Several additional characteristics that touch on the partisan dimension of elections have a strong informational component. Individuals who see important differences between the parties are more likely to vote than those who don't. Similarly, individuals who have high levels of knowledge about the good and bad points of parties and candidates are much more likely to vote than who lack such knowledge.

Finally, it appears that citizens' perceptions of the significance of the issues at stake (the "issue stakes") in a given election play a role in shaping voter motivation. Specifically, research results¹⁴ suggest that the *clarity* with which a citizen apprehends the different positions of candidates on key issues and the extent to which a citizen believes the election outcome will actually make a *difference* on those issues are important determinants of that citizen's likelihood of voting.

This list of characteristics clarifies how campaign reform can have the maximum effect on turnout¹⁵. Ideally, reform should promote activities that stimulate voter involvement and interest in campaigns, enhance citizens' sense that public officials are responsive, promote knowledge of party positions, facilitate direct contact between parties and voters, and heighten awareness of the issue stakes in elections. Where reform meets these criteria, higher turnout should result; where it fails these tests, higher turnout seems much less likely.

This implies, for example, that simply increasing the number of competitive races may not be adequate¹⁶. We may also need to ensure that these competitive races have high substantive content, a strong role for parties, and effective communication of issues. Otherwise, the average voter may be quite unmoved by the fact of more competition and fail to turn out in the numbers anticipated by reform advocates.

Assessing Current Reform Strategies

Armed with these basic research results, we are now in a position to evaluate current reform proposals for their probable effect on citizen participation. Perhaps the most influential set of proposals comes from Common Cause. Their perspective represents not only their own views but also those of many other groups and most mainstream newspapers and political commentators.

Common Cause Proposals

The essence of the Common Cause approach may be characterized by invoking the old saying “money is the root of all evil.” There is too much money in the campaign process (up 456 and 600 percent, respectively, in House and Senate campaigns between 1972 and 1988¹⁷). This has led incumbent politicians to spend large amounts of time chasing money to fund campaigns, while many challengers simply cannot find the money to run. As the politicians chase money, those with money to give (“special interests”) increase their influence over politicians. And those politicians who are corrupt stay around longer because only incumbents have the resources and access to contributors that allows them to mount adequately funded campaigns. (House re-election rates averaged 92 percent in 1990 and 88 percent in 1992.¹⁸) Thus, money is the ultimate cause of a range of political pathologies from the emphasis on raising funds rather than legislating to the influence of special interests to noncompetitive elections.

The solution, according to Common Cause, is obvious. If money in the campaign process is the heart of the problem, then *limiting* money in this process is the basic solution¹⁹. Not only should campaign spending be drastically limited, but campaign *contributions* should also be limited, or further limited where limits already exist. This includes contributions from individuals and PACs, contributions in the form of “soft money” (money contributed directly to political par-

ties for unspecified activities), contributions that are “bundled” (i.e., collected together and sent *en masse* to a given candidate), and contributions to out-of-state races.

Leaving aside the details of the Common Cause proposals, there are good reasons to be skeptical of a “more limits, the better” approach. For example, spending limits could favor incumbents, since it is difficult for a challenger to overcome the advantages of incumbency without spending a fair amount of money. PAC limits could also increase the difficulties of challengers by cutting off a potentially important source of funds, as could out-of-state contribution limits in certain areas of the country. Soft money limits could cut funds available for non-televised, grassroots-oriented campaign activities. And individual contribution limits could make it harder for those without individual wealth to run for office, as well as doing nothing, in and of itself, to encourage ordinary citizens to become contributors.

Thus, the general political effects of the Common Cause approach might be quite the reverse of what is presumably intended. And what seems generally questionable becomes even more so when this approach is specifically scrutinized for its probable effects on voter participation.

It seems quite clear that spending limits would hurt, not help, voter turnout. Empirically, higher spending is associated with higher turnout, so lowering spending should logically depress turnout. Nor can it be assumed that limiting spending will promote more competition, thereby indirectly promoting turnout.

Indeed, the very opposite is likely to be true. As alluded to above, spending limits have an innate tendency to favor incumbents, since it is the challengers who need to spend money to gain public attention. Thus, competition is likely to be reduced, not increased, by limiting spending—an assessment shared by most academic analysts of the issue²⁰.

In fact, even Krasno and Green (1993), among the most optimistic academic analysts

of spending limits, do not believe that spending limits will *increase* competition. Instead, they believe that spending limits *might fail to reduce* competition, if constructed properly—hardly a ringing endorsement. But, if the goal is to actually increase competition, they admit that other avenues, such as public financing, must be considered. I shall return to this point later.

These empirically-based assessments make good theoretical sense. If citizens vote because they are stimulated by the campaign process and if money is the driving force behind much campaign stimulation, then taking money out of the process should reduce the level of stimulation and, therefore, voting. Indeed, it would seem much more productive to try to improve the quality of the stimulation bought by campaign spending and otherwise provided in campaigns²¹ than to pursue a strategy likely to reduce the amount of stimulation already reluctant voters currently receive.

Regarding contributions, the probable effects on turnout of the Common Cause proposals seem similarly dismal. Lowering the limits for individual and PAC contributions simply ensures that challengers will find it even more difficult to secure the threshold financial support²² necessary to launch credible campaigns²³. This is likely to depress electoral competitiveness even more, leading to lower turnout.

Moreover, PAC limits, in particular, would limit the ability of different organizations to mobilize in support of their members' political interests. This could reduce the stakes of a wide variety of citizens in election campaigns, further depressing turnout. Indeed, if the intent is to increase the influence of the average citizen in the electoral process, it would seem to make more sense to directly encourage the small contributor (via tax credits, for example) than to indirectly dilute the influence of many citizens by PAC limits.

The proposal to eliminate or sharply curtail the contribution of soft money to political parties has even clearer turnout-depressing implications. This is because soft money

is the primary source of funds for registration and get-out-the-vote drives and other “party-building” activities that are relatively grassroots in nature. In fact, soft money is now critical to the maintenance of state and local party organizations in the current era of “candidate-centered” politics.²⁴ Due in part to soft money, state and local party organizations enjoyed a resurgence of strength in the 1980s that ran counter to the general trend away from political parties.

Given everything we know about the critical role of parties in promoting turnout—from direct contact of parties with voters to voters' knowledge of party positions—it is not hard to see how directing resources away from political parties could be a recipe for depressing turnout. This seems especially likely in an era when parties are increasingly being eclipsed by individual candidates and their campaign organizations and are already in danger of losing influence. Thus, if the overall goal is to energize voters, it would seem wiser to promote the targeting of soft money to grassroots-type activities than to eliminate this source of funds or to radically restrict its use.

Close scrutiny of the Common Cause proposals, then, yields the following conclusion. These proposals, whatever their merits in cleaning up corruption—and these merits are highly debatable—are likely to have a deleterious effect on voter participation, if enacted. They are likely to reduce, not increase, the amount of competition in elections; reduce, not increase, the amount of stimulation received by voters; and reduce, not increase, the role of parties in elections. All this should serve to depress turnout when we can ill afford yet more factors keeping voters away from the polls.

Are there alternatives to the Common Cause proposals? In theory there are, but in reality the current debate doesn't stray too far from the core perspective advanced by Common Cause. This may be illustrated by considering two other viewpoints on reform. One is the total public financing viewpoint advanced by the Center for Responsive Poli-

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tics and other forces somewhat to the left of Common Cause. The other is embodied in current legislative proposals such as S. 3 and H.R. 3, the bills that cleared the Senate and House, respectively, in 1993.

The Total Public Financing Approach

The total public financing approach simply extends the thinking behind the Common Cause position to its logical extreme: if private money in politics is the problem, why stop with limits? Why not eliminate it entirely by instituting a system of total public financing?

Leaving aside the practicality of such an approach within the framework of American political culture, there are several reasons to be skeptical of 100 percent public financing. To begin with, the basic assumption of this approach—the assumption it shares with Common Cause—is incorrect. The problem is *not* too much private money in the political process; the problem is rather with how that money is distributed and what it pays for. It therefore seems logical to directly address the latter two concerns before taking the drastic step of eliminating private money entirely.

The most obvious benefit of total public financing, that of making challengers competitive, can probably be attained through a partial public financing mechanism. The key problem for challengers' competitiveness is having funds adequate to reach a threshold level of credibility and name recognition with voters, not being outspent by incumbents. It is this threshold level of funding that could be guaranteed by partial public financing and would do the most to enhance competitiveness and, therefore, voter turnout.

Thus, the total public financing approach, motivated by the misconception that private money is the problem, adopts a solution that goes far beyond what is necessary to promote more citizen participation. Furthermore, there is a reasonable chance that total public financing could backfire and wind up *depressing* turnout, instead of increasing it.

Why? Because total public financing puts the amount of money spent on campaigns completely under public control. But what if the money publicly allocated to the campaign process is low—too low to adequately stimulate public interest²⁵? The net result could easily be lower turnout, even if public financing has other, positive effects such as improving competitiveness. Given popular disaffection with Congress and current budget-cutting pressures, this situation hardly seems a remote possibility.²⁶

Current Legislative Proposals

Current legislative proposals may be thought of as an amalgam of Common Cause ideas on the one hand and narrow Democratic and Republican partisan concerns on the other. Specifically, the motivating framework of the legislation—that money in campaigns is the problem and limits are the solution—has been popularized by Common Cause, while the specific limits proposed usually reflect complicated tradeoffs between perceived Democratic and Republican partisan interests.

Once the Common Cause analysis is accepted as the reference point, Democrats and Republicans have immediately obvious and large differences over which limits serve their interests. Democrats, who are more likely to be incumbents, tend to favor limits on spending, while Republicans, who fear—with some justification—that spending ceilings are likely to be a form of “incumbent protection,” tend to oppose them. Then, in terms of contributions, Democrats tend to favor limits on contribution sources where sources of funds are relatively weak (individuals) and to oppose them where these sources are relatively strong (PACs and soft money). The Republicans, of course, take the opposite stance.

This helps explain both the focus and final form of recent campaign reform legislation. Once the focus is on limits as the solution, sharply differing partisan interests are immediately invoked, leading to intense legislative horse trading to balance these interests and finally to compromise legislation

of baroque complexity and questionable efficacy.

The current (August 1993) Senate bill, S 3, is a good example of the unwieldy final product generated by this process. The more important provisions of the bill are that it sets “voluntary” limits of \$1.2-5.5 million on Senate campaigns, based on a state’s population; and it taxes spending beyond limits at the maximum corporate rate of 34 percent, which is then used to help provide financing to candidates who did not exceed the limit. (The amount of public financing so provided is determined by an algorithm linked to the general election limit and the level of excess spending used by an opponent.) It bans²⁷ or sets severe limits on PAC contributions by reducing PAC contribution limits from \$5,000 to \$1,000 and limiting overall campaign receipts from PACs. In addition, it bans use of soft money for election-related activities.

The current (November 1993) House bill, H.R. 3, is scarcely less convoluted than its Senate counterpart. It also has “voluntary” limits (\$600,000 for most House campaigns), although public support of up to \$200,000 in communications vouchers would be uniformly available to candidates, whether or not their opponents exceeded spending limits. It also has an aggregate PAC limit, though it does not lower the individual PAC contribution limit. Finally, the bill includes a ban of soft money use for electoral activity, plus a ban on bundling contributions, unless the bundling group does no lobbying (the “Emily’s List provision”).

What are the turnout implications of these bills? Based on the evidence and analysis presented in this paper, the implications appear strongly negative. Competitiveness is likely to suffer because of the bills’ inclusions of spending limits and secondarily, PAC limits. The amount of stimulation received by the average voter may also fall due to the bills’ spending ceilings. The role of parties may be reduced due to the bills’ bans on soft money. Less competitiveness, less voter stimulation, and less of a role for parties

should all translate into lower turnout—the very opposite of what most of these bills’ sponsors and their Common Cause allies say they wish.

An Alternative Approach to Campaign Reform

This is clearly unsatisfactory. An alternative approach is needed that starts from different premises—premises that challenge the ideological strangle hold of Common Cause and its political allies—so that we can arrive at policy recommendations whose turnout implications are not so predictably bleak.

Such an approach should start with the premise that too much private money in politics is not the problem. The problem is with how that money is distributed and what it and other campaign resources are used for. Therefore, a limits-based approach that damps down the democratic process and tends to produce *less* of what we need—competitiveness, communication with voters, party activity—is not appropriate. Instead, we should seek to distribute and direct campaign resources so that we have *more* of all those campaign inputs and, therefore, higher turnout. Moreover, to maximize the impact on turnout, we should seek to promote not just more, but *higher quality* inputs (e.g., not just more competitive races, but competitive races that have high substantive content, a strong role for parties, and effective communication of issues).

This entails paying close attention to the ways in which competitiveness, communication with voters, and party activity cultivate or inhibit individual voter profiles that lead to turnout. As discussed in the section on individual-level turnout studies, this includes voter characteristics such as involvement (at least through media consumption) and interest in political campaigns; belief in politician responsiveness; knowledge of party positions; direct con-

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tact with political parties; and awareness of the issue stakes in elections.

With these points in mind, an alternative reform approach²⁸ can be elaborated that maximizes the possible positive effect on citizen participation as opposed to minimizing it or even having a negative effect, as is true of the other approaches. This approach has four basic components that are summarized below.²⁹

1. Just Say No to Limits

Spending and contribution limits,³⁰ whatever their other virtues, will not improve turnout levels. Indeed, they are likely to do just the opposite and decrease turnout from its already anemic levels. Nor are limits likely to improve the competitiveness of congressional races. Again, most academic assessments suggest the opposite.

If we are truly concerned about competitiveness, partial public financing is a better answer (see next section, following). If we are truly concerned about too many special interests in the political process, why not encourage non-special interests, the ordinary citizen for example, to contribute by giving them a tax credit? If we are concerned about abuse of soft money, why not encourage targeting of these moneys to grass-roots party activities? Such provisions would encourage participation, rather than indirectly discourage it by draining resources from the political process.

2. Partial Public Financing

The key to more competitive elections and the higher turnout that it should presumably generate lies not in limits but in the ability of challengers to “get on the board.” Once they have achieved this threshold level of credibility and name recognition, it becomes possible to counter the natural advantages of incumbency and to run a competitive race. The solution therefore is to guarantee qualified challengers a level of public financial resources³¹ adequate to attain that threshold, without limiting the private money that can be spent above that threshold. This approach, where partial public financing is combined

with no upper limit on spending, is usually referred to as “floors without ceilings.”

3. Free Media and Maybe More

But, as I have repeatedly stressed, increased competitiveness is not enough to guarantee higher turnout³². We also need to ensure that any increase in competitiveness is accompanied by increased communication with voters. Moreover, we should seek to ensure that the *quality* of communication improves and that campaign communication increasingly fosters voter interest and involvement, understanding of campaign issues, knowledge of candidate and party positions, and so on.

One serious possibility here is the extension of free media time to candidates³³. This has many potential advantages. One is that, to the extent campaign costs are a concern, free media might reduce the costs of campaigning³⁴, without draining resources from the political process. Another is that, combined with partial public financing, free media time should enhance the ability of challengers to run credible campaigns, thereby increasing competitiveness. Still another is that the sheer volume of communication with voters should increase under a free media time system.

Perhaps most important for participation-promoting purposes, free media time could increase the quality of communication with voters taking place in campaigns. This will happen if the provision of free media time allows candidates to engage in a more substantive and extended dialogue with voters than is now the case with thirty-second attack ads and seven-to-nine-second sound bites on the evening news.

Such an outcome may be facilitated, as Taylor (1990) argues, by specifying the format within which free media time can be used. He suggests that time be doled out in five-minute blocks and must be used in a “talking heads” format where the candidate personally attempts to explain issues to voters. In theory, this should ensure relatively extended and substantive communication with voters.

Gans (1991) goes farther and insists that all “spot³⁵” television time—not just free time—be used in a talking heads format. This may be impractical, but it may be worth considering whether to favor or subsidize such a format for paid spot advertisements so as to further improve communication with voters.

Finally, while it is outside the purview of national legislation, it should be emphasized that there is much room for improvement in the campaign coverage provided to voters by television and newspapers. Clearly, such coverage is the chief source of political information received by most voters and therefore, if improved, could play a substantial role in promoting more citizen participation. Models of superior coverage are now available³⁶ and should be popularized as part of any overall campaign reform strategy.

4. *Strengthen Parties*

It cannot be emphasized too strongly that parties, directly and indirectly, play a central role in promoting voter participation. Therefore, a central goal of an alternative reform approach should be to strengthen parties and the role they play in campaigns, not weaken them as the conventional approach does.

In this regard, we should take seriously the suggestion of Sabato (1989) and others that political parties be given control over the free media time discussed in point 3. Allowing national and state parties to control this valuable resource should help parties maintain discipline and a clear ideological profile. Indeed, this is an eminently plausible way to strike a direct blow against the candidate-centered politics that currently dominates the political marketplace and threatens to marginalize parties.

Other ways of strengthening parties should also be considered, including tax

breaks for individual contributors and the targeting of soft money to grassroots party activities, especially direct citizen-party contact. In the latter regard, models of local party campaigns that have consciously and effectively increased the levels of such direct contact now exist and should be popularized³⁷.

These four points comprise a basic approach to campaign reform that would, I believe, both increase the quality of our political process and increase the level of citizen participation in our elections. Unfortunately, it cannot be specified *how much* this would increase participation, only that it has a reasonably good chance of doing so. It is far more difficult to estimate the turnout impact of reforms designed to increase voter motivation, such as campaign reforms, than it is to estimate the turnout impact of reforms designed to cut voting costs, i.e., registration reform. For example, states conveniently vary the stringency of their registration laws, thereby allowing the turnout impact of registration laws and their liberalization to be modeled fairly cleanly using existing data. No such analogous geographical variation exists in the realm of campaign reform, however, so existing data³⁸ do not allow the turnout impact of such reform to be estimated with any precision.

Campaign reform, pursued in the above manner, should give us the best chance—in combination with the recently enacted motor voter reforms—of increasing citizen participation levels to those common in other industrial democracies. On the other hand, adherence to a Common Cause-influenced campaign reform approach is likely to result in, at best, no effect on turnout levels, and at worst, a negative and perhaps substantial impact on already low U.S. turnout levels.

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Notes

- ¹ “Active” motor voter states are defined as those with mandated or encouraged assistance in registering to vote at motor vehicle and drivers’ license bureaus and/or those which had a combined form for drivers’ license registration and voter registration.
- ² See Teixeira (1992), chapter 1, for a detailed explication of this point.
- ³ See Teixeira (1992), chapter 5, pp. 151–154, for a discussion of specific ways in which this big fix approach might be implemented.
- ⁴ Turnout is unambiguously an individual-level behavior (individuals decide whether or not to vote), in contrast to various economic phenomena (job growth, unemployment, etc.) where it is theoretically justified to approach analysis at the aggregate level. As a result, it is generally preferable to analyze turnout using individual-level data if possible. However, if no individual-level data are available on certain key variables, then one can plausibly defend the use of aggregate data as the best substitute available. This is sometimes the case with certain election-specific factors such as campaign spending.
- ⁵ The seminal works here are Patterson and Caldeira (1983) on gubernatorial races and Cox and Munger (1989) on Congressional races.
- ⁶ Exactly what is meant by “mobilization” is poorly defined in the literature. Ultimately, however, certain individual characteristics of voters (levels of interest and involvement in the campaign, concern about the outcome of the election, etc.) are stimulated by mobilizing activities that lead these voters to be more likely to participate. I will return to this point later in my discussion of individual-level analyses of turnout.
- ⁷ It could also work the other way: higher campaign spending could have an indirect effect on turnout by producing closer races. This might be the case where incumbent spending is matched by challenger spending, thereby raising total campaign spending and making the election more competitive in the process. See Caldeira, Patterson, and Markko (1985).
- ⁸ For example, a very tight race may wind up lopsided on election day because of an election-eye voter shift, an exceptional turnout of one side’s supporters, or for some other reason. Conversely, a lopsided race could produce a close election result because supporters of the winning side choose to cast warning votes against their candidate or because they assume the election is “safe” and don’t bother to vote.
- ⁹ To avoid the problem of turnout being driven by higher-level races on the ballot, Goldstein confined his sample to Congressional races in 1986 and 1990 that were the highest races on the ballot (i.e., there were no Senatorial or gubernatorial races).
- ¹⁰ Goldstein puts the maximum competitiveness effect at about 11 percent, the predicted difference in turnout between a minimally competitive race (safe Republican or Democratic seat) and a maximally competitive race, one which is rated a tossup. Whether such an effect would be obtained if there were higher races on the ballot is difficult to say since Goldstein only looked at elections where the House race was the highest race. In all likelihood, the competitiveness effect would be less in elections where Senate or gubernatorial races were on the ballot and less still in a year with a presidential election. Voters likely to be mobilized by a competitive House race would tend to overlap with those voters mobilized by higher-level races when they are on the ballot.
- ¹¹ See especially Shaffer (1981), Abramson and Aldrich (1982), and Teixeira (1987; 1992).
- ¹² The relationship of these characteristics to turnout is generally better established for presidential elections than for off-year or local elections, partially because of poorer data availability for non-presidential elections. However, where data are available and where the relevant analyses have been conducted, most of these characteristics seem to act in a similar turnout-promoting way in a non-presidential context.
- ¹³ Campaign *newspaper reading* is particularly strongly related to turnout. See Teixeira (1992), chapter 2.
- ¹⁴ See Teixeira (1992), pp. 172–73.

- ¹⁵ Indeed, it can be argued that, since campaign reform must ultimately act through the individual voter, reform can *only* have an effect on turnout levels by promoting the individual characteristics described above.
- ¹⁶ This is especially true given that the single race with the the largest impact on overall U.S. turnout levels, the presidential race, has no particular problems with competitiveness at the present time and a financing system unlikely to be affected by campaign reform anyway. Thus, reforms designed simply to increase competitiveness will have little impact on turnout for the flagship race in American politics. This clearly limits the overall turnout-promoting potential of such reforms.
- ¹⁷ Magleby and Nelson (1990), p. 28.
- ¹⁸ Note that 1992, specifically, had a re-election rate of 88 percent, which is actually quite low by recent standards. For more detail on House re-election data, see Ornstein, Mann, and Malbin (1992) and *Congressional Quarterly Almanac* (1992).
- ¹⁹ It should be noted that Common Cause has expressed support for some form of public financing as an adjunct to spending and contribution limits. However, it is fair to say that their primary emphasis is on limits and that their support for public financing is conditioned on attaining that main goal.
- ²⁰ See, for example, Jacobson (1987) and Alexander (1989).
- ²¹ This point is especially relevant to presidential campaigns, the single most important influence on U.S. turnout levels, where competitiveness is not an issue, and most sides express satisfaction with the existing funding system. Clearly, *better use* of resources is the turnout-relevant issue here, not the *amount* of these resources.
- ²² This statement is more true of individual contribution limits than PAC limits because PAC-giving tends to favor incumbents. But limiting PACs has additional disadvantages as outlined below.
- ²³ Also, it seems probable that incumbents will have to spend more time raising money since it will take more contributions to generate the same level of financial support. This will further divert them from the work of governance, their ostensible reason for being in Washington.
- ²⁴ See Wattenberg (1991) for a lucid discussion of the origins and implications of candidate-centered politics.
- ²⁵ In addition, the pluralistic nature of U.S. politics could suffer, since the campaign contribution process is one way that the interplay of contending interests manifests itself. The intrinsic pluralism of this process would be lost under a total public financing system.
- ²⁶ The presidential public financing experience is instructive in this regard. As reported by the FEC in April 1993, a continuing decline in the numbers of taxpayers selecting the one dollar tax checkoff threatens this public financing system. While the increase in the tax checkoff level to three dollars as stipulated in the 1993 budget bill should provide a temporary reprieve, this crisis illustrates the sort of difficulties excessive dependence on public financing mechanisms may create.
- ²⁷ Ban would apply if found constitutional.
- ²⁸ This alternative approach has much in common with the proposals of a number of observers and analysts including Sabato (1989), Alexander (1989), Magleby and Nelson (1990), Taylor (1990), Progressive Policy Institute (1990), Gans (1991), and Broder (1993).
- ²⁹ Specific legislation embodying these four guidelines would, of course, have to provide detailed instructions on rules, implementation procedures, fiscal and enforcement provisions, and so on. Such detail is beyond the scope of this paper.
- ³⁰ It is worth noting that, while spending and contribution limits share the disadvantage of hindering challengers' ability to compete, low contribution limits would have the added pernicious effect of forcing incumbents to spend even more time fundraising than they currently do.
- ³¹ The amount, could, for instance, be set to a level of 50 percent of the typical amount needed to run a competitive race in a given district. Note that this floor of support should not be confined to communications vouchers, a currently popular idea in Congress, since this only accentuates the dependence of modern campaigns on televised advertising. Candidates should be free to spend their threshold allocation in a way that best suits the type of campaign they wish to run, including a more grassroots approach, if this is desired.

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- ³² Especially given the lack of relevance of competitiveness considerations to presidential-level turnout, generally considered the most important indicator of citizen participation.
- ³³ Of course, the allocation of free media time to candidates in large media markets presents some technical problems. But they do not seem fatally difficult, particularly if a role for party discretion is included in the allocation process (see below).
- ³⁴ This is because media, especially television advertising, costs are a huge part of current campaign costs and perhaps the major factor behind their rapid increase. It is at least possible, however, that campaigns will choose to take advantage of free media resources *and* spend as much as they previously would have on other aspects of the campaign, including, of course, *paid* television advertising. Under such a scenario, overall campaign costs would not go down, despite the provision of free media time.
- ³⁵ Defined as under two minutes.
- ³⁶ See Teixeira (1992), pp. 164—175.
- ³⁷ See Teixeira (1992), pp. 175—177.
- ³⁸ This is not to say that such precise estimates are theoretically impossible. Given, for example, exactly the right survey questions asked over a sufficiently long time period or a sufficiently complex social experiment, such estimates could be made. But given existing, “real world” data (e.g., the NES, the Census, etc.), they cannot.

Competition in Congressional Elections: Why More Qualified Candidates Do Not Seek Office

L. Sandy Maisel
Colby College

The 1992 congressional elections saw more turnover than has been witnessed in any election for the House of Representatives since 1948. More than one-quarter of the members of the 103rd House were new to the body. The number of new senators, twelve, seated in January 1993 was also extraordinarily large, although that number was matched as recently as in the 1980 election.

A number of aspects of those congressional elections are of interest and deserve more study. First, though the turnover in the House was far in excess of that in any recent election, most of that turnover was caused by retirements and not by election defeat. Sixty-six representatives in the 102nd Congress chose not to seek reelection to the 103rd, opting either to retire or to seek other office; seven of the thirty-five senators up for reelection also chose not to seek another term. (Actually one, Kent Conrad [D-ND] chose not to seek reelection but then, after the death of his colleague Quentin Burdick, sought and was reelected to North Dakota's other seat in the Senate.)

Second, primary elections emerged as an important factor in the electoral process as they had not been for more than a decade. Nineteen representatives were defeated in primaries, the most in modern political history. Senator

Alan Dixon (D-IL) was the first incumbent senator to lose a primary since 1980.

Third, two factors seem to have come together to lead to such an unusual result. Of course, 1992 was the first election after the reapportionment and redistricting following the 1990 census; thus, many members of the House had to run in newly conformed districts. In addition, the House bank scandal broke just at the beginning of the primary campaign season. Many analysts demonstrated how representatives, whether tainted or not by the bank scandal, were punished at the polls. In fact, many journalistic stories attributed Senator Dixon's defeat to the bank scandal, even though he not only was not involved but was in fact sitting in the other body of Congress.

While pre-election pundits were looking to 1992 as the year in which incumbents would be seriously challenged and beaten throughout the land, post-election headlines more typically mirrored that found in the *Congressional Quarterly*, "House Incumbents Defy Predictions." Even with the bank scandal and the primary defeats, nearly 90 percent of those incumbents who sought reelection—and over 90 percent of those on the ballot in the November election—won reelection.

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Understanding this outcome should not be difficult. As has been the case in most recent elections, many incumbents won because they did not face serious challengers. Some of the winners in 1992 probably were quite surprised to find themselves moving to Washington because they defeated incumbents who became vulnerable after the opposing party's nominee was chosen. Many other incumbents won, even though they were wounded by the bank scandal or other factors, because no serious challengers emerged to threaten them.

Despite the large turnover in the 1992 election, those of us concerned with the health of American democracy continue to maintain that the lack of serious challengers to incumbent members of Congress remains a troubling problem. Political reformers look to the 103rd Congress, full as it is with newcomers and others used to viewing the system from the outside, to examine those aspects of our electoral and governmental systems that discourage civic leaders from running for Congress. This paper suggests directions for reform.

Method of Study

The question to be examined involves why more qualified challengers do not seek seats in the House of Representatives. Political scientist Gary Jacobson and others have spent a good deal of time in the last decade determining characteristics of good candidates for office and demonstrating that when qualified candidates do run, they are notably more successful than are less qualified candidates. (The scholarly literature on this subject is rich and plentiful; it is summarized in a number of places including "The Naming of Candidates: Recruitment of Emergence," Chapter 7, in L. Sandy Maisel, ed., *The Parties Respond* [Boulder, CO: Westview Press, 1990].) "Qualified" candidates have generally been defined as those who have been elected to political office in the past, though it is acknowledged that different offices demonstrate different

levels of political skills. Regardless of the definition used, most people who view congressional elections agree that incumbents often face sacrificial lambs, candidates unable to match the incumbent in terms of campaign experience, policy expertise, or the ability to raise necessary campaign funds.

The first goal of this project, therefore, was to identify a pool of "potential" candidates for office, individuals who would be qualified candidates but who, for one reason or another, have not chosen to run. Identifying such a pool was a most difficult task. On the one hand, everyone in a congressional district who meets the constitutional requirement of twenty-five years of age is a potential candidate for Congress. On the other hand, if we only included all elected officeholders, our pool would still be unmanageably large and we might well miss many good potential candidates.

Our research strategy was to define a pool of candidates who other politically aware individuals thought would be good candidates for Congress. Essentially our approach was a reputational approach, similar to that used by political sociologists in the early studies of community power. Even with this decision in hand, however, we had to decide whose opinions we would seek. Other scholars have used a wide variety of opinion leaders to give advice of the kind we were seeking. However, because the universe of congressional districts covers the entire nation, we were concerned about cost-effectiveness. We wanted to be able to draw our pool of potential candidates without having to go into the field across the breadth of the country.

We eventually reached a compromise position. A team of researchers attended both the Republican and Democratic National Conventions in the summer of 1992. Researchers attended state caucuses for nine state delegations at each convention. The states were not chosen to be representative in anything but the broadest sense—some big and some small, some for each of the sections of the country, etc. The state delegations polled were from Delaware, Florida, Idaho,

Indiana, Massachusetts, New York, Texas, Washington, and Wisconsin. In each caucus, attendees were asked to fill out a questionnaire that sought the identification of up to five individuals from the respondent's congressional district whom the respondent thought would be a good candidate for Congress, whether or not that individual had ever expressed interest in a race for Congress.

A word is in order about this somewhat unusual "sampling" technique. The goal of this project was to identify reasons individuals did not run for Congress. We did not think it possible to identify the variables that differentiated the political contexts of congressional districts in any systematic way. Therefore, it was not possible to select states to be sampled according to those variables. Furthermore, we knew that we would not receive total cooperation from delegates to the national convention. Others who have sought information on this uniquely chosen political elite have run into a myriad of sampling problems. However, we do not believe that the problems confronting those who have sought information *about* convention delegates, their opinions, and activities were as troublesome for us because we were seeking information *from* this political elite, not about them. Again, no representation was necessary. What we needed was the names of enough potential candidates so that we could see the dimensions of the problem we were examining. Our conclusion in designing this technique was—and our conclusion in evaluating it remains—that this scatter-gun approach was sufficient for our needs and that efforts to refine the data-gathering techniques of others would not improve our overall result.

Our judgment was sustained in that the delegation polling produced a list of over 1,500 potential candidates for Congress. We were able to come up with usable mailing addresses for 1,230 of these. All of these numbers are somewhat "soft." For instance, one respondent from Florida suggested Governor Lawton Chiles as a potential candidate for the House. Governor Chiles, who served three

terms in the U.S. Senate, would undoubtedly be a formidable candidate for the House, but his inclusion was not helpful in addressing the questions of concern to us. (We were grateful for a very considerate reply from his staff!)

A ten-page, thirty-nine-item questionnaire was mailed to those identified "potential" candidates for whom addresses could be found. Approximately one-quarter of these were returned. The final number of individuals who received questionnaires was 890. The questionnaires were mailed on Colby College stationery, with an introductory letter from the project director and requests for cooperation from David Wilhelm, chairman of the Democratic National Committee, and David Keene, chairman of the American Conservative Union. Respondents were guaranteed anonymity (although the envelopes were coded so that we could identify non-responders for a follow-up mailing) and were offered a copy of the eventual report. Respondents were asked to return their surveys in an enclosed, stamped envelope to the project director at his address in Maine. Three weeks after the original mailing a follow-up postcard was sent to those who had not yet responded. Two hundred and fifty-nine usable responses were returned and analyzed.

The response rate of approximately 30 percent was a little disappointing for an elite group of respondents. Once again, however, we were convinced that the number was sufficient for our purposes. We obtained responses from a variety of individuals who viewed potential congressional races in a number of different ways. Thus, we were able to draw preliminary conclusions concerning how various reforms would impact on their decisions to run for Congress.

Potential Candidates for Congress

Approximately 57 percent of the respondents were registered Democrats and 37 percent registered Republicans; the others either

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claimed to be Independents or did not answer the party identification question. When this question was cross-tabulated with the question on party affiliation (as opposed to registration), it became apparent that most of the independents and non-respondents leaned Republican. Furthermore, the party affiliation question revealed that most of the respondents were strong partisans; 46.8 percent respondents were “strong Democrats,” 32.8 percent they were “strong Republicans,” and fewer than 10 percent were “Independents,” even Independents who were closer to one party or the other.

Our sampling technique identified a pool of extremely active politicians. Nearly 90 percent (230 of the 259) responded that they were “involved in politics year after year.” Only 5 percent claimed to be “newcomer[s] to political involvement” or “never . . . involved in politics.” Thus, our informants—obviously those involved in politics themselves—identified others whose interest and involvement was known. Furthermore, this prior involvement covered a whole range of political activities. As Table 1 shows, for both the Democratic and the Republican respondents, nearly a majority of the respondents claim to have been “very active” in political campaigns at all levels in the past five years.

The same kind of conclusion follows if one looks at specific kinds of involvement. Most of those answering our questionnaire either were serving or had served on local party committees, often as chair. A vast majority had attended state party conventions as delegates. Over half were either currently serving in paid elected office (40.5 percent) or had done so in the past. In fact, the only measure of political activity that did not find a majority of this group involved was service as paid campaign staff members. Even by this measure, more than one-fifth had served in a paid position on a campaign staff at one time or another.

It should not be surprising that a group of active politicians, the delegates to the national conventions, identified another

group of individuals active in politics. It would have been interesting though if these informants had, in fact, identified potential candidates who had not been extremely active in the past. However, most active politicians do not run for Congress. We do not know how many seriously consider such races. In this aspect as well, our sample met our needs. While very few expressed interest in running in the 1994 election, more said they would run sometime in the next five years and more still in the next ten years. As Table 2 shows, our pool of candidates contains many individuals who have given some thought to the question of seeking a seat in the House of Representatives.

Even more than that, those identified by our informants as potential good candidates for office agreed with the convention delegates about their chances. For instance, while only about one-quarter think that they would be likely to win their party’s nomination if they sought it (the percentage increases as one moves from 1994 to ten years from now), approximately one-third think that they would win the election if they had the party nomination. Obviously this number would include those who campaign from districts safe for their party, but in any case it does reveal a relatively high percentage of confident potential candidates.

Virtually all of the respondents could identify their representative in the House, and virtually all were willing to pass judgment on the relative safety of the current incumbent from electoral defeat. Again, the results are not surprising and show that the districts represented by those responding to our survey seem not unlike most in the nation. Using a seven-point scale arrayed from “very vulnerable for defeat” on the one end to “extremely safe” on the other, over 75 percent judged that their incumbent was very near the safe end of the scale with regard to potential defeat in primaries. More than half had the same opinion about their incumbent’s chances of winning in general elections. At the opposite extreme, only 3

Table 1
Level of Political Activity of
Survey Respondents (in percentages)

	Very Active		Fairly Active		Not Very Active	
	Democrats	Republicans	Democrats	Republicans	Democrats	Republicans
Presidential	53.2	43.8	30.8	36.5	16.0	16.7
Senatorial	37.1	37.5	30.8	33.3	29.5	23.9
Congressional	41.7	54.2	32.7	22.9	23.7	21.9
Gubernatorial	50.6	52.1	30.8	30.2	19.2	16.7
Other Statewide	50.0	51.0	26.9	25.0	17.9	21.9
Local	69.2	67.8	16.7	28.1	13.5	10.4
Number	156	96	156	96	156	96

percent and 7 percent, respectively, placed their incumbents near the vulnerable end of the scale for primary and general election defeat.

If these districts are reflective of the nation, the respondents reached one judgment that could signal the start of a changing pattern in House elections. While fewer than 10 percent felt it likely that their incumbent would face a strong challenger in a primary in 1994, over one-quarter felt that a strong challenger was likely to emerge for the general election. One must read these data with caution, however. Remember that many new representatives were elected in 1992; it is not unusual for a first-term elected official to face a serious challenge in his or her first bid for reelection. Further, experience shows that there is a perception gap between the candidates even keen observers think might run for Congress and those who eventually file candidacies. Thus, these data might show that the increased turnover in 1992 and the seeming anti-incumbent feelings expressed in both 1990 and 1992 will lead to stronger challengers in the future, but the compelling evidence—the actual emergence of these strong challengers—remains to be seen.

To this point we have established that it is possible to identify a pool of potential candidates for Congress who are active in politics, knowledgeable about congressional elections,

have thought about running, and are confident in their ability to do well. Next we turn to their reasons for not seeking seats in the House.

Disincentives for Potential Candidacies

The respondents to our survey are clearly rational actors on the political scene. We asked them a series of questions seeking to understand what contextual factors would affect their decision to run or not to run for the House of Representatives. In asking these questions, we sought responses on a seven-point scale, from substantially increasing the chance the respondent would run to substantially decreasing the chance of seeking a seat in Congress. The contextual variables we tested dealt with incumbency, their party's status in the Congress, and unification or division of partisan control between the Congress and the White House.

The only factor that had a sizable negative effect on whether or not a potential candidate would actually seek a seat in the House was incumbency. More than 60 percent of the respondents claimed that an incumbent representative holding the seat would decrease their chances of running (choosing "6" or "7" on the scale), while only about 5 percent

Table 2
Likelihood of Running (in percentages)

	No Chance					Certain to Run	
	1	2	3	4	5	6	7
in 1994 (n=254)	67.3	14.6	6.3	6.7	2.8	1.2	1.2
in next five years (n=252)	36.1	17.1	15.5	15.5	9.5	3.6	2.8
in next ten years (n=251)	31.5	13.5	12.7	15.5	13.5	8.4	4.8

chose parallel answers at the other end of the scale. Most seemed to understand that running against an incumbent was a most difficult undertaking; they had no inclination to serve as a sacrificial offering. Our assumption regarding the 5 percent who found the presence of an incumbent an incentive to run is that they found the particular incumbent in their district worthy of opposing, either because his or her views were repugnant to the respondent or because the incumbent seemed particularly vulnerable for one reason or another. However, we asked no further questions to test that hypothesis.

Looking at the question from the opposite point of view, more than half of the respondents (53.1 percent) said that an opening in their congressional seat would increase their chances of running. Only four respondents said that an open seat would decrease their chances. These respondents seemed aware that their best chances of winning were when the playing field was leveled, so no one had the advantages of incumbency often alluded to in both professional and journalistic accounts of congressional elections.

No other question in this section elicited responses indicating any identifiable impact on decisions regarding seeking congressional seats. In fact, the modal answer on the questions involving one-party control of government by the respondents' party, one-party control of government by the opposition party, divided government, and majority or minority status of the respondents' party in the House was in each case the halfway point on the seven-point scale. In each case, the responses fell quite near to a normal distribution, with the three central responses at-

tracting at least 63 percent of the respondents (in the case of one-party control by the opposition party, the question with the flattest normal curve) and as much as 87 percent (in the case of the impact of divided government).

The conclusion regarding contextual factors that affect chances of a potential candidate seeking a seat in Congress seems clear. This group of respondents is comprised of rational political actors and strategic politicians as defined by Gary Jacobson and Samuel Kernell. They understand that winning a seat in Congress from an incumbent is most difficult and are deterred by that factor more than they are either dissuaded from or persuaded to run by the partisan situation they would face once elected.

Potential Reforms to Increase Quality of Candidate Pool

The question remains whether anything can be done to increase the chances that more qualified individuals will seek seats in Congress. We asked questions regarding two sets of factors that could be altered—personal factors, seeking to understand whether individuals did not run because of what the life of a member of Congress would mean for them, and political factors, seeking to understand if political reforms could make candidacy more attractive. In some sense, the conclusion from these data is very heartening. Individuals are not deterred from running because they do not want to serve. They are deterred because they perceive the system

stacked against their candidacy. Of course, reforms in this area are possible.

Personal Factors

Certainly the life of a representative in Congress in this age does not match the conventional wisdom about a representative's life in Congress that was formed decades ago. Then members of Congress were perceived to live the good life, to benefit from office, and not to work very hard. Whether these images conformed to or masked reality, the general impression today is that life in Congress is less pleasant. Why? Washington has increasingly become an expensive place to live; at the same time, the ability of representatives to earn money beyond their salary has been limited. Being a member of Congress has become a full-time job. Whereas once Congress adjourned early, at least every other year, now Congress is in session virtually all of the time. Even during recesses—euphemistically dubbed “district work periods” by the House Commission on Administrative Review (the Obey Commission) in the late 1970s—representatives are expected to be back in their districts meeting with constituents. Where does this expectation come from? The constituents. Members are expected both to be in Washington all of the time and to be in their districts communicating with those who send them to Washington. The pressures of increased work in Washington and increased expectations from the voters has led many to complain about the lifestyle and the strains on their families and at least some to retire early. (On this matter, see an earlier report for the Progressive Foundation, “Opting Out and Opting In.”) In short, the job “ain’t” what it was once thought to be. The hypothesis follows that maybe potential candidates decide not to run because they do not think they would like the lifestyle.

Our survey tested for some of these personal items. The overwhelming conclusion from these questions was that they were not major factors in potential candidates' decisions. Table 4 presents the relevant data. On questions relating to increasing housing al-

lowances, either increasing or decreasing the pay and benefits for members of Congress, loosening restrictions on outside income, and shortening length of congressional sessions, the modal answer was the neutral answer, that these factors would have no impact, either positive or negative, on potential candidates' decisions. Even more than that, the distribution of answers would have produced quite steep curves, with few claiming these issues to be of any importance. The implication is that not many of the respondents to our survey had seriously considered these factors.

The survey's questions were designed to explore the impact of personal factors, those factors that could be affected by reforms. That is, Congress could increase their members' salary (at obvious electoral peril), increase housing allowances, raise the amount of outside income that could be earned, or mandate shorter sessions. We did not ask questions about other personal factors that might be important in the decision to run for office. While we cannot know the impact of these factors, they deserve to be mentioned.

Thus, one hypothesis holds that potential candidates are deterred from running because they do not want to expose their families to the heat of publicity that now seems to accompany any entry into public life. We asked a series of questions regarding the impact of marital status, children at home, and effect of moving to the nation's capital on their thoughts about running for Congress. Again, in each case the modal answer was that these factors had no impact on their thoughts of running for Congress.

Another possible explanation for “quality” candidates, if one defines that term as those currently holding elective office, is that many feel more can be accomplished in state or local office than in Congress, especially if one is a member of a “permanent” minority in Congress. Again, we do not have data to test this theory. Yet another claim combines these two, positing that when one combines what is lost by leaving a state legislature or

Table 3
Disincentives for Candidacies (in percentages)

	Would substantially increase chances of running				Would substantially decrease chances of running		
	1	2	3	4	5	6	7
Incumbent in seat (n=243)	2.9	2.9	4.5	13.2	13.6	25.1	37.9
Open seat (n=243)	24.7	28.4	19.8	19.8	5.8	0.8	0.8
Own party controls government (n=241)	7.9	16.6	22.4	45.6	3.7	1.2	2.5
Other party controls government (n=243)	5.8	9.5	15.6	35.8	11.5	11.9	9.9
Divided government (n=242)	2.1	7.4	14.5	62.8	9.1	2.1	2.1
Own party majority in House (n=242)	9.5	12.8	25.6	44.6	5.4	0.8	1.2
Other party majority in House (n=241)	2.5	6.6	10.4	49.4	14.1	11.2	5.8

local office with the increased personal and family costs of moving to Washington or commuting to one’s district, the total costs exceed any possible gains. Each of these views are supported by anecdotal evidence, cases of individuals who have rejected party overtures to seek seats in Congress for these reasons. However, we have no cumulative evidence that points to these personal reasons as determinative in many cases.

One question, hot on the political reform agenda, deals with both personal and political factors. Some claim that a restriction on the number of terms a representative could serve would increase the chances of qualified individuals running for Congress. Two theories inform this claim. The first holds that individuals would not see incumbents as so formidable because their seniority would not be as well established, their ties to the district would not be as strong, or their relationships with potential donors would not be as imposing. The other theory holds that “better” people would be willing to run because they would see service in the House not as a major career move, but rather as a time out to serve their community and the nation. Those

with this view feel that the costs of service in Congress would be lowered if one could gain influence as a member without having to devote one’s entire professional career to politics. Better candidates might then be induced to run. Equally strong justifications can be made predicating why imposing term limits would, to the contrary, convince qualified candidates that they did not want to serve.

Without making a judgment on the merits of these arguments, we simply asked our respondents if imposition of a limit on the number of terms one could serve in Congress would impact on the chance that they would seek a seat. More respondents (246) voiced an opinion on this question than on any other question in this series. The overwhelming answer was that imposition of term limits would not affect the decision to run for Congress. While just over 20 percent said that term limits would increase their chances of running, over 15 percent held just as firm beliefs at the other end of the scale. More than 60 percent took one of the three centrist choices, with nearly 45 percent choosing the answer halfway between a positive and a negative effect. One can make many

arguments for or against term limits, but our survey provides no empirical evidence supporting the claim that term limits would improve the quality of candidates for office.

Political Factors

If the respondents did not indicate that personal factors impacted on their decisions to run for Congress, the same cannot be said of political factors. If one looks to reform legislation to improve the quality of the congressional candidate pool, political reform—though evidently not all political reforms—should be examined more carefully.

The key factor seems to revolve around leveling the financial playing field. A number of reforms in the way campaigns are financed struck our respondents as factors that might increase the likelihood that they would run for Congress. The changes that seem likely to have the most significant impact would be a movement toward significant financial support from state or local political parties and the provision of free television, radio, and postage. Respondents also expressed substantial support for other means of leveling the playing field,

including public financing of congressional campaigns and limits on the amount of money that could be spent during a campaign. Again, it seems clear that these are sophisticated politicians who know the advantages incumbents hold. Reducing some of those advantages—or giving similar advantages to challengers—would increase the chances that they would run for office.

These data also require interpretation. Individuals who do not respond that these reforms would increase their chances of running for office could be responding to either of two factors. Either they feel that these factors—which are good representations of the financial advantages held by incumbents—are not important factors in their decisions on running, *or they ideologically oppose these kinds of reforms and thus are reluctant to report that they would be positively influenced by their passage.* The logical conclusion then is that a higher percentage of the entire pool, including some who currently maintain they would not be influenced by these reforms, would, in fact, consider running if the reforms were implemented. Thus, our survey may under-

Table 4
Effects of Reforms in Personal Lifestyle on Chances of Running (in percentages)

	Would substantially increase chances of running				Would substantially decrease chances of running		
	1	2	3	4	5	6	7
Increase housing allowance (n=240)	3.3	5.8	15.4	67.9	4.2	1.3	2.1
Increase pay and benefits (n=240)	2.1	5.4	12.9	71.3	5	0.8	2.5
Decrease pay and benefits (n=241)	0.8	0.8	2.9	59.3	19.1	10.4	6.6
Loosen restrictions on outside income (n=241)	2.1	6.2	11.6	67.6	6.2	3.3	2.9
Shorten sessions of Congress (n=244)	6.6	14.8	26.6	47.1	3.7	0.4	0.8

Table 5
Effects of Campaign Finance Reforms on
Chance of Running (in percentages)

	Would substantially increase chances of running			Would substantially decrease chances of running			
	1	2	3	4	5	6	7
Public financing (n=242)	11.9	21.9	16.9	40.1	4.1	1.2	3.7
Increase party support (n=242)	14.9	24.4	19.8	32.6	3.3	2.9	2.1
Contribution limits (n=243)	6.6	18.5	20.2	42.4	4.9	4.9	2.5
Spending limits (n=243)	10.3	23.5	22.2	33.7	3.7	3.7	2.9
Free television and radio (n=244)	15.1	22.9	22.5	30.7	2.9	3.3	2.5
Free postage (n=242)	14.9	24.4	19.8	32.6	3.3	2.9	2.1

state the extent to which these campaign reforms may influence potential candidates.

Conclusions

Explaining complex human actions and reactions is never easy. This truism seems particularly apt for political actions and reactions. As a result, predicting the consequences of political reform is no simple task. Certainly no one predicted that the impact of the campaign finance reforms of the early and mid-1970s would be the proliferation of political action committees and the current concern about PAC influence over congressional elections.

Thus, caution is advisable as the nation once again re-examines our electoral process. It is necessary to state with care the nature of the problem one seeks to redress and to ascertain as systematically as possible the causes of that problem. Then, and only then, is it possible to devise appropriate remedies. This paper has attempted to lay out one particular problem and to suggest appropriate and inappropriate steps to correct our system.

The problem, stated in its starkest terms, is that too few of the “best and the brightest” of our citizens, even of our political citizens, seem willing to run for Congress. As a result, many incumbents are given relatively free rides in their races for reelection. Without taking any position on the qualifications of those in office nor on whether returning incumbents to office is desirable, one can state that democracy is better served when competition is enhanced. And, in congressional elections in recent decades, partly because of the scarcity of qualified challengers, few elections have been hotly contested.

Why then do more qualified candidates not seek office? It is apparent that the changes in congressional lifestyle bemoaned by many veterans in Congress and even given as the reason for some retirements have not deterred potential candidates from seeking office. Rather, the potential candidates we polled were hesitant because of their views of political reality. They were not willing to take on lost causes; they were not willing to run against incumbents, thought to be safe and backed by formidable resources because of a campaign finance system stacked in their favor.

How can this problem be corrected? Level the playing field. Of course, suggesting this is not the same as accomplishing it. For one thing, as has often been noted, “the foxes are guarding the chicken coop.” Few members of Congress are willing to implement reforms, the explicit aim of which is to make their own reelections more difficult. Even if it is apparent that changes such as imposing limits on campaign spending and contributions, publicly financing congressional elections, or providing challengers with free television, radio, or postage to match incumbents’ advantages would improve the congressional election system, it is far from certain that these reforms can be passed.

Beyond simply leveling the playing field, significant difficulties exist in devising reforms that do in fact reduce, rather than increase, incumbents’ advantages. However, the anti-incumbent attitude prevalent in the gen-

eral public and apparent in the last two election cycles does make this Congress seem ripe for reform.

The nature of the reforms needed seems obvious. If ideological differences make public financing too difficult to achieve, it should still be possible to alter the system so that challengers can have a decent chance of getting their message across and providing viable opposition. Spending and contribution limits may help. Providing resources parallel to those given incumbents in terms of media and postage would probably help. Political parties could play a larger role in financing congressional campaigns if we remove restrictions on how they can raise money and on the ways in which they can contribute funds to candidates for Congress. This course is not an easy one, but the goal of enhancing competition in our democracy is worth the effort.

A Congress Restored

John J. Pitney, Jr.
Claremont McKenna College

The ideal Congress is both democratic and republican—in the lower-case meaning of those words. A *democratic* Congress is *accountable*: its procedures help voters understand what their representatives are doing, so they can reward or punish accordingly.¹ A *republican* Congress is *deliberative*: its members spend their time reasoning on the merits of public policy.² Senator David Boren (D-OK) reminds us that “the Founding Fathers believed that debate and proper deliberation not only would lead to the best policies, but would also serve to edify members of Congress and the American people alike.”³

Openness can invite showboating, just as deliberation can serve as an excuse for secrecy. But in too many ways, Congress lacks *both* accountability *and* deliberation. Some of its rules and practices actually discourage candor, thought, and genuine debate.

This study analyzes Congress’s problems of deliberation and accountability, and it considers possible remedies. It builds on the excellent work of Mann, Ornstein, and other scholars who have dealt with issues of congressional reform.⁴ It differs from other stud-

ies, however, by asking: Can we trust what lawmakers say? Do they read the bills? Why do they skip floor debate?

These issues may sound naive to the mavens of Capitol Hill. Yet the simplest questions often turn out to have the deepest implications, while the most “sophisticated” prescriptions often overlook the fundamentals. As President Clinton said in his Inaugural Address: “This beautiful capital, like every capital since the dawn of civilization, is often a place of intrigue and calculation. Powerful people maneuver for position and worry endlessly about who is in and who is out, who is up and who is down, forgetting those people whose toil and sweat sends us here and pays our way.”⁵

This study also parts company with the recent Joint Committee on the Organization of Congress whose recommendations are too modest, especially as they apply to the House. Its co-chair, Lee Hamilton (D-IN), defends its work but adds: “My hope is that these recommendations will be strengthened, not weakened, as they move through the legislative process.”⁶ In this spirit, Congress should consider the following:

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- cutting congressional staffs by 25 percent;
- reducing the number of full committees, forbidding them to meet in private or to vote by proxy, requiring their members to attend meetings, and limiting how long any lawmaker can serve on a committee;
- providing for more open floor debate;
- ensuring that lawmakers have time to read bills before voting on them;
- prohibiting senators and House members from altering the *Congressional Record* or hearing transcripts;
- expanding the size of the House.

Before exploring these proposals in greater detail, we need to take a closer look at the troubles they aim to remedy.

The Public Indictment of Congress

According to the National Opinion Research Center, only seven percent of Americans report “a great deal of confidence” in the people running Congress—a twenty-year low.⁷ Americans complain that lawmakers tell lies, break promises, and quickly lose touch with the people who elect them.⁸ Their anger has cropped up in many ways. By better than a two-to-one margin, American back twelve-year congressional term limits. In 1992, incumbents’ reelection margins dipped significantly, and many members avoided defeat only because their challengers could not raise enough money (the subject of another paper in this series).

Although Ross Perot’s political stock has fallen lately, his movement continues to attract many adherents who take an especially harsh view of Congress. In a recent survey, they gave it a “feeling thermometer” score of just 35 percent, the lowest of any individual or institution that the survey asked them to rate. (Clinton and Bush voters scored it at 48 and 38 percent.) When the word *Con-*

gress came up during focus groups, Perot voters reacted with words of their own: “liars,” “crooks,” “jerks,” and “thieves,” to cite a few references.⁹

Up to a point, skepticism benefits the country. But the *Perotistas*’ comments show that we have passed that point. Says *The Wall Street Journal* reporter Gerald Seib: “Cynicism runs so deep that many people now seem to view politicians as a kind of reverse indicator of the truth: If a politician says it’s black, it must be white.”¹⁰ This pervasive distrust saps the institution’s capital and hinders governance.¹¹ Unless people think that Congress makes honest decisions, lawmakers will shrink from making any real decisions at all.

Political sophisticates blame public ignorance for this pervasive distrust. If only the people knew more about Congress, this explanation goes, then they would look more favorably upon their servants in Washington. Adherents of this viewpoint have proposed a congressional visitors’ center, which would include educational exhibits about the history and operations of the House and Senate.

Some counts of the indictment deserve dismissal. Despite rancorous debates about congressional pay raises, the current salary of \$133,600 is actually lower than it was twenty years ago, once inflation is discounted. In real dollars, overall spending by the legislative branch has stayed fairly level during the past decade. And while a few crooks roam Capitol Hill, no-show jobs and outright bribes occur less often than in decades past.

It is a mistake, however, to scorn public attitudes as mindless “Congress-bashing.” According to one recent study, Americans still have high regard for the legislative branch described in the Constitution.¹² In their eyes, the problem lies not in a fundamental structure they admire, but in a maintenance crew they deplore.

Might the people be onto something? Could it be that the institution’s custodians have let fine architecture go to seed?

Microcracy

Even though ordinary voters may err on details, they have just cause for suspicions about Congress. Lawmakers have let the Capitol crumble into a *microcracy*, a collection of atomized power centers answering to narrow interests. Each has its own issue area and its own jargon. "If only they would speak our language!" exclaims a participant in a Des Moines focus group. "You don't want to say that you don't understand, but people *don't* understand."¹³ While ordinary citizens cannot follow what lawmakers are doing, Washington-based operatives can. When Congress fails to deliberate on grand issues, policy making breaks into a bewildering nest of networks, caucuses, and informal groups.

The consequences have been serious. The savings and loan crisis began when a seemingly innocuous item slipped into a 1980 regulatory bill. This provision, which raised the ceiling on deposit insurance to \$100,000, enabled S&L officials to gather large risk-free blocks of money that could put into dubious investments.¹⁴ A more deliberative Congress would have foreseen the problem instead of trying to clean it up nine years later. Ironically, the conference report on the 1989 cleanup bill was a 776-page document that arrived in the House chamber at the last minute. Not one member had a chance to read the final legislation.

The history of fiscal policy is scarcely more inspiring. In 1981, the House passed the Reagan economic package in the form of a thousand-page document that had its pages out of order and accidentally included the telephone number of a congressional Budget Office aide. As David Stockman recalls, the House enacted "sight unseen the largest spending reduction bill in history, a sweeping measure so hastily assembled and patched together that it was as if the White House surgeon had left his tools inside the patient's tummy."¹⁵ After embarrassing revelations about special-interest loopholes, Congress undid some of this handiwork by passing the Tax Equity and Fiscal Responsibility Act of 1982.

The Budget Enforcement Act (Title XIII of the Omnibus Budget Reconciliation Act of 1990), which overhauled the budget process, was largely the product of half a dozen lawmakers, staff members, and aides to Budget Director Richard Darman. There were no hearings about the proposed budget mechanism, nor was it debated at length on the House or Senate floor. The bitter controversy over tax hikes and spending cuts eclipsed questions about process. Bargaining and drafting continued until hours before the final House vote, so there were only limited copies available to the members. Once again, most lawmakers worked in the dark, passing a bill that later provided them with nasty surprises.¹⁶

Notwithstanding the favorable reviews of the 1990 Clean Air Act Amendments, environmental policy supplies still more examples of congressional breakdown. In fact, one reason why Congress had to work so hard on the 1990 bill was the inadequacy of the 1977 Clean Air Act Amendments. The earlier legislation was a slapdash affair, whose language and legislative history were filled with obscure and contradictory provisions, the battlefield debris of turf wars among staff members.¹⁷ As for toxic waste, lawmakers neglected to ask serious questions about implementation when they passed the 1976 Resource Conservation and Recovery Act; the EPA missed the bill's rule-making deadline by two years. In 1980, Congress enacted the Superfund cleanup law before making a careful assessment of the problem of abandoned sites. One House member dismissed concerns about measurement and feasibility: "The people are not interested in technicalities. Let us help the people now and take care of the technicalities later."¹⁸ Fourteen years later, Congress and the EPA are still trying to take care of the "technicalities."

More than one hundred legislative panels had some jurisdictional claims on the Department of Housing and Urban Development, yet for years HUD officials got away with using departmental funds to line the pockets of well-connected developers. Not until the scandal was far gone did congress-

sional committees launch serious investigations.

And now Congress must deal with health care. A limited number of panels will have formal jurisdiction over the President's proposal, but because the issue covers such vast territory, dozens of other committees and subcommittees can easily find occasions to "get in on the act." Accordingly, we can look forward to a rush of hearings, press conferences, statements, analyses, and bills. Will Congress actually reason about the merits, or will the "debate" merely serve as a cover for a batch of well-hidden loopholes and sleeper provisions? Will anyone know what is going on?

One thing is certain: on health care, as on most issues, members will go to great lengths to *appear* knowledgeable about all concerns and sympathetic to all points of view. Of course, many of them seem well-informed only because aides ply them with speech cards and talking points. What would happen if they had to rely on themselves? In 1986, a well-regarded member who chaired a subcommittee of the House Foreign Affairs Committee, ran for the Senate on the basis of his international expertise. But when a television interviewer sprang a "pop quiz" on him, he fumbled key facts about foreign policy.¹⁹

The public cannot quite define the problem, but it can sense that lawmakers are not as deliberative as they would like us to think. One focus group participant says: "Policy makers are speaking a different language. It's one of avoidance."²⁰ Without clear lines of congressional accountability, people find it hard to blame specific lawmakers for specific policy missteps. As a result, American politics is filled with free-floating blame. Some of it sticks to lawmakers caught in real or purported scandals; these politicians not only have to do penance for their own sins, but for those of the institution. The rest of the blame spreads thinly across the landscape, diminishing trust in good and mediocre lawmakers alike.

The Ghosts of Reform

In 1992, lawmakers reacted to the people's displeasure by setting up the bipartisan Joint Committee on the Organization of Congress. Although the current wave of public concern is unusually deep, institutional reform has been a recurrent issue on Capitol Hill, particularly during times of electoral upheaval. The 1946 Legislative Reorganization Act, the blueprint for the modern Congress, realigned committees, provided for professional committee staffs, mandated oversight of agencies, and required the registration of lobbyists. Despite the initial cheers of good-government groups, the act's innovations aged poorly. The committee reorganization was undermined by the proliferation of subcommittees, and the growth of committee staff brought problems of its own.²¹

During the 1950s and 1960s, Congress faced increasing pressure for further reform. In 1961, Speaker Sam Rayburn worked with President Kennedy to augment the House Rules Committee with members who were more favorable to the New Frontier. In 1965, Congress set up a Joint Committee on the Organization of Congress, whose proceedings furnished an important basis for subsequent reform efforts:²²

- The Legislative Reorganization Act of 1970 opened the House's amending process to public scrutiny, moderately curbed the power of committee chairs, and enhanced Congress's research and budget capabilities.²³
- In 1971, the House Democratic Caucus made committee chairs more accountable to the party and bolstered the autonomy of subcommittees. Two years later, the Caucus adopted a "subcommittee bill of rights" ensuring that subcommittees would have fixed jurisdictions and authority to meet and report their findings to full committees.
- The 1973 Select Committee on Committees (the Bolling Committee) suggested major

committee reforms. In 1974, the House modified these proposals with an alternative plan, which dropped jurisdictional overhaul but retained most of the Bolling Committee's procedural recommendations.²⁴

- In December 1974 and January 1975, the House Democratic Caucus realigned influence within the majority party. It transferred power over committee assignments from the Democratic members of the Ways and Means Committee to the party's Steering and Policy Committee. Caucus voting procedures were streamlined, and the majority party actually ousted three powerful committee chairs.²⁵
- The 1976 Temporary Select Committee to Study the Senate Committee System (the Stevenson Committee) made recommendations that led to the abolition of some committees, changes in the jurisdiction of others, and limits on the number of assignments that senators could hold.²⁶
- The 1976–1977 House Commission on Administrative Review (the Obey Commission) addressed issues such as member finances and ethics, scheduling, and House administration. After heated debate on limiting outside income, the House approved the proposed ethics code, but it largely bypassed the other recommendations.
- The 1984 Temporary Select Committee to Study the Senate Committee System (the Quayle Committee) studied the committee assignment process, the proposal for a Joint Intelligence Committee, committee scheduling, and floor procedures.

And now the issue has returned. About one-third of House members and one-fifth of senators have entered Congress since the first ripples of anti-incumbency some three years ago. Many of these new lawmakers ran on “reform” platforms. At the start of the 103rd Congress in 1993, the House cut the number of subcommittees of standing committees from 135 to 115. The House also killed its

Select Narcotics Committee and let all its non-permanent select committees expire at the end of March. The House GOP Conference voted to limit its committee leaders to six years of consecutive service. The Senate defeated an effort to scrap the Special Committee on Aging, while re-titling the Select Committee on Indian Affairs, in effect making it a standing committee. And as mentioned before, the two chambers have set up another Joint Committee on the Organization of Congress.

But the Joint Committee's very existence begs a question: after forty-eight years of commissions, studies, and procedural changes, why is Congress *still* grappling with reform? Though one can find much to admire in past efforts, the product was often not a restoration, but a mere resurfacing. Congress enhanced publicity without enhancing accountability.²⁷ It increased its capacity to “process” legislation without improving the quality of deliberation.

It would be unfortunate if the current Congress also settled for patchwork. Several members of the Joint Committee said that reforms could not pass if they were “too bold.”²⁸ Instead of falling prey to that temptation, Congress should heed Peter Drucker:

One has to start out with what is right rather than what is acceptable (let alone who is right) precisely because one always has to compromise in the end. But if one does not know what is right to satisfy the specifications and boundary conditions, one cannot distinguish between the right compromise and the wrong compromise—and will end up by making the wrong compromise.²⁹

To know what is right, one must learn what is wrong. The enormity of Congress's errors, particularly on fiscal policy and the S&L crisis, indicates that its problems run deeper than poor public relations or faulty administration structures. Its members are talkative without being informative, busy without being effective, personally upright without being politically honest.

Accountability: Potemkin Village on the Potomac?

Until 1970, House members enjoyed virtual anonymity when voting on amendments, often the most important stage of lawmaking. Reformers took heart when the 1970 Act provided for recorded votes in the Committee of the Whole, the procedural device under which the chamber amends legislation.³⁰ But when these recorded votes became campaign ammunition for challengers, the House increasingly turned to restrictive “special rules” that structure debate, curb amendments, and often keep tough issues from ever reaching the chamber. In the 95th Congress (1977-79), 85 percent of the legislation that passed through the Rules Committee was open to germane floor amendments. In the 102nd Congress (1991-93), the Rules Committee permitted open debate just 34 percent of the time.

Restrictive rules have been the focus of partisan infighting—but in fact both sides of the aisle have sought their protection. For example, President Reagan’s 1981 budget reconciliation bill passed the House under a restrictive rule that barred separate votes on its various elements.

Given the constraints of time, the House cannot always work under completely open rules. The members’ ability to amend legislation on the floor, however, is important to the chamber’s accountability. When members can offer amendments, they can no longer claim to support one thing, but then say that they were blocked in their gallant efforts to change the law. And with more floor votes on sharply-defined issues, members must take clear stands with their votes. In the 1993 debate over the rule on legislative appropriations, Rep. Tim Penny (D-MN) said: “Mr. Speaker, I do not know why in this Congress we are afraid of more open rules. I do not say they all have to be open, but they do not have to be as limited as this. We seem to be determined to manipulate the outcome by limiting the options. This is not democratic.”³¹ Rep. Anthony Beilenson (D-CA), a member

of the Rules Committee, has added: “It never hurts to talk about things... It also contributes to the civility of the place, which is important for us and for the country.”³²

Another trend verging on “bait-and-switch” has involved committee meetings. During the 1970s, the “sunshine movement” prompted Congress to open its formal committee meetings to the public. Over time, however, it started to make key decisions in closed-door markup sessions, party caucuses in committee, or informal groups. Among the major bills crafted outside public view have been the Tax Reform Act of 1986 and the Clean Air Act Amendments of 1990. Both bills won praise for their content, and one can make a strong case that they benefitted from deliberations that took place in private. At the same time, however, journalist Richard Cohen asks: “If these lawmakers make all of their decisions in closed rooms or defer to a few expert colleagues and their aides, how can voters judge the effectiveness and wisdom of their representatives?”³³ Secrecy endangers accountability.

So does the maze of committee jurisdictions. The number of committees and subcommittees increased during the 1960s and 1970s. Since then, an additional source of confusion has come from the practice of referring legislation to more than one committee. On average, nearly one-fourth of the legislative workload of House committees and about one-tenth of that of Senate committees consist of measures shared with one or more panels; and for certain committees, the figure tops fifty percent.³⁴ With multiple jurisdictions, a bill may go through as many as ten committees and subcommittees. What Alexander Hamilton said of tangled executive authority also applies here: “[It] tends to conceal faults and destroy responsibility [which] is shifted from one to another with such dexterity, and under such plausible appearances, that the public opinion is left in suspense about the real author.”³⁵

To hold lawmakers accountable for their words, actions, and inactions, citizens should

be able to rely on the official printed record. Lawmakers, however, can revise their remarks both in the *Congressional Record* and in hearing transcripts. According to Mark Bisnow, who has served as staff to members of both parties:

In theory, aides are supposed to review the transcripts only for grammatical or factual errors, but the fact that in practice wholesale changes can be made is suggested by the presence of scissors and tape on the table in the middle of the clerk's room where the aides do their work. Indeed, it is not uncommon simply for a senator to say what he wants, hand in a prepared text that he does not actually use, and expect the aide to go in and reconcile everything afterward. The *Record* is so notoriously inaccurate that, in one macabre instance, a speech by the late House majority leader Hale Boggs appeared as part of a debate that was stated to have taken place two days after he had perished in an airplane accident over Alaska.³⁶

The reference to scissors and tape is becoming obsolete because congressional offices are now acquiring the ability to edit the *Record* electronically.³⁷ It is possible to cross-check the printed version against C-SPAN tapes, of course, but it can be time-consuming and costly to gain access to video archives. Researchers, journalists, and ordinary citizens must usually rely on a dubious printed text.

Deliberation: Dialogues of the Deaf?

The authors of the Constitution labored in total secrecy, and the record of their debates did not become public for decades. If Congress were spending most of its time and energy in deliberations as brilliant of those in Philadelphia in 1787, then its failures of accountability would at least be understandable. But such is not the case.

Self-promotion consumes a large share of congressional resources. True, the franking privilege accounts for only a tiny fraction of the federal budget, and Congress has put some mild restraints on its use. And it is also

true that constituents deserve answers to their inquiries. But outgoing mail far outweighs incoming mail; much of it consists of thinly-disguised campaign appeals to targeted groups. The newspaper *Roll Call* once defended the frank, but after reviewing trends in pre-election mailings, an editorial acknowledged: “[W]e were naive about franking as a legitimate tool for important communications ... Members cannot be trusted with the frank under current terms.”³⁸ Our concern here is not just with electoral impact or direct cost, but opportunity cost: every hour that members and staff spend on such activities is an hour taken away from deliberation on national issues.

In a similar vein, the *Congressional Record* has not only been altered but cluttered. Both in oral remarks and printed “extensions,” members fill the *Record* with notices of Scout cookie sales, local essay contests, and sports awards. Again, the main problem is less one of direct outlays (though printing each page of the *Record* does cost more than six hundred dollars) than of diversion of resources.

In the early days of congressional reform, increased staffing appeared to be a remedy for such difficulties. Reformers thought that by assigning more aides to work on substantive policy, members could spend more of their own time in quiet contemplation of the nation's problems. But over time, a greater proportion of personal staff has been devoted to communication, not legislation. The percentage of House members with a formally-designated press secretary rose from 56 percent in 1978 to 81 percent in 1990.³⁹ And many aides with the title of “legislative assistant” work on public relations, not legislation.

Even when staff members do concentrate on issues, they may actually detract from a member's ability to deliberate. The comments of former Vice President Walter Mondale are worth quoting at length:

Let's be clear: to do the job well, every member of Congress needs good staff, both in numbers and competence. But I discovered that the very size of my staff began to take

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time away from my duties as a senator. Bright, hard-working staff inevitably create new demands and new work for a member of Congress. Some of it is necessary and valuable; much of it is not. Staff begins to drive a congressman's schedule and range of interests in ways that do not support the central tasks of his office. Staff can marginalize a congressman's interests away from the broad issues that should be at the center of his attention. By the end of my career in the Senate, I had begun to realize that what I really needed was less staff, not more.⁴⁰

Aides typically jam a lawmaker's schedule with meetings and "appearances."⁴¹ After losing his reelection bid, one House member recalled in disgust: "The angel Moroni makes appearances. The Virgin Mary makes appearances. A Congressman should accomplish something, not just make appearances."⁴² Although meetings in Washington and the constituency can help lawmakers understand national issues, their appointments are usually too brief and hurried for them to learn much.

The same is true of committee sessions. Despite the modest changes at the start of the 103rd Congress, lawmakers are still stretched too thin. In the 102nd Congress, House committees and subcommittees held 5,152 meetings, and their Senate counterparts held 2,039. In the 103rd Congress, the average House member has 5.9 committee and subcommittee assignments, while the average senator has 11.8. Many find their time consumed by chairing committees or subcommittees, a responsibility borne by 45 percent of majority-party House members and 81 percent of majority-party senators.⁴³

The committee is supposed to be Congress's workshop, the first site of serious policy deliberation. But because of time pressures, members often miss hearings and pay little attention when they arrive.⁴⁴ Instead of exchanging thoughts with one another, they often drop in for a short time to use the witnesses as props for the television cameras.⁴⁵ Some markup sessions are more perfunctory and less deliberative than in the past. In the House, amendments opposed by the chair

tend to be dismissed out of hand and voted down along party-lines without serious debate or attempts at compromise.

Both houses permit proxy voting in committee. The 1965–66 Joint Committee on the Organization of Congress explained with lucidity how proxies undermine deliberation:

The use of proxies discourages committee attendance. It frequently permits the chairman or the ranking minority member to control a bill in the face of major "live" opposition. You cannot argue with a proxy; a proxy cannot consider an offered amendment; a proxy cannot compromise. No one suggests that proxy voting should be permitted on floor votes—yet a member's vote in a closely divided committee may be far more significant than the vote of a member on the floor on the same bill. It is time to abandon a practice leading to legislation in which many committee members play no responsible role.⁴⁶

In the 1970s, the House responded to this analysis by voting to ban proxy voting in committee, but it soon reversed its decision and reinstated proxies.

On the floor, the state of deliberation is even worse. "It's incredible. I don't know what's going on," says one House Democrat.⁴⁷ Senator John Chafee (R-RI) put it this way:

What I think of the Senate is: My grandfather had a farm when we were growing up. They'd let the cows out in the morning, and then, around feeding time, the cows would all come in close to the paddock, and then the farmer would open the door and the cows would come in and they all knew their own stanchions; they'd move down the separate alleys in the barn and head for their stanchion, put their head in, and ear their hay and grain. And that's what the Senate reminds me of. You go over to vote, you come back to your office, put your head in the stanchion again.⁴⁸

When citizens visit the Capitol and see lawmakers talking to nearly-empty chambers, congressional aides reassure them that genuine deliberations are going on elsewhere. As we have just seen, there is reason to doubt such reassurances. Moreover, no other venue provides members with as much opportunity to discuss issues that transcend their commit-

tees or constituencies. Only on the floor can members fully grasp America's pluralism. Only on the floor does Congress live out the true meaning of its name: a place of "coming together."

Yet even when members do go on the floor, the words spoken there scarcely constitute "debate." Instead of wrestling with one another's reasoned arguments, members either recite staff-written speeches or spit out sound bites designed for the evening news. According to Rep. Richard Gephardt (D-MO): "I am deeply concerned that we often fail to engage in genuine debate of the issues at hand and instead are forced to parcel out small units of time in which statements are read and no real debate or dialogue occurs."⁴⁹

Citizens often ask if the lawmakers actually read the bills. In principle, they at least have the opportunity. Before lawmakers can vote on appropriations bills, the committee reports must be available to the House for three days and the Senate for two. House rules also require three-day intervals before consideration of other legislation and conference reports; the Senate is supposed to observe a two-day wait if a report is filed. The 1965–66 Joint Committee on the Organization of Congress explained why waiting periods are essential:

Finally, there must be time for the report to be studied. A bill that cannot survive a 3-day scrutiny of its provisions is a bill that should not be enacted. Proper consideration must be given to important legislation even in the closing days of a session. The world's most powerful legislature cannot in good conscience deprive its membership of a brief study of a committee report prior to final action.⁵⁰

In recent years, however, both chambers have evaded the letter and spirit of the requirements. When complicated bills reach the floor only a few hours before the scheduled vote, it is impossible to read the text in time for the roll call. (The 102d Congress enacted 7,544 pages of statutes, a postwar record.⁵¹) Even when members do have three or more days to study a lengthy bill, the press of other work may keep them from doing so. More often than they admit, they must base

their decisions on staff summaries and word of mouth. When the 1993 Joint Committee on the Organization of Congress surveyed lawmakers on how they used their time, only one-fourth reported that they spent a "great deal of time studying about legislation."⁵²

Some argue that a bill's "fine print" matters less than its overall thrust. But if this excuse has even the slightest validity, then why do Washington attorneys spend millions of billable hours each year reading the fine print? Nearly every line of legislation may have a major impact on some individual or interest. When members of Congress do not actually read the bills they pass, they are abdicating their responsibility. In a hearing before the current Joint Committee, Rep. Ike Skelton (D-MO) made the following plea:

What we need is more time to think, not to have to rely on the brightness of a young college graduate, but our own experience through the years; and I think that were we able to have some time for reflection, I think you would find our work product all the better, the language and the laws that we pass more cleanly written, and I think our Nation would be the beneficiary thereof. So I urge you, sir, to use as your polestar, how do we save time of the individual member as we go along?⁵³

Options for Reform

It is now a cliché that people run for Congress by running against Congress. How do we make individual members more accountable for the institution's performance? One method is to link members' pay and benefits to a concrete measure of national well-being, such as the federal deficit or growth in real per capita income. (Under the 27th Amendment, any variation in pay would have to await the next congressional election.) Or, as sociologist Christopher Jencks suggests, we could have a national referendum every eight years, in which voters would decide whether to retire the entire Congress.⁵⁴

To solve the problem of careerism, some have proposed term limits. Mark Petracca argues: "By de-professionalizing legislative poli-

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tics, term limitations reduce the status differential between representatives and constituents, enhancing the prospects of representative democracy.”⁵⁵ Rep. Henry Hyde (R-IL) takes the opposite view: “A mandatory revolving door for elected officials will only strengthen the grip of the permanent bureaucracy and representative government will be the loser.”⁵⁶

National term limits or referenda would require amendment of the Constitution and would have far-reaching consequences for American government. Whether or not such proposals are feasible, their emergence has the useful side effect of fostering reforms that would be less drastic but still effective. Here we consider a menu of these options. Congress need not adopt them all (indeed, some might obviate the need for others) but it must consider such ideas with an eye to performance, not just appearance.

Committees

Rep. Jim Bacchus (D-FL) proposes more openness at the committee level:

I am refiling legislation to allow meetings to be closed for only two reasons: Disclosure of matters to be considered that would endanger the national security, or if evidence or testimony at an investigative hearing would defame, degrade, or incriminate any person. I believe that the public's right to know is fundamental and overrides any other reason for a closed meeting. After all, it is the people's business that we are conducting.⁵⁷

Congress should adopt Rep. Bacchus's proposal. One possible objection is that it would enhance accountability at the expense of deliberation as lawmakers play to the cameras and the interest-group representatives in the hearing room. Therefore, Congress should also require committees and subcommittees to announce hearings at least one month in advance. Under the current one-week notice requirement, endorsed by the House members of the Joint Committee, only Washington-based groups know the hearing schedules with any reliability. And for people outside the Beltway who wish to give testimony or monitor hearings, it is difficult and expensive to ar-

range air travel on one week's notice. Greater advance notification would allow greater public awareness to develop and would encourage the participation of people outside Washington circles.

To improve deliberation in committee meetings, Congress should make attendance mandatory and abolish the use of proxies. (The Senate members of the Joint Committee would forbid proxies only when they would change the outcome of a vote; the House members made no recommendation on this score.) At very least, each chamber should adopt the Joint Committee's recommendation to publish comprehensive data on committee attendance and voting. Anticipated criticism from constituents would discourage committee truancy.

At the moment, one obstacle to such a reform is the sheer number of committee assignments, which keeps members from meeting all their obligations. Under the Joint Committee's proposals, senators would be limited to three committees and House members to two. The plan would also eliminate thirty-four subcommittees in the Senate and nineteen in the House. The Joint Committee did not recommend the abolition of any legislative committee; rather, it merely said that each chamber should consider the issue if assignment limitations caused any committee to shrink below half its current size.

Congress should go further. The Senate should simply scrap the Committees on Small Business and Veterans Affairs and give their jurisdictions to other committees.⁵⁸ The House has much more work to do. It should consolidate the following into other existing committees: District of Columbia, House Administration, Post Office and Civil Service, Merchant Marine and Fisheries, Small Business, and Veterans Affairs.

A reduction in the number of committees would also help remedy the jurisdictional overlaps that have led to multiple referrals. This reform would even have an indirect impact on the executive branch. Currently, says Rep. Penny, “We have 100 job training programs scattered throughout the government because every committee wants to have one.”⁵⁹ According to a Maryland job-training official, this bu-

reaucratic web feeds public pessimism: “We deal in the cycle of raised expectations and not being able to fill them. It makes people cynical and disappoints them about government.”⁶⁰

Committee Tenure

In 1975, Rep. Donald Fraser (now the mayor of Minneapolis) noted that committees often become either legislative graveyards or promotional agencies for their jurisdictions. To restore their status as deliberative bodies, he proposed an eight-year limit on the time any lawmaker could serve on any one committee. Anticipating the objection that rotation would deny members the chance to become policy experts, he said:

But we should remember that congressmen are policy makers, not technicians. We shouldn't expect a legislator to spend twenty years studying health care, for example, before he or she is qualified to make a political judgment about the need for a national health insurance system. Rotating committee membership, in fact, could give senior members of the House the broader view of public issues they need to develop more effective public policy.... Even rotation is not guaranteed to break up troublesome pockets of vested interest. But, as the legislative players keep changing place, the House will be a much less rigid institution than it has been in the past.⁶¹

More recently, former Representative Tony Coelho (D-CA) said: “When individuals have been subcommittee or committee chairman for too long, they are not receptive to new ideas, new challenges.”⁶²

Congress can remedy this problem in two ways. The first is to impose the eight-year limit that Fraser suggested. The second is to kill the seniority system, both in committee assignments and in the selection of committee chairs. All members could vote to elect members to all committees, thus replacing highwaymen and time-servers with people dedicated to the issues. If Congress is unwilling to take such bold actions, it can at least fall back on a proposal from Rep. David Price (D-NC) a distinguished political scientist:

Surely we could allow, for example, members of equal full committee seniority to contest subcommittee chairmanships when they initially become available. But when a full committee chairmanship becomes available, why not permit balloting among the most senior members, allowing a greater element of deliberate choice to the selection?⁶³

Congressional Staffs

The House members of the Joint Committee on the Organization of Congress declined to recommend further reductions in congressional staff, while the Senate members endorsed a cut “comparable to the executive branch reductions proposed and implemented as a result of the recommendations of the National Performance Review.”⁶⁴ Although moving in the right direction, the senators' recommendation did not go far enough: Congress should cut staffs by 25 percent. Some fear that such a deep cut would force Congress either to get its information from biased outside sources or to spend huge sums on information technology. Such concerns overlook two crucial aspects of congressional staff work. First, many staff members engage in public-relations puffery, not a noble search for truth. Second, much of staff's workload is generated not by the public but by the office itself. According to former Vice President Mondale:

There is nothing magic about a given number of personal or committee staff, and I will not try to offer such a number. In fact, I believe that several of your previous witnesses have argued that personal staffs are now stretched to the breaking point. But this is due in part to artificially high expectations for casework and contact fostered by members themselves. It makes little sense to cut congressional staff without also reducing the workload. The result would only be more burnout. Nonetheless, we must start somewhere. *A measured reduction in personal staffs may be the only way to force Congress to deal with workload* [emphasis added].⁶⁵

To ensure that staff cuts do not short-change constituents' legitimate needs, Congress should set up a central ombudsman office.⁶⁶ Members' personal staffs would still receive requests from constituents; but in-

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stead of handling such requests themselves, they would refer them to a central staff that could resolve them much more efficiently than 535 separate operations. Members would continue to get credit for processing these requests, but they might balk at delegating such a politically profitable function to a central office.

The Floor

The House needs some way to structure debate, but its procedures have grown too restrictive. Its leaders have acknowledged the problem. According to Joseph Moakley (D-MA), chairman of the House Rules Committee: "The views of the minority are a vital component of the legislative process, and within reason, should be accommodated."⁶⁷ The House members of the Joint Committee made a slight bow to this viewpoint. They proposed that, before final passage of a bill, the minority leader would have the right to offer a motion to recommit a bill to committee with instructions on how to change it. This proposal would do relatively little to improve the quality of deliberation, because recommittal motions come only after the amending process, which usually seals a bill's fate.

The minority should be able to offer at least one alternative to a restrictive rule. The alternative could provide for a completely open rule, or it could name one or two specific amendments to be made in order. This way, the majority (either procedural or partisan) could still bar amendments it deems trivial or disruptive, but it would have to vote in support of that position. Another alternative is to require a super-majority vote, whether it be two-thirds or three-fifths, to waive points of order against legislation.

The House's bipartisan leadership has tentatively endorsed the concept of Oxford-style "great debates" on the floor to allow fuller discussion of long-range issues. This is a worthy idea, but it is no substitute for improving the quality of deliberation on pending bills. Both chambers should consider *requir-*

ing members to be in the chamber for legislative debates. Although this proposal might seem outlandish to veterans of Capitol Hill, it is common procedure in state legislatures. One objection might be that such a requirement would waste members' valuable time by subjecting them to lengthy and unnecessary diatribes. But if all members had to sit through all debates, they would inevitably pressure their long-winded colleagues to tighten up their presentations. The quality of debate could thus improve.

In the Senate, traditionally the more deliberative of the two chambers, members have sometimes delayed or blocked substantive debate by filibustering motions to proceed to consider bills. Senators on the Joint Committee sensibly recommended abolition of these procedural filibusters.

Informed Voting

Congress should not take up legislation until members have had time to read it. Congress should eliminate loopholes in the current rules on waiting periods, and it should also consider lengthening those intervals. Senator Patty Murray (D-WA) proposes a Senate rule to delay the start of a floor vote on any amendment until a written copy of the amendment has been made available to any senator who wants one. She explains: "I was amazed when we were passing the 'motor voter' bill several weeks ago and I asked for a copy of the amendment as the vote began and it wasn't until the vote was over that I had a page hand me a copy of the amendment."⁶⁸ Each chamber could also consider installation of an electronic display board that would provide at least a summary of the pending legislation.

Truth in Print

Courts use the *Congressional Record* to learn legislative intent. Scholars use it as a primary source for studies of legislative behavior. Interested citizens use it to see what their lawmakers are doing. Lawmakers should treat the *Record* as the serious document that it is, not their own version of "American Graffiti."

Both chambers should follow the recommendation of the Joint Committee's House members by requiring the *Congressional Record* to be a verbatim account, subject only to technical, grammatical, and typographical corrections by the member speaking. Unparliamentary remarks should be stricken only by unanimous consent. Congress should also apply this standard to the transcripts of committee hearings.

Congress should also discourage frivolous activity by requiring a super majority vote on commemorative legislation and making members use their individual office accounts to pay the cost of inserting into the *Record* such non-legislative material as constituent tributes and prize-winning high school essays. Mark Bisnow imagines an ideal promise by a candidate: "I will not use computers to spew out form letters, or 'autopens' to forge my signature. I will insist that the *Congressional Record* accurately reprint what I say, without my own self-serving revisions. Congress should set a standard for honesty, not fraud."⁶⁹

Expansion of the House

In *Federalist* 56, Madison reassured Americans that the Constitutional Convention had provided that "the progress of population may be accompanied with a proper increase in the representative branch of the government." But since the reapportionment that followed the 1910 census, the size of the House has stayed at 435 members, even though the population has grown more than 170 percent. Whereas the average House district then held 211,000 people, now it has more than 570,000. Some constituencies are even larger than that: Montana's sole House member must represent some 800,000 souls.

Deliberation and accountability suffer from the immensity of today's House districts. Servicing a huge number of constituents leaves less time for reasoning about public policy. As issues grow more diverse and complex, it becomes increasingly difficult for a static body to divide the labor of dealing with these issues in committee; this problem

would persist even after streamlining of committee jurisdictions. And the linkage between citizens and representatives has become less direct. Indeed, sometimes it has been replaced by a dialogue between machines: a consultant's computer generates a model letter for a "grassroots lobbying" campaign, and a House member's computer generates a reply.

It takes only a statute, not a constitutional amendment, to increase the House's size. After every census between 1840 and 1910, Congress passed such a statute. But even though the population has nearly tripled since 1910, Congress has allowed the House's membership to remain at 435. Increasing the House to 500 members would help the institution organize its work. With more members to fill committee slots, there would be less need for multiple assignments, and members could concentrate their efforts. Smaller districts would render campaigns less costly, so members could spend less time raising money. With fewer constituents, each member would face diminished demand for services and thus have more time for legislating. An increase in the number of representatives would ensure improved public access to Congress, opening the political process to more information, interests, issues, and persons.⁷⁰

It would also help resolve a problem that bedevils the redistricting process. Federal voting-rights law appears to require legislative map makers, wherever possible, to draw districts that concentrate the voting strength of ethnic minority groups. This requirement has resulted in strangely-shaped districts, which have come under legal attack. With smaller constituencies, however, map makers would find it easier to match district lines and ethnic communities without resorting to psychedelic draftsmanship.

Practical difficulties would include the problem of making room for the additional members, both in the office buildings and on the House floor. The reduction in staff per member, however, could partially offset the cost of retooling. A more substantive objection is that expanding the House could hurt

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the quality of floor debate as more members would clamor for the chamber's scarce time. But other parliamentary bodies, including Britain's House of Commons, manage to conduct reasoned deliberations with far more than five hundred members.

A Final Thought

The public's cynicism about politics did not emerge overnight, nor will it fade overnight. Congressional reform is only one ingredient in the remedy for public cyni-

cism. As suggested by congressional history since the 1946 Act, even a well-intentioned effort at procedural innovation will wither without an honest commitment on the part of lawmakers. If they look to the reforms in the search for loopholes instead of principles, they will deserve the harsh public reaction they will get.

Perhaps it is a lost cause to expect them to seek the reality of reform instead of its mere appearance. But sometimes, as James Stewart said in *Mr. Smith Goes to Washington*, lost causes are the only ones worth fighting for.

Notes

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About the Authors

Ruy A. Teixeira is a fellow at the Progressive Foundation and author of numerous books and articles on American politics. His most recent book is *The Disappearing American Voter*, written while a visiting fellow at the Brookings Institute. His articles have appeared in a variety of academic and nonacademic publications including *American Journal of Sociology*, *American Journal of Education*, *Public Opinion*, *The New Republic*, *The New York Times* and *Los Angeles Times*.

L. Sandy Maisel is the William R. Kenan, Jr. professor of government at Colby College where he has taught since 1971. He has held visiting professorships at The University of Melbourne, Australia, Harvard University, and Stanford University. Dr. Maisel authored and edited numerous works, including the textbook *Parties and Elections in America*, and his latest work *The Parties Respond: Changes in American Elections*. He was an unsuccessful congressional candidate for Maine's first district seat in 1978 as well as a delegate to the Democratic National Conventions in the 1970s and early 1980s.

John J. Pitney, Jr. is assistant professor of government at Claremont McKenna College, where he teaches American politics. He has been a New York State Senate Legislative Fellow, a Congressional Fellow of the American Political Science Association, and acting director of research for the Republican National Committee. With William F. Connelly, Jr., he is co-author of *Congress' Permanent Minority? Republicans in the U.S. House*, published in the spring of 1994 by Rowman and Littlefield.