The Forum

Volume 7, *Issue* 4 2009 *Article* 2

WHITHER THE AMERICAN STATE?

The Winds of Congressional Change

Julian E. Zelizer*

*Princeton University, jzelizer@princeton.edu

The Winds of Congressional Change

Julian E. Zelizer

Abstract

This article argues a central change in the composition of the American state has taken place in Congress. Since the volatile 1960s, Congress has undergone two periods of reform—one in the 1970s and another in the 1990s—that resulted in profound changes to the institution. Congress also underwent significant changes as a result of developments in external institutions and in the electorate.

KEYWORDS: Congress, state, reform, Conservatism

In many respects, the American Congress looks very much today as it did in the 1960s. Despite the higher rates of trust in Congress that had existed then, Americans complained that the institution was too slow, that it was a rubber stamp to the executive branch rather than an institution capable of establishing its own agenda, and that legislators were beholden to vested interest groups. Like today, news commentators in the 1960s dismissed congressmen as politicians who were highly effective at pork barrel spending and pontificating on the floor, but little else.

It is easy to conclude that despite the changes that have occurred in Washington since the 1960s, Congress has been different: one of the more enduring, albeit frustrating, components of our political system.

Yet the history of Congress since the 1960s has been much more dynamic than such a portrait suggests. Congress has undergone two periods of reform—one in the 1970s and another in the 1990s—that resulted in profound changes to the institution. Congress also underwent significant changes as a result of developments in external institutions and in the electorate.

Unfortunately, too many scholars of "the state" have downplayed Congress. In the scholarly tradition where the "state" features prominently, scholarship has been focused primarily on the executive branch reflecting the origins of the European approach in which it is rooted. Yet we cannot import the notion of "the state" into the United States without understanding the evolving role and structure of Congress. As Katznelson argued several years ago, "It is hard to see how the American national state can be understood, or how such issues as legislative enactments, citizenship, bureaucratic organization, constitutional innovation, voting rights, gender and the party system, federalism and courts, styles of interest group politics, the rules of political economy, patterns of taxation, the federal qualities of public policy, the rise of antigovernmental social movements, or the status of liberal and democratic values . . . can be reckoned and combined into larger syntheses without placing Congress at the center of historical investigation." (Katznelson 2003, 389).

POLARIZATION

The first area where we have seen significant changes in the House and Senate since the 1960s has to do with polarization. To be sure, it is important to note that Congress has never been a harmonious institution. There is a tendency to wax nostalgic by recalling earlier periods when there was allegedly more civility on Capitol Hill and when members of both parties were much happier working with each other. These kinds of memories tend to downplay the fierce partisanship in periods like the early Cold War or during the antebellum period when fistfights were commonplace.

Yet polarization has been a steadily growing phenomenon since the 1960s if measured by the distance that exists between the two major parties in roll call votes. By 1996, Binder reported that the percentage of centrists in the House and Senate had fallen from 30 percent in the 1960s and 1970s to approximately 10 percent (Binder 1996).

The most important factor behind polarization was the diminishing number of southerners in the Democratic Party and northeasterners in the GOP. The collapse of the Democratic south, Poole and Rosenthal argued, "has produced, for the first time in nearly 60 years, two sharply distinct political parties." (Poole and Rosenthal 1997, 232). During the committee-era Congress, which lasted from early in the twentieth century through the 1960s, each of these parts of the electorate had tended to elect members who were willing to form bipartisan alliances because of shared interests on certain policies (especially race and unions). Each of the parties became more ideologically homogenous (Rhode 1991) after the 1960s, though Republicans as a group moved further to the right than Democrats, as a whole, did to the left. When President George W. Bush started his presidency, Jacobson found that the distance between the parties in Congress was greater than at any time since WWI (Jacobson 2007, 24). In the 108th Congress (2003-2005), Quirk writes, "the most conservative Democrat was more liberal than the most liberal Republican" (Quirk 2007, 125).

Scholars have offered numerous explanations for why polarization has increased among political elites, including in Congress. For example, one explanation centers on gerrymandering. With the increasing sophistication of the state redistricting process, more and more House members have enjoyed relatively stable seats. The main competition that they face takes place in the primaries rather than in general elections. As a result, members of the House attempt to placate activist voters who are more likely to vote in primaries. In contrast, cultural explanations of polarization have emphasized social tensions over race, gender, and sexuality that caused the parties to move farther apart. The social science literature about the causes of elite polarization is inconclusive. Regardless, one clear consequence has been that polarization has caused gridlock on many policy issues given the difficult of forging any compromise (McCarty 2007).

The intensity of partisan polarization in Congress has been heightened by the fact that neither party has been able to achieve a huge or durable majority since the 1970s. Democrats controlled the House and the Senate until 1994 with the exception of the years between 1981 and 1987 when Republicans held control of the Senate. When Republicans finally took control of Congress between 1994 and 2006, they had slim majorities. In the House, the GOP majority was 230 to 204 in the 104th Congress, 228 to 206 in the 105th Congress, 223 to 211 in the 106th Congress, 221 to 212 in the 107th Congress, 229 to 205 in the 108th

Congress, and 232 to 202 in the 109th Congress. In the Senate, their majority was 52 to 48 in the 104th Congress, 55 to 45 in the 105th and 106th Congress and 51 to 48 in the 108th Congress. Control of the Senate was split after the 2000 election and then under Democratic control when Vermont Senator Jim Jeffords defected from his party. Democrats retook control in 2006. These narrow majorities increased the pressure on members to vote with their party given that any defection could cost the party a bill. The narrow margins also meant that in the Senate, it was easier for the minority party to filibuster.

PARTISAN INSTITUTIONS AND PROCEDURES

The second area where the nation has witnessed important changes in Congress over the past forty years is the development of more procedures, institutions, and norms that support partisanship in the legislative process. Most of these resulted from conscious efforts to reform the institution. The first wave of reform took place in response to a liberal reform movement, which in the 1960s and 1970s sought to end the era when autonomous committee chairs exercised enormous control over the legislative process. Liberals such as Missouri's Richard Bolling and Walter Mondale of Minnesota, working with allies in liberal organizations like the NAACP and Common Cause, had made congressional reform a central issue based on the notion that procedural change would allow for a more progressive agenda (Zelizer 2004; Polsby 2004). Their allies in the media and academia believed that more partisanship would be beneficial for congressional politics.

Stronger parties, they said, would be able to provide voters with more coherent alternatives and it would enable the White House to work more effectively with colleagues in the House and Senate. Strong parties would also help overcome the kind of institutional fragmentation that critics had seen as problematic dating back to the writings of Woodrow Wilson.

During the 1970s, Congress adopted a number of institutional reforms to promote partisanship that included new caucus procedures granting party members the ability to vote on committee chairs rather than simply relying on seniority to determine who should hold these positions, authorizing committees controlled by the party leadership to make decisions over the legislative agenda and committee assignments, allowing the House Speaker to refer bills to multiple committees, and the use of the filibuster by the minority party (Shickler 2001; Zelizer 2004).

Importantly, reformers in the 1970s sought to create stronger parties that would be forced to remain responsive to the rank-and-file. They wanted to avoid the kind of autocratic leadership that had been characteristic of committee chairs before the 1970s. To do so, reformers created avenues for decentralized decision-

making by expanding the number of subcommittees and granted them more influence. The Subcommittee Bill of Rights (1973) granted subcommittees autonomy from committee chairs and diffused jurisdictional power. They also encouraged any legislator to make amendments on the floor. At the same time, reforms such as the creation of new ethics rules and agreeing to televise Congress made it easier for average members to challenge the leadership if they attempted to move too far away from the caucus.

Republican reformers in the 1990s built on the accomplishments of liberals in the 1970s. Republicans took control of Congress for the first time since 1954. Senate Republicans increased their number to 52 as they gained eight seats; 2 Democrats then switched parties. House Republicans won control of 230 seats. Most politicians and pundits credited Minority Whip Newt Gingrich for having orchestrated a national campaign based on the conservative ideas that were outlined in the "Contract with America." The Republicans showed themselves to be children of the 1970s reforms with little interest in turning back the clock to the committee era. Most of the reforms that they passed in 1995 cemented, and accelerated, the trends of the 1970s.

After Republicans took over the House and Senate in 1994, Gingrich and his allies worked to further strengthen the institutional power of the parties. Gingrich organized a Speaker's Advisory Group, which convened every week to formulate policy. The Speaker and the Republican leadership stacked committees with individuals and chairmen who were loyal to the party agenda, while imposing six-year term limits for committee chairs in both the House and the Senate. House Republicans formed a Steering Committee with the responsibility to name committee chairs. The Speaker made himself the chair of that committee and had more votes than other members.

Both the Republicans and Democrats also vastly strengthened the congressional campaign committees. These committees had existed for much of the twentieth century but have become much more influential since the 1980s. They also became stronger structurally, with more staff and a more important role for leaders. The leadership improved their capacity to raise funds and they centralized control over dispersion of the money. Republicans after 1994 formed very close ties to the lobbying community of Washington through the "K Street Project" in which party leaders met every week with key interest groups. As a result of the campaign committees, parties could send funds to reward legislators who voted the party-line and to discipline those who broke with the party. Democratic and Republican leaders raised three times as much money in the 2003-4 cycle as in the 1987-1988 cycle. Theriault argues that leaders have become more selective in how they choose who should be the recipient of the funds (Theriault 2008, 143).

One final tool of partisan warfare has been the filibuster. Of course, the filibuster is not new to the post-1960s Congress. But the filibuster became a normalized tool of partisan combat. There have been more filibusters employed in any given single year since the Senate adopted Rule 22 in 1917, which allowed for two-thirds of the Senate to obtain "cloture" and end debate. The filibuster is no longer reserved for high-priority measures such as civil rights; during the past three decades, political parties have relied on the filibuster, and the threat of a filibuster, to stifle various kinds of legislation. Schickler found that there was an explosion of obstructionism that occurred in the 1970s and 1980s as senators used filibusters as well as other comparable procedures, including holds (a procedure where a particular senator can anonymously stop a bill from being considered) or the post-cloture filibuster (an invention of Alabama Senator James Allen, who opposed filibuster reform in 1975, through which a senator requires roll calls on amendments and procedural motions after successful cloture). Binder and Smith (1996) have shown a second reason being that senators started to receive greater political credit from interest groups and constituents for using these tactics to pursue their objectives. Ironically, the reform of the rule itself in 1975 from 67 to 60 encouraged senators to become more comfortable using the obstructionist tactic because it was seen as easier to end and thus less draconian. The result is that most legislation now requires a super-majority vote of sixty in the Senate (Schickler 2001, 220-224; Binder and Smith 1996).

The net effect of these changes was that by the end of President George Bush's presidency, congressional party leaders—each with less interest in compromising with the other—had a formidable number of tools at their disposal to make sure the trend toward partisan polarization continued.

THE INSTANT NEWS MEDIA

A final area where Congress has undergone significant change is the media environment in which it operates. The media environment has become more fragmented, instantaneous, and unstable. During the 1970s and early 1980s, the House and then Senate made a momentous decision to allow television cameras into the chamber. Until then, television had only been authorized to cover certain high-profile hearings. The decision converged with the creation of CSPAN, a station launched in 1979 that covered the floor proceedings of the chambers. Though at first the station was barely noticed, CSPAN gained national attention in 1983 and 1984 when young, conservative House Republicans took advantage of the station to deliver speeches, without the permission of the senior party leadership (who they said were too prone to compromise with Democrats), to their constituents and to gain attention of the national networks.

But televising Congress did not have as big an impact on Congress as the transformation of the media itself. First, the rise of cable television in the 1980s fundamentally altered the nature of the news cycle. In the era of network news and city newspapers, there had been just a few moments each day when political news was disseminated: the morning newspaper, the evening newspaper, and the nightly network news on television (which only lasted a half-hour including commercials). On television and in the newspapers, there were only a limited amount of space for news stories and editorial control of content was tight. Producers and editors were willing to wait to release stories if they did not feel there was sufficient evidentiary support to confirm claims.

Cable television news, which started to take hold after the creation of CNN in 1980, resulted in two important changes that were relevant to Congress. The first was to offer a 24-hour news environment where information could be instantly disseminated. The second was to create a proliferation of national news sources as cable broke the monopoly of the three networks. With CNN, Fox, the networks and others competing against one another in an increasingly specialized market where there were fewer viewers for each kind of programming, news shows developed incentives for getting information to the public much quicker, within seconds, and without as much concern for quality control. This made the legislative process more unstable since there was less time for congressional deliberation removed from media scrutiny and it was easier for opponents of a measure to take their point to the airwaves and attack the legislation.

The national news media also became more partisan during the 1980s. In 1987, the Federal Communications Commission revoked the Fairness Doctrine, which since 1949 had required broadcasters to present public issues in balanced fashion by inviting different people with perspectives to participate. Reagan, a supporter of deregulation, endorsed this move, feeling it would benefit conservative broadcasters and proclaiming that the doctrine violated the First Amendment. The result of the decision was that news shows were able to become more explicitly partisan.

The Internet compounded these trends in the late-1990s. The Internet made the speed of the news even more rapid. This technology also continued to erode the quality of editorial controls given that the barriers for publishing news greatly diminished. An individual or organization did not have to be affiliated with a major news organization to spread information. Rather, almost any individual with access to a computer and the Internet gained the capacity to publish information and their stories were often picked up by larger news outlets. The discourse on the Internet tended to embrace the partisan style, as most bloggers abandoned any pretense of objectivity and instead moved toward providing readers with analysis from particular political perspectives.

The triumph of cable and Internet news meant more to legislators than just a switch from traditional print to the new media. Rather, the new media environment reconstructed the length and speed of the news cycle and facilitated new forms of partisan reporting. Events, scandals and conflict unfolded live. Despite the consolidation of media ownership in these decades, cable and the Internet also resulted in the fragmentation and specialization of news outlets. When legislators stepped into an interview they were likely to be confronted with more partisan and polemical questions. They were likely to be read and heard by citizens of a particular political perspective (Prior 2007)

Given the sheer number of news shows and web pages that were created was breathtaking, the cautious pace and rigid editorial standards that were still evident during the time the Watergate scandal broke deteriorated. The media felt intense pressure to release gripping details fast, as individuals not affiliated with major news outlets gained the power to spread information.

CONCLUSION

There have been other changes in the legislative process—such as the proliferation of interest groups and rising costs of campaigns—but these have been among the three most important. The effects have been significant. They have produced a more polarized Congress where there are fewer moderates who are willing to break with their party. They have created a Congress where party leaders are more capable of pushing for their agenda and punishing members who attempt to defect. The changes have also created an unstable media environment where it is harder for legislators to control the flow of information and to contain the terms of debate.

Neither party has been able to maintain a lock on this new process. While liberals created the process with the anticipation that it would become easier to enact a progressive agenda, conservative Republicans did extraordinarily well at using the system to advance their own objectives within the party and against Democrats. In recent years, Democrats have returned the favor by using the legislative process to stifle Republicans when they controlled Congress and then to push for an extremely ambitious domestic agenda following the election of 2008.

REFERENCES

Binder, Sarah A. 1996. "The Disappearing Political Center: Congress and the Incredible Shrinking Middle." *Brookings Review,* Volume 14.

Binder, Sarah A. with Steven S. Smith. 1996. *Politics or Principle: Filibustering in the United States Senate*. Washington, DC: Brookings.

Jacobson, Gary. 2007. *A Divider, Not A Uniter: George W. Bush and the American People*. New York. Pearson.

Katznelson, Ira. 2003. *The Possibilities of Analytical Political History. In The Democratic Experiment: New Directions in American Political History*. Princeton: Princeton University Press.

McCarty, Nolan. 2007. *Policy Effects of Polarization. In The Transformation of American Politics: Activist Government and the Rise of Conservatism*. Princeton: Princeton University Press.

Poole, Keith T. and Rosenthal, Howard. 1996. *Congress: A Political-Economic History of Roll Call Voting*. New York: Oxford University Press

Polsby, Nelson. 2004. *How Congress Evolves: Social Basis of Institutional Change*. New York: Oxford University Press.

Prior, Markus. 2007. *Post-Broadcast Democracy: How Media Choice Increases Inequality in Political Involvement and Polarizes Elections*. Cambridge: Cambridge University Press.

Quirk, Paul J. 2007. "The Legislative Branch: Assessing the Partisan Congress." In *A Republic Divided*. New York: Oxford University Press.

Rhode, David W. 1991. *Parties and Leaders in the Post-Reform House*. Chicago: University of Chicago Press.

Schickler, Eric. 2001. *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress*. Princeton: Princeton University Press.

Theriault, Sean M. 2008. *Party Polarization in Congress*. Cambridge: Cambridge University Press.

Zelizer, Julian E. 2004. *On Capitol Hill: The Struggle to Reform Congress and Its Consequences*. New York: Cambridge University Press.