



Thinking about Reform: The World View of Congressional Reformers

Author(s): John Roos

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# Thinking About Reform: The World View of Congressional Reformers

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**John Roos**

University of Notre Dame

*In 1991, more than a decade after its last major reform, the United States Congress once again turned its attention to its institutional arrangements. The 1970s reforms had been hailed as ushering in a new era of congressional assertion and competence, but by the 1990s were seen as having made minimal improvement in some areas while failing utterly in others. Much attention has been given to the consequences of reform, but little to the intellectual foundations upon which congressional reforms have been based. This article seeks to remedy this by exploring the theoretical underpinnings of the 1946 and mid-1970s reforms. The author argues that two streams of thought inform these efforts, one centered in rationality and efficiency, the other in democratization.*

*John Roos is Associate Professor of Political Science at the University of Notre Dame. He is author of several books on public policy questions and of numerous articles in leading journals.*

What some have called the “modern Congress” was born with reforms recommended by a Joint Committee on the Organization of Congress and adopted in the Legislative Reorganization Act of 1946.<sup>1</sup> Nineteen years later, cries were abroad that Congress again needed fundamental reform, and in 1965 a Joint Committee on Congressional Reorganization was created which issued in the Legislative Reorganization Act of 1970. That reform effort continued through a series of changes instituted in caucuses and chambers up to 1975. Now, seventeen years after this last period of reform ended, the public and the Congress have once again turned their attention to the question of institutional reform.

1. Walter Kravitz, “The Legislative Reorganization Act of 1970,” *Legislative Studies Quarterly*, 15 (1990): 375.

In August 1991 a select committee, headed by Lee Hamilton (D Ind) and Dennis Deconcini (D Ariz), was charged with the responsibility of investigating ways in which Congress can fix itself. House bank and post office scandals have added to a widespread sense that something is seriously wrong with the legislative branch. In March 1992, Warren Rudman (R NH) announced his retirement from the Senate, saying that the Congress was not functioning. David Broder wrote that, "When President Bush said the other day that the congressional system was broken, no one was more likely to agree than the members of the Congress themselves."<sup>2</sup> Reporting on a study based on anonymous interviews with members of the House and Senate conducted by Laurence Hansen, Broder concludes, "However frustrated the voters are with Congress, the frustration is even greater for the conscientious members of the House and Senate (of whom there are many) struggling to do the job they came to Washington to perform."<sup>3</sup> On March 26, 1992, the *New York Times* called for a Joint Committee on the Organization of Congress and editorialized that, "The larger task before Congress is to change the way it does business."<sup>4</sup>

The rising tide of discontent within and without the chamber is likely to be increased by a presidential strategy of attacking Congress. Moreover, a large-scale turnover in membership due to redistricting, retirement of the twentieth-century Congress, John Bibby and Roger Davidical stake in reform. Thus there is an increased likelihood of serious efforts to reform legislative institutions during the next few years. As we enter this period, it is important to look back at recent reform efforts. What, if anything, have we learned from the success and failure of past congressional reforms? In particular, can we learn anything from close analysis of the ideas that informed these efforts?

One obvious fact that emerges from previous reform periods, and which corresponds to the early stages of this one, is that discontent tends to be diffuse. When we ask, "what hurts?" the answer is likely to be, "everything," leading to a multiplication of "problems" and "cures." We have also learned that legislators and the reformers among them have a variety of goals.<sup>5</sup> Some want to increase their own power; some want to ensure reelection; some want to have policy impacts; some want to pro-

2. David Broder, "Frustration also is high in Congress," *South Bend Tribune*, March 27, 1992, p. A-5.

3. *Ibid.*

4. *New York Times*, March 26, 1992, p. A-14.

5. See Richard F. Fenno, *Congressmen in Committees* (Washington, DC: Little Brown, 1973).

tect the body from presidential dominance.<sup>6</sup> Given these many goals, the success or failure of any reform will vary depending upon which motives are examined. We also know that side and/or unintended effects may be as, if not more, consequential than the intended results.

While much attention has been paid to chronicling the empirical process of passage and the effects of the reforms, less attention has been paid to the intellectual foundations of the reforms. Members and analysts shy away from large philosophical discussions of reform because, given the incremental nature of the American political process, sweeping ideal reforms are unlikely to impact on the multiple and concrete motives of those who have the votes. Political scientists have tended to avoid the normative issues underlying proposed institutional reforms, especially since the 1950 report of the American Political Science Association on "responsible parties" was criticized so roundly for being unrealistic and inadequately empirical.<sup>7</sup> Yet reforms have both normative and empirical theories of the regime and its institutions embedded in them, and these stand in need of analysis. This article explores the assumptions implicit in past reforms in the belief that an adequate understanding of the conceptual foundations of reform is a necessary, though certainly not sufficient, condition for the success of future reforms.

We will first examine the two most recent congressional reform efforts: the 1946 reorganization and the reforms of the 1965-75 period, with concentration on the thought of those proposing the reforms. In particular, it will be argued that the reformers approached the task from one of two theoretical positions. One position is characterized by appeals to rationality and efficiency and is clearly a call back to the Progressive tradition. The other aims at the democratization of the legislature with a view toward subjecting it to majority public opinion. This position is a form of naive Rousseauian theory, relying upon images of the people as expressing "the general will." Unlike Rousseau, however, it assumes that such a "general will" is spontaneously available and inherent in democracy. More specifically, it will be argued that reformers in 1946 and 1965-1975, whether relying upon theories of rational efficiency or naive Rousseauian democracy, addressed problems of legislative leadership and institutional maintenance inadequately, and thereby left the legislature too weak under certain circumstances with respect to par-

6. For an analysis of the motive of protecting against presidential dominance see Ken Shepsle, "Representative Government: The Great Legislative Trade-Off," *Political Science Quarterly*, 103 (1988): 461-84.

7. Roger H. Davidson, David M. Kovenock, and Michael K. O'Leary, *Congress in Crisis: Politics and Congressional Reform* (Belmont, CA: Duxbury Press, 1971), p. 42.

ticular functions. New reforms will similarly fail unless and until we adequately address institutional leadership and maintenance.

Some definitions are in order. First, the term “reformers,” in each case, refers to an identifiable group that provided the central thrust of the reform effort. In 1946, it was a broad coalition partially assembled by and intellectually guided by the American Political Science Association’s Committee on Congress under the leadership of George Galloway. In 1965-1975, it was the liberal wing of the Democratic party, both within and without Congress, under the larger and more diffuse (compared to 1946) leadership of the Democratic Study Group in the House of Representatives.

“Failures” are defined in terms of the goals of the central group of reformers. Even here, the aims were not monolithic. In each case, there were core goals about programmatic performance and responsible government which, regardless of whatever else was intended, were held by the central group, and it is at least with respect to this core that they failed.

By “legislative leadership” we mean the ability of leadership to articulate and aggregate within party membership a coherent and responsible position on at least some naturally divisive issues such as taxes, spending, and budgets and at least some broad issues of national urgency such as energy, defense, economic policy, and health care.

Finally, the term “institutional maintenance” does *not* refer to the broad and diffuse set of housekeeping chores that confront legislative bodies, but rather the specific sense of institutional maintenance used by David Mayhew to describe the chore of regulating the collective consequences of actions based on individual choice. These questions of institutional maintenance, while clearly not comprehensive, must be answered in any attempt at reform. This analysis examines both the 1946 and 1965-1975 congressional reform efforts, but begins by exploring theories of reform in American politics.

## I. Theories of Reform

In *Congress and Crisis*, Roger Davidson, David Kovenock and Michael O’Leary attempt to develop some analytical categories by which to analyze congressional reform. They propose three theoretical models of Congress: (1) the literary, (2) executive force, and (3) party government. In each of these, different weight is given to the broad activities or functions of Congress: lawmaking, representation, consensus building, oversight, policy clarification, and legitimation. In the literary theory, which asserts congressional equality with the executive branch, lawmaking is

the most important, with legitimation the least. In executive force, where the executive is dominant, legitimation is first and lawmaking last. In party government, where coherent and disciplined parties are present and constrain both the presidency and the party within Congress, policy clarification is first with lawmaking in the middle range.

In the reform literature that follows Davidson et al., few scholars adopt the literary, executive force, and party government models per se, but instead concentrate on the fact that legislatures perform multiple functions. Various reformers have different functions in mind, and any single reform will have differential and often cross-cutting effects on functions and values. Leroy Rieselbach is typical of reform writers in the last decade and a half when he says that the categories of executive force, literary theory, and party government are too broad and highly unlikely to be implemented by the legislature.<sup>8</sup> Instead Rieselbach replaces Davidson's six categories with three narrower criteria with which to evaluate congressional reform: responsibility (problem solving and lawmaking); responsiveness (representation and serving constituents); and accountability (ensuring actions can be regularly evaluated by citizens).

Similarly, Ken Shepsle sees multiple goals, with the most recent reforms as a trade-off between responsiveness and attraction of talent. Shepsle's "attraction of talent" is related to responsibility in that the division of labor associated with oligarchic committees attracted and allowed the flourishing of talented members capable of resisting executive encroachment and domination.<sup>9</sup> David Mayhew says that the main functions of the legislature are expressing public opinion, servicing constituent requests, legislating, and oversight.<sup>10</sup> He sees the legislature doing well at the first two (responsive functions) and doing much worse at the second two (responsibility functions).

David Vogler and Sidney Waldman, following Jane Mansbridge, talk of the trade-off between adversary democracy (representation of district interests) and unitary democracy (reaching policy agreements to deal with national problems). Adversary democracy is equivalent to responsiveness, while unitary democracy is equivalent to responsibility.<sup>11</sup>

In all of these views, there is an explicit or implicit concept of trade-off

8. Leroy Rieselbach, *Congressional Reform* (Washington, DC: Congressional Quarterly Press, 1986), p. 8.

9. Ken Shepsle, "Representative Government."

10. David Mayhew, *Congress: The Electoral Connection* (New Haven, CT: Yale University Press, 1974).

11. David J. Vogler and Sidney R. Waldman, *Congress and Democracy* (Washington, DC: Congressional Quarterly Press, 1985), pp. 159-66.

between responsibility and representativeness, but rarely is a reform actually *proposed* as a trade-off. What is finally proposed or implemented may be a trade-off, but reformers generally do have an identifiable theory of how multiple goals will be met. In strict trade-offs, dimensions are commensurable, such that some part of "a" can substitute for "b." Most reformers desire a substantial constitutional role for Congress and hence, among other things, have the long-range flourishing of the institution in mind. Even pro-presidency executive force theorists call for some functional requirements that cannot be traded off beyond a certain point. Behind most post-World War II discussions has been the looming presence of the modern presidency and the concern that, no matter what else the Congress does, it must retain its status as a real partner in the constitutional scheme of divided and shared powers. Most theories of reform have the explicit premise that the legislature must perform certain functions at an irreducible minimum, below which trade-offs with other functions cannot compensate. For below some minimum, no amount of responsibility can compensate or substitute for lack of responsiveness, nor can any amount of responsiveness compensate or substitute for responsibility.

This is the key to Mayhew's specific conception of institutional maintenance. He argues that almost everywhere, in other nations and at the municipal level in America, legislatures have withered because they have concentrated on particularistic representation at the expense of the more general responsibility for programmatic performance. Writing in 1974, Mayhew argued that the U.S. Congress had avoided this fate by addressing the problem of institutional maintenance.

Mayhew adopts an economic, rational actor theory to analyze Congress. He depicts legislators as rational actors bound to the popular will by their single-minded desire for reelection. But what is rational for each of them individually leads to collective disaster, a tragedy of the commons. Given the decentralized and weak party system in America, it is rational for representatives to concentrate only on their own individual reelection efforts. In doing so, they find it rational to take positions, advertise, and claim credit rather than make laws, oversee the executive, or build coalitions for substantive governance. Without party or institutional discipline, they will tend toward delay, symbolism, servicing of the organized, and particularism. There will be a systematic tendency of the body to undertax and overspend.<sup>12</sup>

12. David Mayhew, *Congress: The Electoral Connection*. It is important to note that reelection is not the only goal that can lead to such results. One can have similar outcomes

To avoid the tragedy of commons, legislatures must provide for leadership mechanisms aimed at integrating and restraining individual or group opinion. It is precisely because “democracy” does not self-equilibrate that a good theory of democracy has to have a theory of how institutions can refine and cumulate democratic opinion both without and within the body. In the legislature, Mayhew calls this the problem of institutional maintenance. There must be incentives (and powers) for individuals to shoulder the burdens of leadership and regulate the behavior of the body.

In particular, Mayhew argues, much like Mansbridge’s analysis of adversarial democracy, that simply following individual preferences will fail to address the question of under- and overspending on particular items (non-optimal allocation such as rent seeking) and overall economic effects (externalities like inflation, investment, and education), and will have systematic incentives to undertax and overspend (deficits). Mayhew believes that institutional maintenance can be provided either by coercion (strong parties) or selective incentives for certain members to engage in regulating these behaviors for the sake of the prestige and esteem of the entire body. He believes that this was provided for in the post-war House, especially by the oligarchic powers of the “control committees” of Rules, Ways and Means, and Appropriations. Through substantive jurisdiction, power of the purse, controlling access, and committee assignment powers, the control committees, loosely allied with leadership, provided at least the minimal necessary amount of institutional maintenance. Mayhew says, “It is hard to see how Congress could maintain its prestige and power without them. To check the modern presidency the Congress has to maintain its prestige and power.”<sup>13</sup>

Mayhew is right in this limited sense. Any theory of reform must address not only responsiveness, but responsibility. In addressing responsibility, it must at least answer the questions of how to provide for institutional maintenance to avoid the tragedy of the commons and how to ensure minimal levels of effective programmatic performance.

Both executive force theories and party government theories in principle provide such answers. They argue that binding sanctions by party and/or party-led executive coalitions will provide mechanisms for responsibility, as they in fact do in most successful parliaments and cities.

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resulting from particularistic ideological commitments unconstrained by effective two-party systems, as in France’s Third Republic. In reality our system undoubtedly shows evidence of both.

13. *Ibid.*, p. 58.

But strong parties, executive-led or not, are neither empirically robust nor valued by voters in American post-war politics. The reformers in both 1946 and 1965-75 were aware of that, and in neither case did they rely upon either strongly stated party government or executive force theories. Instead they relied upon two ubiquitous normative terms in American politics, rational efficiency and democracy.

In addressing institutional reform, Americans have long relied on the concepts of “democracy” and “rationality.” The words are similar because they have an almost sacrosanct character in the culture and yet have little substantive content by themselves. Each states a desired end, yet has such manifold meanings that it is a slippery guide to practical choices. This attachment to vague symbols derives in part from Americans’ desire to avoid the consequences of power and the necessity of politics. As Theodore Lowi<sup>14</sup> and Grant McConnell<sup>15</sup> have pointed out, Americans are particularly drawn to ideas in which solutions can be generated automatically. Laissez-faire capitalism as a public philosophy was attractive in the nineteenth century in part because it held out the promise of socio-economic welfare being decided by the “invisible hand.” Americans shy away from institutional maintenance arising from “visible hands” like party. As Lowi documents, pluralism is chosen as the successor to capitalism in large part because it holds out the hope of a political marketplace to act as the invisible hand. Like capitalism, it will avoid the need for intervention by the government in public conflict and decisions about socio-economic outcomes. Similarly, “democracy” and “rationality” are attractive concepts because they hold out the promise of automatic solution. If we design institutions that are rational and responsive to the will of the people, they will generate clear solutions for us.

To the extent that capitalism, pluralism, democratic responsiveness, and rational efficiency hold out the hope that public and political decisions can be found in automatic mechanisms, they are anti-political. The realm of the political entails choosing ends and devising policies to achieve those ends. Choices involve conflict, and policies involve coercion to enforce the outcome of public decisionmaking. All of the above ideas attempt to obviate that conflict and coercion by relying upon processes that generate automatic solutions.

14. Theodore Lowi, *The End of Liberalism*, 2nd ed. (New York: W.W. Norton & Company, 1979).

15. Grant McConnell. *Private Power and American Democracy* (New York: Vintage Books, 1970).

If Mayhew is right, any theory of reform must include a theory of leadership and institutional maintenance or else suffer the effects of unrestrained individual choice. In examining the rhetoric of the reforms of 1945 and of 1965-1975, we can get a better idea of how the theories underlying these most recent attempts at legislative reform addressed this problem.

## II. The Rhetoric of Reform: 1946

There were four major reform periods in the twentieth century: the revolt against Speaker Joe Cannon in 1910, the attempts at budgetary reform in 1921, the Legislative Reorganization Act of 1946, and the most recent period of reform in the 1970s. One finds in these reform movements varying degrees of a similar rhetoric and conceptualization. Themes of democratic responsiveness and formal norms of rationality and efficiency occur time and time again in the advocacy and analysis of reform. One finds it least developed in the 1910 case, but flowering in 1921 and then predominant in 1946 and thereafter. Just as the rhetoric of presidential reorganization included a substantive agenda of activist "presidential policy," so too the congressional reformers tended to have an activist view of the substantive political and economic agenda to which reform would lead.<sup>16</sup> Reformers have tended to be social and economic proponents of an expanded role for government, blending their democratic beliefs with a view of progressive modernization and melioration. They have generally favored congressional reform as a way of promoting forward-looking policies, many of which were also articulated by strong presidents such as Roosevelt and Wilson. Looking back on the development of the twentieth-century Congress, John Bibby and Roger Davidson write:

Members of the liberal intelligentsia, for their part, had policy reasons for welcoming the growth of executive power in the years following the New Deal. Because of the pivotal power of large urban states in presidential elections and the importance of urban centers in the winner-take-all Electoral College, Franklin D. Roosevelt and his successors became spokesmen for urban interests, minority rights, social-welfare legislation, and internationalism—values associated with New Deal-Fair Deal liberalism. In comparison to the Presidency, Congress appeared to many liberals reac-

16. See Peri Arnold, *Making the Managerial Presidency* (Princeton, NJ: Princeton University Press, 1986).

tionary, parochial, small-townish, and an impediment to the “progressive” policy objectives of the executive.<sup>17</sup>

Clearly large numbers of legislators and citizens opposed the trend toward the nationalization of politics. For many, Congress was the protector of states’ rights. And even in the liberals’ embrace of the activist state, while wanting to support progressive presidential policies, there was the desire to maintain Congress as a viable and full partner. This was clear in the case of the 1946 reorganization. In evaluating the 1946 act, Roger Davidson places the reforms in the context of the crisis of adaptation, i.e., Congress is increasingly unable to adapt to growing external pressures on its workload and performance occasioned by the greatly expanded scope of governmental activity following the Depression, New Deal, and World War II.<sup>18</sup> Acquiescence to a dominant President was one possible way of addressing Congress’s inability to cope, but there is little evidence that this was considered acceptable even to the reformers. Davidson recognizes that while there was liberal support for presidential policies, there was also great concern about the place of Congress in the constitutional balance. He cites the conclusion of the APSA Committee on Congress report, which argues that without reform the Congress would “continue to decline in esteem and leadership would steadily shift to the Executive.”<sup>19</sup> Similarly, the introduction to the concurrent resolution authorizing the Joint Committee on Legislative Reorganization sets its goal as “strengthening Congress . . . enabling it to better meet its responsibilities under the Constitution.”<sup>20</sup>

The second way to address the problem would be to change the internal structure of power in the Congress, especially in the House. This would involve limiting the power of conservative committee chairs and other “barons” allied with the dominant conservative coalition that was ascendant between 1937 and 1964. In Mayhew’s analysis, these barons provided institutional maintenance on some key issues, e.g., budgets through the power of Appropriations and Ways and Means. Galling to the liberals, they also blocked much progressive legislation and imposed a disproportionately conservative bent to programmatic output. In

17. John F. Bibby and Roger H. Davidson, *On Capitol Hill*, 2nd ed. (Hinsdale, IL: Dryden Press, 1972), p. 284.

18. Roger Davidson, “The Legislative Reform Act of 1946,” *Legislative Studies Quarterly*, 15 (1990): 357-73.

19. *Ibid.*, p. 363.

20. Joint Committee on the Organization of Congress, *Organization of Congress, Part I*, 79th Congress, 1st Session (Washington, DC: U.S. Government Printing Office, 1945), vol. 1, p. 1.

Davidson's analysis, the reform faction failed because "it underestimated the tenacity of the senior Barons (especially in the House) who controlled most of the key committees and the power of the conservative coalitions of Southern Democrats and Republicans that buttressed their power."<sup>21</sup>

Davidson is partially correct. The barons, their powers left unrestrained, were responsible for frustrating the reform act's unified budget procedure. But our analysis focuses on an additional element of the reform thought, i.e., the degree to which the reformers thought that rationality and efficiency, supported by naive democratic theory, could bypass the problem of attacking the power of the barons. Did the reformers simply overlook or underestimate the existing power structure, or did they take seriously the concepts of efficiency and rationality as alternative solutions to the problem of institutional maintenance? Davidson says that the reformers, in underestimating the power of the barons, were "swept along by reformist rhetoric highlighted by its most attractive features."<sup>22</sup> But rhetoric is often the key to beliefs which guide action and deserves to be more fully analyzed, both because it appears the reformers believed it and because the rhetoric of efficiency is likely to provide illusory appeals whenever reforms are considered.

The American Political Science Association played a key role in the reorganization process. In 1941, the president of the Association, Frederick A. Ogg, appointed a Committee on Congress which continued, with expanded membership, until the passage of the 1946 Act. As Davidson points out, "Within the political science profession there was . . . a generation of intellectuals trained in 'scientific management.'" <sup>23</sup> With George Galloway as its chairman and driving force, the committee published articles, held symposia and conferences, and in 1945, issued its findings, entitled *The Reorganization of Congress*.<sup>24</sup> If Louis Brownlow was the prime mover of modern presidential reorganization, George Galloway is the same for congressional reorganization. Galloway's National Planning Association also lobbied for reorganization, and after the reforms were concluded, Galloway was named head of the enlarged Congressional Research Service.

21. Davidson, "The Legislative Reorganization Act of 1946," p. 371.

22. *Ibid.*, p. 372.

23. *Ibid.*, p. 361.

24. Committee on Congress of the American Political Science Association, *The Reorganization of Congress* (Washington, DC: Public Affairs Press, 1945). For a list of activities during the tenure of the committee, see the introduction. Though calling itself a fact-finding committee, the committee clearly played a large and expansive role in advocating the cause of reform per se.

The report is a fascinating document in its reflection of a post-war reformist mentality. Clearly Progressive and “good government” in nature, its touchstones are modernization, rationality, efficiency, and democratization.<sup>25</sup> The majority of recommendations reflect an almost Weberian slant, envisioning the institution as one that needs the transition to modernity in order to allow it to allocate resources efficiently and claim rational authority. Of ten recommendations made by the committee, eight fall under this rubric. The political scientists favored (1) streamlined duties, (2) professional staff, (3) expanded research services, (4) symmetrical and streamlined committee structure, (5) increased information flow with the executive, (6) specialization and division of labor in oversight, (7) registration of lobbyists, and (8) higher salaries and staff budgets.<sup>26</sup>

One imagines the political scientists as management consultants saying: If you want to contend with this large and already successful organization called the modern presidency, then you have to learn how such organizations use the tools of modern management. (As Davidson points out, many in fact had served in the executive branch during World War II.)

The reformers do not entirely neglect the obvious disanalogy between the corporation and legislatures. In the former there is a chain of command to go along with specialization, expertise, and division of labor. Two reforms address the question of fragmentation and coherence: a proposal for a legislative council of leaders and committee chairs to plan and coordinate the legislative agenda and communicate it to the executive, and a proposal that committee chairs should be chosen by their parties and follow clear rules.<sup>27</sup> They do not address the question of what specific powers this legislative council would need in order to enforce this agenda. Rather it seems to be a call for “planning and coordination” rather than a call for actual leadership powers. Then, as now, some argued that giving power to the caucus to control committee chairs is the way to provide coherence and check fragmentation, but in fact positive caucus control appears to be an illusion over time. Certainly some members felt that the caucus could check some of the most egregious actions of independent committee chairmen, but the caucus (ranging

25. The document returns time and again to these themes. Of its eighty-one pages, explicit references are made to modernization and efficiency on fourteen separate pages, or about every six pages. See, for example, pp. 9, 11, 12, 13, 17, 22, 37, 69, 77, 80, 81.

26. *Ibid.*, pp. 78-81. Also Davidson, “The Legislative Reorganization Act of 1946,” p. 363.

27. Davidson, p. 363.

from 240 to 300 members during the post-war period) has generally been unable to provide the positive kind of detailed institutional maintenance needed on certain issues like defense or budgets. The failure of the political scientists to concentrate on the question of redistributing power to achieve leadership sprang partly from pragmatic political reasons (the need to get the reforms passed) and partly from a great faith in institution and regime building. They did believe, however, that they would have substantial policy effects if they could modernize the institution. The whole tone of the report is that the nation's agenda is clear, but an archaic institution stands in the way of progress. The question of "reforming" Congress is seen in the context of a larger substantive policy agenda. Their last paragraph says:

We believe that the time is propitious for Congress not only to reconsider its internal organization and operations, but also to undertake important changes in the political and economic order.<sup>28</sup>

The unstated premise seems to be that modernizing Congress will make it more responsive to majoritarian winds of change in a simple and uncomplicated fashion. The expanded and progressive Roosevelt-style presidency seems to be the model for them. Congress must be modernized in order to cooperate, or at least not to block the leadership of the modern presidency.

This belief in uncomplicated solutions is seen in their hug, if not embrace, of corporatist theory. The political scientists endorse independent government agencies which "are not hampered by the regular forms of government control," and hence can act with "speed and efficiency."<sup>29</sup> They even speak of the need to investigate "functional group representation" through agencies like the National Recovery Administration.<sup>30</sup> Clearly such soft corporatist structures would bypass institutions and go directly to the so-called "organic interests" in the society. In this case, the majoritarian strain of Rousseauian democracy melds imperceptibly into the even more responsive and organic representation of corporatism and pluralism.

After a minuet of legislative delays, Congress in 1945 established the Joint Committee on the Reorganization of Congress with George Gallo-way named staff director of the committee.<sup>31</sup> Thirty-nine days of public

28. Committee on Congress of the American Political Science Association, p. 81.

29. *Ibid.*, p. 15.

30. *Ibid.*, p. 16.

31. For the chronology see Paul Rundquist, "The Legislative Reorganization Act of 1946: A View From Forty Years" (New Orleans, LA: American Political Science Association Convention, August, 1985), pp. 6-8.

hearings eventually produced over 1500 pages of testimony. It was not without orchestration. As noted by Paul Rundquist, it was “uniformly supportive of Congressional reorganization.”<sup>32</sup> This support emphasized heavily the capacity-building aspects of the reforms. The veteran Washingtonian Chester Bowles, for example, testified:

Often the Senator or Representative finds himself faced with the alternative of failing properly to answer his constituent’s request, or failing to secure the proper background on the various legislative matters which he is currently called to act. To a major extent, I believe these problems could be eased by adequate staff, and by enlarged central research facilities.<sup>33</sup>

The League of Women’s Voters, represented by Mrs. Harold A. Stone, also sounded the theme of efficiency:

The LWV realizes that we are living today in an era of experts. The complexity of our modern world requires much specialized knowledge. . . . The LWV believes that in addition to an adequate staff for the individual member in his own office, there should be developed a large central staff for the use of all Congressmen.<sup>34</sup>

The actual reorganization proposals fell in line with this modernizing rhetoric. The committee’s mandate was limited by a Senate amendment to the enabling legislation which banned it from studying and recommending changes in rules governing floor consideration of legislation.<sup>35</sup> This prevented any recommendations for change in the power of the Rules committee. Further, this particular reform period was limited to rules governing legislation and did not spill over into changes in caucus procedures as did the 1910 and 1975 cases. Hence, some changes affecting leadership powers and centralization were admittedly “out of bounds.” But even with these boundaries, it is clear that the thrust is toward “rational democratic efficiency,” with little or no attention paid

32. *Ibid.*, p. 9.

33. Joint Committee on the Organization of Congress, *Organization of Congress, Part 3*, 79th Congress, 1st session (Washington, DC: United States Government Printing Office, 1945), p. 731.

34. *Ibid.*, p. 802.

35. Paul Rundquist, “The Legislative Reorganization Act of 1946: The View From Forty Years,” p. 6.

to the need for cumulating power in a complex democracy. The Joint Committee recommendations included the following items:

1. Consolidation of House and Senate committees into a smaller and more rational pattern.
2. Increased oversight of the executive branch.
3. Increased professional staff for committees.
4. A Congressional secretarial pool.
5. Funds for Congressional Administrative Assistants.
6. Enlarged funds for the General Accounting Office and the Congressional Research Service of the Library of Congress.
7. A ban on bills for single, specific, construction projects such as bridges.
8. A "unified" budget process calling for a yearly "legislative budget."
9. Salary increases and civil service pension coverage for members.
10. A party legislative council to coordinate a legislative agenda and a party policy committee.

Item 9, salary increases, and item 5, administrative assistants, were clearly inducements to make the package attractive to most members. Items 3, 4, 5, and 6 were aimed at what might be called "capacity building," the thought being that increasing staff research and support services would by itself rationalize the budget process. Items 2, 7, and 8 were aimed at least indirectly at the problem of institutional maintenance, but the reform was almost purely formal. The legislative budget requirement was virtually ignored after eighteen months. No clear power center was established to enforce the budget process, and it withered almost immediately. In Mayhew's terms, if a watchdog function for the budget process is desired, then it is necessary to induce some people to do it, and give them the power to do the job. The Reorganization Act did neither.

The ban on bills for single particular construction projects, item 7, was a nice symbolic act calling attention to the problem of unrestricted log-rolling coalitions of self-interest, but as an effective restraint, it was laughably easy to circumvent.

Item 10 was dropped before the votes on the floor, but it was never central to the proposal, or at least not understood to be by the reformers at the time. Galloway still thought that the central effective thrust of the reforms had been saved. He hailed it as "the most sweeping reorganization in congressional history."<sup>36</sup> Mike Monroney (D-Ok), co-chair of the

36. Davidson, "The Legislative Reorganization Act of 1946," p. 363.

Joint Committee, claimed that the keystone of the reforms, modernizing the committee system, remained intact.<sup>37</sup>

In retrospect, the Reorganization Act worked in some fashion. The bill passed because of inducements, and the institution did increase its material capacity significantly. By 1948, for example, the number of requests by members for information from the Legislative Reference Service had almost doubled.<sup>38</sup> The routinization of the concept of support staff paved the way for massive and probably necessary increases in support services for Congress over the next three decades.

But the Reorganization act failed almost completely in channeling and directing this increased capacity toward common ends. As Mayhew argues, the individual legislators quickly learned to capture this increased capacity for personal goals. Perhaps its saving grace, at least fiscally, was to leave intact the establishment of the Democratic party at the level of a “decentralized” power system.<sup>39</sup> This is the system described by Mayhew in his section on control committees and leaders, and it provided at least minimal “institutional maintenance.” But this was despite the reforms, not because of them.

Our analysis then is that the core group of reform advocates not only underestimated the power of the barons, but were led to this by their belief in the comprehensive meliorative consequences of efficiency and instrumental rationality. Efficiency works as a criterion only with respect to allocating scarce resources toward a given end. While corporations can at least claim that a balance sheet gives them this end, legislatures can be “efficient” only if they can find a way to arrive at collective judgment about their ends. By the 1960s, the cry for reform rose again. Rationality and efficiency not being enough, the concentration now moved to “democracy.”

### III. The Case of 1965-1975

In this latest reform period, we find greater complexity. Unlike 1946, there is an extended period of reform which coincides with a time of tur-

37. *Ibid.*, p. 365.

38. Paul Rundquist, “Legislative Reorganization Act,” p. 19.

39. Here I use “decentralized” following Randall Ripley in *Power in the Senate* (New York: St. Martin’s Press, 1966), p. 14. Ripley distinguishes between *centralized* power structures in which party leaders dominate (Cannon period), *decentralized* structures in which power is partially shared between party leaders and powerful committee chairpersons, and *individualistic* structures in which both leaders and chairpersons lose power to coalitions of individual legislators.

moil and change in the entire political system. The period begins with another Joint Committee on Congressional Reorganization established in 1965, but its product, the Legislative Reorganization Act of 1970, was only one part of a decade-long series of actions taken by party caucuses and chambers aimed at revitalizing the Congress. In addition to the 1970 Act, there was a House Select Committee in 1973 which addressed committee reforms, and a Joint Committee on Budget Control in 1972 which led to the Budget and Impoundment Control Act. Most important perhaps was the series of reforms adopted in caucuses, especially in the case of the House Democrats, from 1970 to 1974. These reforms were developed not in congressional committees, but in caucus committees such as the 1970 House Democratic caucus Committee on Organizational Review (the Hansen Committee). So unlike 1946, there was neither a single act nor a committee upon which to focus. There was, however, a strong atmosphere of reformist sentiment in the popular and advocacy literature of the time, and an identifiable group within Congress that formed much of the analysis and supplied much of the impetus for the reforms. This group was the Democratic Study Group of the Democratic Caucus in the House of Representatives (DSG). The content of the reforms includes not only matters of internal congressional operation and procedure, but related matters of institutional assertion against the presidency, such as the War Powers and Budget Acts.

The reforms during this period were numerous, and vary in subject matter and impact. Leroy Rieselbach presents a catalogue of the 1970s reforms, grouping them under categories of responsiveness, accountability, and responsibility.<sup>40</sup> Under responsiveness, he includes items such as limiting seniority, establishing a subcommittee bill of rights, limiting and equalizing committee assignments, weakening Ways and Means and Appropriations, simplifying rules for demanding roll calls, and others generally described by the literature as democratizing or fragmenting reforms. Under responsibility, he lists the creation of a Democratic Steering Committee in the House, expanded powers of the Speaker in appointing Rules committee members, and expanded power of the Speaker in referrals and procedures. It is our contention here that the “responsive” reforms were the central ones, and that the democratic theory of the reformers led them to underestimate the need for “responsible” reforms.

David Rohde catalogues the 1970s reforms under a slightly different rubric, using categories of powers of committee chairs, collective control

40. Leroy Rieselbach, *Congressional Reform, 1986*, Appendix, pp. 155-58.

of power, and strengthening of the Democratic party and its leadership.<sup>41</sup> Committee chair reforms correlate with Rieselbach's responsiveness, strengthening leadership correlates with responsibility, and collective control of power consists of those dimensions of any reforms which give the caucus greater control over leaders and subcommittees and committees. Rohde argues that the responsiveness reforms were adequately balanced by both strengthened leadership and instruments of collective control, which together amounted to "conditional party government."

The following discussion concentrates on the DSG and its analysis of democratic theory and institutional maintenance. Unlike Rohde, we argue that they took the democratizing rhetoric too seriously, both within and without the chamber, and that this led to an overvaluing of responsiveness at the expense of responsibility, as well as a consequent failure to address institutional maintenance adequately. Our argument will pose the governance problem they faced, examine the reform rhetoric outside the chamber, explore the democratic assumptions of the DSG, and assess Rohde's alternative explanation in his claim of conditional party government.

During the 1950s and early 1960s, the inadequacy of the 1946 reforms became more and more apparent, as they neither checked the barons nor provided a feasible alternative. The DSG, founded as a liberal voice within the House Democratic Caucus in 1959, increasingly chafed during the 1960s under the oligarchic power of the barons and the power of establishment-oriented "control committees." Moreover, after Lyndon Johnson and with the prospect of Richard Nixon, there was virtually no support for executive force theories as a way of providing institutional guidance. How then to base reform theoretically? The major and dominant answer was to increase responsiveness through what we call naive Rousseauian democracy, i.e., the belief in available and spontaneous majoritarian sentiment generating automatic solutions. Clearly, democratizing the legislature could remove impediments by disestablishing existing centers of oligarchic power. But the rhetoric of democracy at the time went farther, to suggest that democracy itself could effectively equilibrate the body and provide both responsibility and institutional maintenance as well. Certainly events in the wider political culture added to this optimism. David Mayhew points out that 1963 through 1978 was an extended period of high policy output, what he calls a "surge" coinciding with a period of "public purpose" or "creedal Passion."<sup>42</sup> This

41. David W. Rohde, *Parties and Leaders in the Postreform House* (Chicago: University of Chicago Press, 1991), pp. 20-28.

42. David Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations 1946-1990* (New Haven, CT: Yale University Press, 1991), p. 145.

surge produced high levels of policy productivity despite divided government during most of the period. In such periods, congressional structure may not be so important, whereas in other periods, it matters for much. The mood was certainly right for calls to reform in the name of greater responsiveness to the “General Will,” with the removal of obstructions to its realization the chief and perhaps sole task to be accomplished.

The rhetoric of reform outside the body certainly mirrored these themes. Immediately before the reform period, Senator Joseph Clark (D-Pa) sounded the call for reform in his *Congress: The Sapless Branch*, which presents an analysis of institutional reform that stresses simple democracy but, written before the Vietnam war, still accepts the premise of executive leadership.<sup>43</sup>

Clark presents a shopping list of catastrophic problems, and he points to Congress as the central impediment to resolution of the problems, arguing that “during most of its history Congress has shown little capacity for effective action.”<sup>44</sup> His argument parallels that of James McGregor Burns,<sup>45</sup> i.e., that the founders underestimated the potential of democratic opinion, that they feared democratically directed state power too much and created not just checks and balances, but a “deadlock” in which divided institutions thwart democratic majorities. Clark’s fundamental assumption is that there are majorities ready and waiting and that removing the roadblocks will allow these cohesive majorities to work their will. Clark believes that this democratic impulse is best manifested as democratic nationalism and best measured by plebiscitary support for a popularly elected President. In effect, he says that Congress should be reformed internally and externally, and his list of reforms includes many of those adopted in the decade following publication of his book.<sup>46</sup>

Now Clark’s position is defensible in that his “democracy” flows from the executive force and party government strain of institutional analysis. Attractive or not, this answers the question of how to give responsibility and coherence to a diffuse legislature. This prescription will fail to the extent that we do not have strong Presidents leading strong parties, as in the period of ambiguity and turmoil that beset the presi-

43. Joseph Clark, *Congress: The Sapless Branch*, rev. ed. (New York: Harper Colophon Books, 1965), p. 30.

44. *Ibid.*, p. 23.

45. James McGregor Burns, *The Deadlock of Democracy* (Englewood Cliffs, NJ: Prentice Hall, 1963).

46. The one noticeable item not adopted is caucus discipline. As will be seen, the 1970s reformers wanted the participation without the discipline.

dency and organized parties beginning in the late 1960s. After Vietnam and the 1968 Democratic Chicago Convention, neither party government nor executive force theories find much place in reform rhetoric.

The emphasis now turns to democracy, with reformist rhetoric wanting neither tarnished and autocratic Presidents nor dictatorial party bosses. Increasingly, a democratizing paradigm spread across political and economic boundaries. In 1970, the prestigious New York-based Committee for Economic Development joined the call for reform in its publication *Making Congress More Effective*.<sup>47</sup> The document begins like most reform pieces by citing the great changes in the nation and the world, and arguing for a *new* and *modern* Congress. Two distinct but related themes, rationality and efficiency on the one hand and democracy on the other, permeate their recommendations. They propose “comprehensive review” in fiscal matters,<sup>48</sup> including the outline of what will become the core of the 1974 Budget Act:

eventual consolidation of legislative jurisdiction over all revenue, expenditure and related fiscal issues over a single Finance Committee of the House of Representatives, and that the Senate Committee structure should follow parallel lines.<sup>49</sup>

This provides formal centralization, but no substantive centralization of the budgeting process. No power is given to such a committee or to leaders to enforce its budgetary function. They want the committee system generally “modernized,” and call for “committee democratization,” including restriction of seniority, rotation of subcommittee chairs, a variety of restrictions on committee chairs, and a reliance on formal majority rule procedure in determining committee business.<sup>50</sup> There is virtually no mention of the need for more power for leaders. The entire thrust is that of limiting power, removing obstructions, and rationalizing processes so that democracy may work its will.

The power of the democratic ideology is obvious when we see almost identical reform proposals issuing from Ralph Nader and his Congress Project. Published in 1972 under the title *Who Runs Congress*, the Nader book argues that democratizing Congress is crucial to the nation’s sur-

47. Committee for Economic Development, *Making Congress More Effective* (New York: Committee for Economic Development, 1970).

48. *Ibid.*, p. 29.

49. *Ibid.*, p. 31.

50. *Ibid.*, p. 48.

vival.<sup>51</sup> Instead of the “General Will,” Nader uses the symbol of “the citizen” as the touchstone of wisdom and legitimacy. But what is at stake here is not the ultimate status of citizen sovereignty, but what one assumes about the *conditions under which* citizen sovereignty operates well. For Nader, the only conditions necessary are that citizens be told how the bad guys are fooling them and decreasing the power of the few. Nader and Green express the naive Rousseauian assumptions dramatically when they write:

Of the three branches of government, the executive and judicial may get away with being insulated from the citizenry, but Congress is potentially the branch most exposed to democratic demand. And so turning Congress around for the people is the most practical and immediate priority in improving the executive and judicial branches as well.<sup>52</sup>

The use of the term “democratic demand” is revealing. It intimates that, like economics, demand will yield equilibrium, and assumes a kind of automatic optimality for democratic opinion. One sentence sums up their philosophy of democratic institutions. They say that Congress is an institution “which can be run by the American people.”<sup>53</sup> Their proposals comprise a familiar litany of reforms: sunshine laws, democratization of committees, abolition of seniority, increases in staff and support services.

Given this climate of naive democratic rhetoric, what was the analysis of the DSG in their attempts to reform the institution? The reformers did have policy goals, and they saw democratization as the way to achieve them. In his chronicle of the DSG strategy debates, Rohde shows that the DSG reformers thought the central way to achieve policy goals was to remove the obstructionist powers of the anti-democratic barons. After the 1968 election, for example, the Democrats, still retaining a legislative majority, were faced precisely with the problem of how to legislate effectively in the face of a Republican president. By definition, there would be no Democratic executive force. Instead, they asserted that there was a cohesive majority ready and willing to act, which was simply frustrated by the barons. Rohde gives evidence that this was the dominant view of the DSG. Donald Fraser (D Minn) argued that “DSG must find some

51. Mark Green, James M. Fallows, David R. Zwick, *Who Runs Congress: The Ralph Nader Project* (New York: Bantam Books, 1972).

52. *Ibid.*, p. 2.

53. *Ibid.*

method to make the chairmen responsible to rank and file Democrats.”<sup>54</sup>

Similarly, Rohde quotes Burton Sheppard citing a memo outlining the original idea which led to caucus limitation of committee chair power:

A substantial portion of the blame for Congresses’s [sic] inability to legislate is attributable to the fact that too much power rests in the hands of a few men, most notably the committee chairmen.<sup>55</sup>

In Rohde’s analysis, there are three tracks of reform, two of which are democratizing, namely limiting committee chairs generally, and specifically exercising collective power over key committees, especially the control committees (Ways and Means, Appropriations, and Rules). Regulating the control committees was accomplished through a set of reforms taking away incentives and powers of these committees to regulate collective behavior. In Mayhew’s terms, the reforms stripped away the existing mechanisms of the chambers for specific sorts of institutional maintenance.

If Rohde is right that reformers in their democratizing efforts still had substantive policy goals, and if we assume that these included some desire to act responsibly, what must they have had in mind with respect to alternative sources of institutional maintenance? Clearly, it was neither executive guidance nor party government per se, for as Rohde notes “only a few reformers like Bolling were willing to place overwhelming power in the hands of the Speaker.”<sup>56</sup> The answer is self-regulating majoritarian sentiment. The reformers believed that if obstructions could be removed, majorities were available to produce desirable and sufficient policy outcomes.

“Collective control,” as evidenced by Fraser’s phrase “make people . . . responsible to rank and file Democrats,” assumes that rank and file Democrats want to and will balance budgets, allocate scarce resources within limits, and make hard and unpopular choices. The theory would work fine if one could count on there being sufficient consensus on policy and electoral goals within the caucus. On some issues, this was the case. But as Mayhew insists, self-regulating majorities cannot be relied upon across time without regulation either by strong party discipline or selective incentives for institutional maintenance.

54. Burton D. Sheppard, *Rethinking Congressional Reform* (Cambridge, MA: Schenkman Books, 1985), p. 40. Cited in Rohde, *Parties and Leaders in the Postreform House*, p. 18.

55. Sheppard, *Rethinking Congressional Reform*, p. 99. Cited in Rohde, *Parties and Leaders in the Postreform House*, p. 18.

56. *Ibid.*, p. 26.

But perhaps Rohde is right in his emphasis on a third track of reforms, aimed at giving some increase in leadership powers. These included the leadership role of the new Democratic steering committee, greater control over the Rules committee, and enhanced Speaker powers in certain scheduling, referral, and coordination activities.<sup>57</sup> Do they, along with collective control by the caucus, indicate a party government rather than a naive democratic paradigm? But in these reforms, power was to move in only one direction, from the bottom up. As Rohde observes, "Members were willing to enhance the leadership's influence over the agenda in order to facilitate moving legislation: they were not prepared to accept a dictatorship of the leadership that made decisions of legislative matters and then commanded the rank and file."<sup>58</sup> Rohde calls this bottom upwards regulation "conditional party government," with party responsibility if and only if there were widespread policy agreement among House Democrats. In this, "the members sacrifice a *limited* amount of their independence to the leaders, because the commonality of preferences ensures that most members would only rarely be pressured to take an action they do not prefer."<sup>59</sup>

The reformers believed that unregulated, unenforced, and undisciplined consensus (or at least very large majorities) was the necessary and sufficient condition of responsible institutional performance.

Rohde argues that the modest increase of leadership powers in "conditional party government" was necessary and, if allied with changes in party homogeneity and leadership style, sufficient to "effect the fostering of the majority party's ability to enact a party program."<sup>60</sup> He points especially to the dramatic increase in partisanship during Reagan's second term as measured by party votes and party unity scores, but Rohde is dealing with a relatively narrow definition of party. This is not necessarily wrong, but it does fail to address the specific problem of institutional maintenance. The modest increase in leadership powers was aimed at helping partisan majorities pursue partisan goals when suffi-

57. These are reforms chronicled by Rieselbach as "responsible."

58. Rohde, *Parties and Leaders in the Postreform House*, p. 31. Ironically, Rohde's description itself reflects a kind of naive democratic theory. His description of leadership powers as being "dictatorial" fits with the reformers' view that any violation of individual member's particular will should be prevented. Certainly leaders requiring the caucus to take a position on hard choices, and then enforcing majority opinion, is not simply dictatorial. The reformers apparently felt that only if there were large majorities, approaching consensus, should the leadership act in favor of the majority. This means that there will be inaction on many of the issues relating precisely to institutional maintenance.

59. *Ibid.*, p. 35, emphasis in original.

60. *Ibid.*, p. 14.

cient numbers and intensity existed, but it sidesteps the question of whether spontaneous partisan majorities need mechanisms to constrain and direct their partisan goals to avoid the worst consequences of the tragedy of the commons. Rohde points out, but does not give full weight to, the limitations of such simple majoritarian democracy. In different places, he admits that conditional party government (a) will not operate equally across areas (p. 31); (b) will operate only if there is sufficient common ground (p. 34); (c) could not operate during the 1970s on issues such as government management of the economy, foreign and defense policy, energy, environmental and consumer issues (p. 34); and (d) is perhaps only possible in those instances where there is a significant consensus (p. 119).

The modest leadership reforms of the 1970s did help aggressive speakers like Jim Wright enable large majorities of Democrats to pursue some partisan goals against a weakened Reagan in his second term. But this says nothing about tackling the tough and divisive issues surrounding institutional maintenance. The reformers democratized the power structure, and only provided leadership powers for instances when these large consensus majorities were already available.

Popular rhetoric, including that of the DSG reformers, overestimated self-equilibrating or naive Rousseauian democracy. Liberal reformers took their bearings from one historical sequence, and they attempted to build a general institutional theory out of it. The optimism of the early Kennedy years, the massive economic expansion of the economy in the 1950s and 1960s, our relative superiority to Russia, all gave the sense of semipermanent progressive majorities in both Congress and the nation. And this period of “public purpose” or “creedal passion” endured beyond the failure of Johnson. The reformers seemed to believe that democratic responsiveness could guide public policy even without a directing President or coherent disciplined parties. Disestablishment within Congress then meant making the process of social change easier and quicker.

But reformers had poor timing historically, for reformist democracy came precisely as history was changing. Rather than the non-zero-sum game of rising tides and Pareto optimal social policies, the oil shocks, stagflation and resurgent concern over the Soviets in the 1970s put us into a period of zero-sum choices. History at that point called for institutions that could make hard choices, sacrifices, and long-term decisions. The dilemmas of the logic of collective action surged to the forefront precisely as the congressional process reduced its capacity for reflection and leadership.

That there was some “resurgence” of Congress may be true. The

failure of the Nixon Presidency certainly aided Congress in its inter-institutional battle for power in fights over impoundment and war powers. But the false assumption was that the simple democratization of Congress with leadership only a conditional tool was, over the long haul, adequate to maintain its institutional role as lawmaker. The test of structures and reforms is whether they can withstand changing political times. As the nation moved into a period of exogenous economic disruption, when more and more choices became zero-sum, institutional maintenance in Congress declined precipitously.<sup>61</sup>

#### IV. Conclusion

Given the present state of Congress, the greatest irony of the reforms is that they aimed at restoring the role of Congress in the public mind and the constitutional balance. The 1946 reforms sought to make the Congress a worthy partner to the assumed virtue of a modern "Rooseveltian" presidency. The 1970s reforms decided that the presidency in the Nixonian mode had to be checked by allying Congress more closely with majoritarian sentiment. We have now seen that the alliance can run the other way. At present, the public appears to ally with Congress only on those items of special interest that benefit particular constituencies. In matters of war and peace, fundamental liberties, matters of moral and political culture, and matters of the shape and size of the national agenda, the presidency, controlled by one party, has become predominant.

If Congress is to regain its crucial role as an equal constitutional partner, we must rethink the ways in which democratic opinion is cumulated by institutions. This article has argued that much of the present institutional structure of Congress has arisen over the last several decades from a combination of views that together amount to a vision of democratic practice. The vision is so prevalent that a generation of present students has assimilated it with little reservation. A significant portion of the citizenry and academia continues to believe that the twin pillars of rational efficiency and simple democratic responsiveness will yield optimal policy outputs from Congress. As political scientists, we can surely predict that popular calls for reform in this new period will

61. No set of reforms solves all problems. And we do not suggest that the inadequacy of the reforms themselves was the single "cause" of the present situation of Congress. Divided government, exogenous economic changes, the ascendancy of foreign affairs, the continuing decline of party, have all obviously helped lead to the present dilemma. We are here trying to assess whether the theoretical vision of the institution was adequate to help it weather such vicissitudes.

include, along with calls for cure-all honesty, proposals for making Congress “more democratic” and “more efficient.” Anyone proposing “new” reforms for the Congress of the 1990s would do well to examine the history of reform thought to see if rationality and simple majoritarian democracy are adequate foundations for a theory of the U.S. Congress. Strong institutional leadership mechanisms need not be anathema to genuine democratic sentiment.<sup>62</sup> Conversely, there is no compelling reason to assume either that simple responsiveness to constituent demand will yield the general will or that efficiency will solve the problem of political legitimacy. They seem in our regime to have been a recipe for presidential aggrandizement.

62. At first glance the “democracy” movements worldwide and the recent dramatic events in the Soviet Union might reinvigorate belief in a spontaneous “General Will” arising out of spontaneous social movements. And yet even in these dramatic contingent events one finds elements of the need to organize, channel, and articulate democratic sentiment. In some ways the Eastern Europeans are more aware than we of the differing contexts of different forms of democratic control. Spontaneous mass uprisings or resistance need to be supplemented by institutions which, while being accountable to the peoples, deal with the difficult problems of collective choice that ensue.