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THE TWO CONGRESSES

“Congress is too old, they don’t have a stake in the game,” said 28-year-old Democratic primary candidate Alexandria Ocasio-Cortez.¹ A Congress in which the average House member was nearly 58 years old, she argued, pays insufficient attention to issues affecting young people and future generations, such as climate change and the rising costs of higher education and housing. “They won’t have to deal with 20-foot storm surges, but we will,” she noted, referring to current members.²

Ironically, Ocasio-Cortez’s opponent, Rep. Joe Crowley, D-N.Y., was himself seen as a member of a youthful, next generation of congressional leaders. At age 56, Crowley was more than two decades younger than any other top leader of the House Democratic party. First elected to Congress in 1998—when Ocasio-Cortez was eight years old—Crowley had risen to the number four position in the Democratic leadership hierarchy, on track to make a strong bid for House Speaker should those above him in the ranks retire or be edged aside.³ No doubt with this prospect in mind, Crowley had launched a national travel schedule in 2018, with April appearances in Cleveland, Seattle, and Chicago and plans for further stops through the summer to raise party funds as well as his own national profile.

But Crowley’s ambitions were cut short at the end of June 2018 when he lost his Democratic primary election to Ocasio-Cortez. The outcome surprised almost everyone. Only three weeks before the primary, Crowley’s team had shown him a poll where he led his rival by 36 percentage points.⁴ As a senior member of the House Ways and Means Committee, Crowley had no shortage of campaign money. He outspent Ocasio-Cortez by a ratio of 18 to 1.⁵ A Queens party boss who had not even faced a primary opponent since 2004, Crowley was felled by a millennial community organizer who had never held elected office. It was a decisive defeat. Ocasio-Cortez won by a lopsided margin of 15 percentage points. In January 2019, she was sworn in as the youngest woman to ever serve in the U.S. Congress.

Although surprising and extraordinary, the outcome of the 2018 primary in New York's Fourteenth Congressional District highlights fundamental truths about political representation. The work of Congress is conducted not only on Capitol Hill but also in states and districts hundreds or thousands of miles away. Crowley had distinguished himself in Washington, DC. A mainstream Democrat who also managed to cultivate friendly ties with Wall Street, Crowley was a prolific fundraiser. He was also the last remaining member of a group long viewed as up-and-coming leaders of the Democratic party. With other members, such as Rahm Emanuel, D-Ill., and Chris Van Hollen, D-Md., having moved on to elected offices beyond the House, Crowley had few obvious competitors as a future Democratic leader.⁶

But Crowley's ties to his constituents had frayed. Back in 2004, he bought a home in Arlington, Virginia, and his three New York kids attended Arlington public schools.⁷ Meanwhile, the demographics of his district were changing. Young, affluent gentrifiers were moving in, transforming communities in Queens, such as Astoria, Sunnyside, and Woodside. In addition, congressional redistricting after 2010 brought in new neighborhoods Crowley had never represented.⁸ Crowley's own political base and background were in Queens, but post-redistricting the Bronx made up 40 percent of his district. An old-fashioned Irish American urban politician, Crowley was an awkward fit for his new district, one of the most diverse in the country, in which 70 percent of residents were nonwhite, including substantial communities of Latino, African, and Asian immigrants. Focused on his national ambitions, Crowley had not kept pace building local connections to his changing district. New York City Council Member Danny Dromm said that he tried to warn Crowley, to no avail. The Queens Democratic machine that Crowley headed "does not know this district," Dromm said.⁹

Ocasio-Cortez was able to take advantage of Crowley's underappreciated vulnerabilities. With Crowley unfamiliar to many of his constituents, Ocasio-Cortez made herself ubiquitous. She pounded the pavement for months, shaking hands and building a network of connections. After she won the primary, she tweeted out a picture of her first pair of campaign shoes, a pair of worn out, hole-filled sneakers, with the caption: "Respect the hustle. We won [because] we out-worked the competition." For his own part, Crowley played into the worst stereotypes of an out-of-touch incumbent when he missed two primary debates in the district, sending surrogates in his place. Just before the primary, the *New York Times* ran an editorial titled, "If You Want to Be Speaker, Mr. Crowley, Don't Take Voters for Granted."¹⁰

Ocasio-Cortez also took advantage of new media and creative marketing to build her visibility in the constituency. On a limited campaign budget, she relied heavily upon social media, including Instagram, Twitter, and Facebook. Meanwhile, Crowley ran a traditional campaign of glossy mailers and flyers. Ocasio-Cortez's campaign video introducing herself went viral. In it, she detailed her Puerto Rican heritage, working class background, and deep roots in New York City. Crowley's campaign video, by contrast, had only been viewed

835 times on YouTube as of the primary. Ocasio-Cortez's colorful, nontraditional, eye-catching campaign flyers echoed those of Cesar Chavez and Dolores Huerta, Latino labor activists of the 1960s.¹¹ The goal was to brand her as a “revolutionary” leader in contrast to a comfortable political establishment.

Calling her opponent a “corporate Democrat,” Ocasio-Cortez eschewed corporate donations and emphasized her reliance on small donors. Whereas Crowley hired consulting firms for canvassing and get out the vote operations, Ocasio-Cortez relied upon activists in organizations such as Bronx Progressives, Black Lives Matter, and Brand New Congress.

Ocasio-Cortez also waged a campaign on an unapologetically progressive set of issue stances. In a district where 41 percent of voters had supported Bernie Sanders in the 2016 presidential primary, Ocasio-Cortez staked out positions in favor of Medicare-for-all, free public college, criminal justice reform, and abolition of the Immigration and Customs Enforcement agency. “If there is any seat in America that is advocating for the abolishment of ICE it should be NY14,” she said. “It is a district that is 85 percent Democratic. We have very little to risk by taking bold and ambitious positions.”¹² These left-of-center campaign pledges helped to distinguish her from her rival's more mainstream positions and burnished her image for courageous, fresh leadership. After the election, pundits and politicians debated whether her victory signaled a broader leftward shift among Democratic voters. But it is clear that Ocasio-Cortez's victory was based on more than her issue positions. Her district roots, accessibility, style, image, and personal history all bolstered her authenticity as a local representative.

The Crowley/Ocasio-Cortez primary illustrates central themes of this book. No matter how much members of Congress distinguish themselves as lawmakers or Beltway insiders, they also have to distinguish themselves in the eyes of local constituents. There is no question that Crowley had a long career and promising trajectory in Congress, but a successful representative cannot rest on laurels won in Washington. Ambitious potential challengers back in the district are always watching for early signs of weakness. For this reason, lawmakers must win and continually renew bonds of trust with their constituents. These bonds rest on constituents' sense of connection to their representatives. Members must maintain personal relationships and open lines of communication. Constituents may not always understand the details of national policy debates, but they know whom they trust—and whom they doubt.

THE DUAL NATURE OF CONGRESS

Joe Crowley's surprising defeat underscores the dual nature of Congress. Members of Congress must continually inhabit two very different but closely linked worlds. There is the diverse world of New York's Fourteenth Congressional District, one that encompasses both white-ethnic and young hipster communities in Queens as well as Latino and African American communities in the Bronx. Then,

there is the world of Washington policy making, where Crowley had cultivated a reputation as one of the Democratic Party's up-and-coming leaders. The balance is often difficult to strike. Such tensions highlight the dual character of the national legislature—Congress as a lawmaking institution and Congress as an assembly of local representatives.

In this sense, there are two Congresses. One is the Congress of textbooks, of “how a bill becomes a law.” It is Congress acting as a collegial body, performing constitutional duties, and debating legislative issues that affect the entire nation. This Congress is a fascinating arena in which all of the forces of U.S. political life converge—presidents, cabinet members, career bureaucrats, activists, lobbyists, policy wonks, military leaders, and ambitious political entrepreneurs of every stripe. This Congress is more than a collection of its members at any given time. It is a mature institution with a complex network of rules, organizations, and traditions. Norms mark the boundaries of the legislative playing field and define the rules of the game. Individual members generally must accept Congress on its own terms and conform to its established ways of doing things.

A second Congress exists as well, and it is every bit as important as the Congress portrayed in textbooks. This is the representative assembly of 541 individuals (100 senators, 435 representatives, 5 delegates, and 1 resident commissioner). This Congress includes men and women of many different ages, backgrounds, and routes to office, all doing what is necessary to maintain political support in their local constituencies. Their electoral fortunes depend less on what Congress produces as a national institution than on the policy positions they take individually and the local ties they build and maintain. “As locally elected officials who make national policy,” observes Paul S. Herrnson, “members of Congress almost lead double lives.”¹³

The two Congresses are, in many ways, separated by a wide gulf. The complex, often insular world of Capitol Hill is far removed from most constituencies, in perspective and outlook as well as in miles. Lawmaking and representing are separate tasks, and members of Congress recognize them as such. Yet these two Congresses are bound together. What affects one affects the other—sooner or later.

Legislators' Tasks

The duality between institutional and individual duties permeates legislators' daily activities and roles. As Speaker Sam Rayburn, D-Tex., once remarked, “A congressman has two constituencies—he has his constituents at home, and his colleagues here in the House. To serve his constituents at home, he must also serve his colleagues here in the House.”¹⁴

No problem vexes members more than that of juggling constituency and legislative tasks. For maintaining local connections, members know that there is no substitute for being present in their states and district. Congressional calendars allow for lengthy recesses, termed district work periods, and most legislative weeks are scheduled from Tuesday to Thursday. “I can tell you based on my

experience . . . that time spent in our districts is not ‘time off,’” observed Rep. Rob Bishop, R-Utah.¹⁵ On average, between 2010 and 2019, Congress was in session for 104 days a year, about one out of every three days.¹⁶ Members spend much of the rest of their time at home among their constituents.

Reelection is the paramount operational goal of members of Congress. As a former representative put it, “All members of Congress have a primary interest in getting reelected. Some members have no other interest.”¹⁷ After all, politicians must win elections before they can achieve any long-range political goals. “[Reelection] has to be the proximate goal of everyone, the goal that must be achieved over and over if other ends are to be entertained,” David R. Mayhew observed in *Congress: The Electoral Connection*.¹⁸

Individual legislators vary in how they balance the twin roles of legislator and representative. Some legislators devote more time and resources to lawmaking while others focus almost entirely on constituency tending. With their longer terms, some senators stress voter outreach and fence mending during the two years before reelection and focus on legislative activities at other times. Yet senatorial contests normally are more competitive and costlier than House races, and many senators now run for reelection all the time—like most of their House colleagues.¹⁹ Most senators and representatives would like to devote more time to lawmaking and other Capitol Hill duties, but the press of constituency business is relentless.²⁰

Popular Images

The notion of two Congresses also conforms to the average citizen’s perceptions. The public views the U.S. Congress differently from the way it sees individual senators and representatives. Congress, as an institution, is perceived primarily as a lawmaking body. It is judged mainly on the basis of citizens’ overall attitudes toward politics, policy processes, and the state of the Union. Do people like the way things are going or not? Do they feel that Congress is carrying out its duties effectively? Are they optimistic or pessimistic about the nation’s future?

In contrast with their expectations of Congress as a whole, citizens view their own legislators in great part as agents of local concerns. People judge individual legislators by yardsticks such as communication with constituents, their positions on prominent issues, service to the district, and home style (the way officeholders present themselves in their districts or states). In judging their senators or representatives, voters ponder questions such as “is the legislator trustworthy? Does the legislator communicate well with the state (or district) by being visible in the constituency and offering timely help to constituents? Does the legislator listen to the state (or district) and its concerns?”²¹

The public’s divergent expectations of Congress and its members send conflicting signals to senators and representatives. Congress, as a whole, is judged by the processes it uses and the policies it adopts (or fails to adopt), however vaguely voters understand them.²² But individual legislators are regularly nominated and

elected to office on the strength of their personal qualities, the positions they take, and their constituency service. In response to this incongruity, officeholders often adopt a strategy of opening as much space as possible between themselves and those other politicians back in Washington.

The Constitutional Basis

Congress's dual nature—the dichotomy between its lawmaking and representative functions—is dictated by the U.S. Constitution. Congress's mandate to write the nation's laws is found in Article I of the Constitution. By contrast, Congress's representational functions are not specified in the Constitution, although these duties flow from the constitutional provisions for electing senators and House members.

It is no accident that the Constitution's drafters devoted the first article to establishing the legislature and enumerating most of the government's powers. Familiar with the British Parliament's prolonged struggles with the Crown, the authors assumed the legislature would be the chief policy-making body and the bulwark against arbitrary executives. "In republican government, the legislative authority necessarily predominates," observed James Madison in the *Federalist Papers*.²³

Although, in the ensuing years, the initiative for policy making has shifted many times between the legislative and executive branches, the U.S. Congress remains virtually the only national assembly in the world that drafts, in detail, the laws it passes instead of simply debating and ratifying measures prepared by the government in power.

The House of Representatives was intended to be the most representative element of the U.S. government. House members are elected directly by the people for two-year terms to ensure that they do not stray too far from popular opinion. As Madison explained, the House should have "an immediate dependence on, and an intimate sympathy with, the people."²⁴ For most representatives, this two-year cycle means nonstop campaigning, visiting, and looking after constituents.

The Senate was initially one step removed from popular voting. Some of the Constitution's framers hoped the Senate would temper the popular passions expressed in the House, so under the original Constitution, state legislatures selected senators. But this original vision was ultimately overruled in favor of a Senate that, like the House, directly expresses the people's voice. In 1913, the Seventeenth Amendment to the Constitution was adopted, providing for direct popular election of senators. Although elected for six-year terms, senators must stay in close touch with the electorate. Like their House colleagues, senators typically regard themselves as constituency servants. Most have transformed their office staffs into veritable cottage industries for generating publicity and handling constituents' inquiries.

Thus, the Constitution and subsequent historical developments affirm Congress's dual functions of lawmaker and representative assembly. Although the roles are tightly bound together, they nonetheless impose separate duties and functions.

Back to Burke

On November 3, 1774, in Bristol, England, the British statesman and philosopher Edmund Burke set forth in a speech the dual character of a national legislature. The constituent-oriented parliament, or Congress, he described as

a Congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates.

The parliament of substantive lawmaking he portrayed in different terms. It was a deliberative assembly of one nation, with one interest, that of the whole—where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole.²⁵

Burke preferred the second concept and did not hesitate to let his voters know it. He would give local opinion a hearing, but his judgment and conscience would prevail in all cases. “Your faithful friend, your devoted servant, I shall be to the end of my life,” he declared. “A flatterer you do not wish for.”²⁶

Burke’s Bristol speech is an enduring statement of the dilemma legislators face in balancing their two roles. Burke was a brilliant lawmaker. (He even sympathized with the cause of the American colonists.) But, as might be said today, he suffered from an inept home style. His candor earned him no thanks from his constituents, who turned him out of office at the first opportunity.

Burke’s dilemma applies equally on this side of the Atlantic. U.S. voters tend to prefer their lawmakers to be delegates who listen carefully to constituents and follow their guidance. During an encounter in Borger, Texas, an irate Baptist minister shouted at then-representative Bill Sarpalius, D-Tex., “We didn’t send you to Washington to make intelligent decisions. We sent you to represent us.”²⁷ Sarpalius was later defeated for reelection.

Representing local constituents is not the whole story, of course. Burke’s idea that legislators are trustees of the nation’s common good is still extolled. In a 1995 decision, U.S. Supreme Court Justice John Paul Stevens noted that, once elected, members of Congress become “servants of the people of the United States. They are not merely delegates appointed by separate states; they occupy offices that are integral and essential components of a single national Government.”²⁸

Many talented individuals seek public office, often forgoing more lucrative opportunities in the private sector, precisely because they believe strongly in a vision of what government should do and how it should do it. For such legislators, winning office is a means to a larger end. It is reasonable to assume that elected officials “make an honest effort to achieve good public policy.”²⁹

Burke posed the tension between the two Congresses so vividly that we have adopted his language to describe the conceptual distinction that forms the crux

of this book. From Burke, we have also drawn the titles for Part II, “A Congress of Ambassadors,” and Part III, “A Deliberative Assembly of One Nation.” Every member of Congress, sooner or later, must come to terms with Burke’s dichotomy; citizens and voters will also have to form their own answers.

THE TWO CONGRESSES IN COMPARATIVE CONTEXT

A look around the world reveals that most democracies differ from the United States in how they elect legislators. Members of Congress are selected by means of the oldest form of elected democratic representation: a plurality vote within geographic constituencies. By contrast, most other advanced democracies elect legislative representatives under systems of proportional representation (PR), a more recent innovation in democratic institutions. Many varieties of PR are in use, but compared with the U.S. electoral system, these systems tend to tie legislators more closely to their political parties than to local constituencies. In this way, PR systems somewhat alleviate the difficult trade-offs that members of Congress face as they attempt to balance national lawmaking with attention to local constituencies.

PR systems rest on the basic principle that the number of seats a political party wins in the legislature should be proportional to the level of support it receives from voters. If a political party wins 40 percent of the vote overall, then it should receive about 40 percent of the seats. In other words, these systems explicitly assume that political parties are more important than geographic locales to voters’ values and political interests.³⁰ Most commonly in these systems, the parties put lists of candidates before the electorate. The number of a party’s candidates to be seated in the legislature from those lists then depends on the percentage of voters supporting that party in legislative elections. To a greater extent than is true of members of the U.S. Congress, candidates elected in PR systems thus serve as representatives of their party’s policy goals and ideological commitments.

Legislators in PR systems face fewer dilemmas about how to balance local constituency politics with national party platforms. Indeed, some PR systems, such as those in Israel and the Netherlands, do not tie representatives to local geographic constituencies at all; legislators represent the entire nation. Other countries, such as Austria and Sweden, elect multiple representatives from regional districts. Such districts are not captured by a single party on a winner-take-all basis. (This is the system used in the United States, where each constituency has only one representative.) Districts in which more than one political party enjoys a meaningful level of voter support will elect representatives from more than one party, with each legislator representing those voters who supported his or her party. Some countries, such as Germany, Italy, and New Zealand, use a mixed system, with some representatives elected in individual geographic constituencies

and others drawn from party lists to ensure proportionality. In all “PR” cases, citizens and legislators alike recognize that the system is primarily designed to ensure that voters’ party preferences are proportionally represented.

Members of the U.S. Congress, by contrast, officially represent all residents of their geographic constituency—a difficult task. The constituents grouped together within congressional districts often have little in common. Indeed, constituencies can be very diverse in terms of race, class, ethnicity, religion, economic interests, and urbanization. The largest states are often microcosms of the nation. Some constituencies are narrowly divided in terms of partisanship and ideology, forcing representatives to cope with continual local controversy about their stances on national issues. Some members of Congress face the challenge of representing constituents who lean toward the opposing party.

In attempting to represent their whole state or district, some senators and House members attempt a “lowest common denominator” form of representation, de-emphasizing their party affiliation and their opinions on controversial national issues. Instead, they advertise their personal accessibility to constituents, focus on narrow, localized concerns, and dodge hot-button questions whenever they can.³¹ This strategy is most appealing to members representing swing or cross-pressured states and districts. But, to an important extent, the U.S. system of representation encourages a focus on parochial matters among lawmakers generally. Members see themselves, at least to some degree, as attorneys for their constituencies.

Even though the U.S. system of representation does not recognize the importance of political parties in the way that PR systems do, members of Congress have nevertheless become far more closely tied to their parties in recent decades. Lawmakers vote with their parties much more reliably than they did in the 1950s and 1960s. The sources of this increased partisanship are many, but it has corresponded with an increasingly partisan ideological polarization in the activist base of both political parties. “The American public has become more consistent and polarized in its policy preferences over the past several decades,” writes Alan I. Abramowitz, “and this increase in consistency and polarization has been concentrated among the most politically engaged citizens.”³² At the same time, the politically engaged public has also sorted itself into more ideologically coherent political parties, with fewer liberals identifying with the Republican Party and fewer conservatives identifying with the Democratic Party.³³ Consequently, relatively few voters split their tickets today by voting for one party’s presidential candidate and another party’s congressional candidate. These trends have reduced the cross-pressures that members face as they attempt to balance their roles as constituency representatives and national policy makers. More members are able to cooperate with their national party leaders without endangering the support of an electoral majority in their constituency. At the same time, a body of members responding to this more polarized activist base may have a harder time engaging in genuine deliberation and crafting workable legislative compromises.

All members must constantly cultivate the local roots of their power as national legislators. Yet Congress is one body, not two. The same members who

attempt to forge national legislation in committee and on the floor must rush to catch planes back to their districts, where they are plunged into a different world of local problems and personalities. The same candidates who sell themselves at shopping centers also shape the federal budget or military weapons systems in the nation's capital. The unique character of Congress arises directly from its dual role as a representative assembly and a lawmaking body.

DIVERGENT VIEWS OF CONGRESS

Congress is subject to intense scrutiny, as the huge array of books, monographs, blogs, and articles devoted to it attest. Many of its features make Congress a favorite object of scholarly attention. For one thing, it is relatively open and accessible, so it can be approached by traditional means—journalistic stories, case studies, normative assessments, and historical accounts. It is also amenable to the analytic techniques of social science. Indeed, the availability of quantitative indicators of congressional work (floor votes, for example) permits elaborate statistical analyses. Its rule-governed processes allow it to be studied with sophisticated formal models. And Congress is, above all, a fascinating place—the very best location from which to view the varied actors in the U.S. political drama.

Writers of an interpretive book on the U.S. Congress thus can draw on a multitude of sources, an embarrassment of riches. In fact, studies of Congress constitute a vast literature. This is a mixed blessing because all of this information must be integrated into a coherent whole. Moreover, the scholarly writing is often highly detailed, technical, and theoretical. We have tried to put such material in perspective, make it accessible to all interested readers, and use illustrative examples wherever possible.

Meanwhile, a gaping chasm exists between this rich scholarly literature and the caricature of Congress prevalent in the popular culture. Humorists from Mark Twain and Will Rogers to Stephen Colbert, John Oliver, Jimmy Kimmel, and Samantha Bee have found Congress an inexhaustible source of raw material. Citizens tend to share this disdain toward the legislative branch—especially at moments of furor over, say, ethics scandals or difficult legislative fights. When legislators are at home with constituents, they often reinforce Congress's poor image by portraying the institution as out-of-touch with reality. As Richard F. Fenno puts it, members “run *for* Congress by running *against* Congress.”³⁴

The picture of Congress conveyed by the media is scarcely more flattering. Journalistic hit-and-run specialists perpetuate a cartoon-like stereotype of Congress as “a place where good ideas go to die in a maelstrom of bureaucratic hedging and rank favor-trading.”³⁵ News magazines, editorial writers, and nightly news broadcasts regularly portray Congress as an irresponsible and somewhat disreputable gang, reminiscent of Woodrow Wilson's caustic description of the House as “a disintegrated mass of jarring elements.”³⁶

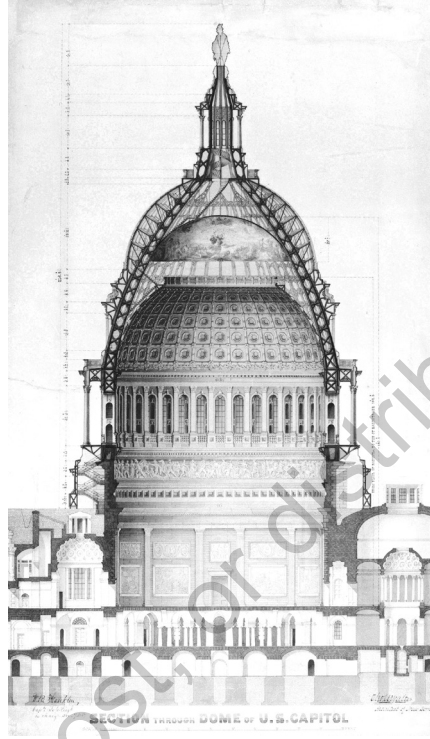
To comprehend how the two Congresses function—both the institution and individual members—popular stereotypes must be abandoned and the complex realities examined. Citizens' ambivalence toward the popular branch of government—which goes back to the beginnings of the republic—says something about the milieu in which public policy is made. We believe we know our subject well enough to appreciate Congress's foibles and understand why it works the way it does, yet we try to maintain a professional, scholarly distance from it.

According to an old saying, two things should never be viewed up close: making sausages and making laws. Despite this warning, we urge readers to take a serious look at the workings of Congress and form their own opinions. Some may recoil from what they discover. Numerous flaws can be identified in members' personal or public behavior, in their priorities and incentive structures, and in lawmaking processes generally. Recent Congresses especially have displayed troubling tendencies, including rushed legislation, extreme partisanship, frequent gridlock, and abdication of legislative power to the executive branch.³⁷

Yet careful observers will also discover much behavior in Congress that is purposeful and principled and many policies that are reasonable and workable. We invite students and colleagues to examine with us what Congress does and why—and to ponder its values and its prospects.

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Thomas Ustick Walter

Library of Congress



Refreshing Congress. The United States Capitol Dome was constructed more than 150 years ago from a design by architect Thomas U. Walter. The Dome recently underwent a major renovation to restore its original grandeur, which had been gradually eroded by age and weather. Just as the physical appearance of the Capitol has undergone many changes over the years, the institutions of Congress have developed over many decades as members have adapted to new challenges and opportunities.