

# P r e f a c e

In its physical presence, the Capitol symbolizes our national political life. In this magnificent building, one senses the history of the nation. Paintings depict historical events. Visitors listen to whispers at the location of John Quincy Adams's desk in the Old House Chamber, now National Statuary Hall. Busts of the vice presidents, who served as presidents of the Senate, line the Senate chamber and corridors. Presidents are inaugurated at the Capitol, and they deliver their State of the Union addresses in the House chamber. When one walks the Capitol corridors, one feels the presence of presidents, of renowned and nearly forgotten members of Congress, and of millions of visitors. It is in the Capitol Rotunda that a few Americans have lain in state, most recently President Ford. This is the place where national and foreign dignitaries have come to witness history or to be a part of it, from the Marquis de Lafayette to Julia Ward Howe to Frederick Douglass to Winston Churchill to the Apollo astronauts to Nelson Mandela.

Most importantly, the Capitol houses Congress. The Congress that the founding fathers designed over 200 years ago has been a strong and vibrant institution throughout its history. More than 11,800 members have served in the House and Senate. They have come from all walks of life, from privileged backgrounds and from lives of hardship, and at different ages and times in their careers and lives. Each member comes to Congress with parochial concerns, but, as a legislature, Congress acts for the entire nation.

While many Americans might think first of the president when they think of the federal government, the founding fathers placed Congress first in the Constitution, in Article I. They gave it authority "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers [enumerated in Article I], and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." (*Art. I, sec. 8, cl. 18.*) Our democratic system of representative government is centered on a strong, independent legislative branch. Our government is not a parliamentary democracy with a party's or coalition's control of both the executive and legislature and the prime minister and cabinet drawn from the parliamentary majority.

The founding fathers created an open institution, and the men and women who have served in Congress have fostered that openness. The Capitol and congressional office buildings are physically open to visitors every day. Even with the increased security concerns following the tragic events in the fall of 2001, Congress has tried to accommodate its own and the citizenry's desire to meet and visit and observe in the Capitol and the congressional office buildings.

All but a few committee meetings are open to anyone who wishes to attend, and the rules of the House and Senate essentially require meetings to be open. One can sit in the House and Senate visitors' galleries and watch floor proceedings, or stay at home or at the office and watch the proceedings live on television. Journalists have ready access to members, committee meetings, and floor proceedings, and report news in every medium. Votes

cast by individual members in committee and on the House floor are readily available to the public in both congressional documents and private print and electronic publications. Anyone can request a meeting with his or her representative or senator, and will be accommodated if at all possible. With its openness, Congress mediates between the federal government and the American people.

The founding fathers and the men and women who have served in Congress have also created a system of parliamentary procedures that values political consensus and, thus, makes legislation difficult to enact into law. The Constitution requires majority support on a measure in each chamber before the measure is sent to the president, who can then veto it. Unless a two-thirds majority in each chamber votes to override a president's veto, the measure dies. House rules generally enable a majority to work its will, but the rules still protect the minority party or minority viewpoint in many ways. Senate rules protect individual senators' prerogatives in nearly all instances, making it difficult for Senate leaders to process legislation.

Because of this openness, difficulty in enacting legislation, and Congress's political nature, it is easy to criticize Congress. In the best American tradition, we satirize politicians for their human and political foibles. Mark Twain long ago commented, "It could probably be shown by facts and figures that there is no distinctly native American criminal class except Congress." Will Rogers also satirized Congress; yet, his statue stands today in the Capitol. It faces the center doors to the House of Representatives where he could "keep an eye on Congress" for the country. (*See* § 6.10.)

But, for its foibles, it is in Congress that slavery was debated, the West was opened to homesteaders, a national economy was fostered, war was declared on five occasions, the rights of labor were secured, GIs returning from World War II were given new opportunities, the vote was extended step-by-step to every adult American, and federal financial support for education at all levels, health care, retirement security, and other programs of national welfare were enacted. Demagogues and bad public policy have held sway at times, but other forces in Congress arose ultimately to defeat them. The ability of Congress to correct course, usually because it has heard the voice of the people, is a unique and valuable part of our political heritage.

Is it possible for members of Congress, congressional staff, Capitol Hill visitors, and congressional critics to understand all that Congress has been and can be? It is easy to lose that perspective when mired in daily toil and daily headlines. Who fully appreciates the continuity of the Constitution and of Congress as its enduring embodiment? Few probably reflect regularly or at all on the Constitution. One has a sense that many think of the Constitution as a document from long ago rather than as the beacon that guides government day after day. Who outside Congress learns more than a few facts about the legislative process or tries to understand its impact on lawmaking? Even the number of scholars who study the legislative process is small. How do members, staff, visitors, and critics think

about the complexities of the relationship among the three branches of government? Do they know the many options and opportunities available? It is tempting to focus, as the media often do, on who is “up” and who is “down” on a given day or political topic, as though each day of policymaking in Congress is part of a baseball season rather than an ongoing constitutional activity.

In this book we share our observations and experiences with readers who study Congress, who work there as members or staffers, who cover the institution as journalists, or who try to influence it as advocates, lobbyists, or citizens. Scores of books and studies about Congress are published each year. Some address legislative or budget procedures. Others detail documents that are generated on Capitol Hill or catalogue available Internet resources. Some explore an aspect of congressional history, or tell the story of Congress through a biography, voting patterns, leadership styles, or individual legislation. This book owes much to earlier books and studies. In some ways, it is a synthesis of these publications; in other ways, it is a complementary volume.

We decided that another book on Congress was not superfluous, but should provide as much practical information on the operations of this institution as possible in one volume. In this book, we cover legislative, budget, and special procedures; how various procedures relate to each other; the forms and impact of political competition on Capitol Hill; overviews of the election, lobbying, and ethics laws and rules that regulate congressional behavior; the work of congressional, committee, and administrative offices; the variety of congressional documents; and how to conduct research on Congress.

Young and idealistic, we came to the Congress as staffers over thirty years ago. We wanted to make a difference and take part in the next evolution of a 200-year tradition. Between us, we worked for individual members and committees and for different parties. Both of us now work for a nonpartisan legislative support agency. Thirty years later, we are still excited to be working in the Capitol and congressional office buildings and assisting members and staff in their work.

Experience has not tempered our idealism or awe. It has added realism. We appreciate Congress’s greatness, in part because we understand its weaknesses. One must see Congress as a whole and in its parts, and recognize that understanding comes in knowing the relationship between them. One must look not only at a member’s committee assignments, but at what those assignments may mean for policy outcomes. One must consider not only rules and procedures, but what strategic and tactical choices members face each day. Dozens of documents are generated daily, and one must know their significance. As this book explains, beginning on the first page, when Congress acts, it is a complex process that has four indivisible aspects—people, politics, policy, and procedure.

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