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Making "The First Branch" First: A Radical Structural Proposal*

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I

We intend in this brief and hopefully provocative essay to propose radical structural changes in the United States Congress. Although we do not, of course, expect to see our proposals implemented, neither do we conceive ourselves as being engaged in a vacuous exercise. Our purpose is threefold. First, we hope to demonstrate that the inability of Congress to perform well its legislative and representative responsibilities are structurally induced — and could, therefore, be structurally corrected. In this we join those naive constitutionalists who assume that the attainment of desirable political goals can be facilitated by devising "a more perfect structure" of government.¹ Secondly, we intend to challenge the perhaps prevalent opinion that the "lawmaking and representational functions" of Congress are in necessary conflict — such that, for instance, increasing legislative efficiency would necessarily decrease representational efficacy.² Finally, we expect to contribute to the traditional reform literature on Congress, not by offering another set of "realistic" or piecemeal reforms (so characteristic of this literature) but, on the contrary, by suggesting reforms so radical, so outlandish and "utopian," as to incite re-thinking, even "free-thinking," on the subject.³

¹ Alexander Hamilton, *The Federalist Papers*

² Peter K. Eisinger, et. al., *American Politics* (Boston: Little, Brown and Company, 1978), p. 142. See also, e. g., Richard F. Fenno, Jr., "If, as Ralph Nader Says, Congress Is 'the Broken Branch,' How Come We Love Our Congressman So Much?," in Norman J. Ornstein, ed., *Congress in Change* (New York: Praeger, 1975), pp. 277-287.

³ Perusal of the contemporary reform literature indicates that "moderation" and "realism" are characteristically prescribed on the ground that only moderate reforms have a chance of success. Besides the fact that such a prescription automatically undercuts more imaginative exercises (such as the one here), the tendency to restrict proposals to so-called "practical" reforms often results in the prescribing of reforms which are insufficient, superficial and/or inadequate for realizing either specific postulated goals, or the theoretical premises and normative ideals underlying the recommendations. Even the collection of essays edited by Alfred de Grazia, which proceed on the premise that Congress ought truly to be "the first branch," provides a series of proposals (summarized on pp. 457-493) primarily notable for their moderation. See Alfred de Grazia, ed., *Congress: The First Branch* (Washington: American Enterprise Institute for Public Policy Research, 1966).

There are, of course, some exceptions, such as Michael Harrington's proposal for a parliamentary type system as briefly described by Ted Szulc, "Is Congress Obsolete?," *Saturday Review* (March 3, 1979), p. 23.

Generally, our proposed reforms are designed to enhance Congressional legislative performance on the one hand and, on the other, to make more likely both issue voting and agency representation. With respect to the first of these goals, the structural changes are intended to increase the legislative expertise of Congressmen, the efficiency or speed with which legislation is developed, considered and passed, and the ability of Congress to engage in and to oversee comprehensive, nationally oriented, legislative programs and plans. With respect to the second of these goals, the reforms are expected to bring into existence at least some of the conditions necessary for mandate elections and to expand significantly the impact of voter preferences on Congressional decision-making.

We begin by sketching the structurally induced weaknesses with respect to Congressional law-making and representation; and we then outline and try to justify our proposals.

II

Public dissatisfaction with Congress, as with government generally, is well documented.⁴ The increased visibility of both Congress and Congressmen, the growth of a more activist and educated public, and especially the enlargement of the Congressional agenda perhaps constitute the underlying causes of this phenomenon. Certainly media coverage — exposing scandals large and small and making more visible Congressional ineptness and inefficiency in the making of public policy — together with the increased technological capacity and personal willingness of Congressmen to engage in electronic media campaigns and continuous constituent contact and service, have made more visible (and will continue to make more visible) members of Congress to both the public at large and to their constituents. Increased visibility, in turn, has allowed members of Congress to serve as focal points for constituent expression of dissatisfaction with perceived governmental, and especially Congressional, performance.⁵

Concomitantly, and perhaps more fundamentally, the tremendous expansion of the federal government — and so the Congressional agenda — since the New Deal has further increased dissatisfaction with Congress. Whether this expansion followed, mirrored or fostered rising citizen demand, need and expectation is not here a crucial issue; what is crucial is the recognition that as

⁴ See, e. g., Roger H. Davidson, David M. Kovenock, and Michael K. O'Leary, *Congress in Crisis* (Belmont, Calif.: Wadsworth Publishing Company, Inc., 1966); "Congressional Unpopularity: Five Views from the Inside," *Congressional Quarterly Weekly Report* (March 9, 1974), pp. 600-603; Glenn R. Parker, "Political Beliefs about the Structure of Government: Congress and the Presidency," *American Politics Series*, Sage Professional Papers (Series #04-018, 1974), pp. 14-17; and Szulc, "Is Congress Obsolete?," pp. 20-23.

⁵ On the increasing visibility of Congress and Congressmen see, e. g., Michael Reagan, *The New Federalism* (New York: Oxford University Press, 1972); Parker, "Political Beliefs about the Structure of Government: Congress and the Presidency"; and Kenneth G. Olson, "The Service Function of the United States Congress," in de Grazia, ed., *Congress: The First Branch*, esp. pp. 345-346.

the number, type and scope of issue areas considered by Congress expanded, and as federal intervention into all aspects of American life grew, dissatisfaction on the part of the public was bound to increase as well. Indeed, it seems axiomatic that, as the scope of governmental policy-making and administration grows, governments must reduce the ratio of dissatisfaction to volume of governmental activity in order just to maintain constant levels of dissatisfaction expression. Yet the growth in scope simultaneously produces size and coordination problems which mitigate the possibilities of constant or lowered dissatisfaction rates.

That public dissatisfaction with Congress is high is thus by no means surprising. And while public criticism of Congress is frequently poorly informed on specific details, occasionally inarticulate and sometimes unfair, what might be termed the basic thrust of citizen dissatisfaction — that Congress as an institution is not coping adequately and responsibly with the complexities of governing a democratic, diverse, technologically sophisticated society — is surely legitimate. Certainly Congressional scholars, as well as other Congressional observers and critics, recognize this: a good deal of the literature on Congress can in fact be read as if the authors set out to document, and then to explain and/or critique, the difficulties Congress has in performing well its constitutionally mandated, and/or its recently expanded, duties and activities.⁶

The most important tasks of Congress concern its legislative duties on the one hand and its representative responsibilities on the other. With respect to legislation, the most common criticisms of Congress concern its inefficient, disjointed manner of processing legislation and its inability to respond, in any responsible way, to national needs, programs and planning. We contend that these weaknesses are primarily structurally induced; that the inefficient, disjointed and diffuse legislative process characteristic of Congress is primarily due to two empirically interrelated, but analytically distinct, structural features: constituency base and internal fragmentation. Both of these factors have been much discussed in the literature.

By referring to the "constituency base" we mean to underscore the well worn observation that Congress is an allegedly national institution composed of members whose focus and loyalty tends to be localized.⁷ Since individual members of Congress are ultimately responsible to local and/or state parties, interests, groups and voters, achieving consensus, and responding to national issues and needs, is difficult at best. Localization enhances legislative inefficiency, fragmentation and conflict because it institutionalizes diverse interests,

⁶ An excellent overview of the reform literature, and of the view of Congressional scholars and journalists, is provided by Davidson, Kovenock, and O'Leary, *Congress in Crisis*, ch. 1 and pp. 38-47.

⁷ See, e. g., Andrew Hacker, "The Elected and the Annoyed," *American Political Science Review* 55 (1961), pp. 539-549; J. N. Rosenau, *National Leadership and Foreign Policy* (Princeton: Princeton University Press, 1963); and Samuel P. Huntington, "Congressional Response to the Twentieth Century," in David B. Truman, ed., *The Congress and America's Future* (Englewood Cliffs, New Jersey: Prentice-Hall, 1965), pp. 5-31.

needs and values. Not only does localization constrain national orientation and impede efficiency; it also makes very difficult achieving any sort of national leadership, whether such leadership be imposed from without by parties or Presidents or from within by caucuses or Congressional leaders.

In addition to localization, legislative efficiency and responsibility is hampered by the internal fragmentation of Congress. Congress has always been structurally fragmented to some extent: bicameral, for example, and with specialized committees in each house. However, as policy agendas, issue domains and responsibilities have expanded, fragmentation and specialization have necessarily increased. So too, recent reforms seem to have contributed at least as much to the decentralization of structure and power as they have to fiscal responsibility, caucus control or the enhancement of Congressional power vis-à-vis the executive branch.⁸ The efficiency with which decisions are made and legislation passed thus remains severely impaired. Internal specialization within each house forces a lengthy sequential process, with hearings, investigations and debates potentially occurring at the subcommittee, committee and full house levels. In the House of Representatives, the Rules Committee serves further to fragment the process there, while bills requiring expenditures must in each house also pass through a network of budget and appropriations subcommittees and committees. The bicameral structure of Congress lengthens the legislative process still more, by requiring that legislation pass through a second subcommittee, committee and full house trio. Moreover, differences between legislative output from each house — differences which (it should be noted) have been on the increase as the scope and complexity of legislation considered by Congress has expanded — must be ironed out in Conference committees, and compromised bills must, of course, be approved or rejected on the floor of each house once again.

This lengthy, fragmented process does a good deal more than make the passage of bills difficult and tedious; it facilitates legislative irresponsibility in several ways and senses. First, it makes virtually impossible overall co-ordination and integration of Congressional decision-making. Second, allegedly comprehensive legislation — the energy and tax bills passed by the ninety-fifth Congress are illustrative — is rarely very comprehensive, but is always riddled with provisions guaranteed to insure its ineffectiveness and/or unfairness. Third, interest groups have become well aware of the lengthy, decentralized internal and bicameral process, and often function effectively to impede or alter legislation at points along the way. The length of the process would be ponderous even in a vacuum, but in a Washington environment where the interest group legislative hunting season never closes, the lengthy, fragmented

⁸ See, e. g., Leroy N. Rieselbach, *Congressional Reform in the Seventies* (Morristown, New Jersey: General Learning Press, 1977); the appropriate essays in Lawrence C. Dodd and Bruce I. Oppenheimer, eds., *Congress Reconsidered* (New York: Praeger, 1977); and Steven H. Haeberle, "The Institutionalization of the Subcommittee in the United States House of Representatives," *Journal of Politics* 40 (1978), pp. 1054-1065.

process increases bill vulnerability to special interests attack. Fourth, bicameralism encourages one house to act irresponsibly, relying upon the second to rectify its own profligacy or avoidance of politically unpalatable measures. Fifth, internal committee, and therefore membership, specialization serves to disenfranchise constituents. Since members of Congress are primarily limited to effectively initiating and influencing legislation in those policy areas covered by subcommittees and committees on which they serve, constituent representation in other policy areas is severely limited. The extent of this "non-representation" of constituent interest is variable and there are, to be sure, mitigating factors; but to deny or miss its existence is to deny or overlook one serious implication of the structural fragmentation of Congress.

While localization and internal fragmentation constitute the primary impediments to legislative efficiency and responsibility, a third factor should be noted: the constitutionally mandated requirement that House members serve two year terms. Congressional critics often cite the inordinate amount of time devoted by members of Congress to campaigning for re-election as a serious problem, an observation and complaint especially germane in the case of House members.⁹ Forced to run for office every two years, members of the House never stop campaigning; plans for the next election are often laid days after victory in the last election. Freshman members from politically vulnerable districts are especially driven by the need to continue campaign efforts throughout their entire term. Indeed, many political sages advise freshmen to put at least two electoral victories behind them before abating intense campaign efforts and turning to policy concerns.¹⁰

Although campaigning can interfere with legislative performance, and although this is particularly problematic in the case of the House, it is also true that the frequent election of government officials, necessitating short terms, has long been a staple of democratic theory. As is well known, such a view — that frequent elections promote accountability and agency representation — was entertained by the Framers;¹¹ and most empirical evidence supports the Framers' expectation that House members, in contrast to Senators, would in fact turn out to be more responsive to, and/or more likely to reflect, constituent preferences and policy orientations. Since we are interested in improving the quality of representation as well as legislative performance, the length of Congressional terms thus presents an interesting problem: for if the two year term of House members facilitates accountability but interferes with their legislative duties, the six year term of Senators facilitates their legislative performance but impedes their accountability. We will return to this problem in Part III.

⁹ So common is this particular complaint that constitutional amendments which would extend House terms have been quite popular among critics and reformers — including, e. g., President Johnson who, in 1966, proposed just such a reform in his State of the Union message. For a review of the reform efforts, and of the merits of this reform, see Davidson, Kovenock and O'Leary, *Congress in Crisis*, pp. 96-98 and 106-109.

¹⁰ See, e. g., Walter Gelhorn, *When Americans Complain: Governmental Grievance Procedures* (Harvard University Press, 1966), chs. 1 and 2; and Szulc, "Is Congress Obsolete?," p. 23.

¹¹ James Madison, *The Federalist Papers* (1788), #52 and #57.

Mention of this problem serves to raise our second area of concern: the quality of Congressional representation. It is our position that constituents are not well represented in Congress today; that this is a situation tied directly or indirectly to structural factors; and that this situation could be substantially remedied by structural reform. By representation we mean primarily agency representation: a Congressman is representative (acts like an agent) to the extent that he or she is able (and, of course, willing¹²) to translate constituency preferences into, and to promote or defend constituency interests and needs in, legislative decisions and other actions. As already mentioned, the committee system, by restricting the probable impact of a legislator to a limited set of policy areas, is one structurally induced impediment to constituency representation; and the six year term of Senators is another. But these are only two among a variety of obstacles which thwart the achievement of meaningful constituency representation.

The central difficulty can be easily stated: Like the dinosaur, Congress has been unable to keep pace with its rapidly changing environment; and one particularly important result has been the inability of Congressmen to provide agency representation. Two of these environmental changes have already been described: the tremendous growth in the number, scope and complexity of the legislative agenda and in quasi-legislative responsibilities and duties (such as providing oversight for an enormously expanded federal bureaucracy); and growth in the sheer size, in the educational level, and in the political sophistication and demands, of constituents. To these a third environmental factor must be added: the relative decline in the power of the Congress when compared to the executive, and perhaps even judicial, branches. Together, these variables have affected the quality of representation, as well as the quality of the legislative performance, of the Congress.

We know, for example, that the first two variables have, over time, forced increases in the number of committees and subcommittees in the Congress,¹³ in staff size and influence,¹⁴ and in procedures and norms governing Congressional behavior and leadership patterns.¹⁵ Each of these, in turn, has had negative effects on the quality of representation. Growth in the number of committees and subcommittees, for instance, no doubt had the positive effect of making available to more legislators an increased number of influential positions; but it has also had the effect of spreading or thinning, decreasing expertise and reducing further the individual member's capacity to influence diverse

¹² We add this caveat in recognition of the fact that, in the final analysis, the willingness of elected representatives to do the job for which they were elected is a decisive variable over which no one but the elected representative himself or herself has final control. All the constitutionalist can do is provide structurally grounded incentives to facilitate desired behavior — e. g., by manipulating tenure.

¹³ See, e. g., Dodd and Oppenheimer, eds., *Congress Reconsidered*, Part I; and Ornstein, ed., *Congress in Change*, Part II.

¹⁴ See, e. g., Morris S. Ogul, "Congressional Oversight: Structures and Incentives," in Dodd and Oppenheimer, eds., *Congress Reconsidered*, ch. 10; and Michael J. Malbin, "Congressional Committee Staffs: Who's in Charge Here?," *Public Interest* (Spring, 1977), pp. 16-40.

¹⁵ See, e. g., Dodd and Oppenheimer, eds., *Congress Reconsidered*, Part III; and Ornstein, ed., *Congress in Change*, Parts III and IV.

policy areas.¹⁶ Together with the greater attention and time being spent on constituency service, the increase in assignments has also had the effect of expanding workloads to the point where superhuman effort and endurance is now required of responsible Congressmen. Symptoms of overwork clearly impede constituency representation: even assuming that legislators' know the preferences of their constituents, they cannot promote these if they are unable to impact salient policy areas; if they are unable to give sustained attention to legislative business; or if they are unable to be in two — or more — places at one and the same time.

The growth of executive power and influence also raises questions concerning the adequacy of Congressional representation. Deference to Presidential leadership and alleged executive expertise, the relinquishing of control over policy initiatives and budgets, the inability and/or unwillingness to engage in serious oversight functions, all contribute to a weakening of Congressional power and leadership in national affairs and so also to the efficacy of representation. Indeed, from a democratic standpoint, some degree of legislative supremacy is in our view mandatory; and this is a view apparently shared by most Americans. Thus, for example, Parker has found that "... Congress — not the presidency — is the institution which the electorate prefers to dominate in the formulation of national policy. Even in the area of foreign policy . . . a greater proportion of the electorate favor congressional to presidential leadership."¹⁷ This opinion, moreover, appears to be quite stable: poll data since the 1930s indicate persistent citizen preference for Congressional supremacy.¹⁸

Recognition of expanded workloads and of Congressional weakness has, of course, contributed to the growth of staffs. But staff expansion has itself raised serious questions of accountability and representation: as staffs take on more and more duties, their influence in legislative negotiations and bargaining, and over legislative initiatives and decision-making, expands.¹⁹ Control of staffs has become a "new" problem, a problem rooted principally in the recognition that, like most executive officials, staff members are not the elected agents of the represented.

Another major obstacle to agency representation and electoral accountability is the relative lack of issue voting in Congressional elections. What is wanted, ideally, are mandate elections wherein candidates for Congressional office would be elected solely on the basis of their issue positions (and, where applicable, on the basis of an informed evaluation of their past performance and fidelity to campaign promises). While no amount of structural reform can by itself bring into existence the many conditions necessary for mandate elections,

¹⁶ See, e. g., Norman Ornstein, *et. al.*, "The Changing Senate: From the 1950s to the 1970s," in Dodd and Oppenheimer, eds., *Congress Reconsidered*, p. 15.

¹⁷ Parker, "Political Beliefs about the Structure of Government: Congress and the Presidency," p. 18.

¹⁸ See Hazel Erskine, "The Polls: Presidential Power," *Public Opinion Quarterly* 37 (1973), pp. 488-503.

¹⁹ See, e. g., Malbin, "Congressional Committee Staffs: Who's in Charge Here?"; and Szulc, "Is Congress Obsolete?," p. 22.

such reform can reduce the obstacles to their occurrence. We will in Part III recommend such reforms; here we wish to lay the groundwork for our proposals by briefly describing some of the obstacles presently hindering the possibility of mandate elections.

In order for mandate elections to occur, constituents must in the first place vote; they also must seek out and perceive correctly candidate issue stands; and they must vote on the basis of those perceptions.²⁰ Yet voter turnout is low in Congressional elections and voter ignorance of issues, and of candidate stands, well documented. Most often, voters are themselves blamed for this situation; less often is congressional structure cited as the culprit. We take the position that congressional structure must share in the blame. This is because current structures render voting, seeking information on issues, and seeking information of the issue stands (and, where applicable, past performance) of candidates, very cost-ineffective. Growth in the population size of constituencies has rendered exceedingly small the likelihood that a voter can have any impact on election outcomes, minimizing the incentive to vote and to vote in an informed way. For reasons discussed above, the typical Congressman has little impact on legislative outcomes, further reducing voter interest. Finally, growth in the number and complexity of issue areas regarded by both Congress and the public as amenable to legislation has exacerbated the aggregation problem. That is, assuming candidates adopt and advertise during campaigns their positions on issues (and that such behavior is atypical may itself be to some extent structurally induced) the resultant package of issue positions cannot by voters be electorally disaggregated: voters must adopt or reject *en toto* the candidate's package by voting for or against the candidate. Both the theoretical and actual probabilities of a constituent finding a candidate who reflects the constituent's policy preferences across the range of legislative issues are, of course, almost infinitesimal. And the constituent's dilemma becomes particularly acute when a candidate assumes some policy positions which the constituent intensely prefers while simultaneously assuming other policy positions which the constituent intensely dislikes.

Can structural alterations in the United States Congress promote the adoption and advertising of issue positions by candidates? Can structural change help delimit proffered candidate packages and thereby increase the potential for congruence between package offerings and voter preferences? Can such changes increase accountability, voter turnout and issue voting? And can these things be done in such a way that they might actually enhance legislative performance? To these and related questions we now turn.

²⁰ Again, we hasten to add that these are among the conditions necessary for mandate elections; they by no means constitute the necessary and sufficient conditions.

III

Robert Weissberg has recently reminded us that there is a direct relationship between the size of a representative institution and the degree to which that institution will represent preferences: "the greater the number of legislators, the more representative the institution as a whole."²¹ Although Weissberg is referring to collective (or aggregate) — rather than agency — representation, the relationship between the size of a representative body, and the likelihood of representation however defined, has always been an important, and controversial, issue. For example, in defending the proposed Constitution against those who feared that the House would be peopled by too few Representatives, particularly as population increased, Madison pointed out that the number of Representatives was in fact to be augmented as population grew — subject to "the sole limitation that the whole number shall not exceed one for every thirty thousand inhabitants."²² Had the Congress stuck to this formula, there would today be well over 7,000 House members! And while this may well be an impracticably large number, it is nonetheless justifiable on the ground that the lower the ratio between the number of constituents represented and the number of representatives, the greater the probability of agency representation.

Increasing substantially the size of the present Congress can, therefore, be defended on the ground that it would increase the probability of both aggregate and agency representation. But an increase in size, if properly institutionalized or structured, could accomplish a good deal more. A substantial increase in size could reduce member workloads; enhance the expertise of members by reducing thinning; and permit greater control over staff (and even permit enlargement of staff in order to expand resources and capabilities, thereby enhancing legislative power vis-à-vis the executive branch).

Now an increase in size is one of our reform proposals, albeit in a radically altered Congressional structure. Structurally, a modified unicameralism, together with some degree of hierarchical control and external functional specialization, constitute the core of our proposals. It is through such means that we hope to maximize both agency representation, on the one hand, and responsible legislative performance on the other — where (to summarily repeat) responsible legislative performance includes enhancing: the efficiency or speed with which policy development and decision-making is made; the degree to which policy development and decision-making is coordinated; membership expertise; a national orientation or focus; legislative power. The extent to which our proposals may plausibly be said to actually succeed in realizing these ends must, in the final analysis, be left to our readers to decide. We can here only outline

²¹ Robert Weissberg, "Collective vs. Dyadic Representation in Congress," *American Political Science Review* 72 (1978), p. 543. As noted in the text, Weissberg is referring to "collective" or aggregate representation which may be defined as the degree to which a nationally representative body (such as Congress) reflects the opinions, and promotes and defends the interests, of all citizens or all groups — *not* constituents. Collective representation, unlike agency representation, does not provide for accountability (and is for that reason deficient on democratic grounds).

²² James Madison, *The Federalist Papers*, #58.

the proposals (which are admittedly vague in detail), do our best to defend them in these terms, and encourage the critical response we intend to provoke. Discussed in the remainder of this text, our reform package is also outlined in the Appendix.

Hierarchical control would be imposed by a nationally representative Senate which, in our scheme, has lost most of its present powers but gained, on an exclusive basis, two great ones: the power to tax and spend. Specifically, the Senate would develop, initiate and pass (on the President) all revenue bills; and it would set an overall, binding, spending ceiling, together with binding subceiling limits for broad functional areas. This Senate would be composed of Senators elected for four year terms, on the basis of population, and from large regions (equal in population) rather than from states. While this would insure a one person-one vote basis for Senate representation and increase accountability by shortening tenure, the basic goals of these Senate reforms are to give one nationally representative body: first, the power to set national priorities by imposing on House legislators spending ceilings for broad functional areas (such as defense, foreign aid, education, housing); and, second, responsibility for tax laws and national budget control, hopefully and presumably with an eye to, and capacity for, long-range policy planning.

Most of the powers now enjoyed by the Senate would be lost, including its treaty and confirmation powers and, more importantly, its power to authorize *any* legislation except, of course, tax legislation and spending ceilings. It should (and in our scheme would) retain its power to try impeachment cases and its role in amending the Constitution. More importantly, it would also be given the power to act as a binding mediator in cases of inter-House jurisdictional disputes. As will be described in a moment, our proposal includes replacing the present House with four functionally specialized Houses; in cases of jurisdictional disputes between these Houses, the Senate would act as binding mediator. Giving to the Senate this additional and novel power provides another mechanism for hierarchical control, enhancing policy co-ordination by a nationally representative body.

The present House of Representatives is to be replaced by four functionally differentiated Houses. One House, for instance, might be charged with responsibility for military defense and foreign affairs; another with land use policies, including agricultural and environmental concerns; a third with health, education, welfare and housing; and a fourth with government operations, commerce, banking, consumer and labor protection. Within its functional specializations, each House would have the power to develop and pass all authorizing legislation and to allocate funds, subject to the Senate imposed functional ceilings. Each House would also be responsible for oversight within the areas over which that House has legislative responsibility. Confirmation powers would reside in the appropriate Houses too — the Secretary of State, for instance, would be confirmed by the House responsible for foreign affairs.

The Representatives sitting in these Houses would be elected from, and so represent, present-day Congressional districts. The residents of each district, however, would have four Representatives, one in each of the four Houses. And these Representatives would serve a four year term. This means that the total number of Representatives would quadruple from its present number to 1,740. All the members of one House would be up for re-election in the same year, each House going up for election every four years. Thus, there would under our scheme be annual national elections: each year, all the members of one of the four Houses, and, additionally, one quarter of the Senators, would be up for re-election.

A number of benefits, we suggest, would or could be supplied under our proposal. On the side of legislative performance, splitting the legislative powers and responsibilities of the present House among four Houses of the same size should eliminate the problems of overwork, expertise and staff management and control. Although internal specialization would continue, the extent of this should be substantially reduced — specifically, the number of committees and subcommittees could be reduced, policy co-ordination within Houses should be greatly improved and efficiency would be enhanced as well, this last particularly so when we recall that bicameralism has been considerably weakened. Given the reduced workloads and more focused responsibilities, the capabilities for engaging in oversight, for extended policy deliberation and planning and for anticipating and responding to public need and constituency demand would be considerably improved. Essentially the same can be said for the Senate. It too would have a much reduced, as well as much more focused, workload; the expertise of its members could be increased; staff management and control would become possible; capacities for extended policy deliberation, long-range planning and responsiveness to public demand would be augmented.

With respect to agency representation, important distinctions must be made between the Senate and the Houses. Our proposal obviously attempts a trade-off between local and national representation, Representatives being elected from local districts, Senators from large regions. The Senators, representing very large regions (we suggest between four and eight in number), would presumably be much more attuned and responsive to national needs and interests than they are at present. But this seems to make very unlikely the possibility of agency representation by Senators. A representative, we said, acts like an agent to the extent that he or she is able (and willing) to translate constituency preferences into, and to promote or defend constituency interests and needs in, legislative decisions and other actions. If the capacity of representatives to act as agents is facilitated by reducing the number of constituents represented — and theoretically it surely is — it would appear that our proposal makes impossible agency representation by Senators.

This, however, is not the case. Senators would not be *locally* representative; but *agency* representation is another matter altogether. While it is true that the

smaller the size of the unit represented, the greater the likelihood of agency representation, agency representation is also affected by other factors. And one of these — not frequently recognized — concerns the powers, and corresponding duties, of the agent. Specifically, the smaller the number of duties a representative has, the greater is his or her capacity to act as an agent. This theoretical link is due to the relationship between duties and electoral accountability (and anticipated reactions). The smaller the number of duties to be performed by the agent, the greater the capacity of the represented to discern past and/or promised performance by the agent during campaigns and, in turn, the greater the capacity of the represented to register their preferences at election time. Now Senate campaigns would be primarily focused on the character and level of taxing and spending; citizens would then be able to register their preferences fairly unambiguously on these issues (the issues being few in number); and elected Senators would have a fairly unambiguous mandate on which to act — as agents. This relationship is further strengthened by our having reduced the tenure of Senators to four years. And it is further strengthened by our supposition, discussed briefly below, concerning the probable frequency of issue voting given our structural arrangements.

In the case of Representatives, the arguments relating the expected quality of representation to small size and limited duties would both be operative, suggesting a very strong case for the likelihood of agency representation by House members. In fact, however, the probability of agency representation would for House members be roughly the same as it would for Senators, for Representatives would have more powers than would Senators. In other words, while our proposal reduces substantially the powers and corresponding duties of Representatives from what is currently the case, it still gives to Representatives relatively large number of such powers and duties. Consequently, the smaller number of citizens whose votes must be aggregated to establish a mandate, and whose interests and needs must between elections be represented, is crucial in offsetting this fact.

This complication aside, we nevertheless contend that our reforms would have the effect of simplifying electoral choice and so of enhancing the prospects for mandate elections; of strengthening electoral accountability; and of easing the always complicated task of representation. Both Senators and Representatives would have to campaign for offices the powers and duties of which are quite limited in number and focused in content, thereby providing a structurally-induced incentive for the adoption of issue-specific campaign platforms. Voter turnout and interest could be expected to increase in a system in which annual elections present candidates whose powers and duties are clear, whose issue positions are advertised, and whose package offerings are not so complex as to make altogether impossible the probability of at least substantial congruence between the package and the preferences of an electoral majority.

Appendix

The Senate

Major powers: (1) writes and passes all revenue bills
(2) sets a binding national budget ceiling, and binding subceiling targets for broad functional areas
(3) acts as binding mediator in cases of jurisdictional disputes between Houses

Composition: Senators elected on basis of population from regions for four year terms; one-quarter up for election each year. (Assuming, for example, eight regions, equal in population, then three Senators from each region would be up for election annually. The total number of Senators would then be ninety six).

The Houses

Major powers: (1) each House responsible for separate functional areas
(2) within its functional specializations, each House allocates within budget ceilings; writes and passes all authorizing legislation; engages in oversight; has confirmation powers presently belonging to Senate; resolves intra-House jurisdictional disputes.

Composition: Representatives elected from present districts for four year terms; each district has one Representative in each of the four Houses; all the members of each House are up for election every four years, one House being up for election annually.