

A U.S. Congress Assessment Project Study

November 2, 1994

CUTTING CONGRESS DOWN TO SIZE: HOW A PART-TIME CONGRESS WOULD WORK

"I think we spend too much time in Washington.... If we could spend six months here and six months at home, I think the country might be better off. We might be more efficient. We might get our work done. If we could really have time to go home and get our feet back on the ground and understand the problems the American people are having It is pretty hard to do on a weekend."

—Senator Robert Dole¹

INTRODUCTION

Americans are convinced that lawmakers in Washington have lost touch with the people they represent. Four-fifths of Americans polled think that Congressmen "lose touch with the people pretty quickly."² The reason is simple: Members of Congress spend nearly all of their time in Washington, D.C. As a result, the call to return Congress to part-time status, with Members continuing to live in the districts they represent, is rapidly gaining steam. While most Americans are tied to their communities through the bonds of work, home, family, commerce, school, and neighborhood, most Congressmen return home only for brief, campaign-style appearances before their fellow citizens. Instead of identifying with their home towns and approaching public policy problems as their former neighbors would, legislators tend to adopt a Washington mindset dominated by large bureaucracies and special-interest groups. As the federal government intrudes more and more into people's lives, Congressmen spend more and more time attempting to manage it, frequently with counterproductive results, leaving even less time for reflection and contact with average citizens.

1 January 26, 1993, in testimony before the Joint Committee on the Organization of Congress. S. Hrg. 103-10, pp. 55-56.

2 Survey by ABC News/Washington Post, March 25-27, 1994.

Congress needs radical change to sever the links that bind full-time career Congressmen to an increasingly intrusive and unaccountable federal bureaucracy. In order to be *of* their communities and not just *from* them, federal lawmakers need to spend real time, live real lives, and have real jobs in the communities they represent. In addition to their growing interest in limiting the number of terms Congressmen can serve, Americans are taking an increasingly serious look at limiting the amount of time Congressmen spend in Washington in any given year. Former Tennessee Governor Lamar Alexander's call to "cut their pay and send them home" has encapsulated the widespread view that restoring a citizen-legislature is central to cleaning up the mess in Washington. Many of Congress's problems flow directly from the growth of the institution:

- ☞ **Congress is too big, too expensive, and too cumbersome;**
- ☞ **Congress continues to expand the number of laws it makes and the scope of its authority;**
- ☞ **Congress avoids responsibility by delegating difficult choices to unelected bureaucrats; and**
- ☞ **Congress is insulated from and resistant to popular opinion.**

Making Congress a part-time legislature would:

- ✓ **Force** Congress to make decisions, set priorities, and pass responsible legislation;
- ✓ **Encourage** Congress to set realistic legislative priorities;
- ✓ **Shrink** the size and the budget of the federal government; and
- ✓ **Keep** lawmakers in touch with their constituents and Congress in touch with the real world.

Like term limits, a part-time Congress is an idea that is likely to gather support. The concept directly addresses voters' legitimate public concerns about the estrangement of their elected representatives. Like term limits, its only real opponents are inside the Beltway. The reflexive argument against limiting Congress is the easily dismissed claim that Congress acts as a brake on the expansion and power of the federal government. And, like term limits, a part-time Congress is a serious proposal that promises better and more representative government. The historical experience of state governments with part-time legislatures strongly suggests that permitting lawmakers to go home for some part of the year will reduce pressures for government spending.

A PARADOX: CONGRESS DOES MORE BUT IS RESPECTED LESS

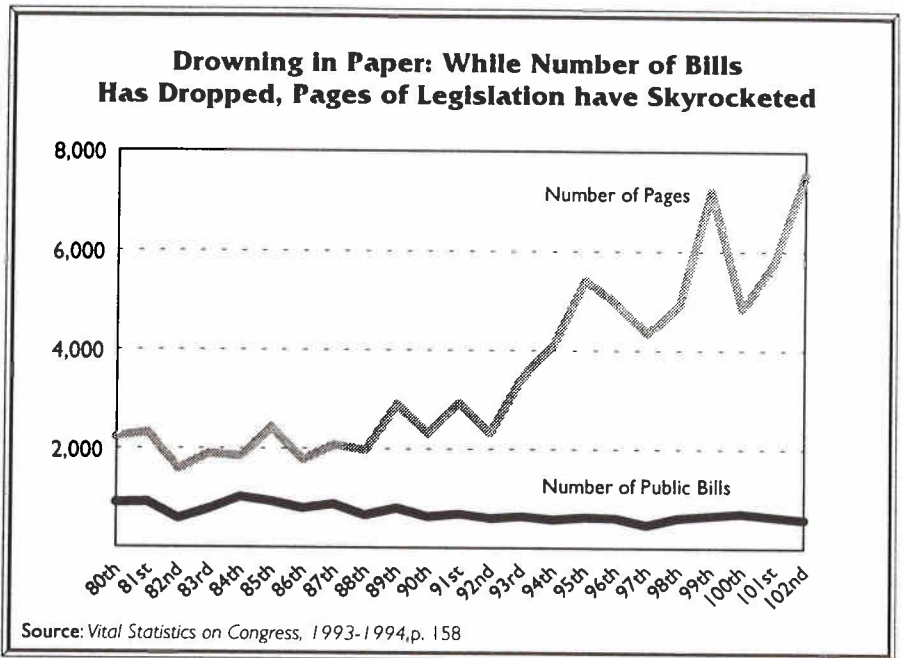
Congress's approval ratings are at historic lows. As of August 1994, only 14 percent of the public generally approved of the job Congress is doing—a significant drop from 24 percent two years ago.³ When the public is asked to rate the honesty and ethical standards of 26 different occupations, Congressmen fall 25th on the list, ranking only ahead of car salesmen.⁴ In the past four years, the number of people who believe Congressmen

have high ethical standards has shrunk by more than half. Contrary to a common congressional diagnosis—that people would appreciate Congress more if they only knew more about what Congressmen do—declining public esteem has coincided with increasing knowledge about Congress through C-SPAN and other media. In fact, polls show that disapproval of Congress increases with citizens' knowledge about what Congress does.⁵ Rather than face reality, Congressmen have responded with public relations efforts. The Senate alone employs nearly 200 aides whose primary job is to drum up favorable media coverage for their employers. Congress has attempted to improve its image by means of cosmetic fixes, ranging from eliminating the signs at National Airport that designated free parking spaces for Congressmen to creating a special committee that ultimately failed in its mission of producing reform legislation. The ineffectiveness of these attempts suggests that Congress's declining reputation is not simply a failure of public relations; Congress must change the way it works in order to recapture public respect. Making Congress part-time would ameliorate many of its most pressing problems.

Congress is too big. The 103rd Congress's yearly budget was nearly \$2.3 billion⁶—over \$8.5 million per Congressman. Every day the 103rd Congress was in session, its operations cost over

\$15.8 million. Between 1946 and 1992, Congress increased its own budget by over 4000 percent while the consumer price index grew by 618.5 percent. In other words, less than 15 percent of the growth in Congress's budget can be explained by inflation.⁷ Some Congressmen

point to increases in overall government spending as an excuse for congressional growth, forgetting that it is Congress that determines spending for the rest of the government, not the other way around. As recently as the mid-1960s, Congress's operating costs were less than one-ninth of what they are today.



3 Associated Press poll, August 26-30, 1994.

4 CNN/USA Today/Gallup Poll, September 23-25, 1994.

5 American Talk Issues poll, January 1994.

6 This figure is derived from the average of the legislative branch appropriations bills for FY 1993 and 1994.

7 Norman J. Ornstein, Thomas E. Mann, and Michael J. Malbin, *Vital Statistics on Congress 1993-1994* (Washington, D.C.: Congressional Quarterly, 1993), p. 124.

Congress currently employs nearly 40,000 people. Over half work directly in the House or Senate; the rest are employed by Congress's research agencies or as support staff, such as barbers, parking attendants, and building and plant maintenance personnel.⁸ Since World War II, House and Senate personal staffs have increased more than fivefold and sixfold, respectively. House and Senate committee staffs have increased twelvefold and fourfold, respectively, with the most dramatic increases occurring in the 1970s.⁹ Congressional staff has grown more than twice as fast as the number of federal government employees since World War II. Although the trend of continual expansion has levelled off, the number of legislative staffers is very large by any standard: the United States Congress has more staff than any other legislature in the world, with five legislative staffers for every one employed by the second-largest (the Canadian Parliament).

Legislative leaders from both parties have called for sizable congressional staff cuts. Senator David Boren (D-OK) advocated a cut of 25 percent.¹⁰ Many congressional Republicans have called for cuts of one-third in committee staff. Bill Clinton endorsed a 25 percent staff cut during his 1992 campaign, and George Bush endorsed a one-third cut. A large legislative staff creates its own agenda and makes its own decisions—decisions properly made only by democratically elected lawmakers. The larger the staff, the more likely it is to create more work for its ostensible employers and to propose new ventures. Former Senator Walter Mondale (D-MN) has described the pressures an overstuffed legislator faces: “I felt sorry for them, so I would try to work with them. Pretty soon I was working for them.”¹¹ But a large congressional staff represents more than a threat to representative self-governance. The more public resources Congress has at its disposal, the more ways Congressmen can devise to use staff and funds for private electoral purposes. Hundreds of staffers, for instance, spend the bulk of their workday writing and sending hundreds of millions of franked letters yearly, which serve effectively as campaign mailings for incumbents. Furthermore, the “volunteer” campaign work that many congressional staffers perform inevitably contributes to the record reelection rates enjoyed by incumbents over the last decade.

Congress produces bad legislation in quantity. Tremendous growth in staff has coincided with a malfunctioning legislative process. Detailed, thousand-page legislative packages are written entirely by staffers and presented to lawmakers for an up-or-down vote which they often are forced to cast without time to read the bill. Over the past thirty years (the 88th to 102d Congresses), the number of public bills Congress has passed has remained roughly constant, but each bill's average length has quadrupled.¹² Growth in Congress's production of statutes also has spawned a proportionate increase in regulation. The number of pages added yearly to the *Federal Register* quadrupled between 1969 and 1979 and, although the Reagan Administration's emphasis on deregulation held down regulatory growth, began to grow again in the late 1980s.¹³

8 Thomas W. Reed and Bradley J. Cameron, *Above the Law* (Washington, D.C.: Employment Policy Foundation, 1994), p. xxii.

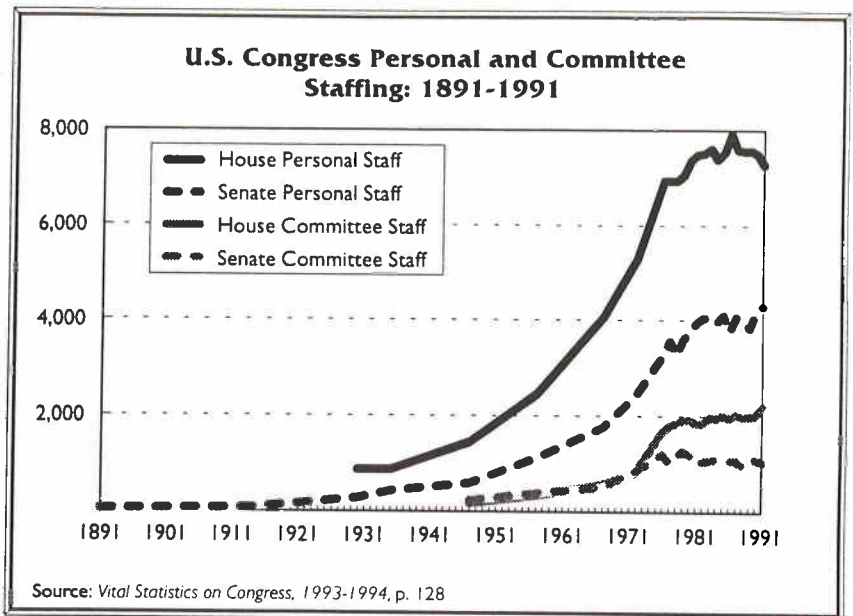
9 Ornstein et al., *Vital Statistics on Congress 1993-1994*, pp. 121-124.

10 S. Hrg. 103-10, p. 87.

11 S. Hrg. 103-158, p. 7.

12 Ornstein et al., *Vital Statistics on Congress 1993-1994*, table 6-4.

The trend toward increasingly complex legislative packages is illustrated by Congress's periodic review of federal highway programs. The first federal highway act, passed in 1956, was less than one-tenth the length of the highway funding bill Congress passed in 1991. The legislative package containing President Clinton's 1993 tax



changes measured over 3,000 pages. Legislative procedures for both the 1991 highway bill and the 1993 tax legislation allowed lawmakers only a few hours to scrutinize them before a vote on passage occurred. This Congress's crime bill totalled over 1,100 pages by the time it emerged from conference committee. Having acquired an additional \$10 billion of spending between its Senate version and the initial conference product, it was full of special-interest handouts to big city mayors, arts and dance teachers, gender sensitivity trainers, and the notorious midnight basketball program.

Congress ducks responsibility through delegation. Despite this level of detail, Congress often ducks controversial questions by writing vague or contradictory directives which leave difficult choices to federal bureaucrats. When bureaucrats make the unpopular choices foisted upon them, individual Congressmen pretend to protest, claiming credit for standing up for their constituents. New York Law School Professor David Schoenbrod describes how Congress has delegated such varied matters as the length of prison sentences, health and safety regulations, railroad fares, shipping fees, environmental and agricultural standards, and even its own pay to federal bureaucrats.¹⁴ Former Representative James Florio (D-NJ) has explained how he enlisted legislative allies by fuzzing over politically controversial provisions of legislation he favored: "In order to come to agreement... one consciously strives for ambiguity in order to get people to sign on to things."¹⁵ When Congress hands its lawmaking responsibility over to unelected officials, it erodes accountability and democracy, since voters are unable to hold lawmakers responsible for choices they avoid making.

13 *Ibid.*, table 6-5.

14 David Schoenbrod, *Power Without Responsibility: How Congress Abuses the People Through Delegation* (New Haven: Yale University Press, 1993). See also Eric Felten, *The Ruling Class: Inside the Imperial Congress* (Washington, D.C.: Regnery Gateway, 1993).

15 Schoenbrod, *Power Without Responsibility*, p. 92.

Delegation also permits legislators to evade blame while garnering undeserved credit. They can, for instance, claim credit for passing legislation while finding fault with or even attacking its bureaucratic implementation. They can even pose as compassionate public servants fighting impersonal government bureaucrats when, in fact, Congress created the bureaucracy and supplied its voluminous but vague instructions in the first place. Legislators' strategic use of this good cop/bad cop ploy results in poor public policy and systematically misleads constituents. Over a third of personal congressional staffers are employed in constituent service casework. Instead of attempting to make the government work better, they are assigned to solve problems one at a time, making bad government politically profitable for individual Congressmen. This is a prime reason why a large and powerful Congress will never reduce the size of the federal bureaucracy.

Congress is — and cannot help being — out of touch. When legislating is a full-time job, legislators lose touch with the real world. Congressional aides, whose primary job is to make life easier for their boss, attempt to make their employer's life as frictionless as possible. Congressmen live in Washington, not their districts; they shop in Washington, raise their families in Washington, educate their children in Washington; they make new friends in and acquire the values of Washington. The culture that legislators formerly shared with their neighbors back home gradually becomes supplanted by one composed primarily of government employees and government supplicants. Journeys back to states or districts necessarily are devoted to hurried appearances designed to advertise the lawmaker's local presence to as many voters as possible. Few Congressmen continue to live among their constituents; once they are elected to represent a community in Congress, any continuing, organic connection to that community is severed.

Congress misreads public opinion. Because lawmakers separated from the everyday life of their community cannot accurately measure sentiment on public issues there, they frequently engage in ham-handed missteps driven by poll data. Legislators have little direct ability to gauge the lifespan or intensity of their constituents' concerns and frequently overreact to national polls. The crime bill, for instance, was less a rational attempt to deal with the crime problems that Americans face today than a symbolic affirmation that Congress cared about what polls had identified as voters' top concern. Although \$30 billion is a high price to pay for a symbolic gesture, it is modest compared to Clinton-style health care reform—a trillion-dollar-a-year program many legislators supported until they were able to spend time with constituents over the summer recess, whereupon they abruptly retreated.

Congress resists public opinion. While Congressmen want to appear responsive to public concerns, the legislative process they have designed is well insulated from genuine public input. That lumbering process sent the Clinton health reform plan to 32 committees and subcommittees. Although such varied scrutiny would appear to provide for input from numerous sources, it actually permitted the House and Senate leadership to assemble a plan in private from elements of various proposals. The Clinton Administration's secrecy in designing legislation continued on Capitol Hill, where three of the most significant congressional committees handling health care reform—Energy and Commerce and Ways and Means in the House, and Finance in the Senate—held closed-door meetings to draft their plans. Another version of the Clinton plan made it through the Senate Labor and Human Resources Committee only when Members

agreed to delegate such decisions as what benefits packages would contain and whether to impose price controls to a newly created federal bureaucracy.

Legislators made it clear that they wanted anything that could pass both Houses of Congress and make it into a conference committee, where the real legislation would be written. Senator Jay Rockefeller (D-WV) noted during one Finance Committee markup of legislation, "I strongly oppose this, and I'm going to vote for it because it seems the only way we're going to get to the floor." In the face of growing public opposition to further federal intervention in health care, one new plan after another was crafted behind closed doors. The trend reached its apex in August, as Senate Majority Leader George Mitchell (D-ME) offered three distinct versions of his 1,400-page plan in one week, the better to give lawmakers little or no time to read them before a vote could be called. In all of this legislative turmoil—which eventually ended in utter failure, as public opinion coalesced against major changes in the nation's health care system—there was little time for deliberation or compromise, and even less for surveying the opinions of constituents who were not members of concentrated special-interest groups.

Some lawmakers viewed public opinion on particular questions of policy as essentially irrelevant. Senator Rockefeller, for instance, volunteered his intent "to push through health care reform regardless of the views of the American people."¹⁶ Occasionally, public opinion was even a force to be fought and defeated. In meetings of the Joint Committee on the Organization of Congress—the committee designated to write legislation to reform Congress itself—legislators characterized public anger towards Congress as an impediment produced by unsophisticated public knowledge of legislative realities, rather than as an ally for change. One Senator suggested that if constituents could spend some time with lawmakers on the job, the public's negative views would dissipate as they understood how tough it is to be a Congressman. "I am not sure," Senator Pete Domenici (R-NM) suggested, "[that] what the American people seem to be mad at us about has anything to do with what we are trying to fix." It is because of innumerable instances of congressional resistance to public opinion that—even though more and more public resources are devoted to burnishing the image of Congress and its members—congressional approval ratings and the very legitimacy of the institution continue to erode.

THE SOLUTION: CUT THEIR PAY AND SEND THEM HOME

A part-time Congress would limit legislative sessions to no more than six months per year (perhaps for three months in the winter and another three months in the fall). Salaries would be cut in half—to roughly \$65,000 a year—although legislators would be permitted to undertake outside employment when Congress was out of session, as long as they fully disclosed all outside income.

16 Associated Press, "Senator Skipping Specifics," *Charleston (West Virginia) Daily Mail*, April 19, 1994, p. 7A.

Congress determines the length of its own sessions (and sets its own pay) and therefore could act to limit its calendar. In fact, until the early 1960s, Congress often met only about six months per year, frequently finishing its business by the middle of June. Even today, Congress's schedule is essentially part-time—especially in the House, where three-day workweeks consume most of the year. During the Congress that just ended, the House met for a total of 264 days. Two years of six-month sessions would require hardly any compression in this schedule: a part-time Congress in session for two years of 26 five-day workweeks would result in 260 legislative days.

Congress might implement session limits by returning to the traditional schedule of meeting from January through June. Governor Alexander has proposed another alternative: a three-month session in the spring to consider authorization legislation followed by a fall session, roughly from Labor Day to Thanksgiving, to consider spending matters. The split session concept is attractive, since it would encourage greater attention to non-spending matters than is practical under the current budget-driven legislative calendar. The plan might also encourage greater budget cooperation between the Congress and the President by allowing Congress to pass an overall budget resolution in the spring (possibly signed by the President) and then conduct a line-item review of the President's appropriations requests in the fall. Since the overall requirements would match the already approved budget resolution, no presidential budget would be declared "dead on arrival," as has happened in the past. Instead, Congress and the President would be forced to cooperate and compromise on major issues earlier in the process.

Postponing final appropriations action to the fall would require adjusting the start of the fiscal year (currently October 1), a step which was taken once before in 1972. The election calendar poses a more difficult problem, however, since biennial congressional elections would occur in the middle of the proposed fall sessions.

A part-time Congress would discourage legislators from responding reflexively to all of the nation's problems with more federal legislation. It would also permit legislators again to become part of their communities, where they would live, work, shop, worship, and send their children to school, thus bringing them into regular contact with the concerns of the citizens they represent. It would make them more sensitive to the raw injustices that previous Congresses have committed, such as passing one set of laws that applies to Congress and another that applies to the rest of the country. It would create opportunities for lawmakers to economize by reducing unnecessary staff. It would force them to set priorities and avoid overregulation caused by overlong, baroque legislation. Perhaps most important, it would provide for a more accurate reading of public opinion than lawmakers now are able to make.

Part-time service would also complement other popular and important congressional reforms:

- ✓ **Staff cuts, franking cuts, and expense cuts.** In the absence of a full-time Congress, many of the tens of thousands of aides who help run the federal legislature will become irrelevant to its work. While there have been tentative attempts to cut staff in the 103rd Congress, a 25 percent staff cut remains a reasonable goal even with a full-time legislature. Even larger staff cuts—on the order of 50 percent—would be appropriate with a part-time Congress. Many of the remaining staff could be part-time employees as well. Furthermore, the cost of the con-

gressional frank—which provides over \$160,000 for each Member of Congress for mailing costs and is often used to fund campaign-style direct mail to every resident in incumbents' legislative districts—could be sharply reduced: face-to-face contacts could replace written communiqués from the distant federal city. Finally, such other perks as travel allowances could be cut, since the year-round journeys back and forth from Washington that a full-time Congress demands would no longer be necessary.

- ✓ **Shifting responsibility from bureaucrats to elected legislators.** Knowing that they would not be in Washington year-round would make legislators less willing to delegate broad powers to bureaucrats. Part-time residence in Washington coupled with the experience of living with federal laws and regulations in a private capacity would make the band-aid approach of casework less attractive and Congressmen more likely to address tough issues directly. Congress would have to take more responsibility for the regulatory actions of the federal government, instead of (as happens now) opportunistically attacking decisions of the bureaucracies Congress itself has created. The result would be shorter, simpler, clearer legislation that Members actually could read, understand, and explain—and for which they could be held accountable. This change would also make staff cuts in regulatory agencies both possible and likely.
- ✓ **Setting priorities and shifting locally sensitive decisions from federal to state government.** Compressing the legislative schedule and shifting responsibility to Congress—if no other reforms are made—could increase the legislative workload. The solution is not to come up with more ways to make elected officials less accountable for government decisions, but to narrow the scope of federal decision-making. A Congress with narrower jurisdiction would be more deliberate in setting legislative priorities. A legislature that was both more careful and more deliberate than today's full-time Congress would see its influence grow rather than shrink relative to the executive branch. Further, the overall scope and power of the federal government, of which Congress is the source, would likely shrink. In cases where states or local communities are better equipped to make diverse decisions, the federal government might simply stand aside. Decisions on such matters as law enforcement, education, and welfare often are better made by those more familiar with local circumstances. Downsizing the federal government would foster a healthy competition, allowing states and communities to experiment with diverse policies and with measuring their relative successes and failures.
- ✓ **Term limits and other reforms.** A part-time legislature would work in tandem with, and would be a natural outgrowth of, term limits. Politicians aware that they could not make a lifetime career out of service in Congress would be eager to maintain ties—and residences—in their home towns. Limited sessions would also fit in naturally with a balanced budget amendment and other limits on congressional spending powers.
- ✓ **Limiting government.** The ultimate goal of a part-time legislature, however, is to help shrink the federal government. Limiting congressional sessions would force legislators to distinguish between situations where federal legislation was

demanded and those where problems could be solved in other fashions. Paradoxically, forcing Congressmen to confine themselves to their top priorities would strengthen Congress: legislative attention would be more focused, while its authority and product would be taken more seriously. Such a reform would also enhance congressional accountability and legitimacy: rather than spend its time delegating responsibility to bureaucracies and overseeing their actions, Congress would assume the responsibility for legislating, a duty it has made a habit of avoiding.

SUPPORT FOR A PART-TIME CONGRESS

The common-sense idea that longer legislative sessions produce larger, more intrusive government received support in a 1988 paper by Professors Mwangi Kimenyi of the University of Connecticut and Robert D. Tollison of George Mason University.¹⁷ Kimenyi and Tollison demonstrate that—over a span of 35 years—the more time Congress spends in session, the longer and more complex the legislation enacted. Because there is some correlation between the number of bills passed and the aggregate money Congress spends, Kimenyi and Tollison argue that the longer Congress is in session, “the larger the level of government spending in the next period.” Such findings suggest that, in addition to producing better legislation, a part-time Congress would be more prudent with the public’s money.

Evidence from state governments also suggests that a part-time federal legislature would tax and spend less. The nine states with full-time legislatures—California, Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin—all rank near the top of the list of states with the highest per capita spending and tax burdens. On the other hand, Texas—now the second-largest state in the Union—manages to get by with a part-time legislature and falls 43rd out of 50 when ranked by state per capita spending. The National Conference of State Legislatures divides state legislatures into three categories: part-time assemblies with small staffs, full-time legislatures with large staffs, and combination or “hybrid” legislatures.¹⁸ The difference in per capita spending is striking: part-time legislatures, on average, spend nearly \$500 less yearly than their full-time counterparts.¹⁹ As Mike Kelly of the Colorado-based Center for the New West has noted, the eleven lowest-taxed states all limit their legislatures to meetings of 90 days per year or less. If establishing a part-time Congress caused federal spending to drop by the same proportion of nearly 13 percent, Congress would spend \$187 billion less than FY 1995’s estimated \$1.53 trillion in spending. Although other factors may play a role in the spending differences between part-time and full-time state legislatures, the striking relationship between the degree of state legislative professionalism and overall state spending suggests a fruitful avenue for further study.

17 Mwangi Kimenyi and Robert D. Tollison, “The Length of Legislative Sessions and the Growth of Government,” unpublished paper on file at the Center for Study of Public Choice, George Mason University.

18 This conventional threefold classification of state legislatures derives from the work of Karl Kurtz, Director of State Services, National Conference of State Legislatures.

19 These calculations are based on 1991 figures, which are in the most recent available edition of *Significant Features of Fiscal Federalism, Volume 2: Revenues and Expenditures*, Table 80, pp. 156-157.

Among lawmakers, former Senator Howard Baker of Tennessee has consistently advocated the idea of a part-time Congress in recent years. Although politicians are naturally wary of supporting measures that might diminish their powers, Senators Kay Bailey Hutchison (R-TX) and Bob Dole (R-KS) have endorsed the idea, as have Republican Senate candidates Oliver North of Virginia and Fred Thompson of Tennessee. Several House candidates, including Democrat Michael Harmless of Indiana, also have endorsed it. Lamar Alexander has made the idea central to his potential presidential campaign and reports that "it brings smiles, then applause, then voters rising from their chairs."²⁰

Ultimately, the most relevant opinion is that of the American people, 76 percent of whom agree that "Congress's pay should be cut in half, and they should spend six months of the year back home with their constituents."²¹ Only 18 percent of those polled disagree with that statement. This lopsided level of public approval towers above voter sentiment for almost every other reform proposal.

COMMON ARGUMENTS USED AGAINST A PART-TIME CONGRESS

ARGUMENT #1: A part-time Congress would only shift power to the rest of the federal government.

Prominent Washington analyst Norman Ornstein argues that, when a part-time Congress is out of session, "the center of gravity in Washington will shift for that time to other ongoing and continuing institutions and individuals."²² When House Minority Whip Newt Gingrich (R-GA) was asked whether he favored Lamar Alexander's proposal for a part-time Congress, he responded less delicately: "Does he really think a Washington totally dominated by Clinton is a safe place?"²³

Such arguments prove too much. If taken seriously, they imply that any attempt to reduce the size or activity of government is futile and can result only in another one of its branches seizing control. In fact, a part-time Congress will reduce both the size of the entire government and its influence over citizens' lives. Limiting congressional activity can make power flow to the people, not just to another government office.

Reforms designed to preserve the constitutional balance of powers, in addition to working naturally with session limits, would avoid the concentration of power in the executive branch against which Representative Gingrich warns. At a minimum, these reforms include:

²⁰ Lamar Alexander, "Cut Your Pay and Go Home," *Roll Call*, August 8, 1994, p. 28.

²¹ Tim Curran, "Survey Shows Most Americans Agree: 'Cut Their Pay and Send Them Home'," *Roll Call*, October 6, 1994, p. 5.

²² Norman J. Ornstein, "Part-Time Congress Would Be Worthless in a Full-Time World," *Roll Call*, August 15, 1994, p. 14.

²³ Gerald F. Seib, "Alexander Sings Popular Tune: Chop Congress," *The Wall Street Journal*, September 7, 1994, p. A16.

- ☞ **Reduction** of congressional delegation of legislative powers to federal bureaucracies;
- ☞ **Reassignment** of federal activities to the states; and
- ☞ **Restructuring** sessions to force lawmakers to set legislative priorities.

These reforms would diminish and decentralize federal political power. In the long run, cutting Congress down to size in this fashion would address concerns about an unbounded legislature and about an imperial executive. The argument that an overactive executive can be reined in only by an equally active Congress is fundamentally at variance with the American constitutional tradition, which provides for competition within the context of limited powers. New limitations on government power are needed, but a full-time Congress is unlikely to enact them.

ARGUMENT #2: Part-time federal legislators who depend on outside employment and income could fall prey to conflicts of interest, or even to corruption.

Other critics of a part-time Congress suggest that special-interest groups eager to influence legislators could funnel gifts to them in the guise of an employment check. But this problem would be handled the same way it is handled in part-time state legislatures across the country: by full disclosure.

Journalists who noticed that a lawmaker doubling as a part-time industry executive seemed to be bending over backwards to pass laws favorable to his employer could call attention to any signs of corruption or conflict of interest. Constituents concerned that their lawmaker's disclosed income seemed too large for the job he professed to be doing could easily vote him out of office. Freedom from legislative corruption always relies on a vigilant public. In any case, the opportunity that part-time service gave lawmakers to practice their real jobs would ensure that, instead of being wedded to government, they remained in touch with the difficulties private citizens face in jobs involving the exchange of goods and services.

Ultimately, the downsizing of government that a part-time Congress would bring, and the decentralization of power that shrinking congressional delegation and restoring state legislative authority would entail, would create the best bulwark against corruption. Since legislators would have less authority and fewer opportunities to redistribute resources through the legislative process, the possibilities of corruption would diminish significantly.

ARGUMENT #3: A part-time federal legislature would be forced into de facto full-time status by the constant crush of emergencies and missed end-of-session deadlines.

Norman Ornstein, arguing against a part-time Congress, provides this parade of hypothetical crises: "What will happen if Congress is a non-institution for half of the year? First, events in the rest of the world will go on. Stock market crashes, California earthquakes, Florida hurricanes, international trade agreements, currency crises, the sudden death of a Supreme Court Justice, the resignation of a Cabinet officer, will occur."²⁴ Ornstein argues that a full-time Congress is vital to react rapidly to such emergencies. One wonders how the country manages in the last quarter of every even-numbered year, when Congress routinely takes a three-month hiatus.

In any case, the appropriateness of reactive government assumed by this argument is startling. Surely, a more rational way to cope with disaster-stricken areas in California or Florida is for lawmakers to plan ahead by establishing a disaster relief fund—to be doled out as needed—as part of a larger budget. In fact, lawmakers prefer to wait until disasters occur, not because that system is better for disaster victims (it clearly is not), but because post-disaster actions provide high-profile opportunities for conspicuous compassion as well as a convenient excuse to violate budget rules. The specter of Congress attempting to repair a stock market crash or a currency crisis by crafting a hasty, politically driven solution will cheer few observers and may even be enough to drive some investors out of the market. Many foreign policy crises are foreshadowed months before any U.S. action occurs: for example, American intervention in Haiti was discussed publicly by Administration spokesmen as far back as June 1994, more than three months before U.S. forces were launched, but a full-time Congress failed to muster the will to issue a declaration until after American troops already were in Haiti.

Congress—and, more particularly, the Senate—must exercise its role in the confirmation of presidential appointments, but recent history suggests that a Congress whose members worked in the private sector for six months every year would slow down appointments only slightly. Three of the last four Supreme Court appointments required, on average, nearly three months for confirmation, measuring from the day of the nominee's announcement to the day of his or her approval by the Senate.²⁵ Measured against the improvements that a Congress which was less reactive and more contemplative would bring to the country, a few weeks' slower pace in federal appointments seems a small price to pay. One-day special sessions on occasional Saturdays for important confirmations are another possible option.

A related argument often made by opponents of a part-time legislature is that Congress would resort to deadline-related games of legislative "chicken" as the end of a session neared. State legislatures deal with this problem all the time, most typically by ensuring that their most important legislation is passed on schedule; Congress could learn to do this as well. Imposing stricter deadlines could force Congress to play fewer games and act in a more decisive and timely fashion on genuinely needed legislation. It is noteworthy that many of the major, controversial legislative battles for which the 103rd Congress will be remembered—health care, congressional reform, lobbying restrictions, and campaign finance—were delayed by the congressional leadership to the very end of the two-year calendar, making concerted action by opponents to block these bills all the easier.

Special sessions for legitimate national emergencies, of course, occasionally would be needed: in particular, Congress might have to declare a state of war. But national emergencies will be the exception, rather than the rule—and making a declaration of war slightly inconvenient is at worst a mixed blessing. When Lamar Alexander was asked how lawmakers could deal with such an emergency when Congress was out of session, he correctly responded: "Well, we have airplanes.... They could be called back in."²⁶

24 Ornstein, "Part-Time Congress," *op. cit.*

25 Office of the Curator, U.S. Supreme Court.

CONCLUSION

Advocates and opponents of a part-time Congress agree that the reform would create major changes in the American system of government. Most of these changes would be improvements. Lawmakers no longer would find themselves in the position of former Senator George McGovern (D-SD), who—having tried (and failed) to succeed in small business after nearly two decades as a full-time legislator—lamented: “I wish I had known a little more about the problems of the private sector.... I have to pay taxes, meet a payroll—I wish I had a better sense of what it took to do that when I was in Washington.”²⁷ Instead of growing more and more attuned to a federal culture which views constituents as nuisances to be placated and government intervention as the first solution to every problem, representatives would remain citizens and residents of the districts which originally sent them to Congress. Instead of passing decisions to unelected bureaucrats, lawmakers would hold onto the responsibility themselves or, when appropriate, leave matters up to states, communities, families, and individuals. Instead of overreacting to public opinion, lawmakers would be its authentic representatives. Instead of overseeing a gigantic legislative bureaucracy which creates bureaucratic solutions to the nation’s problems, lawmakers would work in a Congress cut down to size. Instead of enacting new laws so rapidly that most lack the time to read them, lawmakers would find themselves with the freedom to set legislative priorities. The Founders’ dream of a council of citizen-legislators would be reborn; Americans would have a Congress that truly represents America.

Dan Greenberg
Congressional Analyst
U. S. Congress Assessment Project

ATTENTION COMPUSERVE SUBSCRIBERS

All Heritage Foundation studies are now available on CompuServe as part of the Town Hall forum. A joint project of The Heritage Foundation and *National Review*, Town Hall is a meeting place for conservatives to exchange information and opinions on a wide variety of subjects.
For more information online, type **GO TOWNHALL** or call **1-800-441-4142**.

All Heritage Foundation papers are available electronically on the “NEXIS” on-line data retrieval service. The Heritage Foundation’s Reports (HFRPTS) can be found in the OMNI, CURRNT, NWLTRS, and GVT group files of the NEXIS library and in the GOVT and OMNI group files of the GOVNS library.

26 "Crossfire," September 7, 1994, LEXIS/NEXIS transcript.

27 John H. Fund, "Term Limitation: An Idea Whose Time Has Come," Cato Institute *Policy Analysis* No. 141, October 30, 1990.