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Congress Overwhelmed: The Decline in Congressional Capacity and Prospects for Reform (Book Review)

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Congress Overwhelmed: The Decline in Congressional Capacity and Prospects for Reform. Timothy M. Lapira, Lee Drutman, and Kevin R. Kosar, eds. Chicago: The University of Chicago Press, 2020, 334 pp. ISBN 13: 978-0-226-70257-5 (paper). Reviewed by Jack R. Van Der Slik, Emeritus Professor of Political Studies and Public Affairs, University of Illinois Springfield.

Political scientists think of the U.S. Congress as a mature political institution, but not a static one. Well into its third century of lawmaking, it has a continuing membership based upon the now fifty states. The House is apportioned with 435 members elected for two-year terms from nearly equally populated districts. Two senators from each state are elected at-large on a staggered basis for six-year terms. Following long practice, candidates compete for votes from citizens as partisans and, upon election, participate in Congress as Republicans and Democrats. Partisanship is a key characteristic that shapes policy-making and the distribution of power among congressional members. In the 21st century, there has been exceedingly close contention between the parties for majority control in both houses. The majority party determines who will lead and control the committees and the floor leaders in the politically visible process of policy making.

Yet, what is surprising about this book is that its focus is not on the 535 members of Congress, but upon the professional staff that serve the members. The authors take note that despite the growing number of public issues emerging from an ever-expanding American population, the headcount of congressional professional staff members serving has declined between 1979 and 2015 by about fifteen percent. They now number about 7500. Over that period, staff responsibilities have shifted. In particular, the number of staff serving directly under the legislative leaders has nearly tripled, and a large portion of them engage in communication: “Congressional leaders have clearly chosen to invest increased resources not in the kind of expertise that *makes* policy but in the kind that helps sell it to the public” (authors’ ital., 37).

To produce this book, which is focused on the policy-making capacity of Congress to carry out its constitutional duties, the coeditors assembled essays from contributors to a Congressional Capacity Conference held in 2018. The essays in this volume came from twenty-eight contributors, including the co-editors. The volume opens on a pessimistic note: “By all accounts, the capacity of Congress is in sorry shape” (1). They go on to express concern about congressional gridlock and polarization, increased turnover rates for both members and staff, growing policy complexity, and expanding demands from constituents, interest groups, and lobbyists. “The objective of this volume is to understand the causes and

consequences of the changes in legislative capacity as they have coincided with other macro-level forces in American politics” (2). There are some encouraging results in some of the individual inquiries that follow, but the overall picture presented by the entire volume is more discouraging than encouraging.

An element of concern among advocates favoring more and better congressional staff is based on the growing task of overseeing the executive branch. The departments and staffs of the executive branch grew substantially during and after WWII, peaking on a per capita basis in the Great Society years of Lyndon Johnson. Subsequently, Congress sought to reign in the executive with the Congressional Budget Act (1974) and the Chief Financial Officers Act (1990). But after 1994, with a Republican majority in control of both the House and Senate after decades in the minority, “they set about dismantling many of the congressional resources that had been built up over the previous decades” and increasingly spent federal dollars through “contracts with private entities” (67).

A basic power of Congress is in appropriating federal spending. Congressional authority for government begins in the House. The congressional appropriations committees have unique authority. Congress is not overwhelmed in this crucial legislative responsibility, but its routines regarding the budget have changed. Subcommittees of the House and Senate appropriators continue a long-standing division of labor to scrutinize executive spending proposals. Then the full committees review the parts and assemble a dozen or so bills for annual consideration.

Intensified partisan conflict in the 21st century has taught the party leaders to overcome gridlock and minority-party delaying tactics by combining appropriation bills into omnibus forms. Succeeding in this tactic has increased the discretionary power of the party leaders, especially those in the majority, attenuating the influence of the committee and subcommittee chairmen: “Long-standing research shows that bundling separate policy domains together...gives all the members something to vote for and can ease the passing of legislation” (150). Moreover, the party leaders use the pressure of deadlines to overcome opposition when fiscal years are about to end.

How do legislative staff improve the prospects of congressional members in the lawmaking aspect of their jobs? A couple of specific findings can be derived

from a detailed analysis of freshman congressmen. Research indicates that too often they staff their offices with loyalists who helped them win election to the House. Those who staff their offices with experienced legislative staffers can markedly improve their prospects for passing legislation. Members who gain committee leadership positions substantially increase their legislative effectiveness when served by experienced legislative staffers: “[T]he largest bang for the buck comes from experienced staff aiding committee chairs.... Whether those bills are being put forth on behalf of the chair, the committee, or the majority party, having expert staff to aid in the lawmaking process yields significant returns” (223).

Having confirmed the value of experienced legislative staff working on behalf of congressional committees, the authors examined the composition of House committee staffs. Contrary to usual expectations, analysis revealed a substantial diminution in the number of policy-oriented staff. In the 1979-80 House, the policy expert staff numbered more than 2000. In 2015 their number had declined to 1164, about a 40 percent reduction. Accompanying that diminution of staff expertise was a decline in the interaction of the committee partisans: “[A] decrease in staff among committees likely reduces the extent of cross-party collaborations and the policy focused interactions that follow.... [T]he underlying institu-

tional arrangements of Congress affect the likelihood that staffers reach across the aisle, which is central to sharing insights about policy and building coalitions around legislation” (250). The consequence of diminished numbers of substantively expert legislative staff is an attenuation of constructive interaction between the expert staffers of the competing political parties. In short, intensified congressional partisanship inhibits and disinclines legislative staff from seeking bipartisan compromises on public policy.

I am saddened to conclude this review of a worthy inquiry on a pessimistic note. The book, while newly published, reflects the state of affairs in the pre-Trump era. The partisan combat since then has imperiled substantive policy-making. The too-close partisan balance today in the House and Senate means that the newly installed Biden administration must traverse a rocky road ahead. The circumstances make uncertain a great many questions about the direction of public policy, both foreign and domestic. In my humble opinion, people of faith (if not every citizen) should dial back the intensity of partisan concerns, in favor of a greater bipartisan accommodation to the needs of the citizenry. Scripture says, “Blessed are the peacemakers, for they shall be called the sons of God.” May God grant that in our time their numbers will increase.