

Interpreting the Republican Revolution of 1994–1995

A Supplement to Accompany

THE CHALLENGE OF DEMOCRACY Government in America

Fourth Edition and Brief Second Edition

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Preface

How can anyone make sense of American politics? For four decades, Republican candidates dominated presidential politics, winning seven of eleven elections—three by landslide victories (Dwight Eisenhower in 1956, Richard Nixon in 1972, and Ronald Reagan in 1984). But for those same four decades, the Republican Party failed to gain control of Congress. Then, just two years after voters abruptly rejected President Bush and elected Bill Clinton as the first Democratic president in twelve years, the Republicans suddenly won both chambers of Congress in the midterm elections of 1994. Heading into those elections, most political analysts thought that the Republicans had only a moderate chance to win control of the Senate, and virtually no one thought the party had much chance of winning the forty seats needed to control the House. In the wake of their party's astonishing election victory, Republicans embarked on an unprecedented program to revolutionize public policy in keeping with the party's campaign document, the "Contract with America." Suddenly, politics in Washington were not as usual. If these events caught seasoned observers by surprise, how can students hope to make sense of politics?

To be sure, predicting politics is difficult, and complete prediction lies outside the reach of us all. Fortunately, it is easier to make sense of politics after the fact. In *The Challenge of Democracy*, Fourth Edition, we present a conceptual framework to help explain "what's going on" in politics. Our framework consists of five concepts dealing with the fundamental issues of what government tries to do and how it decides to do it. These concepts fall into two groups. The concepts of *freedom*, *order*, and *equality* relate to how values shape the goals that a government tries to accomplish. We discuss these values in Chapter 1. The concepts of *majoritarian democracy* and *pluralist democracy* refer to two competing models of government that are used to illustrate the dynamics of the American political system. We treat these alternative models of democracy in Chapter 2. In this supplement to *The Challenge of Democracy*, Fourth Edition, we employ these five concepts in helping to understand the "Republican Revolution" led by Speaker of the House, Newt Gingrich. We contend that the extraordinary electoral and congressional events of 1994-95 are readily interpretable within our conceptual framework.

In the pages below, we discuss the major political events during the past year: the 1994 congressional campaign and election results; the

making of the Contract with America; the fundamental changes in the House of Representatives, as engineered by the new Republican majority; contests for power involving the House, Senate, and presidency; the Republican Party's record in fulfilling its Contract; important shifts in responsibilities between national and state governments; and dramatic struggles over government policies in the fields of affirmative action, welfare, crime, taxation, and regulation. To orient you in reading about these developments, we foreshadow five key arguments:

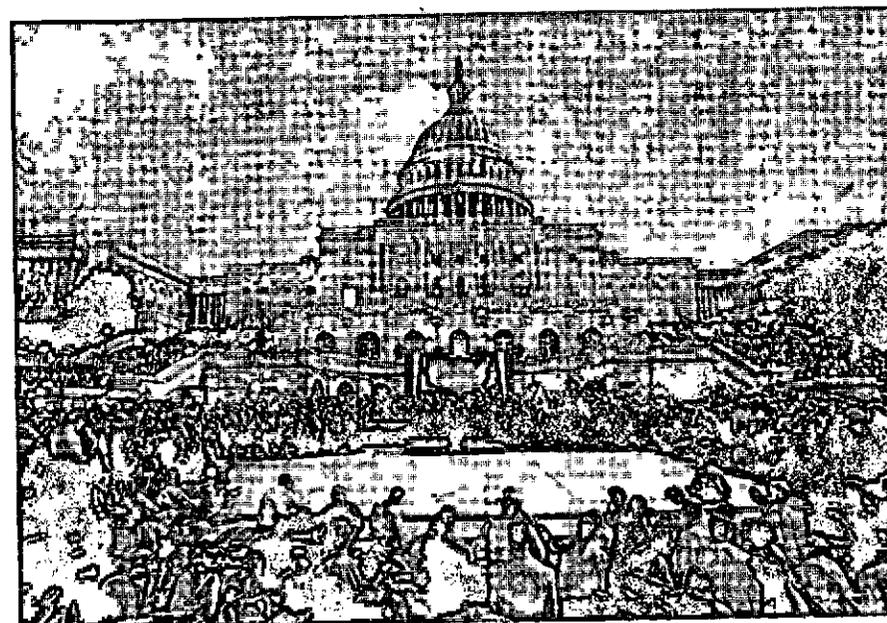
1. The Contract with America, the centerpiece of the Republican Revolution, and much of the party's legislative agenda in the House of Representatives, is more libertarian in philosophy than conservative.
2. The Contract itself can be viewed as an attempt at party government in keeping with the model of majoritarian democracy.
3. Despite the majoritarian thrust of the Contract with America, pluralist democracy is still practiced in the halls of Congress.
4. Although the Contract with America was proposed by members of the House, some of its provisions would increase the power of the president at the expense of Congress.
5. Although the Contract with America was based on a philosophy of limited government, some of its provisions would increase the national government's responsibilities.

Section One: The Republican Party and Responsible Party Government

The day after the 1994 election, both the print and broadcast media tagged the event as the "Republican Revolution."¹ This phrase exaggerates a bit, as the 1994 election and its legislative consequences pale in comparison with the American, French, or Russian revolutions. But judgments are relative, and in the context of contemporary American politics, the Republicans have cause to call their victory and subsequent behavior "revolutionary." Let's look first at how unusual the 1994 congressional election was.

Results of the 1994 Election

As shown in Figure 1a, the 1994 election was only the third since 1930—and the first since 1946—in which Republicans won a majority of the vote



On September 27, 1994, over three hundred Republican candidates for the House of Representatives in the November congressional election gathered on the steps of the Capitol. They were summoned by the party to sign the Contract with America, their collective campaign pledge. At the time, the gathering was regarded by most observers more as a campaign gimmick than an historic occasion, but events proved otherwise.

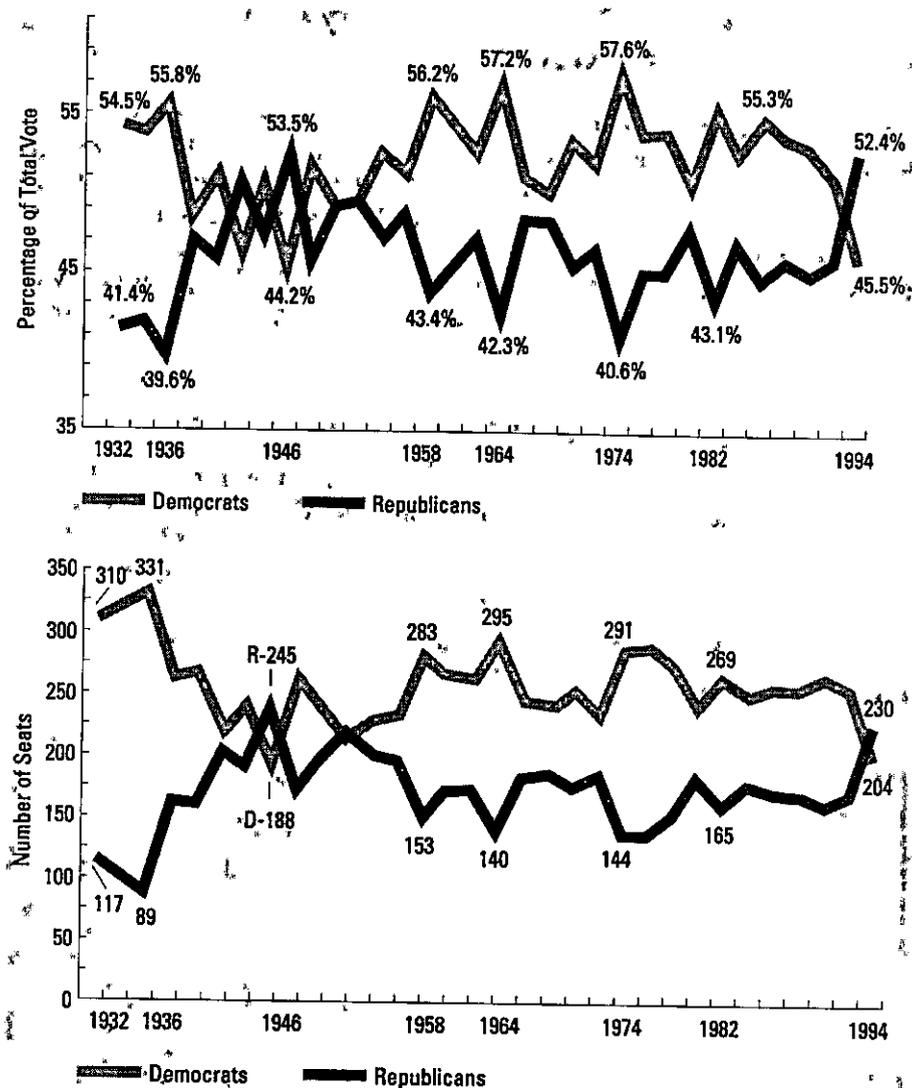


FIGURE 1 A Revolutionary Election

The 1994 election was a historic election for Republican candidates for the House of Representatives whether measured by votes won or seats won. Figure 1a plots the Democratic and Republican percentages of the total vote cast for Congress in contested seats since 1932. The Republicans outpolled the Democrats only three times during this period; and 1994 was the first time they accomplished this since 1946. Figure 1b shows a similar story for the parties' share of the seats: Again, the Republicans won a majority of seats only three times since 1932; the last previous time was in 1952. Source: Everett Carl Ladd (ed.), *America at the Polls 1994* (Storrs, CT: Roper Center for Public Opinion Research, 1995); pp. 2-3.

for the House of Representatives. Figure 1b illustrates that it was only the third election since 1930—and the first since 1952—in which Republicans won a majority of the House seats. Most amazingly, no Republican incumbents were defeated in their races for Congress or governorships, compared with the defeat of two Democratic Senators, five Democratic Governors, and thirty-five Democratic Representatives. Despite all the pre-election publicity given to limiting the terms of members of Congress, and all the talk against officeholders, the voters in 1994 did not revolt against incumbents: they revolted against Democrats.

Consider the outcome of the Senate elections. To control the Senate, the Republicans needed a net gain of seven out of the thirty-five seats up for election. They gained eight. Moreover, all eleven of the new persons elected to the Senate were Republicans. Although only two Democratic incumbents were defeated, the Republicans won every contest in which the incumbent had retired. To rub salt in the Democrats' wounds, a former Democratic Senator (Richard Shelby of Alabama) switched parties after the election, and another (Ben Nighthorse Campbell of Colorado) became a Republican early in 1995. As a result, the Republicans held fifty-four of the one hundred seats in the 104th Congress.

The Democrats fared even worse in the House elections. The Republicans needed a net gain of forty seats to control the House—a Herculean task, given that the most seats that the party ever gained in congressional elections since 1948 was forty-seven during the Vietnam era (the next most was thirty-three). In fact, the party gained fifty-two seats while not suffering the loss of a single Republican incumbent. Moreover, another Democrat, Nathan Deal of Georgia, later switched parties. As a result, the Republicans firmly controlled the House in the 104th Congress with 231 of the 435 seats.

Explaining the Election Results

Why did the Republicans score such a sweeping victory in the 1994 elections? At the outset, one must recognize that the Republican triumph ran against the three factors—seats at risk, presidential popularity, and economic conditions—that political scientists have used successfully to predict the outcome of congressional elections in the past.² Although Clinton won the presidency in 1992, he did not win by a landslide and thus did not pull in many Democrats to Congress on his coattails. Consequently, there was not a surplus of Democratic House seats at risk. The party held only 256 seats, which was their postwar average, and in theory did not have many to lose. Despite claims about Clinton's unpopularity, his Gallup approval rating was really not very low; in fact, it was virtually equal to Reagan's popularity before the 1982 midterm election. Finally, economic conditions were quite favorable: unemployment was down and personal disposable income up over the previous year.

Obviously, something was different about 1994, but what was it? For one thing, public opinion on the government was more negative than it had been since records of repeated questions in national surveys began to be kept. When respondents were asked in 1958, "How much of the time do you think you can trust the government to do what is right?" 73 percent thought government would always or mostly "do what is right." Only 22 percent thought so in 1994.³ When asked whether they agreed or disagreed with the statement, "We need new people in Washington even if they are not [as] effective as experienced politicians," only 44 percent agreed as recently as 1987, compared with 60 percent in 1994.⁴

The fact that public distrust in government and disgust with its practitioners reached a new high in 1994 worked against the Democratic incumbents. Congressional Democrats have traditionally campaigned on personally delivering the benefits of government to their states and districts. The public's rising antagonism toward politics and politicians undercut the Democrats' traditional message. This is reflected both in overall election statistics and in individual cases. In Chicago, Democrat Dan Rostenkowski, the Chair of the powerful House Ways and Means Committee and Representative for thirty-six years, was ousted by an unemployed lawyer—despite Rostenkowski's legendary delivery of goods and services to his district. In the state of Washington, Democratic Speaker of the House Tom Foley, a thirty-year veteran and the most powerful person in Congress, became the first Speaker to be defeated by election since 1860.

Was 1994 a "critical election" that produced a sharp change in the existing patterns of party loyalties among groups of voters resulting in a lasting "electoral realignment"? (See *The Challenge of Democracy*, Fourth Edition, page 261.) It seems not. First, the voter turnout in 1994 did not suggest an especially motivated citizenry: at 39 percent, it was only marginally higher than the 37 percent voting in the 1990 midterm election and still low by other countries' standards. Post-election voter analyses also revealed no "unifying theme" among those who voted for Republican candidates other than "an overall distaste for government."⁵ Most importantly, election surveys did not detect a significant shift in the public's party identification. Democrats still outnumbered Republicans by about two percentage points.⁶ However, of those voters who cast their ballot for independent presidential candidate Ross Perot in 1992, two out of three voted for Republican House candidates in 1994.⁷ One of the sharpest differences in how social groups voted was the eight percentage-point gap between men and women. Republican candidates drew 54 percent of the male vote, while 54 percent of the women voted for Democratic candidates.⁸ But this source of group difference is not fodder for an electoral realignment.

But something else was different about the 1994 election: the Republican Party itself played a unique role in nationalizing the House contests. Congressional scholar Gary Jacobson noted that the party effectively

exploited—for the first time—the themes and issues that had served them so well in presidential campaigns since 1968.⁹

The Organizational Factor

The conventional wisdom is that political parties have been declining in the U.S. How, then, can one explain the Republican victory in 1994 in terms of actions of the national party organization? The fact is that the conventional wisdom is quite correct in one respect, and definitely wrong in another respect. It is right in that the sense of partisanship among individual voters has declined over time. This decline is clearly seen in two types of evidence cited in *The Challenge of Democracy*, Fourth Edition: the increased percentages of independents since 1952 (page 273), and the increase in the percentage of voters who split their ticket by voting for a congressional candidate from one party and a presidential candidate from the other (page 298). Ironically, while partisanship has declined among voters, the number of party organizational activities has increased over time. *The Challenge of Democracy* demonstrates the increase in party voting in the House of Representatives since 1970 (page 386). The book also describes how the national committees of both parties have gained resources over the past quarter century, such that they now contribute funds to state party organizations where once state parties supplied funds to the national committees (pages 279–280).

Both national committees now command enough funds to help shape the outcome of congressional contests, and the Republican Party usually collects and spends more money than the Democrats. The Republicans' three main national organizations (The Republican National Committee, the National Republican Senatorial Committee, and the National Republican Congressional Committee) spent more than \$150 million in the 1994 campaign to the Democrats' \$78 million.¹⁰ Among the Republican expenditures was a \$60,000 contribution to the campaign of the candidate challenging Representative Dan Rostenkowski. This was the maximum allowed under law, and \$55,000 of it came less than a week before the election, enabling the challenger to buy a thirty-second television spot to air on Chicago's three network affiliates.¹¹ However important the Republican Party's role was in financing congressional campaigns, this was not the unique difference between the parties in the 1994 election. The unique difference lies in the Republican Party's role in developing their campaign document, the Contract with America.

The Contract with America

On September 27, 1994, more than 300 Republican candidates for the House of Representatives gathered in front of the Capitol in a combined news conference and photo opportunity to unveil what they called their

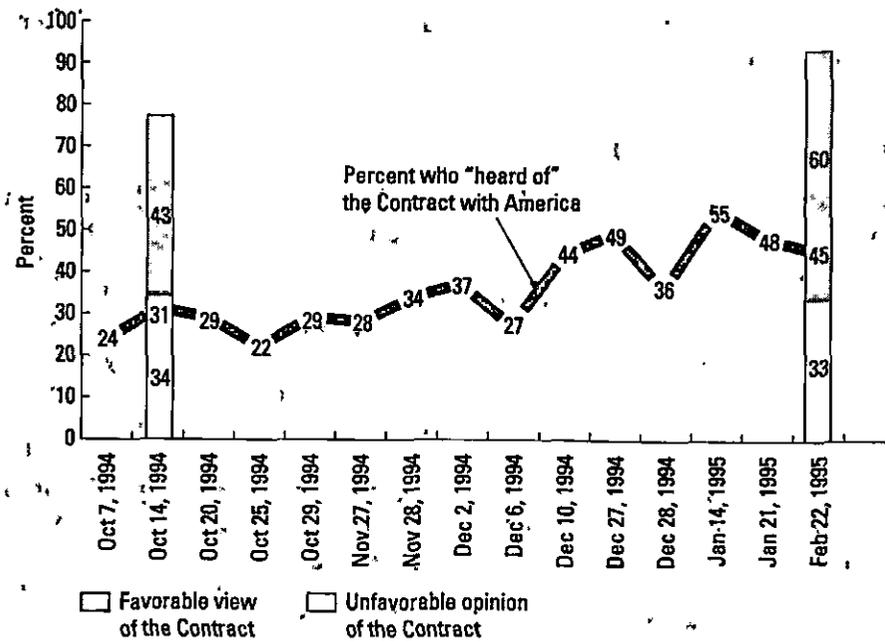


FIGURE 2 *What Contract?*

Various national surveys were taken during the four months after the House Republicans unveiled their congressional campaign document, the *Contract with America*, on September 27, 1994. For the first few weeks, only about 25 to 30 percent of the respondents surveyed said that they had heard anything about the Contract. Before the Republicans took control of the 104th Congress in early January, the media reported almost daily on elements of the Contract, and public awareness grew. Still, only about half of the public reported hearing anything about it by the end of February. However, the public evaluated the Contract more favorably over time. In the October 14–18 survey, only 43 percent thought the Contract was a step “in the right direction,” and 34 percent thought it was “in the wrong direction.” In the February 22–25 survey, 60 percent supported “some or most of” its ideas, and only 33 percent “few or none.”

Sources: Oct. 7–9, 1994—Gallup/CNN/USA Today; Oct. 14–18, 1994—NBC News/Wall Street Journal; Oct. 20–24, 1994—The People and the Press: Prelude to the Election; Oct. 25–26, 1994—Time/CNN/Yankelovich Partners Inc.; Oct. 29–Nov. 1, 1994—CBS News/New York Times; Nov. 27–28, 1994—CBS News; Nov. 28–29, 1994—Gallup/CNN/USA Today; Dec. 2–5, 1994—Gallup/CNN/USA Today; Dec. 6–9, 1994—CBS News/New York Times; Dec. 10–13, 1994—NBC News/Wall Street Journal; Dec. 27–28, 1994—Princeton Survey Research Associates/Newsweek; Dec. 28–30, 1994—Gallup/CNN/USA Today; Jan. 14–17, 1995—NBC News/Wall Street Journal; Jan. 21–23, 1995—Alliance to Save Student Aid Survey; Feb. 22–25, 1995—New York Times/CBS News.

“Contract with America.” A puzzled media treated it more like a gimmick than a serious document. The authoritative publication *Congressional Quarterly* said, “The question is whether the ten-point legislative pledge is a true agenda or just a novel campaign tactic.”¹² Democrats didn’t know what to make of the Contract but naturally described it in negative terms: “snake oil,” “a magic elixir for everything that ails us,” and “an irresponsible set of things to throw at the American people.”¹³ Even Senate Republicans were leery of the document. They declined pleas by their colleagues to sign the Contract and even refused to show up at the House event, opting to stage their own separate show instead.¹⁴

At first, House Republicans garnered relatively little publicity in the media for their effort. By October 7, less than a quarter of respondents in a national survey had heard of the Contract with America. Most of those who did said that it would not affect their vote or would even make them less likely to vote Republican. Yet, the Contract with America became a significant factor in the 1994 election campaign and an even larger part of the Republicans’ legislative agenda in the 104th Congress. What was the background behind this unique campaign document, this unprecedented party manifesto?

As described in the book, *Contract with America*, the planning began in February 1994, at a conference of House Republicans in Salisbury, Maryland.¹⁵ The participants wanted to make sure that “citizens could clearly understand what the Republican Party stood for and meant to deliver if ever given a chance to control the federal legislative process.” They agreed on five principles to describe their philosophy of government:

- individual liberty
- economic opportunity
- limited government
- personal responsibility
- security at home and abroad¹⁶

Viewed through the conceptual framework of *The Challenge of Democracy*, the first four principles clearly reflect a libertarian set of values. The Republican planners emphasized the value of freedom over both values of equality and order. They did not regard shaping a more equal society or controlling social behavior as the proper role of government. Although their last principle accepted an active role for government in fighting crime and defending the nation, the contract framers centered on libertarian principles in the domestic sphere.

Following that planning session, the Republicans undertook the task of translating their principles into an election manifesto for the 1994 campaign.¹⁷ In March and April of 1994, Dick Armey, chair of the Republican House Conference (consisting of all Republican members of the House of Representatives), solicited ideas from incumbents on elements

Feature 1

Contract with America: Legislative Bills

The most salient feature of the Republican's Contract with America was its set of pledges for major changes in public policy that the party promised to introduce and to bring to a vote in the House of Representatives. They lacked the power to guarantee enacting these pledges into law, because all signatories to the Contract were only in the House, not the Senate. Moreover, legislation that comes from Congress is also subject to presidential approval. In Section 2, we discuss which pledges were eventually enacted.

Thereafter, within the first 100 days of the 104th Congress, we shall bring to the House Floor the following bills, each to be given full and open debate, each to be given a clear and fair vote and each to be immediately available this day for public inspection and scrutiny.

1. **THE FISCAL RESPONSIBILITY ACT:** A balanced budget/tax limitation amendment and a legislative line-item veto to restore fiscal responsibility to an out-of-control Congress, requiring them to live under the same budget constraints as families and businesses.
2. **THE TAKING BACK OUR STREETS ACT:** An anti-crime package including stronger truth-in-sentencing, "good faith" exclusionary rule exemptions, effective death penalty provisions, and cuts in social spending from this summer's "crime" bill to fund prison construction and additional law enforcement to keep people secure in their neighborhoods and kids safe in their schools.
3. **THE PERSONAL RESPONSIBILITY ACT:** Discourage illegitimacy and teen pregnancy by prohibiting welfare to minor mothers and denying increased AFDC for additional children while on welfare, cut spending for welfare programs, and enact a tough two-years-and-out provision with work requirements to promote individual responsibility.
4. **THE FAMILY REINFORCEMENT ACT:** Child support enforcement, tax incentives for adoption, strengthening rights of parents in their children's education, stronger child pornography laws, and an elderly dependent care tax credit to reinforce the central role of families in American society.
5. **THE AMERICAN DREAM RESTORATION ACT:** A \$500 per child tax credit, begin repeal of the marriage tax penalty, and creation of American Dream Savings Accounts to provide middle class tax relief.
6. **THE NATIONAL SECURITY RESTORATION ACT:** No U.S. troops under U.N. command and restoration of the essential parts of our national security funding to strengthen our national defense and maintain our credibility around the world.
7. **THE SENIOR CITIZENS FAIRNESS ACT:** Raise the Social Security earnings limit which currently forces seniors out of the work force, repeal the 1993 tax hikes on Social Security benefits and provide tax in-

Feature 1 (continued)

- centives for private long-term care insurance to let older Americans keep more of what they have earned over the years.
8. **THE JOB CREATION AND WAGE ENHANCEMENT ACT:** Small business incentives, capital gains cut and indexation, neutral cost recovery, risk assessment/cost-benefit analysis, strengthening the Regulatory Flexibility Act and unfunded mandate reform to create jobs and raise worker wages.
 9. **THE COMMON SENSE LEGAL REFORM ACT:** "Loser pays" laws, reasonable limits on punitive damages and reform of product liability laws to stem the endless tide of litigation.
 10. **THE CITIZEN LEGISLATURE ACT:** A first-ever vote on term limits to replace career politicians with citizen legislators.

Further, we will instruct the House Budget Committee to report to the floor and we will work to enact additional budget savings, beyond the budget cuts specifically included in the legislation described above, to ensure that the Federal budget deficit will be less than it would have been without the enactment of these bills.

Respecting the judgment of our fellow citizens as we seek their mandate for reform, we hereby pledge our names to this Contract with America.

Source: From *Contract with America* by Ed Gillespie and Bob Schellhas, eds. Copyright © 1994 by Republican National Committee. Reprinted by permission of Time Books, a division of Random House, Inc.

to be put into the Contract. Meanwhile, the Republican National Committee conducted a similar survey of Republican candidates who were seeking to become incumbents. In June and July of 1994, a "Planning and Working Group" headed by Michigan Republican Pete Hoekstra "test marketed" the wording, order, format, and presentation of the elements. They used polls and focus groups to determine the elements' appeal. For example, they dropped any reference to Republicans in the document because party labels did not test well. They "found that the most appealing element of the Contract was its contractual nature—that House Republicans asked to be voted out of office if they failed to bring the ten contract items up for a House vote early in the 104th Congress."¹⁸ In early August, Arney undertook a member and candidate education effort by releasing a 141-page critique of House activities under forty years of Democratic control.

Finally, after all that planning by the Republican Party, the Contract was unveiled on the steps of the Capitol on September 27. Present were 150 incumbents and nearly 180 challengers brought in by the party for the occasion. In presenting their Contract with America, Gingrich and com-

pany made two sets of promises if the citizenry would vote them into power. On the very first day of the 104th Congress, the new Republican majority would pass eight major reforms in the way the House did business. Thereafter, within the first 100 days of the 104th Congress (by April 14, if days are counted consecutively), ten specific bills would be brought to the House floor. Each of these bills would be given full and open debate, each would be given a clear and fair vote, and each would be immediately available for public inspection and scrutiny. The event got some media coverage, and 367 Republican candidates eventually signed the Contract.

What was so revolutionary about the Contract with America? Some people would focus on its content. The promised reforms of Congressional legislative procedure were very significant and would result in dramatic changes in the way the House does business, including more power to the Speaker, a decline in the power of committee chairs, and increased openness in decision making for both the public and the minority party. (How these promises fared is discussed below.) Several of the ten acts would dramatically change the operation of American government, including the balanced budget amendment, the line-item veto, and term limits (also discussed below). But more significant for party politics are the implications of the Contract with America for altering the model of democratic government in the United States.

Responsible Party Government

The Challenge of Democracy outlines two alternative models of democratic government. The classical majoritarian model—based on public opinion as reflected in election results—assumes that people are knowledgeable about government, that they want to participate in the political process, and that they carefully and rationally choose among candidates. The majority of the public thus shapes politics and policy. In contrast, the pluralist model argues that our government is democratic not necessarily because it does what a majority of the people want, but because the government is kept open to the claims of competing interest groups. It is this openness in the context of an adversarial process between opposing interest groups that makes our government “democratic.” Our book contends that politics in the U.S. fits the pluralist model better than the majoritarian model. However, with their bold Contract with America, the Republicans are operating under a majoritarian model through what political scientists recognize as *responsible party government* (*The Challenge of Democracy*, Fourth Edition, pages 281-282).

According to responsible party government, parties can make the government responsive to public opinion by adhering to these principles:

- Parties should present clear and coherent programs to voters.
- Voters should choose candidates according to the party programs.
- The winning party should carry out its program once in office.

- At the next election, voters should hold the governing party responsible for executing its program.

Although some party scholars dismissed the Contract with America soon after it was announced,¹⁹ others have noted that it comes very close to fulfilling the principles of the responsible party model.²⁰ The weakest link so far is the second principle: did voters actually choose to vote Republican because of the Contract with America? Although Figure 2 shows that only about 25 percent of the electorate had heard about the Contract with America prior to the election, many of these people were probably among the 39 percent who actually voted. Moreover, more self-identified Republicans than Democrats voted in 1994 for the first time since 1970.²¹

Clearly, the Republican Party succeeded in changing the terms of political debate in 1994 by emphasizing their Contract. While most voters did not base their voting decisions on the party's promises, some no doubt did. Moreover, the party knew from its polling what the voters wanted concerning policy positions, and the Contract repeated their preferences. Furthermore, the Republicans, by their Congressional actions in 1995, are setting up conditions for such a choice in the 1996 Congressional elections. At the opening day of the 104th Congress, with the Republicans in control for the first time in forty years, Speaker Newt Gingrich quoted the party's commitment as spelled out in the Contract with America and stated its “absolute obligation” to deliver on its promises.²² As shown in Figure 2, the percentage of voters familiar with the Contract increased into 1995, and more gave positive evaluations of it. Nevertheless, it remains to be seen whether the Contract will be an important factor in the 1996 election. Given the vagaries of American politics, it's entirely possible that public attention to the Contract with America will, like Bush's 89 percent approval rate in early 1991, dissipate in the campaign winds prior to the next presidential election.

Section Two: Congress and The President

In the 1994 election, Republican candidates for the House of Representatives campaigned on a promise. If their party won a majority of the seats, they would bring to a vote all the pledges they made in their Contract with America in the House within 100 days. They kept their promise. Almost all of the specific policies they pledged to act on were, in fact, passed by the House and sent on to the Senate within ninety-three days. It was a remarkable legislative achievement.

Revolution in the House

In 1979 Newt Gingrich, a thirty-five-year-old college professor from Georgia, was elected to the House for the first time. Gingrich had long wanted to serve in Congress, but when he finally arrived he quickly became



Dynamic Duo Newt Gingrich has led not only by his strategic prowess and forceful personality, but also by building a strong leadership team to push the Republican program. Second in command is Dick Armey of Texas, pictured here on the left, who serves as the Majority Leader in the House. Armey shares Gingrich's rock-ribbed conservatism and commitment to free-market economics. Other of the Speaker's key lieutenants include Tom DeLay of Texas, John Kasich of Ohio, and John Boehner, also of Ohio. (Jeffrey Markowitz/Sygma)

frustrated with his party's seemingly permanent minority status in the House. Over the years he became a thorn in the side of the Democratic leadership and was popular with younger, conservative House Republicans who admired his aggressiveness. Gingrich rose to the position of Minority Whip and stood in line to become the Minority Leader when Bob Michel announced that he would retire from the House and his leadership post at the end of 1994.

After organizing the party's candidates around the Contract with America, Gingrich barnstormed the country on behalf of Republicans running for the House and did what he could to raise money for them. When the Republicans shocked the country by winning the House in the November election, Gingrich found himself promoted to Speaker rather than Minority Leader. The seventy-three House freshmen, nearly one-third of all House Republicans, came to Washington fervent in their support of the Contract and intensely loyal to Gingrich, whom they regard as a patron saint.

Table 1 A Changing of the Guard

The Republican takeover of both houses, the defeat of Tom Foley, the Democratic Speaker in the previous Congress, and the retirements of George Mitchell, the former Majority Leader for the Democrats in the Senate, and Robert Michel, the former Minority Leader for the Republicans in the House, has reconfigured the leadership teams for both parties in both houses.

House of Representatives	
REPUBLICANS	DEMOCRATS
Speaker of the House	Minority Leader
Newt Gingrich (Georgia)	Richard Gephardt (Missouri)
Majority Leader	Minority Whip
Dick Armey (Texas)	David Bonior (Michigan)
Senate	
REPUBLICANS	DEMOCRATS
Majority Leader	Minority Leader
Robert Dole (Kansas)	Tom Daschle (South Dakota)
Majority Whip	Minority Whip
Trent Lott (Mississippi)	Wendell Ford (Kentucky)

Congress is a rather conservative institution where tradition is revered and change comes slowly. Even though the Republicans took over the Senate as well in the 1994 elections, they have done little to change Senate organization and procedures. In the House, however, Gingrich instituted sweeping changes to establish firmer control over his party and to alter committee and floor procedures. The most striking move by Gingrich was that he violated the seniority norm for three House committees. By custom in both houses, the committee chair is the member of the majority party who has been serving the longest on the committee. For three major committees—Appropriations, Commerce, and Judiciary—Gingrich passed over the most senior member to choose someone who he thought would be more conservative and more aggressive in promoting the Republican program. Speakers have not appointed House committee chairs in this fashion since the first part of this century when "Uncle Joe" Cannon ruled the chamber with an iron fist.²³

In keeping with the Contract with America, the Republicans also abolished three minor committees and initiated staffing cuts of one-third of all House aides. A term limit for Speakers was set at eight years, and a term limit for chairs of committees and subcommittees was set at six years. Both houses passed a bill, later signed by the president, which requires the Congress to abide by all workplace laws that it requires of other employers (see Table 2).²⁴ Still, in viewing the House after the first 100 days it was clear that there was a great deal of continuity amid the

Table 2 Republicans Change the Rules

After forty years in the desert, House Republicans finally reached the promised land. In gaining a majority for the first time since the 1952 election, the Republicans had the opportunity to change the House rules to their liking. Among the most significant alterations are the following:

Committees

- **Committees eliminated.** Three committees are abolished: District of Columbia, Merchant Marine and Fisheries, and Post Office and Civil Service. Several other committees are renamed.
- **Staff cuts.** The rules cut the total number of committee staff by one-third compared to the levels in the 103rd Congress.
- **Subcommittee limits.** With three exceptions, no committee is allowed more than five subcommittees. The exceptions are Appropriations (13), Government Reform and Oversight (7) and Transportation and Infrastructure (6).
- **Subcommittee staff.** Staff hiring will be controlled by committee chairmen. Subcommittee chairmen and ranking minority members will no longer have authority to hire one staffer each.
- **Assignments.** Members may serve on no more than two standing committees and four subcommittees, except for chairmen and ranking members, who can serve ex officio on all subcommittees. Exceptions to the membership limit must be approved by party caucuses and the House.
- **Proxy voting.** The rules prohibit the practice of allowing a chairman or other designee to cast an absent member's vote in committee. Several committees have long had such a ban.
- **Published votes.** Committees must publish the members voting for or against all bills and amendments.
- **Open meetings.** Committees and subcommittees are barred from closing their meetings to the public, except when an open meeting would endanger national security, compromise sensitive law enforcement information, or possibly degrade, defame or incriminate any person. Closing a meeting under those exceptions would require a majority vote of the committee. Immediate past rules allowed a committee to vote to close its meetings without specifying the circumstances.
- **Broadcast coverage.** Committees must allow radio and television broadcasts, as well as still photography, of all open meetings.
- **Multiple referrals.** The Speaker may no longer send a bill to more than one committee simultaneously for consideration. The Speaker is allowed to send a bill to a second committee after the first is finished acting, or he may refer parts of a bill to separate committees.

Term Limits

- **Speaker.** The Speaker may serve no more than four consecutive two-year terms.

Table 2 (continued)

- **Committee, subcommittee chairmen.** Chairman of committees and subcommittees may hold their positions for no more than three consecutive terms. The limits begin this Congress.

Floor Procedures

- **Supermajority for tax increases.** A three-fifths majority of members voting is required to pass any bill, amendment or conference report containing an increase in income tax rates.
- **Retroactive tax increase.** No retroactive tax increases that take effect prior to the date of enactment of the bill are allowed.
- **Verbatim Congressional Record.** Members may no longer delete or change remarks made on the floor in the *Congressional Record* except for technical or grammatical corrections. Remarks inserted through unanimous consent to revise and extend a speech will appear in the record in a different typeface.
- **Roll call votes.** Automatic roll call votes are required on bills and conference reports that make appropriations and raise taxes. The annual budget resolution and its conference report will have a mandatory roll call as well.
- **Motions to recommit.** The minority leader or his designee is guaranteed the right to offer a so-called motion to recommit with instructions on a bill under consideration in the House. Such a motion enables the minority to propose changes, and the vote is on sending the bill back to committee to make those revisions.
- **Commemoratives.** Commemorative legislation may not be introduced or considered.

Administration

- **Administrative offices.** The Office of the Doorkeeper is abolished, its functions transferred to the sergeant at arms. A new position of chief administrative officer (CAO) is created, replacing the director of non-legislative services. The CAO is nominated by the Speaker and elected by the full House.
- **Legislative service organizations.** Funding for so-called legislative service organizations, the 28 caucuses in the House that received office space and budgets to operate in the House, is abolished.

Source: From David S. Cloud, "GOP to Its Own Great Delight, Enacts House Rules Changes," *Congressional Quarterly Weekly Report*, 7 January 1995. Used with permission.

change. Although the Republicans promised that they would make the House more open, more internally democratic, and more fair to the minority party, Gingrich and his allies have used the House rules much like the Democrats did. That is, they use the rules to enhance their own party's control of the House.²⁵

A Binding Contract

After quickly disposing of the procedural reforms on the first day of the 104th Congress, the Republicans turned to the ten principal planks of the Contract with America. There were many more bills than ten, because there were multiple parts to some of the Contract's promises. One by one the bills were reported out of committee and sent to the House floor. Democratic support for the Republican program varied considerably across the range of legislation brought forward. Republicans, however, marched in line, voting together on all but a few issues.

Although the Republicans are a more homogeneous party than the Democrats, their solidarity was impressive. Their unity was driven not only by general agreement on policy, but in part by the desire not to let the much-ballyhooed Contract with America fail. Differences within the party were sometimes papered over, and those who strongly opposed key provisions of some of the bills were pressured by Gingrich and his leadership team to go along for the sake of the party. There was certainly the expectation that the Senate would temper some of the more extreme conservative elements of the Contract. For example, many Republicans in the House wanted the promised \$500 per child tax credit to be limited to those families making \$95,000 a year or less, while the Contract with America promised a tax credit for those making up to \$200,000. Such a generous upper limit played right into the hands of the Democrats, who claimed that the GOP was cutting back on the school lunch program so that the rich could get a large tax break. Gingrich convinced many of those who preferred the \$95,000 limit that it was of paramount importance not to break the promise in the Contract for a tax credit for those with incomes up to \$200,000. The controversial \$200,000 limit stayed in the bill, and it was passed and sent to the Senate.

Of the Contract bills brought before the House, only two were defeated (see Table 3). One was a bill to restore funding for an anti-missile defense system. It was not a major part of the Contract, and other elements of the national security plank were passed. The other defeated bill, though, was the more significant constitutional amendment to establish term limits for members of Congress. Although most Republicans supported the bill, it didn't achieve the two-thirds majority necessary for passage in the House. Another key provision of the Contract, a constitutional amendment requiring a balanced budget by the year 2002, passed the House but was defeated in the Senate. Thus, two of the most popular and visible Contract items, term limits and the balanced budget amendment did not make it out of Congress. Although there are some other popular items in the Contract, such as welfare reform and a crime bill, the Republicans' inability to pass these two cornerstones of the Contract led some Americans to express disappointment with the Republicans' first 100 days. Generally, though, Americans seemed to feel that Congress was doing a better job than usual.

Table 3 The Contract with America at Day 100

House Republicans promised that if they won a majority in the election, they would bring to a vote all provisions in the Contract with America within 100 days of taking office. They delivered on their promise, though much of the legislation is controversial and will be changed considerably in the Senate.

	House	Senate	Signed by President
✓ Passed ✗ Rejected			
Congressional Rules			
Apply federal labor laws to Congress	✓	✓	✓
Budget			
Constitutional amendment requiring a balanced budget	✓	✗	
Line-item veto	✓	✓	
Crime			
Convicted offenders must pay full restitution to their victims	✓		
Relax rules of evidence in trials	✓		
Limit death penalty appeals	✓		
Block grants for community police officers and crime prevention programs	✓		
Speed deportation of criminal aliens	✓		
Increased penalties for child pornography	✓	✓	
Welfare			
Reform of Aid to Families With Dependent Children, child nutrition, food stamps and supplemental security income	✓		
Tax Cuts			
\$500-per-child tax credit	✓		
Reduce marriage penalty	✓		
Expand I.R.A. savings accounts	✓		
Tax credits for adoption and elderly care	✓		
Reduce capital gains tax	✓		
Raise Social Security earnings limit	✓		
Repeal 1993 increase in amount of benefits subject to income tax	✓		
National Security			
Reduce spending on peacetime operations	✓		
Restricts United Nations command of U.S. forces	✓		
Reinstitute financing for anti-missile defense system	✗		

Table 3 (continued).

	House	Senate	Signed by President
Regulations			
Restrict unfunded mandates	✓	✓	✓
Paperwork Reduction Act	✓	✓	
Reduce federal regulations	✓		
Expanded use of risk-assessment and cost-benefit analysis	✓		
Compensate property owners whose land loses value because of regulations	✓		
Litigation			
Modified "loser pays" civil litigation change	✓		
Limit punitive damages awarded in civil lawsuits	✓		
Restrict stockholders' lawsuits accusing brokerage houses or other stockholders of fraud	✓		
Term Limits			
Constitutional amendment to limit terms for members of Congress	✗		

Sources: "The Contract with America: How Much Was Enacted," *New York Times*, 9 April 1995, p. 18; "Contract Scorecard," *Congressional Quarterly*, 8 April 1995, pp. 996-997; and "The Contract: Stop! Go! Caution!" *Time*, 10 April 1995, p. 35.

Despite these two major defeats for the Contract with America, House Republicans could truly claim that they had kept their promise with the American people. They had passed almost all parts of nine out of the ten Contract vows. Although there have been other Congresses that passed a series of bills dramatically pushing public policy in a new direction (Roosevelt's New Deal in 1933, Johnson's Great Society in 1964-1965; Reagan's tax and budget packages in 1981), those Congresses had been responding to initiatives of the *president*. The Contract with America came from the House of Representatives. There is nothing comparable in twentieth-century American history, where the Congress so forcefully took control of the nation's political agenda.

House-Senate Differences. As the Contract with America moved through the House of Representatives, differences with the way the Senate operates became ever more apparent. Some of these differences are institutional in nature. The House, with its elections every two years, is supposed to be close to the people and highly responsive to changes in public opinion. Yet

it is this very quality that concerned the founders. In *Federalist* #63, which makes the argument for a Senate to balance the House, Madison warns that "there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn."²⁶ The Senate, designed as an institution that would not be popularly elected, would be more resistant to popular passions and demagoguery. It would be a more deliberative body, ensuring that legislation was not passed hastily or carelessly.

Although much has changed about the Senate since it first convened, it seems to be playing the role the Founders envisioned as it works through the ambitious set of bills sent to it by the House. On a number of Contract bills, the Senate has already moved in a more moderate direction and corrected widely criticized provisions of House legislation. The House, for example, passed a Contract bill to provide regulatory relief to businesses that called for a year-long freeze on new regulations by administrative agencies. To hamstring the operations of the executive branch for an entire year struck many as a rather extreme policy, so the Senate passed a bipartisan alternative that simply gives Congress more opportunity to rescind regulations it dislikes before they can go into effect.²⁷ On welfare reform, some of the harsher provisions of the House's bill have been criticized by senators of both parties, and a more moderate bill is sure to be formulated.

In addition to the enduring institutional differences between the House and the Senate, there are also differences due to the current ideological makeup of each body. The fifty-four Senate Republicans are not quite as conservative as their House counterparts. The Senate moderates in the party, such as Mark Hatfield and Bob Packwood of Oregon, Arlen Specter of Pennsylvania, and James Jeffords of Vermont, have a little more leverage than the Republican moderates in the House.

The Dole-Gramm Fight. Senate deliberations over the Contract are further complicated by the contest for the 1996 Republican presidential nomination. Two of the leading contenders, Majority Leader Bob Dole of Kansas and Phil Gramm of Texas, are using their highly-visible positions in the Senate to campaign for the nomination. Gramm, an aggressive, hard-nosed conservative, has made a strategic decision to stay far to the ideological right. This places pressure on the more moderate Dole to move to the right as well, since conservatives are disproportionately represented in the early New Hampshire and southern ("Super Tuesday") primaries. But moving to the right complicates Dole's job as Majority Leader, as he must put together deals that bridge conservative and moderate differences over legislation before the Senate.

Dole suffered a major embarrassment when the balanced budget amendment to the Constitution failed by a single vote in the Senate. All

the Republicans but one, Mark Hatfield, voted for the amendment. Dole's inability to change Hatfield's or a Democrat's mind to get the two-thirds majority made him look bad in the eyes of conservatives who regard a balanced budget as a principle of sensible and responsible government.

Diminishing the Congress

For all the discussion of the Contract with America, there has been little attention paid to what its impact would be on the balance of powers between the branches of government. In a direct and forceful way, the policies embodied in the Contract with America would weaken Congress. The result would be a stronger executive branch, a more influential role for congressional staff, and a greater role for lobbyists. The three principal planks of the Contract that would weaken the Congress are term limits, the balanced budget amendment, and the line-item veto. Although the first two have already been defeated, they remain popular with the American public and may be enacted in the future.

Term limits weaken the Congress in a number of ways. To begin with, if they were implemented it would be more difficult for strong congressional leaders to emerge. By the time legislators developed the necessary leadership skills and rose to the top of their party, they would be at or near the limit of their allowable tenure in Congress. (There have been different limits proposed, but twelve years seems the most likely term limit if one were enacted.) If term limits had been in effect, Newt Gingrich would have been forced to leave the House before the 1994 elections. If term limits had been in effect in the 1960s, there may never have been someone with the stature and wisdom of J. William Fulbright, Chair of the Senate Foreign Relations Committee, who challenged the conduct of the Vietnam War. Term limits also mean that just as legislators gain the expertise on policy that makes them more valuable in developing new laws and overseeing the bureaucracy, they will be forced out. In the recent debate on the House floor, Republican Henry Hyde of Illinois called term limits the "dumbing down of democracy."²⁸ Since expertise is vital to intelligent policymaking, the vacuum in the Congress would need to be filled by congressional staffers who, of course, are unelected by the people, and lobbyists, who are concerned only with the narrow priorities of their interest group.

The line-item veto, which seems likely to become law in some form, gives the president the ability to veto specific provisions of a spending bill. Presumably, this will reduce budget expenditures as the president cuts out costly pork-barrel projects that individual legislators stick into the budget to please some group of voters back home. Presidents, however, will use this power to do much more than to cut out new dams or post offices; the line-item veto gives them more power over all kinds of policy decisions. The "power of the purse" is at the heart of congressional

authority, but the line-item veto transfers a lot of that power to the executive branch. The balanced budget amendment limits congressional prerogatives as well by restricting Congress's options in formulating public policy. Members would have less discretionary funding to apply to emerging problems, and would be more constrained in their ability to support programs backed by those who voted them into office.

It is not altogether clear why conservatives seem to want a weaker Congress. Conservatives have long fought against the growth of the executive branch. The Contract with America is not designed to expand the size of the executive branch, but it certainly would make it more powerful. Would it have been a good idea for presidents like Richard Nixon and Lyndon Johnson to have been even more powerful than they were? Conservatives say that they want to bring government closer to the people, but the Contract with America is intent on weakening the "people's branch."

Reasonable people can differ on the wisdom of such proposals as the term limits and the line-item veto. Nevertheless, the implications of the Contract with America for the balance of power between the branches of government is not well understood by the public. Members of Congress have not effectively communicated to their constituents what these changes mean in terms of the growth of the executive branch's power. The Contract with America represents a fundamental assault on the balance of powers that are at the heart of our Constitutional system. Such a radical change deserves more careful consideration than the Republicans' hectic and ambitious 100-day march has given us.

More Majoritarianism, But Not Less Pluralism

Earlier we contended that the Republicans' Contract with America is a significant step toward majoritarian policymaking. We cannot predict if this kind of majoritarianism will continue, but the Republican successes so far suggest that both parties will make similar efforts in the immediate future.

The Challenge of Democracy concludes that another model of policymaking, pluralism, is much more characteristic of the American political system. Since we pose majoritarianism and pluralism as alternative models, it may seem logical to assume that the majoritarian nature of the Contract with America has lessened the forces of pluralism. This has not been the case. Pluralism in American politics is alive and well; indeed, it has flourished under the Contract with America:

Business lobbyists have found the Republicans in both houses eager to pass legislation that helps out their industries. When the Senate Judiciary Committee decided to write a bill making it easier for businesses to challenge regulations in court, the Republicans on the Committee gave the task to lawyers from Hunton & Williams, a Richmond, Virginia law

firm that represents public utilities. Hunton & Williams was only too eager to help since it wanted to do everything it could to weaken those regulations which utilities find onerous.²⁹ This is no isolated instance! The *New York Times*, no friend of the Contract with America, editorialized, "Stripped of their populist veneer, the 100 days have been a massive sellout to special interests."³⁰

Why is it that more majoritarianism has not meant less pluralism? One important reason is that the Republicans' election victory, which they attributed to their Contract with America, has not by itself transformed our political system. If both parties offered competing plans that were well understood by the American people, if the public voted on the basis of those plans, and if both parties demonstrated over time that they could deliver on their promises when they won a majority, then we would have a responsible party system. The Contract with America is an impressive step in the direction of a majoritarian system, but it is only a step.

Another point is that a majoritarian system does not do away with interest groups; because interest groups will always exist in a democratic political system. The differing interests in society based on occupation, ideology, class, race, gender, ethnicity, religion, and so on are not going to go away because of a change in the nation's party system. Nevertheless, a true responsible party system would weaken interest groups because voters would exert more direct control over public policy. At the same time, interest groups would still play some role because they would create linkages to these responsible parties, adapting to the changes in the system.

Weakening pluralism in America requires not only a more majoritarian party system, but the implementation of reforms in the campaign finance laws as well. As long as candidates and parties are dependent on interest group money, they are going to be indebted to the lobbies that fund their campaigns and organizations. In recent years Congress has failed repeatedly to enact comprehensive campaign finance reform. No such legislation is currently on the horizon.

A White House in Retreat

One of the most striking aspects of the Contract with America is how Congress took center stage while the White House receded into the background (see Feature 2). As the Republican *blitzkrieg* moved along, Clinton retreated, waiting to fight another day. Although unimaginative, this strategy of not vigorously combatting the Republicans made a certain amount of sense for the first 100 days. Realistically, there was little Clinton could do to stop the legislation in the House. Many of the Contract items were very popular, and the media were going to give extensive coverage to them regardless of what Clinton did. The Democrats' response to Newt Gingrich was also compounded by the tentativeness of its new congressional leadership. Both Tom Daschle of South

We Feel Your Pain Politically battered and bruised, President Clinton faced the press on the day after the 1994 congressional election. Although the polls had shown a strong Republican trend, the White House was shocked by the breadth of the GOP gains. When the results were in, Clinton knew that the election would be interpreted as a repudiation of his leadership and that he had lost control of the political agenda to the Republicans. (Jeffrey Markowitz/Sygma)



Dakota, the Senate Minority Leader, and Richard Gephardt, the Minority Leader in the House, were still searching for their sea legs after the first 100 days were over.³¹

At the end of the first 100 days, the White House signalled that it was ready to go back in the ring with the Republicans. Clinton began to look for issues where he could draw a line in the sand and say "no further." One issue on which he has asserted himself is education. To provide himself some credit when a tax cut bill is finally sent to him, Clinton said that such a bill would have to include a middle-class tax break for educational expenses. Speaking in Warm Springs, Georgia, where Franklin Roosevelt had died fifty years earlier, Clinton declared that "Education is the fault line in America today."³²

Clinton would actually benefit from vetoing some legislation. He needs to strengthen his hand with Congress and force the Republicans to negotiate with the White House so that the bills that emerge carry a bipartisan aura. Clinton also needs to better articulate a vision of where the Democrats want to lead the nation. Simply responding to the Republicans' agenda and demanding changes in their legislation is not enough.

Conflict and Cooperation

On the surface it may seem that a conservative Republican majority in Congress and a liberal Democrat in the White House, combined with a

Feature 2

Why Clinton Stumbled

It was a presidency that started with such hope. The voters wanted change, and Bill Clinton promised change. And change has come to Washington, but it seems to have come in spite of Clinton—not because of him.

As noted earlier in our discussion, the public's repudiation of the Democrats in the 1994 election is remarkable, given that the country's economic trends were very positive during Clinton's first two years in office. The country remained at peace, and Clinton's management of foreign policy was competent, if unexceptional. He has a respectable record on domestic policy, and a number of important administration initiatives have become law. Why, then, did the public sour on Clinton and the Democrats? There are a number of reasons, but three weaknesses in the President's performance stand out.

The Vision Thing. During the 1992 campaign it was George Bush who was criticized for his lack of vision. Bush didn't think the "vision thing" (as he called it) was very important; for Clinton it seemed all-consuming. He came into office with an ambitious agenda, ready to tackle a long list of national problems. Yet an ambitious agenda is not the same thing as a vision of how and why the country should move in a new direction.

Clinton has proved to be surprisingly inarticulate in trying to explain to the American people where he wants to lead them. He has spoken on occasion of a "new covenant" between government and citizens; yet he has done little to explain what this new covenant is, and few Americans could even identify the term. Clinton is often criticized for promoting too many programs, stretching the administration in too many directions. This may be true, but Ronald Reagan and Lyndon Johnson had far-reaching agendas as well and they were quite effective at communicating the larger aims and aspirations of their programs. Clinton has simply not been adept at "going public" to rally support for his initiatives. It is unfair to say that he hasn't set priorities—he has. Still, Clinton's major programs do not amount to a coherent whole, and he has not offered the American people a compelling vision of what all his programs amount to.

Linking Organization to Action. The presidency is more than a bully pulpit to plead one's case to the public. It is also an institution with abundant—though finite—resources. Clinton has not proven adept at harnessing these resources to his advantage. Pundits frequently criticize him for being disorganized and undisciplined; political scientists might describe this same behavior as a failure to think strategically about how best to use the organization at his disposal.

Clinton's failure to think rigorously about how to use the resources of his office led to two disastrous appointments at the highest levels of the White House. The first, his appointment of childhood friend Mack

Feature 2 (continued)

McLarty to the post of Chief of Staff, was astonishing in its naiveté. The Chief of Staff plays a pivotal role in managing the White House, controlling access to the President, and allocating the Chief Executive's time among many competing demands. As pointed out in Chapter 12 of *The Challenge of Democracy*, McLarty was relatively inexperienced in politics, had no Washington background, and eventually had to be replaced. What the appointment signalled was that Clinton wanted to be his own Chief of Staff. For those knowledgeable about Clinton's record as governor of Arkansas, this failure to see the White House Chief of Staff position as critically important may seem familiar. When he began serving as Governor he decided to have no chief of staff. Instead he relied on three young and relatively inexperienced aides for help. Acting as his own Chief of Staff worked poorly in Arkansas, and it worked poorly in Washington, where Clinton clearly needed help in taking over the reins of government.

The second error was the appointment of Ira Magaziner, a Rhode Island business consultant, to head the health policy task force. Magaziner, whose previous work demonstrated a tendency toward grandiose and politically unworkable policy schemes, proved to be unusually inept at Washington politics. Clinton's most important policy initiative was constructed by a 500-person staff, under Magaziner's direction, a staff Magaziner did his best to shield from lobbyists and legislators. Indeed, at one point, the health task force went out of its way to insult the lobbyists from the nation's largest health-related trade groups by holding a hearing where each got to testify for only three minutes. It would have been much better for the President if his health advisers, including his wife Hillary Rodham Clinton, had spent more time building bridges to interest groups and legislators and less time trying to write the most elegant and logically consistent legislative proposal.

President Clinton has failed to design a White House staff structure that effectively links policy formulation with political objectives. He has not thought imaginatively about the organizational design of the White House, and he has appointed too many people who have proven to be poorly suited to the positions they filled.

Reading Public Opinion. Politicians tend to be very good at taking the pulse of the nation and understanding what it is that the people want done. President Clinton, however, seems to have badly misread public opinion during his first two years in office, and, as a consequence, his policies have not received the popular support that he expected. More than anything else, Clinton did not seem to appreciate just how angry and alienated Americans are toward government.

This problem is illustrated by the Clinton health care proposal. When he took office in January 1994, the polls showed that the people were concerned about the health care system and wanted government to do something about it. The lack of adequate health insurance or any health

Feature 2 (continued)

insurance at all for many Americans is a serious national problem, and Clinton is to be commended for tackling such a tough issue (an issue his predecessor, George Bush, did his best to ignore).

Although polls showed a general preference for governmental action on health care, they didn't demonstrate that the American public was sympathetic to the managed competition approach that Clinton and Magaziner had in mind. What the polls also showed, as pointed out earlier, was that discontent with government is at record levels. Despite the public's disenchantment with government, Clinton proposed a health plan that appeared to significantly expand government's role in this sensitive area of people's lives. The Republicans and interest group opponents were effective in playing on the public's dislike of Washington to fight against the Clinton health plan. Clinton read into the polls what he wanted to believe, and didn't appear to accurately weigh the intensity of the public's antagonism toward government and taxes against the diffuse support for the administration to do something on health care.

All these difficulties have whetted the appetites of Republicans who want to replace Clinton in the White House. Like vultures circling their prey, the Republicans seem to assume that Clinton is close to death and will soon be easy pickings. Clinton is a resilient politician, however, and he may yet turn around his administration. As the Republicans in the Congress begin to cut domestic programs to make good on their promise to balance the budget, Americans who value those programs will surely be angered. Ironically, the Republicans' efforts in Congress may remind the American people of what it is they like about the Democrats.

hotly contested race for the Republican presidential nomination already well underway, is a prescription for gridlock. If history is any indication, however, the chances are that the 104th Congress will be reasonably productive. Divided government, when one party controls the White House and the other party controls at least one house of Congress, has been common since World War II. Research shows that just as much important legislation gets enacted into law under divided governments as under unified governments.³³

Yet with the Republicans ascendant and the Democrats on the defensive, it is natural to wonder if the GOP has any real incentive to cooperate with Clinton and the congressional Democrats. Even if Clinton vetoes some of their legislation, the Republicans can take those issues to the voters in the 1996 elections. Moreover, what interest do the Republicans have in allowing Clinton to gain some of the credit for legislation that is passed at their party's initiative?

The Republicans do, in fact, have incentives to cooperate with the president. The Republicans want to be able to claim that they produced significant new laws throughout the 104th Congress. If the public perceives that the system degenerated into partisan gridlock, they may direct their anger at both political parties.

The Republicans in Congress also need to produce because their support with voters is not terribly firm. Although Newt Gingrich is the most effective congressional leader since Senate leader Lyndon Johnson in the 1950s, he has not worn well with the American public. People credit Gingrich with being an effective leader, but polls show that more respondents dislike than like him. People's attitudes toward the Republicans' accomplishments in Congress are sharply divided. Near the end of the first 100 days, a Gallup poll found that 42 percent of those interviewed said the last three months of Congress had been a success. Forty percent rated the Congress a failure during this time.³⁴ If the Republican program gets bogged down, the GOP's poll ratings will surely be driven lower.

Section Three: Public Policy

The Republican Contract with America promised to change the landscape of governmental policy. Although its stated theme was to reduce the size and reach of the national government, some of its provisions actually aimed at increasing—not decreasing—Washington's responsibilities. In this section, we'll consider how specific provisions in the Contract dealt with the allocation of power between the nation and the states—an enduring issue in American politics.

The 104th Congress captured center stage for its first 100 days. But an ambitious Democratic president and an independent judiciary have separate agendas that may conflict with the forces for change emanating from Capitol Hill. We will also examine how these forces interact.

Reducing the National Government

In *The Challenge of Democracy*, Fourth Edition, we examine preemption, the power of Congress to enact laws that assume total or partial responsibility for a state government function. Often these preemption statutes take the form of mandates, which *The Challenge of Democracy* defines as requirements for states to undertake activities or provide services in keeping with minimal national standards (pages 126-128). By requiring states to meet national standards, mandates promote equality in policies among the states. Inevitably, however, national mandates restrict the states' freedom to experiment with different programs to solve their own social problems.



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Unfunded Mandates. State and local government officials have long voiced strong objections to the imposition of national standards without the financial support to pay for the effort. By 1992, more than 170 congressional enactments enforced partially or wholly unfunded mandates.³⁵

The question of unfunded mandates rankled governors and mayors. For example, the Americans With Disabilities Act (1990) required all municipal golf courses to provide a spot for disabled golfers to get in and out of bunkers (sand traps). The regulations set precise gradations for all bunkers and required that reservation offices install telecommunications devices for the deaf. The legislation aimed to end discrimination and to eliminate barriers that cordoned off the disabled from mainstream America. While these may be entirely laudable objectives, the national government did not foot the bill for the changes it mandated.³⁶ Municipalities already constrained by tight budgets were forced to fund these well-intentioned yet expensive renovations.

One of the early results of the 104th Congress is the Unfunded Mandates Relief Act of 1995. The legislation, adopted 91-9 in the Senate on March 15 and 394-28 in the House the next day, requires the Congressional Budget Office to prepare cost estimates of any proposed federal legislation that would impose more than \$50 million a year in costs on state and local governments or more than \$100 million a year in costs on private businesses. It also requires a cost analysis of the impacts of agency

regulations on governments and private businesses. Congress can still pass on the costs of paying for federal programs, but only after holding a separate vote, specifically imposing a requirement on other governments without providing the money to carry it out. The law does not apply to legislation protecting constitutional rights, civil rights, or anti-discrimination laws.

To many state and local officials, the law seemed cosmetic since it applied only to future mandates, not to hundreds of unfunded mandates already in place. Republican Governor John Engler of Michigan put the matter in perspective: "It's like a patient coming into an emergency room. The first step is you stop the hemorrhaging."³⁷

The Republican effort to return power to the states ("devolution") has elevated the block grant to new relevance. Recall from *The Challenge of Democracy*, Fourth Edition, that Congress awards such grants for broad, general purposes (page 115). This gives state and local governments considerable freedom to decide how to allocate money to individual programs. Current congressional efforts to reform the welfare system rest on the block grant concept.

Welfare and Responsibility. One of the central pillars of the Contract with America is welfare reform. When Bill Clinton campaigned for the presidency in 1992, he vowed "to end welfare as we know it." Americans shared Clinton's intention, but his vow did not materialize into legislative action. (The administration advocated job training and education to end welfare dependency. This approach would likely exceed the cost of the current system, which may explain why Clinton did not pursue it.) House Republicans have passed their own welfare reform package, which bears little resemblance to the current welfare system or to the changes Clinton wanted to enact. The bill has several fundamental and far-reaching elements:

AFDC: an end to entitlements of cash assistance for families, the core of the original welfare program (Aid to Families with Dependent Children, or AFDC). These entitlements guaranteed assistance to all families qualifying for assistance. AFDC would be replaced with a block grant for the states to design their own cash assistance programs.

School lunches: a dissolution of the current school breakfast and lunch programs. They would be replaced by a school nutrition block grant for the states.

Child care: a maze of nine current child care programs would be replaced by a block grant to the states and the spending level would be capped at slightly above the current level.

Food stamps: the plan enacted by the House puts a cap on overall spending but retains the entitlement guaranteeing the benefit to any

one who qualifies. Able-bodied persons under the age of fifty without dependents would be required to work for their food stamps.

Out-of-wedlock births: a termination of cash benefits to unwed mothers under eighteen and their children, and the denial of additional cash benefits to mothers who have more children while on welfare.

The approaches taken by the Republican-controlled House resound with two themes: federalism and personal responsibility. The use of block grants gives the states far more latitude to structure welfare programs that suit their own citizens. Block grants remove the "one-size-fits-all" approach that has irritated governors and mayors across the political spectrum. The proposal breathes new life into the concept that the states play a vital role in the American system and that government close to the people is better at solving problems than a remote bureaucracy in Washington, D.C. The devolution of these functions to the states will not eliminate the need for welfare, but it may create a better fit between the needy and the government (state and local) best suited to meet their problems.

Years of frustration with the current welfare system has enabled some states to experiment on their own with welfare reform and to perhaps serve as beacons for those to follow. Wisconsin's welfare system, overhauled in 1988, has run counter to the trend of increasing welfare rolls under a program that limits the amount of time people can remain on welfare and pushes recipients into education and jobs. This is remarkable because Wisconsin offers some of the most generous welfare benefits in the country. Wisconsin's success appears to hinge on its large number of caseworkers who supervise welfare recipients. Welfare reform may save money in the long run by moving recipients into productive activity, but it requires more bureaucracy, not less, to achieve this goal. Transferring functions from the national government to the states may necessitate an increase in government, not a reduction.³⁸

The Republicans embraced the idea of individual responsibility when they entitled their omnibus welfare reform package "The Personal Responsibility Act." If enacted, it would replace more than forty national programs with five block grants, giving the states vast new discretion to spend federal money. States could shift between 20 and 30 percent from one block grant to another.

The alarming growth in out-of-wedlock births among welfare recipients focuses lawmakers' attention on the need for personal responsibility. Lawmakers assume that a change in policy will bring about a change in behavior. In the case of welfare reform, by denying benefits lawmakers hope to send a clear message breaking the link between benefits and childbearing. In effect, the bill's sponsors aim at a form of "tough love." But the proposal to deny benefits provoked fear of more abortions, forging a strange amalgam of opponents. Groups such as the National Organization of Women opposed the reforms because of their punitive character.

The Roman Catholic Church and the National Right to Life Committee opposed the reforms because they feared growing reliance on abortions.³⁹ Though the bill passed the House, most economists reckon that the sums denied families under the Republican-inspired plan are so small as to have little or no impact on childbearing.⁴⁰

Public policy debates on the Contract with America and virtually every other topic occupied a new forum in 1995 as the Clinton White House and the Republican Congress staked out claims for attention to cyberspace. Both branches launched World Wide Web sites to share information with—and encourage communication from—constituents. (See Feature 3.)

While the president and Congress vied for the public's attention, another power center worked its will in its own way. Far from the spotlight of public attention and without a home page to call its own, the Supreme Court of the United States harbored forces capable of fundamental change.

The Supreme Court and the Commerce Clause. The return of power to state and local governments received a significant and surprising boost from an unlikely source—the United States Supreme Court. In a 1995 decision that trembled the very foundations of congressional authority, the Court rediscovered constitutional limits on Congress that had not been exercised in nearly sixty years.

The Courts five-to-four ruling in *United States v. Lopez* held that Congress exceeded its authority under the commerce clause of the Constitution (Article I, section 8, clause 3) when it enacted a law in 1990 banning the possession of a gun in or near a school.⁴¹ Since the middle of the Great Depression, the Court has given Congress wide latitude to exercise legislative power as a regulation of interstate commerce. But a conservative majority, headed by Chief Justice William H. Rehnquist, concluded that having a gun in a school zone "has nothing to do with 'commerce' or any sort of economic enterprise, however broadly one might define those terms in interstate commerce." Justices Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, and Clarence Thomas joined in Rehnquist's opinion.

The principal dissenting opinion by Justice Stephen G. Breyer addressed the uncertainty that the ruling would create. At least twenty-five criminal statutes "use the words 'affecting commerce' to define their scope," he argued; others, like the ban on the possession of a machine gun, make no reference whatsoever to the commerce power. These laws might be challenged under the new "substantial effect" standard.

The decision is sure to spark challenges to recently enacted laws banning assault weapons and creating new federal crimes. Congress has taken aim at concerns that have long been within the sole province of state governments. The Court's new commerce clause reasoning may serve as the basis for striking down recent congressional legislation ad-

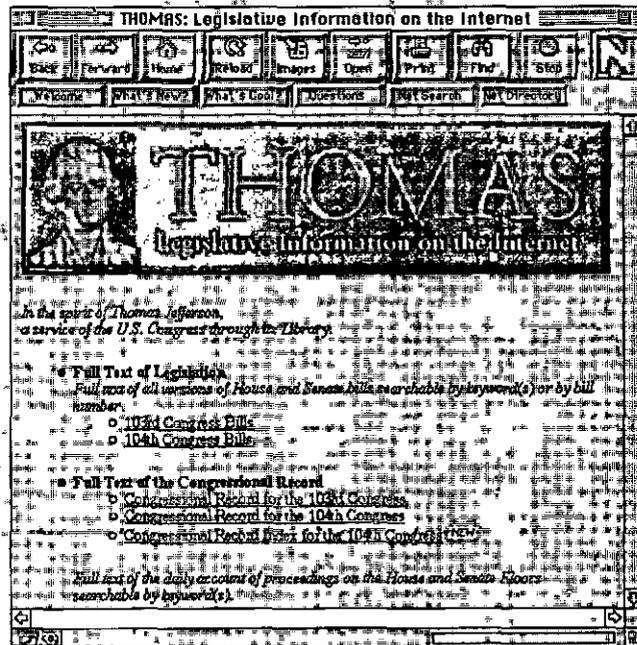
Feature 3

Government on the Internet: <every-word@uttered.in.congress>

After years of hype, the Internet seems finally to be coming into its own as a political tool. Recent news reports credit an emergency message broadcast over the World Wide Web of computer networks in mid-February [of 1995] with sparking a barrage of protests that defeated a proposed amendment to the reauthorization of the 1980 Paperwork Reduction Act.

That's quite an accomplishment for a communications medium that many politicians—with the notable exception of House Speaker Newt Gingrich, Republican of Georgia—often dismiss as little more than an expensive toy. But before anybody starts heralding the dawn of electronic democracy, it might be instructive to look more closely at how well policy issues travel in the amorphous, computer-generated world known as cyberspace, and just who's out there to respond to them.

The most recent triumph of Internet activism took place in the House Government Reform and Oversight Committee, where the Paperwork Reduction Act reauthorization bill was referred after it was introduced in the House on February 6, 1995.



Government on the Internet.

Feature 3 (continued)

Only hours after the bill landed in the committee hopper, the Taxpayer Assets Project (TAP), a Washington-based advocacy group associated with activist Ralph Nader, disseminated an alert to several electronic mailing lists across the country. TAP charged that a ninety-six-word provision newly inserted in the bill on behalf of Minnesota's West Publishing Company would reduce public access to government records and undercut the public's right to information under the federal Freedom of Information Act. "Persons who oppose the West provision in this bill should contact members of the [committee] before Friday," February 10, when the full committee markup was scheduled, the message urged.

Estimates of the number of electronic-mail messages opposing the amendment that arrived on Capitol Hill between the posting of the alert and the beginning of the markup session range from a few hundred each in the offices of a handful of committee members to a total of 19,000. Whatever the number, however, the committee decided, after a long and reportedly acrimonious debate, to drop the amendment.

Opponents of the provision believe the speed-of-light communications possible only on computer networks turned the tide in their favor. "Without the Internet, that thing would have been law. No questions about it," TAP director James Love said in an interview. "The Net responded, and got results FAST!" electronic advocacy guru Jim Warren proclaimed in his weekly Internet newsletter.

Political alerts travel on the Internet in geometrical fashion. One person broadcasts a message to, say, the operators of 100 mailing lists; each mailing list posts the message to 2,000 subscribers; each subscriber forwards the message to 100 friends, who do the same; and so on. The process takes only a matter of hours, or even minutes, thanks to state-of-the-art computer software developed in the past few years.

But if the person who does the forwarding decides that the message wouldn't interest anybody in line to receive it, the message stops dead in its tracks. No amount of technology can pass along information if the human being at the keyboard stops pushing the right button.

Savvy Internet organizers know this. The American Civil Liberties Union (ACLU), for example, began an electronic campaign on February 24 aimed at generating on-line opposition to a bill (S.314) introduced by Senator J. J. Exon, Democrat of Nebraska, that would extend to the providers of computer network services the prohibitions against lewd or indecent communications that currently apply to telephone companies.

The campaign is being conducted solely through computer networks. "First, because it's the wave of the future," said Barry Steinhardt, the ACLU's associate director. "Also, by posting this notice to computer bulletin boards and other spots on the Internet where we know there are people who care about issues of censorship, we can reach exactly the right audience."

Feature 3 (continued)

"If every citizen has access [through computer networks] to the information that Washington lobbyists have, we will have changed the balance of power in America toward the citizens and out of the Beltway," Gingrich predicted in a recent speech. If the most recent forays into electronic democracy show anything, however, it's that those citizens must want the information first.

There are more sources of government information on the Internet than ever before.

Government Information Sites

The White House	http://www.whitehouse.gov
Congress	http://thomas.loc.gov
Fedworld (a comprehensive guide to government databases)	http://www.fedworld.gov

Directory of Congressional E-Mail Addresses

GOPHER://una.hh.lib.umich.edu/0/socsci/poliscilaw/uslegi/conemail

Note: for a printed list of congressional e-mail addresses, see the Appendices of this supplement.

Instructions: Simply point your web-browsing software toward these sites and cruise.

Source: From "Communications: Read All About It! . . . On the Net?" by Graeme Browning, *National Journal*, 4 March 1994, p. 577. Used with permission.

dressings a wide array of activities from household violence to drive-by shootings. Whether the ruling has wide or narrow consequences depends on subsequent application and interpretation.

Congressional Republicans generally applauded the Court's new activism as the umpire of the federal system. But an independent judiciary makes rules that can cut both ways. The Court's solicitude toward the states may vex Republican leaders who are aiming to impose limits on state-court damage awards (see below).

Expanding the National Government

While the Supreme Court sought to limit Congress's commerce power, a tragic event in Oklahoma brought calls for an expansion of national power. Congress and the president appeared ready to act swiftly to address domestic terrorism.

Terror from Within. On April 19, 1995, a massive terrorist truck bomb exploded at 9:02 A.M. at the entrance to the Alfred P. Murrah Federal Building in Oklahoma City. The horrible images of dead and injured children and adults amid a mountain of rubble shocked the nation. Within days, federal and state law enforcement agencies reconstructed the events leading up to the bombing. They swiftly located and charged at least one suspect with a federal crime—bombing a government building—and took two material witnesses into custody. In searching for a motive, the government claimed that the main suspect, Timothy McVeigh, was unusually aggrieved by the federal government's conduct in the assault on the Branch Davidian compound in Waco, Texas exactly two years earlier. In that incident, five federal agents were gunned down trying to serve subpoenas for illegal weapons possession to David Koresh, the religious sect leader. A siege followed. Fifty-one days later, as federal agents stormed the property, Koresh set the compound ablaze, resulting in his own death and the deaths of eighty-five of his followers. Timothy McVeigh was not a sect



Terror in the Heartland At 9:02 A.M. on April 19, 1995, a truck packed with 4,800 pounds of explosives destroyed the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. The blast critically damaged 28 buildings in the immediate vicinity; the bomb's force could be felt 30 miles away. The carnage—167 dead and hundreds injured—stunned the nation. Within days, investigators identified an angry loner, Timothy J. McVeigh, as a principal suspect. The apparent motive: hatred for the federal government's assault on a religious cult near Waco, Texas exactly two years earlier. (Sygma)

member, but he was deeply distressed at the government's handling of the stand-off and assault.

McVeigh and other militants—including organized, private militias—held the federal government responsible for those deaths. Their discontent turned into resentment against government in general. The Oklahoma City bombing occurred on the anniversary of the Waco firestorm. Without any knowledge of the principal suspect or his motivation or state of mind, President Clinton and Attorney General Janet Reno called for the imposition of the death penalty.

As the death toll in Oklahoma City climbed (the tragedy claimed 167 lives, including nineteen children), President Clinton sought additional federal powers to investigate terrorists. (His approval rating jumped from 49 percent at the end of March to 60 percent at the end of April.)⁴² Republicans submitted their own proposals to restrict domestic terrorism, but the substantial common ground among the different measures suggests that passage of some new legislation is certain.

The President's five-year proposal to combat terrorism would cost \$1.5 billion. It also appeared to go well beyond the events that evoked its introduction. The plan called for (1) the hiring of 1,000 new agents and prosecutors, and (2) more mandatory minimum sentences for transferring a firearm or explosive knowing it will be used in drug trafficking or a crime of violence. The proposal is symptomatic of the difficulty in shrinking government. Though the people want less government, at the same time they want government to solve new problems.

The most controversial part of the Clinton proposal calls for wider use of electronic surveillance by the national government. The surveillance element would:

- permit the government to use a wiretap to investigate *any* suspected federal felony (existing law limits such wiretaps to forty types of suspected crimes).
- ease restrictions on the courts' use of information from surveillance conducted by a foreign government.
- forbid the suppression of surveillance evidence in court unless investigators acted in bad faith.

The proposal provoked concern over the original dilemma of government: that the quest for law and order would conflict with fundamental liberties. Fearing overreaction to the bombing, legislators sought assurances that the legislation would not infringe on the Fourth Amendment of the U.S. Constitution, which protects against unreasonable searches and seizures. Senate Majority Leader Robert Dole argued for the go-slow approach "instead of getting caught up with emotion and going too far and maybe end up trampling on somebody's rights, some innocent group or some innocent person."⁴³

Civil Justice Reform. While the Republicans claim to be reviving federalism and demonstrating new respect for the virtues of local government, their actions sometimes appear to turn at cross purposes. The House-passed reforms of the civil justice system provide a good example of the old adage, "Watch what I do, not what I say."

The House passed several measures that will fundamentally alter the way litigants and courts respond to civil lawsuits. The legislation is complex, but at its heart, the law would limit punitive damage awards (the amount of money awarded to punish defendants), force losers to pay winners' legal fees, cap pain and suffering awards in medical malpractice cases at \$250,000, and protect defendants from paying all the damages in cases where they are only partially responsible for injuries.

Manufacturing interests and associations of professionals (doctors, accountants, and engineers) have pushed aggressively for wholesale change. They appear ready to do battle with their opponents, the trial lawyers who represent plaintiffs in civil cases. A pro-reform lobbyist, sensing victory in the House, declared, "We should go after the trial lawyers with one giant thermonuclear blast." But another pro-business lobbyist observed that the trial lawyers would likely mount a furious battle as the reform effort moves through the Senate. Speaking of the trial lawyers, she said, "They are like the Chechens [an ethnic group fighting for independence from Russia]. They are natural warriors. They are fighting for their homeland. The difference from the Chechens is that the trial lawyers have the munitions they need."⁴⁴

Though little noted by the floor leaders in the House debate, the reforms would preempt state laws with federal standards. This amounts to an unprecedented intrusion on state government that belies that notion that Republicans aim to revive federalist principles. Reform opponents, still reeling from the vast political changes in Congress, unsuccessfully pinned their hopes on convincing conservative Republicans that widespread preemption of state liability laws ran afoul of their stance on states' rights. A senior trial lawyer group lobbyist seemed shell-shocked by the House juggernaut: "Who would have thought that a House that supports returning numerous programs to the states would now preempt slip-and-fall cases . . . or cap damages for wrongful hysterectomies?" she asked incredulously.⁴⁵

The House reform steamroller came to a halt in the Senate. In order to cut off a filibuster, civil justice reformers had to narrow the ambitious House-passed bill. The Senate scuttled the medical malpractice cap and excluded firm limits on punitive damages. The most significant compromise addressed the cases covered by the reform measure. The House bill applied to all civil cases; the Senate bill applied only to product liability (i.e., faulty product) cases.

If enacted, the legislation will mark a milestone: the first nationwide standards in civil justice, an area that states have always regulated. Concerns over federalism may have played a part in whittling the bill

down. The Supreme Court recently signalled its concern for laws based on the power to regulate interstate commerce. By narrowing the reform measure to faulty product cases, which fall easily within the concept of interstate commerce, the legislators may be side-stepping a Supreme Court challenge.

Protecting the Children? Policy initiatives stem from experience and concern by politicians, pundits, and the public. Some policies seem outside the realm of discourse. Social security reform quickly comes to mind. Entitlements for children also fall into this untouchable category, and with good reason.

In their efforts—and frustration—to head off Republican reform of the current welfare system, the Democrats have charged Republicans with efforts to harm children. One critic observed that the Democrats are “using children to shield every social program from any spending controls.”⁴⁶

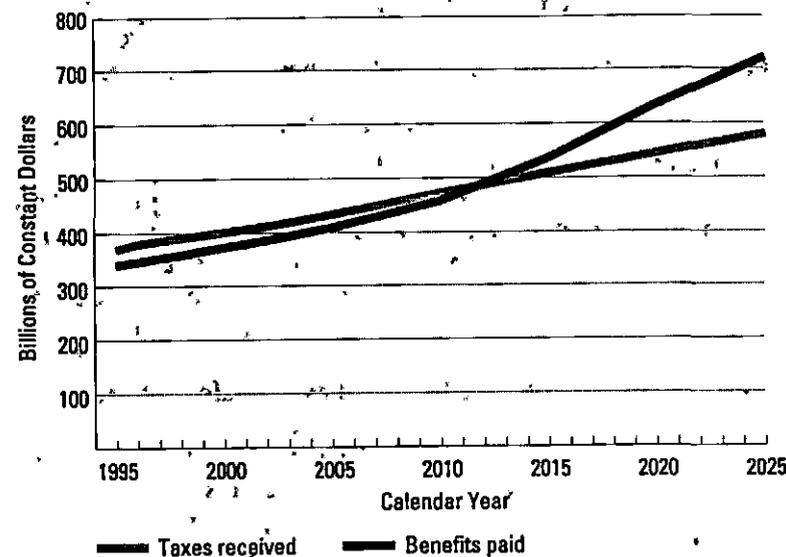


FIGURE 3 Day of Reckoning

For all the words exchanged in the 104th Congress, the one debate that has yet to occur may be the most significant of them all: the future of the social security system. Social security taxes now exceed benefits paid out. But by 2010 or so, benefits will exceed receipts. With bankruptcy of the system looming so predictably, the debate over change boils down to two questions that politicians politely decline to answer: How soon does the national government change the current system, and how much does it change it? Source: 1995 annual report of Social Security trustees.

The school lunch program is a case in point. The Republican proposals do not reduce or eliminate programs on child nutrition; they only slow the rate of future growth. The program covers partially or wholly 75 percent of all school-age children. Rather than targeting children in need, the program has become a middle-class entitlement. The broadening of eligibility for the lunch program has placed wealthier school districts on the gravy train. Now that they're on, they have little incentive to jump off. Moreover, the school-lunch-program population determines aid levels for other federal education programs.

The skillful use of children's concerns can immunize policies from the slightest scrutiny. A good example is the Vaccines for Children program. It originated with the idea that vaccine prices were so high that children needed a new vaccine entitlement so that the government could ensure immunization of 90 percent of all children under two years of age. But immunization levels are already at 90 percent, and government funds are sufficient to pay for the vaccination of every under-age child one and a half times. The problem is that inner-city children have extremely low immunization rates despite the availability of free vaccinations and pediatric care.

The Vaccine for Children program will be costing taxpayers \$1.5 billion in 1997, up from \$300 million in 1992. Vaccination levels are not likely to increase despite the program's growth because no one has determined how to enroll those most in need. By declaring the program a children's entitlement, the Democrats shield it from scrutiny and cast critics as ogres. It is any wonder that politicians line up in support when children become symbols of their concerns?

While some legislative issues are off the table, others seem ripe for examination. One such policy is affirmative action.

Affirmative Action: Ready for Reconsideration?

The 1994 mid-term elections gave voice to continued disagreement on the issue of affirmative action. Affirmative action aims to overcome the present effects of past discrimination. It embraces a range of programs, policies, and procedures in job training and professional education, employment, and awards of government contracts. In its most benign form, affirmative action calls for special recruitment efforts to assure that all persons have a chance to compete. In its most troublesome form, affirmative action becomes preferential treatment or quotas.

Today's conservative critics have aimed a two-part attack on affirmative action. First, they view preferences or quotas as discrimination, plain and simple. This led one conservative to declare, "The only legalized discrimination in this country is against whites and males." The second part of the attack is to define white men as the real victims of affirmative action.⁴⁷

Republicans have been quick to advocate the end of affirmative action. Leading contenders for the Republican presidential nomination have spoken out forcefully in opposition to affirmative action in any form. Senate Majority Leader Robert Dole has urged a ban on federal affirmative action programs, which he steadfastly supported throughout the 1980s. Senator Phil Gramm declared that, if elected president, he would end all affirmative action policies at the national level by executive order. Even leading Democrats have spoken out in opposition to affirmative action. Senator Joseph I. Lieberman of Connecticut, who chairs the Democratic Leadership Council, said that preferential policies based on race and sex were "patently unfair." He added: "You can't defend policies that are based on group preferences as opposed to individual opportunities, which is what America has always been about."⁴⁸

A comprehensive review of nationwide surveys conducted over the last 20 years reveals an unsurprising truth: that blacks favor affirmative action programs and whites do not. Women and men do not differ on this issue. The gulf between the races was wider in the 1970s than it is today, but the moderation results from shifts among blacks, not whites. Perhaps the most important finding is that "whites' views have remained essentially unchanged over 20 years."⁴⁹ The evidence suggests that political candidates perceived as favoring preferential policies for blacks may lose significant support from white voters at the ballot box.

Californians may have the chance to address the issue of affirmative action directly in 1996. Two concerned professors who view themselves as "staunch conservatives" have mounted a campaign to put affirmative action policies to the vote.⁵⁰ They must gather a million signatures to place the following proposal on the ballot:

Neither the State of California nor any of its political subdivisions or agents shall use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the State's system of public employment, public education or public contracting.

Recent surveys suggest that the effort may well succeed. Perhaps the most important issue is not substance but timing. If the proposition is on the ballot in November 1996, it will likely draw affirmative-action opponents to the polls. Republicans relish that thought while Democrats shudder. The stakes are high: California holds the most electoral votes in the race for the presidency.

Republican activists at all levels sense an opportunity to force the Democrats into either a defense or an abandonment of current affirmative action policies. The Republicans hope that a defense of the status quo will encourage more aggrieved Democrats to abandon their party for good. Alternatively, Republican strategists expect that if the Democrats moderate their support for preferential policies, their core constituencies of liberals and minorities will be less engaged in the drive to retain the White

House and win back control of Congress. In short, affirmative action is a classic wedge issue. Whichever way it moves, the challenge forces a choice that may prove harmful—even devastating—to the Democrats.

In March 1995, President Clinton ordered a highly sensitive review of all affirmative action programs at the national level. Clinton's objective is to neutralize Republican criticism without angering working-class whites or minority voters, groups Clinton needs for his re-election bid. Clinton's silence on the status quo buys precious time. This gives hope to Democratic moderates who wish for change and worries supporters of affirmative action who dread retreat from policies they favor.

To confirm supporters' fears, in mid June the Supreme Court struck a blow against affirmative action. In *Adarand v. Peña*, a case challenging a federal government set-aside program for minorities, the Court held 5-to-4 that any government action which gives preference to one race over another must be examined with extreme skepticism. Such classifications "must serve a compelling government interest, and must be narrowly tailored to further that interest." Few programs can muster the proof necessary to meet the Court's high standard. The ruling jeopardizes more than \$10 billion a year in federal contract set-asides for minority-owned firms.

Afterword

The Republican Revolution of 1994-1995 has had an undeniable impact on American politics. The Republican Party was successful in winning control of the House and the Senate for the first time in forty years, in reforming established procedures in the House of Representatives, and in charting new directions for governmental policy. The politics launched by the revolution are still unfolding, and its policy implications, in particular, will not be known or felt for some years. Although these developments test one's understanding of American government, we hope this supplement to *The Challenge of Democracy* will help you interpret the changing scene in U.S. politics.

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Appendix 1

Committee Chairmen and Ranking Members
House of Representatives

Committee	Chairman (Republicans)	Ranking Member (Democrats)
Agriculture	Pat Roberts, Kan	E. "Kika" de la Garza, Tx
Appropriations	Robert L. Livingston, La	David R. Obey, Wis
Banking and Financial Services	Jim Leach, Iowa	Henry B. Gonzalez, Tx
Budget	John R. Kasich, Ohio	Martin Olav Sabo, Minn
Commerce	Thomas J. Bliley, Jr., Va	John D. Dingell, Mich
Economic and Educational Opportunities	Bill Goodling, Pa	William L. Clay, Mo
Government Reform and Oversight	William F. Clinger, Pa	Cardiss Collins, Ill
House Oversight	Bill Thomas, Calif	Vic Fazio, Calif
International Relations	Benjamin A. Gilman, N.Y.	Lee H. Hamilton, Ind
Judiciary	Henry J. Hyde, Ill	John Conyers, Jr., Mich
National Security	Floyd D. Spence, S.C.	Ronald V. Dellums, Calif
Natural Resources	Don Young, Alaska	George Miller, Calif
Rules	Gerald B. H. Solomon, N.Y.	Joe Moakley, Mass
Science	Robert S. Walker, Pa	George E. Brown, Jr., Calif
Select Intelligence	Larry Combest, Tx	Norm Dicks, Wash
Small Business	Jan Meyers, Kan	John J. LaFalce, N.Y.
Standards of Official Conduct	Nancy L. Johnson, Conn	Jim McDermott, Wash
Transportation and Infrastructure	Bud Shuster, Pa	Norman Y. Mineta, Calif
Veterans Affairs	Bob Stump, Ariz	G. V. "Sonny" Mont- gomery, Miss
Ways and Means	Bill Archer, Tx	Sam M. Gibbons, Fla

Source: *Congressional Quarterly*, 25 March 1995, Supplement #12, p. 14ff.

Appendix 2

Committee Chairmen and Ranking Members
Senate

Committee	Chairman (Republicans)	Ranking Member (Democrats)
Agriculture, Nutrition and Forestry	Richard G. Lugar, Ind	Patrick J. Leahy, Vt
Appropriations	Mark O. Hatfield, Ore	Robert C. Byrd, W. Va
Armed Services	Strom Thurmond, S.C.	Sam Nunn, Ga
Banking, Housing and Urban Affairs	Alfonse M. D'Amato, N.Y.	Paul S. Sarbanes, Md
Budget	Pete V. Domenici, N.M.	Jim Exon, Neb
Commerce, Science and Transportation	Larry Pressler, S.D.	Ernest F. Hollings, S.C.
Energy and Natural Resources	Frank H. Murkowski, Alaska	J. Bennett Johnston, La
Environment and Public Works	John H. Chafee, R.I.	Max Baucus, Mont
Finance	Bob Packwood, Ore	Daniel P. Moynihan, N.Y.
Foreign Relations	Jesse Helms, N.C.	Claiborne Pell, R.I.
Governmental Affairs	William V. Roth, Jr., Del	John Glenn, Ohio
Indian Affairs	John McCain, Ariz	Daniel K. Inouye, Hawaii
Judiciary	Orrin G. Hatch, Utah	Joseph R. Biden, Jr., Del
Labor and Human Resources	Nancy Landon Kassebaum, Kan	Edward M. Kennedy, Mass
Rules and Administration	Ted Stevens, Alaska	Wendell H. Ford, Ky
Select Ethics	Mitch McConnell, Ky	Richard H. Bryan, Nev
Select Intelligence	Arlen Specter, Pa	Bob Kerrey, Neb
Small Business	Christopher S. Bond, Mo	Dale Bumpers, Ark.
Special Aging	William S. Cohen, Maine	David Pryor, Ark
Veterans Affairs	Alan K. Simpson, Wyo	John D. Rockefeller, IV, W. Va

Appendix 3

U.S. Representatives and Senators Participating in the Constituent Electronic Mail System

Hon. Joe Barton (6 TX)	BARTON06@HR.HOUSE.GOV
Hon. Sherwood Boehlert (23 NY)	BOEHLERT@HR.HOUSE.GOV
Hon. Rick Boucher (9 VA)	NINTHNET@HR.HOUSE.GOV
Hon. Richard Burr (5 NC)	MAIL2NC5@HR.HOUSE.GOV
Hon. Dave Camp (4 MI)	DAVECAMP@HR.HOUSE.GOV
Hon. Ben Cardin (3 MD)	CARDIN@HR.HOUSE.GOV
Hon. Saxby Chambliss (8 GA)	SAXBY@HR.HOUSE.GOV
Hon. Dick Chrysler (8 MI)	CHRYSLER@HR.HOUSE.GOV
Hon. John Conyers, Jr. (14 MI)	JCONYERS@HR.HOUSE.GOV
Hon. Bud Cramer (5 AL)	BUDMAIL@HR.HOUSE.GOV
Hon. Peter Defazio (4 OR)	PDEFAZIO@HR.HOUSE.GOV
Hon. Peter DeWitt (20 FL)	PDEWITT@HR.HOUSE.GOV
Hon. Jay Dickey (4 AR)	JDICKEY@HR.HOUSE.GOV
Hon. Lloyd Doggett (10 TX)	DOGGETT@HR.HOUSE.GOV
Hon. Jennifer Dunn (8 WA)	DUNN@HR.HOUSE.GOV
Hon. Vernon Ehlers (3 MI)	CONGEHLR@HR.HOUSE.GOV
Hon. Bill Emerson (8 MO)	BEMERSON@HR.HOUSE.GOV
Hon. Eliot Engel (17 NY)	ENGELINE@HR.HOUSE.GOV
Hon. Anna Eshoo (14 CA)	ANNAGRAM@HR.HOUSE.GOV
Hon. Terry Everett (2 AL)	EVERETT@HR.HOUSE.GOV
Hon. Sam Farr (17 CA)	SAMFARR@HR.HOUSE.GOV
Hon. Harris Fawell (13 IL)	HFAWELL@HR.HOUSE.GOV
Hon. Michael Forbes (1 NY)	MPPFORBES@HR.HOUSE.GOV
Hon. Jon Fox (13 PA)	JONFOX@HR.HOUSE.GOV
Hon. Bob Franks (7 NJ)	FRANKSNJ@HR.HOUSE.GOV
Hon. Elizabeth Furse (1 OR)	FURSEOR1@HR.HOUSE.GOV
Hon. Sam Gejdenson (2 CT)	BOZRAH@HR.HOUSE.GOV
Hon. Newt Gingrich (6 GA)	GEORGIA6@HR.HOUSE.GOV
Hon. Bob Goodlatte (6 VA)	TALK2BOB@HR.HOUSE.GOV
Hon. Gene Green (29 TX)	GGREEN@HR.HOUSE.GOV
Hon. Gil Gutknecht (1 MN)	GIL@HR.HOUSE.GOV
Hon. Jane Harman (36 CA)	JHARMAN@HR.HOUSE.GOV
Hon. Dennis Hastert (14 IL)	DHASTERT@HR.HOUSE.GOV
Hon. Alcee Hastings (23 FL)	HASTINGS@HR.HOUSE.GOV
Hon. Frederick Heineman (4 NC)	THECHIEF@HR.HOUSE.GOV
Hon. Martin Hoke (10 OH)	HOKEMAIL@HR.HOUSE.GOV
Hon. Ernest J. Istook, Jr. (5 OK)	ISTOOK@HR.HOUSE.GOV
Hon. Sam Johnson (3 TX)	SAMTX03@HR.HOUSE.GOV
Hon. Tom Lantos (12 CA)	TALK2TOM@HR.HOUSE.GOV
Hon. Rick Lazio (2 NY)	LAZIO@HR.HOUSE.GOV
Hon. John Linder (4 GA)	JLINDER@HR.HOUSE.GOV
Hon. Bill Lute (6 MN)	TELLBILL@HR.HOUSE.GOV

Hon. Thomas Manton (7 NY)	TMANTON@HR.HOUSE.GOV
Hon. Paul McHale (15 PA)	MCHALE@HR.HOUSE.GOV
Hon. Howard McKeon (25 CA)	TELLBUCK@HR.HOUSE.GOV
Hon. George Miller (7 CA)	GMILLER@HR.HOUSE.GOV
Hon. Norman Y. Mineta (15 CA)	TELLNORM@HR.HOUSE.GOV
Hon. David Minge (2 MN)	DMINGE@HR.HOUSE.GOV
Hon. Joe Moakley (9 MA)	JMOAKLEY@HR.HOUSE.GOV
Hon. Sue Myrick (9 NC)	MYRICK@HR.HOUSE.GOV
Hon. Charlie Nowood (10 GA)	GA10@HR.HOUSE.GOV
Hon. Bill Orton (3 UT)	ORTONUT3@HR.HOUSE.GOV
Hon. Ron Packard (48 CA)	RPACKARD@HR.HOUSE.GOV
Hon. Ed Pastor (2 AZ)	EDPASTOR@HR.HOUSE.GOV
Hon. Nancy Pelosi (8 CA)	SFNANCY@HR.HOUSE.GOV
Hon. Collin Peterson (7 MN)	TO COLLIN@HR.HOUSE.GOV
Hon. Owen Pickett (2 VA)	OPICKETT@HR.HOUSE.GOV
Hon. Earl Pomeroy (At Large ND)	EPOMEROY@HR.HOUSE.GOV
Hon. Rob Portman (2 OH)	PORTMAIL@HR.HOUSE.GOV
Hon. Jim Ramstad (3 MN)	MN03@HR.HOUSE.GOV
Hon. Pat Roberts (1 KS)	EMAILPAT@HR.HOUSE.GOV
Hon. Charlie Rose (7 NC)	CROSE@HR.HOUSE.GOV
Hon. Dan Schaefer (6 CO)	SCHAEFER@HR.HOUSE.GOV
Hon. Jose Serrano (16 NY)	JSERRANO@HR.HOUSE.GOV
Hon. Christopher Shays (4 CT)	CSHAYS@HR.HOUSE.GOV
Hon. David Skagg (2 CO)	SKAGGS@HR.HOUSE.GOV
Hon. Linda Smith (3 WA)	ASKLINDA@HR.HOUSE.GOV
Hon. Nick Smith (7 MI)	REPSMITH@HR.HOUSE.GOV
Hon. John Spratt (5 SC)	JSPRATT@HR.HOUSE.GOV
Hon. Pete Stark (13 CA)	PETEMAIL@HR.HOUSE.GOV
Hon. Cliff Stearns (6 FL)	CSTEARNS@HR.HOUSE.GOV
Hon. James Talent (2 MO)	TALENTMO@HR.HOUSE.GOV
Hon. Randy Tate (9 WA)	RTATE@HR.HOUSE.GOV
Hon. Charles Taylor (11 NC)	CHTAYLOR@HR.HOUSE.GOV
Hon. Karen Thurman (5 FL)	KTHURMAN@HR.HOUSE.GOV
Hon. Peter Torkildsen (6 MA)	TORKMA06@HR.HOUSE.GOV
Hon. Walter R. Tucker, III (37 CA)	TUCKER96@HR.HOUSE.GOV
Hon. Bruce Vento (4 MN)	VENTO@HR.HOUSE.GOV
Hon. Enid Waldholtz (2 UT)	ENIDUTAH@HR.HOUSE.GOV
Hon. Robert Walker (16 PA)	PA16@HR.HOUSE.GOV
Hon. Mel Watt (12 NC)	MELMAIL@HR.HOUSE.GOV
Hon. Rick White (1 WA)	REPWHITE@HR.HOUSE.GOV
Hon. Ed Whitfield (1 KY)	EDKY01@HR.HOUSE.GOV
Hon. Charles Wilson (2 TX)	CWILSON@HR.HOUSE.GOV
Hon. Lynn C. Woolsey (6 CA)	WOOLSEY@HR.HOUSE.GOV
Hon. Bill Zeff, Jr. (1 NH)	ZELIFF@HR.HOUSE.GOV
Hon. Dick Zimmer (12 NJ)	DZIMMER@HR.HOUSE.GOV

Instructions for Constituents: The list above includes the electronic mail addresses of Members who are participating in the program. The primary goal of this program is to allow Members to better serve their constituents.

Appendix 4

Senators with E-Mail Addresses Listed on the Senate Internet Server

State	Senator's Name	Senator's E-Mail Address
AZ	Kyl, John	info@kyl.senate.gov
CA	Boxer, Barbara	senator@boxer.senate.gov
CO	Brown, Hank	senator_brown@brown.senate.gov
CT	Lieberman, Joseph I.	senator_lieberman@lieberman.senate.gov
IA	Harkin, Tom	tom_harkin@harkin.senate.gov
ID	Craig, Larry E.	larry_craig@craig.senate.gov
ID	Kempthorne, Dirk	dirk_kempthorne@kempthorne.senate.gov
KY	Ford, Wendell H.	wendell_ford@ford.senate.gov
LA	Breaux, John B.	senator@breaux.senate.gov
LA	Johnston, J. Bennett	senator@johnston.senate.gov
MA	Kennedy, Edward M.	senator@kennedy.senate.gov
MT	Baucus, Max	max@baucus.senate.gov
NE	Kerrey, J. Robert	bob@kerrey.senate.gov
NH	Smith, Bob	opinion@smith.senate.gov
NM	Bingaman, Jeff	senator_bingaman@bingaman.senate.gov
OH	DeWine, Mike	senator_dewine@dewine.senate.gov
RI	Chafee, John H.	senator_chafee@chafee.senate.gov
SC	Hollings, Ernest F.	senator@hollings.senate.gov
SD	Daschle, Thomas A.	tom_daschle@daschle.senate.gov
SD	Pressler, Larry	larry_pressler@pressler.senate.gov
TN	Frist, Bill	senator_frist@frist.senate.gov
VA	Robb, Charles S.	senator@robb.senate.gov
VA	Warner, John W.	senator@warner.senate.gov
VT	Leahy, Patrick, J.	senator_leahy@leahy.senate.gov
WI	Feingold, Russell D.	senator@feingold.senate.gov
WV	Rockefeller IV, John D.	senator@rockefeller.senate.gov

Other Senate E-Mail Addresses Listed on the Senate Internet Server

Democratic Policy Committee	
Automated Information Server	info@dpc.senate.gov Subject = "Help"
Comments and Questions	postmaster@dpc.senate.gov
Republican Policy Committee	nickels@rpc.senate.gov
Special Committee on Aging	mailbox@aging.senate.gov

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