Southern Illinois University Carbondale
OpenSIUC

Honors Theses | University Honors Program

5-1-1991

The Legislator's Paradox

Jim P. Mollette
Southern Illinois University Carbondale

Follow this and additional works at: http://opensiuc.lib.siu.edu/uhp_theses

Recommended Citation
Mollette, Jim P., "The Legislator's Paradox" (1991). *Honors Theses.* Paper 315.

This Dissertation/Thesis is brought to you for free and open access by the University Honors Program at OpenSIUC. It has been accepted for inclusion in Honors Theses by an authorized administrator of OpenSIUC. For more information, please contact jnabe@lib.siu.edu.

The study of the legislative process is as vast and as complex as the 535 individual members of Congress. The sheer amount of literature available on the topic demands a smaller scope. This examination of the legislative process will specifically deal with the role of the legislator, the nature of representation, and the legislator's relationship with constituents. By utilizing different readings and practical participation, the role constituents play in determining or affecting the decisions of the legislator and the legislator's political roles will be analyzed. Ultimately, a legislator faces a paradox in respect to the type of representative and political roles he or she chooses.

Individual members of Congress embody many different roles such as Legislator, Constituency Servant, Mentor/Communicator, Representative, Politico, Overseer, Institutional Broker, and Office Manager. Often these roles will overlap each other. While each Congress member performs many of these roles, sometimes simultaneously, each legislator has their own priorities and style.

The role of Legislator demands attention to the rules, procedures, and traditions of each particular chamber. The Legislator role includes the formal aspects of a Congressperson's position such as legislative work, investigation, and committee specialization. A major aspect of this role is achieving a sort of expertise on particular issues through research. One legislator said, "My first responsibility is to develop committee expertise. I'm expected to learn all there is to be known on an issue. . . I want to be an expert, sought out by other members and able to help them" (Davidson & Oleszek, p. 116). Expertise is important not only for effective policy formation, but also to achieve influence and leadership status.

Another major role is that of Constituency Servant. In this role, legislators concentrate on working for the people back home. A member of Congress will try to secure small business loans, money for education, public works projects, crop or business subsidies, or other federal grants and projects. As former representative Michael Myers, D-PA, said, "It's a big pie down in Washington, each member's sent there to bring a piece of that pie back home. And if you go down there and you don't-you come back without milkin' it after a few terms. . . you don't go. . . back" (Davidson & Oleszek, p. 117).

In the Mentor/Communicator role, the legislator deals with the act of legislating and constituency service. The aspect of legislating involves working with issues of a particular importance to one's constituents, educating members of Congress on these issues, gaining support from fellow colleagues (possibly through co-sponsorship), and seeing the issue through the legislative process which ultimately concludes with the vote. Following the vote, the legislator will convey the views of Congress back to the constituents.

Another component of this role is the job of keeping in touch with the "grass roots," or in other words, the constituents back home. This communication is achieved through many channels such as mail, personal appearances (such as town meetings), print, television, and radio.

Closely related to this Mentor/Communicator role is acting as an Issue Emissary or Representative. Legislators assuming this role realize that constituents expect their representatives to understand and act on their interests in Congress. As one legislator said, to act as "a symbol of their connection with the federal government" (Davidson & Oleszek, p. 118). This role is the foundation of our representative democracy, and legislators

realize the importance of this service. Legislators who ignore constituents can face losing re-election.

Some other roles law makers hold include acting as Capitol Hill insiders. Insiders are the "movers and the shakers" who are privy to the behind the scenes action on Capitol Hill. Insiders deal with influential people and understand the in's and out's of politics. In contrast to the insiders, some legislators assume a more maverick role and are seen more as outsiders. Other legislators tend to concentrate on other roles such as party leadership positions, social obligations, or institutional brokerage. Institutional Brokers spend time dealing with the executive branch, interest groups, and relations to state and local governments. Still other law makers are committed to campaigning and winning reelection. A former legislator commented candidly on this role. "All members of Congress have a primary interest in being reelected. Some members have no other interest" (Davidson & Oleszek, p. 119). Finally, other legislators concentrate their efforts on being an Office Manager. Law makers tend to have several office locations which require attention. While in the office, legislators work with their staffs in addition to completing necessary paperwork. Each legislator spends different amounts of time in these various roles according to his or her own unique style.

While legislator's roles vary from law maker to law maker, the nature of representation is fundamental to political life. "Representation is one of the most pervasive and important processes of political life" (Davidson & Oleszek, p. 122). Representation is the framework of the democracy in the United States as well as other democratic regimes committed to sharing power with its citizens. While the size and population of the United States makes direct democracy virtually impossible, citizens control policy decisions

by electing representatives to act on their behalf. Representatives act on their constituency's interest working in the legislative process. Hanna Pitkin states the idea like this

> The representative must act in such a way that, although he is independent, and his constituents are capable of action and judgment, no conflict arises between them. He must act in their interest, and this means he must not normally come into conflict with their wishes (Davidson & Oleszek, p. 122).

While this description of democratic representation is ideal in theory, not all legislator/constituency relationships are like this in practice.

According to incumbent legislators interviewed in 1977, representation had high priority, and 80% of the members considered themselves constituency servants. A majority of these law makers assumed the role of mentor-communicators; others fit into the roles of issue spokespersons (Davidson & Oleszek, p. 122).

While the importance of representation is not questioned by legislators, the issue of interpretation is different. An interpretation by Edmund Burke states that legislators should voice the "general reason of the whole," rather than working solely for "local purposes" and "local prejudices" (Davidson & Oleszek, p. 122). Legislators who advocate this interpretation often come into conflict with their constituents. Today's constituencies do not share Burke's position. People are motivated by self-interest and tend to elect legislators who will bring something back to the district. Whether legislators choose to work solely for constituent interest (Delegate), follow their own initiative (Trustee), or choose something in between (Politico), depends on each law maker's personal style of representation and focus of representation in respect to the nation, their constituents, or a combination of the two.

Legislators, in an effort to remedy this paradox of representational styles, adapt to certain situations. In other words, they are Politicos. After interviewing 81 members of Congress, David C. Kozak concluded, "that role orientations varied with a 'force field' of factors, including the amount of available information and the level of controversy" (Davidson & Oleszek, p. 123). Furthermore, Thomas Cavanagh concludes that legislators, in their decision making process, consider factors such as national interest, personal conscience, and constituency interests. "The weight assigned to each factor varies according to the nature of the issue at hand, the availability of the information necessary for a decision, and the intensity of preference of the people concerned about the issue" (Davidson & Oleszek, p. 123).

Most members of Congress formulate strategies to assist them in their decision making process. Members learn to distinguish at what times certain roles are warranted. Kozak continues, "Hot votes are associated with a Delegate role and a local orientation," while "on low profile decisions, a perceived Trustee role and national orientation dominate" (Davidson & Oleszek, p. 123). According to a survey, policy issues that were considered as aspects of personal conscience or discretion were placed in two categories: issues of serious national consequence, such as foreign policy and national defense, and issues that touched personal feelings, such as abortion, gun control, or constitutional matters. While on the other hand, legislators claimed constituent influence when deciding on economic decisions, such as public works, social needs, military projects, and farm programs.

In brief, any time that legislators act, take a position, or vote they consider both constituency interests and their own knowledge and conscience. While their determinants of voting and roles vary from issue to issue, legislators develop certain strategies and priorities to deal with this

paradox in representation. Members of Congress are always aware that they are held accountable for their actions by constituents and may be called upon to explain their actions. This accountability influences a legislator's decisions and is the major aspect in the legislator's paradox.

Turning now to the legislator's relationship with constituents reveals a long standing controversy. "Control by the local constituency is at one pole of both the great normative controversies about representation that have arisen in modern times" (Parker, p. 459). At one end of the representation spectrum is constituency control, and at the other extreme is Burke's position of serving constituent interest but not their will. The degree to which the representative should be compelled by the "constituency vote" to follow their constituency's wishes has been at the center of this continuing controversy for over 150 years (Parker, p. 459).

Some political scientists feel that the legislator/constituency relationship have little to do with issues of public policy but stem from ethnic identifications with the district, or by skillfully providing benefits such as literature or major federal projects to the people back home (Parker, p. 461). Whether it is the fact that a constituency favors the legislator because of personal qualities, or because the legislator keeps constituents happy with new projects, the connection between constituent and legislator may have little to do with issues of public policy.

This relationship may have some validity when one takes into account citizen awareness or participation. "Far from looking over the shoulder of their Congressmen at the legislative game, most Americans are almost totally uninformed about legislative issues in Washington" (Parker, p. 461). The average person has ideas on how the country should be run, but looking at voter turnout, even in Presidential elections, shows that most people are

more talk than action. While constituent awareness may be low, legislators realize potential voter backlash and keep their stands on issues within limits.

According to the article *Constituency Influence in Congress*, Congressmen tend to overestimate their visibility with constituents which contributes to the legislator's difficulties in forming an accurate understanding of constituency opinion. Normally, most legislator's contact with their constituents comes in the form of organized groups or with people that are relatively well informed about politics. Overall, legislators only know constituents who write letters, who attend meetings, who have an interest in policy, or people that the representative has directly worked with. Since this number of actual contacts are small in comparison to the constituency district, the law maker only has a biased view of constituency interest. These people probably over-represent the actual degree of political information and interest of the overall constituency.

To summarize, "for most Congressmen most of the time the electorate's sanctions are potential rather than actual" (Parker, p. 469). Nevertheless, this potential threat of constituency sanctions and constituency influence still remains, and legislator's take the threat seriously. Up to now, this examination has used different readings to explore this paradox. Now by examining the practical participation aspect, the role of the legislator, the nature of representation, and the legislator's relationship with constituents will be discussed.

Looking back on Model Illinois Government 1991, I feel the simulation was again very exciting and educational. I feel very fortunate to have been able to attend another MIG. After being involved in MIG for four years and being able to attend three simulations, I find each one more rewarding than the last. I attended my first MIG as a freshman and needless to say I was a little nervous and intimidated upon arrival. I did not know what to expect. The first day in session was a very eye opening experience. There was so much to learn, and I learned by watching, listening, and asking a few questions to other members of the delegation. The first day was the hardest, and I gradually began to feel more comfortable as each day went by. The first day helped me to grasp what was going on and how to effectively participate. By the end of the simulation, I was feeling comfortable in the environment and comfortable with the position and the duties I possessed. Unfortunately, the simulation was over, but I was eager for next year.

At the start of my second MIG, it was a good feeling to have some experience behind me and a good idea of what to expect. I felt very comfortable and enjoyed participating and interacting with other delegates. After attending MIG for a second year, I felt that I had really grown from my first experience and learned even more about the workings of the Illinois General Assembly.

Model Illinois Government 1991 was my third simulation and my most enjoyable. Being the minority spokesperson for my committee, I was able to actively participate in the work of the committee. Even though the Republican members of our committee were in the minority, we were able to hold some leverage in the committee and to win a couple of victories. Our committee's advantage was our past experience and the fact we were

comfortable with Robert's Rules of Order and Parliamentary Procedure. Now, I want to focus this paper on one observation I had of MIG and compare it to the "real" General Assembly.

While much of the MIG simulation is very realistic from closed door bargaining to actually sitting in the big chair in the chamber, there are certain aspects which do not really depict legislative reality. One issue which I thought was a little unrealistic was the voting styles of the delegates. Most of the votes seemed to end up on a "party line" or "party unity" basis. Party unity votes is defined by Congressional Quarterly as votes in which a majority of voting Republicans oppose a majority of voting Democrats. It is true that "party affiliation remains the strongest single correlate of members' voting decisions," but "the U.S. Congress rarely votes along straight party lines" (Davidson & Oleszek, 1985 p. 388). In a typical year, from one-third to one-half of all floor votes are party line or party unity votes.

One determinant of voting that I felt was missing was constituency based voting. Constituency based voting can be similar to partisan voting when certain district areas usually elect Republicans or Democrats. Constituencies affect lawmakers' decisions in two ways. The first way involves people electing a legislator who shares the same view of the constituents. This way a legislator's vote will reflect the will of the constituents The second way involves the ever present threat of defeat. When a legislator's vote is at odds with those of his constituency, the legislator is taking the chance of creating a voter outcry which could cost him a re-election bid. Therefore, legislators stray from party ranks when they feel their constituents will not benefit from the party's policies.

Other determinants of voting include ideology, executive pressure, cue giving and cue taking, along with legislative bargaining. In brief, ideology is

an important determinant of voting because legislators have well-developed ideological positions. A legislator's position can fall anywhere on the left/right spectrum from liberalism to conservatism.

Executive pressure from either a governor or a president does influence decisions made by legislators. The executive sets the legislative agenda and can pressure members to lend their support. Some important factors affecting an executive's legislative effectiveness are partisan control of Congress, age of tenure, and nature of their initiatives. All these factors effect the legislative effectiveness of an executive.

Cue giving and cue taking are important determinants of voting. Since a lawmaker faces a huge number of votes, it is difficult to be fully informed on all of the issues. Due to this limited information, legislators rely heavily on cues from others in deciding how to vote.

The final determinant of voting discussed here deals with legislative bargaining. Bargaining is an exchange where "goals or resources pass from a bargainer's hands in return for other goals or resources that he or she values" (Davidson & Oleszek, 1985 p. 398). Logrolling is a bargaining strategy in which the parties trade off support so that each may gain its goal. At the heart of logrolling is a term called "pork barrel." A pork barrel package of legislation is a something-for-everyone enactment. Pork barrel legislation often deals with subjects such as public works, omnibus taxation, tariffs, and trade. In order for legislation to pass, something was added to the bill to satisfy each supporting legislator.

Unfortunately the text I am using for a reference is aimed at the legislative process at the national level, but the voting determinants hold true at the state level also. At MIG, I found myself subject to each of these determinants. I wish I had more information about my district so I could

have made more informed decisions that would please my constituents. Without sufficient knowledge of the district I was representing, I found myself voting on a party and ideology basis. I would have enjoyed representing my home district.

In closing, Model Illinois Government enables a student to get hands on training in the legislative process. MIG also enables a person to put to practice those concepts learned in class. Living the part of a politician is much more exciting than reading a text.

In conclusion, legislator's adapt to different situations and issues. This flexibility in decision making helps a law maker to solve the paradox in representational roles and constituency influence. After researching this topic and after talking with Senator Paul Simon, most law makers feel the same as Simon. Paul Simon stated that he does not put his finger to the wind in order to make a decision. In other words, he does not do everything his constituents wish. By conducting Town Meetings, Simon encourages citizen participation and he learns what's on the people's minds and he learns about new issues.

*References Used:

Davidson, Roger H. and Walter J. Oleszek (1985). Congress and Its Members 2nd Edition. Washington, D.C.: Congressional Quarterly, .

Parker, Glenn R. (1985). Studies Of Congress. Washington, D.C.: Congressional Quarterly.