

Chapter 12

Did the House ever work that way?

“Did the House ever really work the way the founding fathers intended it to?” The answer clearly is, “Yes.”

Many who shared in writing the Constitution became members of the first Congress so it got off to a good start. For over 100 years the House acted as a large town meeting. Men from all over the country and all walks of life came together to speak for the citizens they represented. They were farmers, merchants, lawyers and doctors. They were the leaders in their communities. They were not professional politicians.

Every two years, a new House came into being bringing a breath of fresh air to government. Most often over 40 percent of the House were new members. It was a lively place. One author described it as a “bear garden.” In 1811 Henry Clay, “preferring the turbulence of a numerous body to the solemn stillness of the Senate Chamber,” quit the Senate to become a representative and was promptly elected House Speaker.

During this period, the representatives paid attention to what the people in their districts needed and wanted. Constituents, the people in the district, also paid attention to what their representatives were doing for them.

For example, in 1816 when the House changed its pay from \$6 per day to \$1,500 per year, voters booted out 60 percent of the House members. Another pay raise was so outrageous it’s gone down in history as “The Salary Grab of 1873.” The public outcry was such that it had to be rescinded.

In 1890, a Republican-led Congress raised tariffs which were so unpopular that in elections later that year Republicans lost over half their House seats. They went from 177 to 88, a loss of 89 seats. They had been a 53 percent majority; they became a 27 percent minority. What’s particularly interesting about this story is that tariffs were strongly supported by business people who wanted protection from foreign competition. However, for ordinary people tariffs increased their cost of living much as sales taxes do today. Thus, in this contest between business interests and ordinary people, the people remained firmly in control of the House.

By comparison at the time of the November, 2010, election, 77 percent of Americans didn’t approve of how Congress was doing its

Slowly, out of the Revolution’s proclamation of American independence and freedom grew an unprecedented politics of the people, increasingly sure of their power, and increasingly heeded by political leaders....

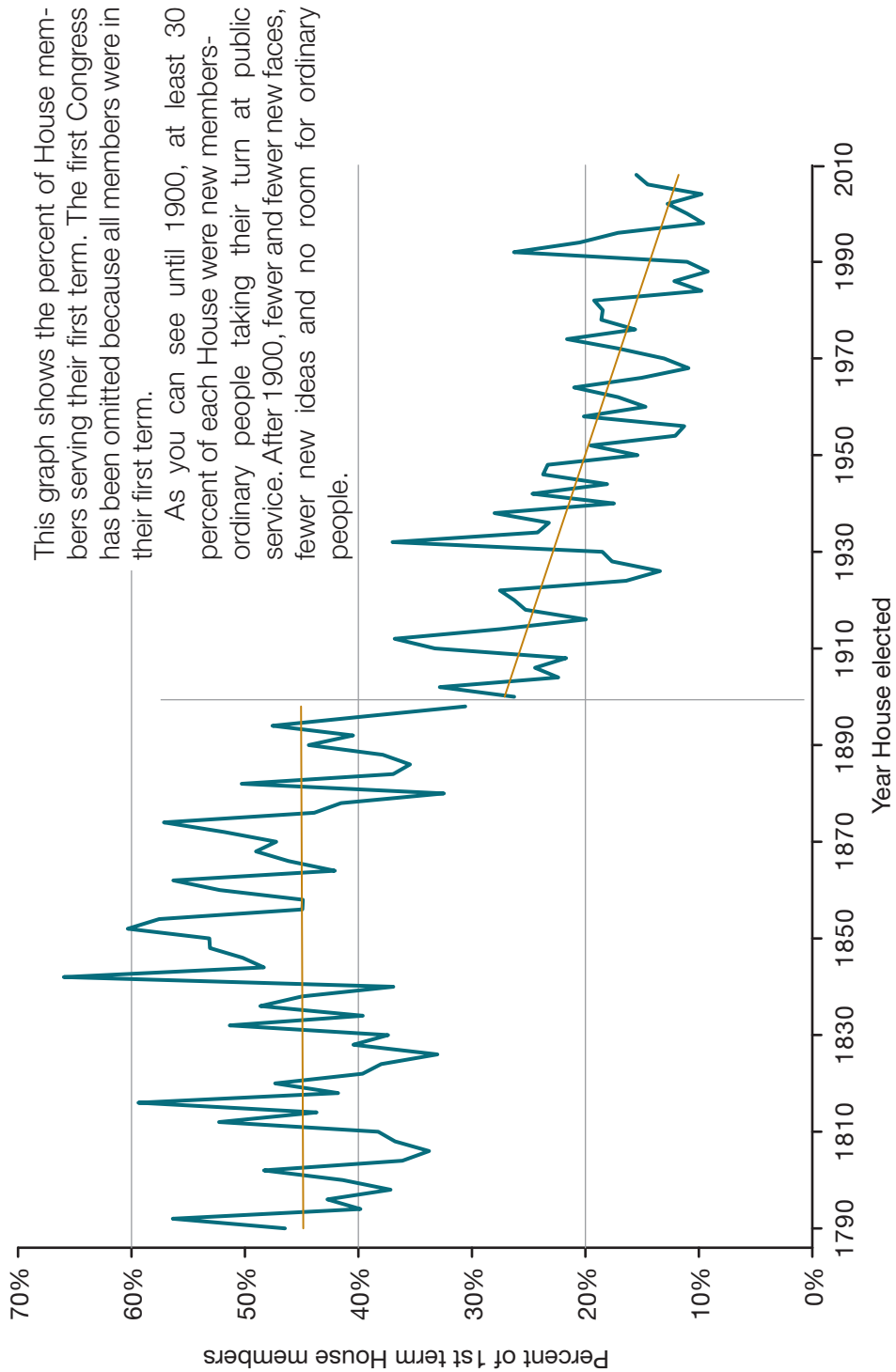
Americans accept the contemporary political world partly because they no longer have a sense of any alternative. The world of popular politics is remote. For the most part, social-scientific discussions treat falling interest and turnout as contemporary phenomena, perhaps traceable as far back as the 1950s. Yet the origins of declining political participation by much further back.... Voting first began to fall off around the turn of the century.

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Apparently, after William McKinley, aided by his canny manager Mark Hanna, won the presidential election of 1896, politics lost much of its democratic character and no longer engaged many of the people.

Michael E. McGerr
The Decline of Popular Politics, 1986

First term House members: Check out those trend lines!



job. Did we throw out 60 percent as they did in 1816? No way. We returned 78 percent of the incumbents to the House. The media proclaimed this 22 percent turnover to be a major upset. By contrast during its first 120 years, not one single Congress contained fewer than 30 percent new members.

The farmers, merchants, lawyers and doctors, the ordinary people who spoke for us for over 100 years have been replaced by professional politicians. Our representatives are now all experts at raising money and running for reelection.

For 120 years, the representatives did not have offices. Each had a desk on the floor of the House. The floor was a great communal office. Then in 1908, they moved into the first House office building; each had a one room office. In the 103 years since, they have given themselves two more office buildings. Now each representative has an office suite in Washington. Each also has at least one office in their congressional district, and some have two or three district offices.

During the 1800s, an individual representative did not have staff unless he hired his own. By 1907, each had a “clerk hire allowance” of \$1,200, which would have allowed one or two clerks. As Norman J. Ornstein, Thomas E. Mann and Michael J. Malbin point out in their book, *Vital Statistics on Congress 2008*:

House personal staff went from an average of 4 per member in the early 1950s to 16 per member in the mid-1970s and to between 16 and 17 per member in the early 1990s and beyond....

If personal staffs did not show explosive growth in numbers [after 1976], they did show one important and distinctive change: the number and proportion of staffers working at home in districts and states grew sharply throughout the period. In 1972, a count of House staff showed about 23 percent based in district offices, 28 percent in 1976, 42 percent in 1991, and 51 percent in 2005.

If your whole goal is to be reelected, name recognition at the polls gives the incumbent a huge advantage. Therefore, it makes perfect sense to shift your office staff and your time to your district. Every time you cut a ribbon, speak at the Chamber of Commerce or attend a ground breaking ceremony, your name and photo are in the local papers and TV news. Thus, it's more likely a voter will choose you if only because they've heard of you.

Until 1918, representatives drafted their own bills. Then in 1918, the Office of Legislative Council was established to draft bills for them. By 1941, this office had a total budget of \$77,500. The chief

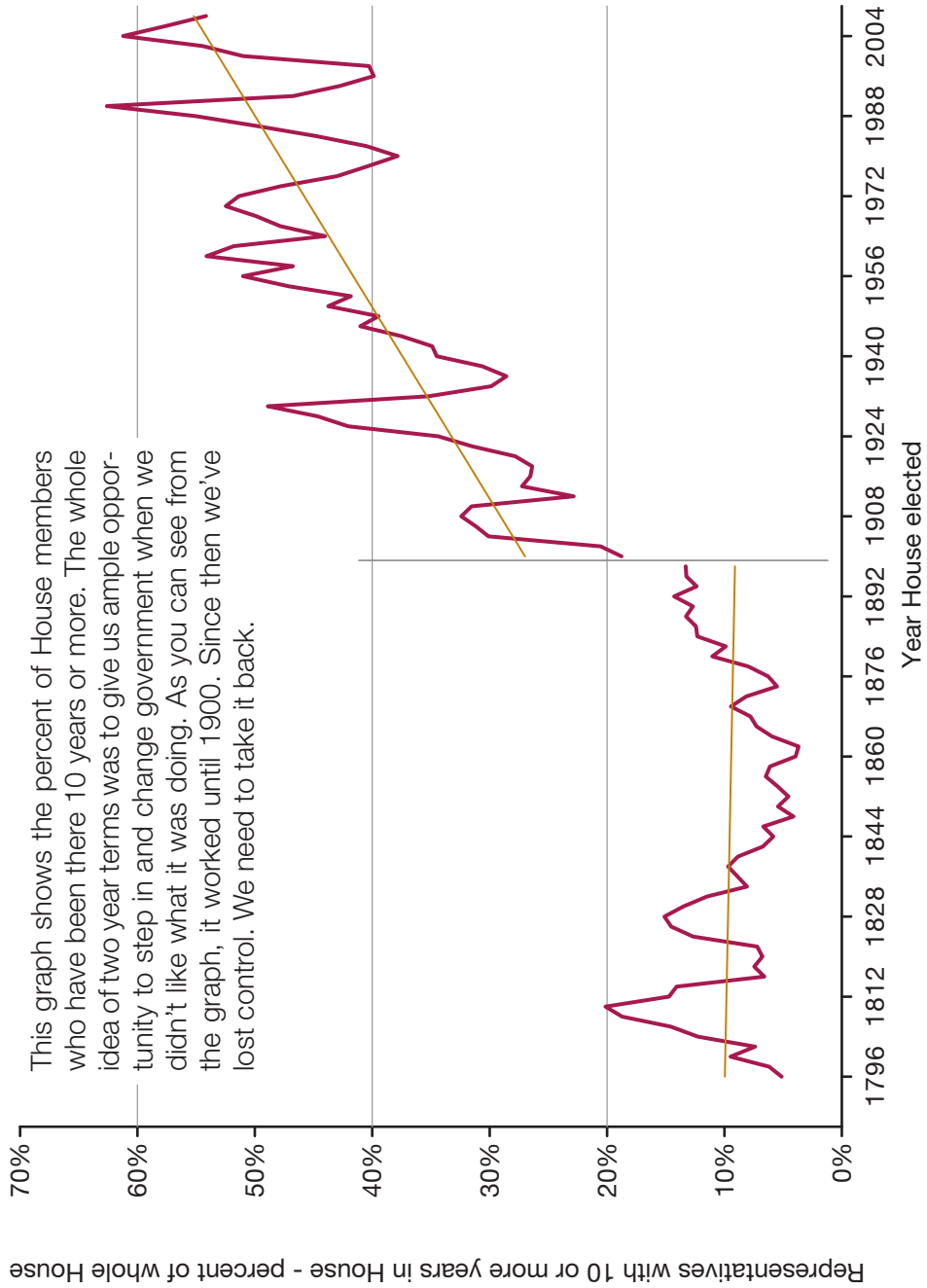
[T]he failure of a great portion of the American public to vote in presidential elections does suggest a strong sense of indifference or of real helplessness on the part of the individual voter in the face of the remoteness of the Washington bureaucracy from his or her person and concerns.

George Kennan
Around the Cragged Hill, 1993

Alienation has become a central indicator of modern political crisis, whether it is measured by plummeting electoral participation figures, widespread distrust of politicians, or pervasive apathy about things public and political. Mean voter turnout in America since World War II hovers around 50 percent for presidential elections—lower than every other noncompulsory democracy in the West. In a country where voting is the primary expression of citizenship, the refusal to vote signals the bankruptcy of democracy.

Benjamin R. Barber
Strong Democracy, 1984

Representatives in the House for 5 terms or more



draftsman earned \$10,000 so it is reasonable to suppose that there were at most six or seven others employed there. Now, according to their web site, the Office of Legislative Counsel has 40 attorneys and a support staff of 15.

Needless to say, in the 1800s when the representatives did their own work the bills were short, sweet and to the point. It would not have been possible to hide earmarks or to include special provisions drafted by lobbyists to benefit their clients. The recently passed healthcare bill exceeded 2,000 pages, and the financial reform bill was almost 900 pages. *Federalist 62* has the following to say about lengthy legislation:

It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?

Leadership also changed. During the 1800s, young men chosen by young colleagues for their ability led the House. Here is how Neil McNeil describes early House leadership in *Forge of Democracy*, his history of the House:

...The speakers all through the nineteenth century tended to be young men, short on seniority. [Henry] Clay was only thirty-four when he was chosen speaker. Robert Hunter of Virginia was elected speaker when he was thirty. Robert Winthrop of Massachusetts was thirty-eight, and Nathaniel Banks, also Massachusetts was thirty-nine....

In the House that Henry Clay first entered in 1811, the centers of power were controlled by young men. Clay, at thirty-four, led an assembly in which many of the most powerful members were as young as he. Langdon Cheves of South Carolina, Clay's floor leader and chairman of Ways and Means, was thirty-five years old. Thomas Newton of Virginia, chairman of the Interstate Commerce Committee, was forty-three. Charles Ingersoll was thirty-one years old when he first became chairman of the Judiciary Committee

In the early 1900s, seniority, not ability, became the most significant factor in the selection of speakers and committee chairmen. Before 1900, there were 34 different speakers with an average tenure of 3.6 years. and on average 7 years between the time they entered the House and the time they became speakers. This compares with the re-

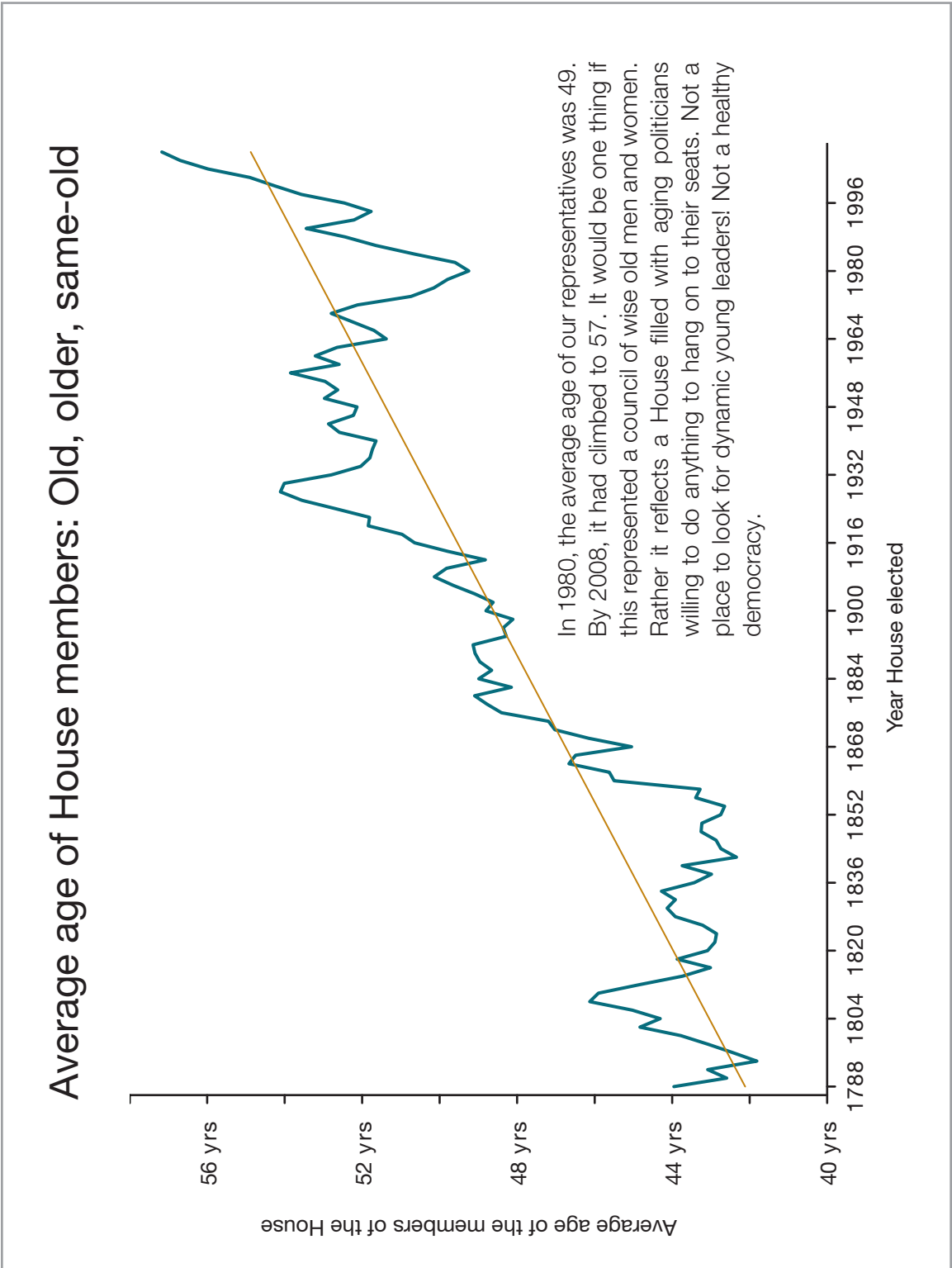
The American political system was probably the most open and freewheeling congregation of voters and parties on the face of the globe in the late nineteenth century. Eligible voters...turned out in phenomenal numbers to cast their ballots.

Richard Franklin Bensel
The Political Economy of American Industrialization, 1877-1900, 2000

[P]articipation in off-year contests is a better approximation of the size of the core electorate than is presidential turnout, and the difference between the turnout rates at the two types of elections—that is, the dropoff from presidential to off-year contests—provides an approximation of the size of the marginal component of the electorate....

[T]he size of the drop-off measure across the most recent period is better than twice as large as it was during the nineteenth century.

Paul Kleppner
Who Voted? The Dynamics of Electoral Turnout 1870-1980, 1982



cord after 1900 of 18 speakers whose average time in office has been 6.1 years and who took an average of 24 years in the House to reach the Speaker's chair.

As you can see from this description and from the graphs, the House did indeed function as the founding fathers intended for over a hundred years. Again, from *Forge of Democracy*:

In the [1800s], many Congressional districts deliberately rotated their Representatives in the House. They did so partially because the voters regarded the seats in the House as something of a good thing, two years in Washington, that ought to be passed around to as many men as possible. The voters also believed, with Andrew Jackson, that a true democracy required the constant changing of public officers, that otherwise a sort of official oligarchy would be established in the United States.

Andrew Jackson's worst fears have been realized. The House is like a person who began life as a bright, gifted athlete and who now has not only lost his fitness, but lives on painkillers and peddles drugs to feed the habit. The time has come for us to rehabilitate the House. It's our fault that it's in such terrible shape, and it's our responsibility to turn it around.

[The] decline in voting participation is a massive political fact. In the 1870-1894 period, outside the South, off-year participation averaged 68.1 percent; as late as 1914, it was 59.6 percent. More recently it has been poor but stable, averaging 51.3 percent between 1950 and 1970. Whether the drop to 41 percent in 1974 is temporary only the future will show. But insofar as it is associated with major increases in levels of public alienation, this colossal abstention rate... raises serious questions about "American democracy" as a whole.

Walter Dean Burnham
'Insulation and Responsiveness in Congressional Elections'
Political Science Quarterly
Autumn, 1975

[Author's note: In the last five off-year elections (1994 - 2010) participation averaged 37.4 percent.]

