

International Political Science

Foreigners in Congress: Experiences as Congressional Fellows and Comparisons with the Federal Republic of Germany

Editor's note: Since 1982 two West Germans are among the APSA congressional fellows. Their six months stay is financed by the German Marshall Fund of the United States. Last year Dr. Werner Jann from the Postgraduate School of Administrative Sciences in Speyer and Armgard von Reden, Ph.D. candidate from the Georg August Universitat in Goettingen, were chosen. PS asked them to write a short article about their experiences in Washington and about those differences between the German and the American system which impressed them most.

Author's note: Although we had studied the political system of the U.S. for several years, read many and wise books, and therefore believed to be fully aware of the differences between Germany and the United States, our jobs on Capitol Hill very quickly proved us wrong. The differences are by far greater than we expected them to be. In the two articles which follow we will try to summarize some of those differences which we found most important and interesting. Werner Jann, whose main interest is in comparative public policy, writes about some differences in the policy-making process within Congress and Bundestag, whereas Armgard von Reden, whose doctoral thesis is on the Democratic Party, writes about differences in political campaigns and campaign financing. This is not a thorough analysis of the two systems, it is rather a personal report about what impressed and confused us most. We offer observations, not explanations.

We would like to take the opportunity to thank the German Marshall Fund of the United States for sponsoring us as Congressional Fellows and the American Political Science Foundation for the excellent organization of the program. We also want to thank the members of Congress and their staffs for whom we had the opportunity to work, since their openness and sometimes patience made these experiences possible. We both believe that we were lucky to work for two outstanding members of Congress, who were indeed so unusual that we may have experienced a much too positive picture of Congress. At least this was the impression we got in discussions with our American colleagues. Still, it should be obvious that we are solely responsible for all conclusions and mistakes which the following pages may contain.

The Internal Workings of Congress and Bundestag: Surprises and Second Thoughts

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On coming from Germany and working in Congress, the first impression is that there are tremendous differences between Congress and Bundestag. Congress seems to be much more informal and open, much more bipartisan and independent, and much more chaotic and decentralized. But after a while one starts to doubt these first impressions. The longer I worked in Washington, the more

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I became confused by what seemed to be strange paradoxes: Congress is at the same time informal and conformistic; parties play only a very limited role in substantive policy making, but they are extremely important for the internal working of Congress; and while Congress resembles in many aspects a pluralistic, decentralized market, it has at the same time quite a few features of a traditional clan.

Informal and Open Congress

The biggest surprise when visiting Congress for the first time is the openness and informality which seems to prevail everywhere. Compared with the Bundestag, Congress is an admirably open institution (even after the implementation of those new, in my view highly questionable security measures following the infamous bomb in the Capitol). Open doors to all offices and most meetings and the buzzing activities in the hallways of the office buildings symbolize this openness. In Bonn very few people bother to come and see their member of parliament, interests are expressed through the parties, not individually towards members. If people come to Bonn they usually have an appointment, they must be able to present their ID at all kinds of gates, and in most cases somebody has to accompany them while walking around, because not everybody is allowed to wander on his own in those holly halls of power.

The number of plenary sessions, recorded votes, and open committee meetings further illustrate these differences. (See some basic statistics in Table 1.) Congress is not necessarily working more than Bundestag, it is just doing everything in the open. Even the working conditions, which are really unbelievably bad, seem to demonstrate this open and informal, or with another word "democratic," nature of Congress. There are few artificial barriers between Congress and citizens and there is very little intimidating pomp and circumstances.

But it did not take too long until I realized that there are many more factors which govern Congress than those that meet

the eye, especially the naive and overwhelmed eye of an impressed foreign visitor. Congress is ruled by an amazing number of unwritten rules which stress, among others, conformity and hierarchy.

Take for example the use of the Christian name. Of course, it is impressive when everybody talks about Jim and Bob, but that doesn't mean there is less of a hierarchy in the office or between offices. Status is just assigned more subtly. Or take the importance of being important. I became aware of that when I attended a meeting between some committee-staffers I happened to know and a French delegation and was introduced as "our advisor from Germany." The thrills of working late nights and weekends! What can be better than a working brunch on Sunday? Or take the dressing code. Never in my life had I seen so many well dressed young women and men who looked so much alike. If I met somebody in the elevator who was not wearing a three-piece suit, I took a closer look, because it was usually a well-known member of Congress or some other celebrity.

Or, finally, take the extreme politeness members use towards each other. Sitting in committee markups and listening for the umpteenth time to members congratulating each other for "the excellent work," "the extraordinary important amendment" or the "brilliant argument," I began to wonder. Especially after I realized that chairmen and members kept on complimenting each other, while everybody on the committee knew that most amendments had been prepared by the committee staff and were just distributed between members for optical reasons.

Why all this time-consuming politeness? The climax came when I was admitted to a closed party caucus of one committee. Feeling quite important (see above) because the chairman had stressed that none of the information heard during the caucus should be leaked and had asked the staff persons present to check the faces of their neighbors so that no unknown persons, probably spies, were present, I then listened for more than an hour, with growing astonishment, to the

TABLE 1
U.S. Congress and German Bundestag—Some Basic Statistics

	8th BT 1976-80 Bundestag	96th Congress, 1979-80	
		House	Senate
Members	496 + 22	435 + 4	100
Workload			
Plenary sessions	230	326	333
—per year	57.5	163	166.5
Hours in session	1410	1876	2324
—per year	326	938	1162
Recorded votes	58	1276	1028
—per year	14.5	638	514
Committees			
Standing	19 + 4	22	15
—subcommittees	54 + 8	149	91
Meetings	1850	7022	3790
—per year	462.5	3511	1895
—not public	95%	about 7% (1975)	
Staff			
Personal	1239	7478	3638
—in Bonn/Washington	639	4785	2701
—per member	1.2	10.9	27
Committees		1917	126
Leadership, officers	1567	1813	1134
Research		2752	
Legislation			
Bills introduced	485	9103	3480
By government/requ.	66.4%	3.8%	8.6%
Bills passed	354	928	977
—in %	73%	10.2%	28.1%
Laws enacted	339		613
—unanimous	61.6%		12%
—opposed by administration	0	25%	21%
Votes showing party unity	100%	37%	48%

Source: Norman J. Ornstein et al., *Vital Statistics on Congress, 1982* (Washington and London: American Enterprise Institute for Public Policy Research, 1982), and Peter Schindler (Hrsg.), *Datenhandbuch zur Geschichte des Deutschen Bundestages 1949 bis 1982* (Bonn: Presse- und Informationszentrum des Deutschen Bundestages, 1983). A few figures have been taken from the SCORPIO system of the Library of Congress or have been aggregated.

compliments which members paid each other for their "excellent work." Then, when I thought the real discussions would begin, the caucus was over.

Thus, my first doubts concerned the open and informal Congress: the rules governing Congress were obviously more complicated and strict than I had imagined.

Independent and Bipartisan Congress

Coming to Washington, I was aware of the important differences between the

American presidential system with weak parties and a strong, independent Congress and the typical parliamentary system of West Germany with strong parties and strong links between the administration and the governing parties. But it was not until I saw how Congress works that I appreciated the fundamental differences:

- Congress not only decides independently from the administration, it actually writes its own legislation;
- for doing that Congress relies heavily on its own bureaucracies; and

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- while party-line voting is important in Congress, it is still extremely unpredictable when compared with the Bundestag.

Compared to a parliamentary system with highly disciplined parties, it is just unbelievable that only about 30 percent (in the House) to 50 percent (in the Senate) of all votes are party unity votes and that the minority party wins one-third of those votes, while about one-fourth of all votes are decided against the explicit wishes of the President.

But is it really true that Congress is so much more bipartisan than a typical parliamentary system? After a while I became again puzzled by some apparent paradoxes.

In a typical parliamentary system the government and the majority party (or parties) control the substance of public policy-making, but not the process. In Congress the opposite seems to be true. In Germany, for example, the opposition parties have elaborate rights to influence the work of the Bundestag. The office of the Speaker is supposed to be impartial, deputy speakers come from all parties, seats and even chairmen of committees are assigned after party strength (thus giving each party control of committees), and the agenda of the Bundestag and its committees is usually decided in a very consensual and bipartisan way.

In Congress the majority party has considerable difficulties to control or even to predict the voting in important policy matters, but it certainly tries to control the agenda of every single subcommittee, committee, and the whole House.

The result is, at least for a European observer, somewhat confusing: on one hand, a parliament with strong, disciplined parties and bipartisan internal structures and processes, and on the other hand, a parliament with weak, incoherent parties, where the leadership of one party exercises tight control of the agenda and process of decision making.

One can argue that these differences are superficial and that the internal processes in parliamentary systems are only bipartisan and consensual, because parliaments have so little to say. But if one

assumes that "good" policies depend on having information about underlying problems and possible solutions (including "who gets what") and on developing a consensus about those solutions, it becomes obvious that Congress is pretty good on the information-side of policy making, but not at the consensus-side.

Put differently: The Congressional system rewards compromise and "pork-barrel," but that is something different than consensus. Congress which has so much to say in policy formation is thus often preoccupied with procedure and deals with these procedural questions in a very partisan way. Sometimes it seems to get the worst of both worlds, a lot of partisan conflict about the internal process of policy making, and every little bipartisan consensus or political accountability for its results. Of course, it is sometimes more easy to quarrel about process than about substance. The mechanisms of Congress reward bipartisan bargaining for benefits, but not bipartisan consensus about non pareto-optimal solutions. Thus, bipartisan consensus about policies, expressed as unanimous approval of bills, is much higher in the partisan Bundestag than in the bipartisan Congress.

Decentralized and Chaotic Congress

Finally, Congress is much bigger and chaotic than I ever expected. Just compare some of the numbers in Table 1. The amount of activities going on in Congress, the number of mail received and answered, hearings held, bills introduced, paper produced is one of the big surprises of working in Congress. For a German observer Congress looks like 535 small, independent companies, basically using the same means of production to produce the same good in an amazing inefficient way. Everybody does the same things, writes the same letters, tries to understand the same bills, manipulates the same figures, but there is very little cooperation. Competition is the magic word, competition between committees and subcommittees, between support agencies, between Senate and House, and between con-

gressional offices, even within the staff of one office.

The appropriate metaphor for this is, of course, the market. Compared with the Bundestag with its highly centralized and disciplined parties and decision structures Congress really looks like a market. The distribution of information and the allocation of values is not controlled by an elected leadership as in a traditional parliamentary system, but happens in a highly decentralized process in which bargaining and exchange of favors play an important part. And, like in a real market (and like everywhere else in America) numbers are very important. At first I could not believe that all those ratings are meant seriously, but they sure are.

The existence of different caucuses illustrates the marketlike and pluralistic setup of Congress compared to the Bundestag. Without stretching the analogy too far one could call Congress a pluralistic system compared to the corporatistic organization of a typical parliamentary system.

Consider these well known characteristics: In Congress the number of associations, i.e., caucuses, is virtually unlimited, membership is voluntary, there is competition between caucuses about membership and money, caucuses are not organized hierarchically, they are not formally recognized and have no monopoly of interest aggregation or articulation. In Bundestag on the other hand there are de facto only party caucuses, membership is de facto involuntary, parties do not compete for members or resources, party caucuses are organized very hierarchically, they are formally recognized and have a de facto monopoly of articulating political alternatives.

But does the market-metaphor really fit? Again, after a while I developed some doubts. Seen from inside Congress looks perhaps more like a traditional tribe or clan. Authority and power are to a very high degree not distributed after who is looked upon by his colleagues as doing a good job, who is in accordance with the views of the majority, or even who does best in the congressional marketplace, but after the traditional and even ancient method of seniority. And nothing can be

further away from a market than seniority. The seniority system today may not be what it was a couple of years ago, but, at least seen with European eyes, Congress is still organized in a remarkably traditional and very little "democratic" fashion. It is strange to see an elected assembly where seniority and appointments are so much more important than internal competition and elections. Sure, committee or subcommittee chairmen can be removed from their positions, but that can happen even to the most powerful chief in extraordinary circumstances.

Quite a few features which puzzled me during my stay in Washington actually fit the clan-metaphor much better than the market-picture. Take the strong pressure for conformity and the preoccupation with procedure. Obviously "internal norms" are very often more important than "exchanges." Another example is the overall importance of "trust." I became aware of that when I realized how much Congress relies on verbal communication. In a typical bureaucratic society like Germany, where trust is generally low and everybody tries to avoid uncertainty, written communication is everything. If it is not written down, it might as well not exist. In Congress most important matters are dealt with verbally. Undoubtedly, Congress produces and consumes an incredible amount of paper, in fact, it is nearly suffocated by it, but the most important tool on Capitol Hill is not the typewriter or the word-processor, it is the telephone. I was amazed that I was able to cosponsor legislation or obtain complicated information even from the Pentagon just by picking up the phone. This is unthinkable in a low-trust, high-uncertainty-avoidance society like Germany. The "hearing" itself is another example of this reliance on what you hear, not what you read. Sure, everybody reads statements in advance and tries to prepare clever questions and remarks, but the hearing itself remains the important institution, despite its incredible inefficiency if one looks upon it from a time consuming perspective.

A lot of Congress' procedures are amazingly inefficient but have high symbolic value. Think of the double-work in all the

TABLE 2
Congress and Bundestag—Differences at First Sight

Congress	Bundestag
INFORMAL, OPEN open doors open meetings many roll calls extensive lobbying	FORMAL, CLOSED closed doors many closed meetings few roll calls little lobbying
INDEPENDENT, BIPARTISAN bipartisan, unpredictable voting drafts its own legislation relies on own bureaucracies majority controls policy process but not policy substance strong on information weak on consensus weak on collective accountability	DEPENDENT, PARTISAN partisan, predictable voting relies on administration relies on administration majority controls policy substance but not policy process weak on information strong on consensus strong on collective accountability
DECENTRALIZED, CHAOTIC organization like market and clan allocation of values through exchange and seniority many unwritten rules pluralistic trust	CENTRALIZED, DISCIPLINED democratic organization with elected authority allocation of values through elections with minority rights many written rules corporatistic distrust

offices, the time wasted in running over to the House or the Senate chamber to cast unimportant votes and all that time spent on those bills everybody agrees "will go nowhere." Thus also here remains a strange paradox: Congress is at the same time much more market-like than any West European parliament, but it is also much more traditionally controlled than most of them.

In Table 2 I have tried to summarize some of those features whose importance surprised me and which I think influence policy-making in Congress and Bundestag. Many of those can be explained by the main differences between our two political systems, especially the external factors which influence our parliaments, like recruitment and election of candidates, campaign finance, etc., while some seem to be independent of those factors. It would be interesting to find out how much these factors actually influence the content and outcome of public policies in Germany and the United States, but that is, of course, quite

another task than just watching Congress and enjoying every minute of it.

Election Finance in the U.S. and Germany

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The question of who is able to run for public office, who organizes and finances the campaigns, and who then is likely to be elected are important for the structure and functioning of a political system and its distribution of power. I shall address these questions and emphasize especially campaign financing.

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