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John C. Green, Series Editor

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The State of the Parties
Second Edition
The Changing Role of Contemporary American Parties

Edited by
JOHN C. GREEN
DANIEL M. SHEA

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The Contract with America in the 104th Congress

Robin Kolodny

The 104th Congress has secured a place in political history because of the existence of a document known as the Contract with America. The Contract was devised as a campaign tool for Republican congressional candidates to use in the 1994 midterm congressional elections. What makes the Contract fundamentally different from other campaign tools is that Republican leaders in the House presented it as the governing document that the party would follow if the electorate made Republicans a majority party.

Thus, the Contract appears to be the sort of vehicle that advocates of responsible parties have long desired. Supporters of party government hold that a healthy democracy provides a coherent, unified set of rules which will assume collective responsibility to the people for the manner in which the government is carried on (Ranney 1962: 12). That such a “platform” should be produced by a congressional party in a mid-term election is remarkable.

The problem, though, with viewing the Contract in these terms is that only a portion of the Republican Party embraced the party government idea, making the overall premise of collective responsibility unworkable. Russell Riley has recently argued that for advocates of responsible parties, it is hard to know “whether the midterm election results were a glass half empty or half full” (Riley 1995: 703). On the one hand, the Contract gave voters the opportunity to evaluate the desirability of a specific party program presented to them. On the other hand, to achieve true party government (like in the British parliament), one party would have to control all popularly elected branches of the government (Schattschneider 1942). The 1994 elections provided divided government all over again, though in a form not seen since the 1946 elections (that is, a Democratic president and a Republican Congress). In addition, it is widely believed that congressional party leaders do not possess sufficient inducements for allegiance by their average members. Though factors such as the direct primary, campaign finance system, and universal reward structure in Congress do deter strong party leadership, Beck and Sorauf declare, “Still, there is a possibility, albeit remote, that the increased resources of the national (and perhaps even state) party organizations might be employed to enforce some degree of ideological discipline.” (Beck and Sorauf 1992: 433)

This chapter argues that the Contract was created by a subgroup of House Republicans who were committed to the notion of responsible party governance, but were naive about the chances for party government in the United States Congress. The House Republicans have been unable to advance many of their proposals in large measure because of opposition from fellow Republicans in the Senate. However, some of the more successful and lasting effects of the Contract are changes Republican leaders made in the institutional structure of the House to allow responsible parties to function more easily. The mixed success of the Contract also reveals the problems and limits of such a bold initiative.

The House Republicans before the Contract with America

One of the lamentable artifacts of the House Democrats’ long majority rule (from 1955 to 1995) is the lack of understanding of the House Republicans during the last forty years. Only two books have been published on the topic during this time: Jones (1970) and Connelly and Pitney (1994). The overwhelming bulk of scholarly literature on the House made little mention of the Republicans. Thus, their current majority status comes as more of a shock than perhaps it should. The common impression presented in the literature was of a homogeneous permanent minority that assumed the part of loyal opposition and played a peripheral role in policy debate. While this is normally the predicament of minority parties in legislatures, the House Republicans were in the unique situation of serving with Republican presidents throughout much of this period, and did not necessarily see themselves as passive receivers of a Republican president’s wishes. Rather, they believed that they had the right to agree or differ with presidential proposals. When they did differ, the consequences could result in extreme partisan bickering and policy stalemates.

Until the election of President Ronald Reagan in 1980, the Republican Party generally was perceived as economically conservative and socially moderate. After Reagan’s nomination, it became clear that the party had taken a more conservative turn on social issues. The ideological changes in the House Republican Conference by the 1980s led to perceptible changes in their outlook and behavior. Instead of being conciliatory participants in the policy-making process, many House Republicans became confrontational, emphasizing their differences with moderates (of both parties). Eventually, some of the members who preferred confrontation to conciliation began to command more attention (Connelly and Pitney 1994: chap. 2). The most
important subgroup, the Conservative Opportunity Society (COS), began to attract public attention by exposing a schism in the House Republican Conference.

The 1989 contest for Republican whip clearly reflected this division. After whip Dick Cheney (R-Wyo) resigned from the House of Representatives to accept the position of Secretary of Defense in the Bush administration, an open contest developed to fill his post. Two major candidates were Ed Madigan (R-IL) and Newt Gingrich (R-Ga). Madigan was a member of the conciliatory school and a moderate. In contrast, Gingrich was the chief architect of the confrontational school (Connelly and Pitney 1994: 27). Gingrich won by a one-vote margin, 89–87. According to Koopman (1991), Gingrich owed his election not so much to conservative members, whose numbers were not sufficient to forge a majority within the Republican Conference, but to moderates who were growing weary of being ignored by the Democratic majority. Many in the ideological center of the Republican Conference felt that Gingrich’s more aggressive style was the only way for House Republicans to become a majority party, or at the very least signal to presidents and Senate Republicans that they were not to be taken for granted.

Starting after the 1990 elections, there was much speculation over the retirement plans of House minority leader Robert Michel (R-IL). The presumption was that Gingrich would become the new party leader upon Michel’s departure. Anticipating Michel’s retirement, Gingrich became heavily involved in the 1992 and 1994 elections with the hope that these years would see a significant increase in the number of Republican members who might support his leadership. Gingrich’s substantial efforts formed the basis of his consideration as floor leader when Michel’s retirement was announced at the end of the 103rd Congress—and for his ultimate ascension as chairman at the beginning of the 104th Congress.

House Republicans believed 1992 afforded significant possibilities: a near record number of members were slated to retire. Indeed, the mantra of the House Republicans became “one hundred open seats,” and their electoral arm, the National Republican Congressional Committee (NRCC), was mobilized for the elections. Guy Vander Jagt (R-Mich), chair of the organization, had just survived a leadership challenge amidst allegations of sloppy management and poor strategic decision making and felt pressure to mount a major effort (Kolodny 1991). Despite considerable anticipation, the election was a near-bust for Republicans, netting them only a ten-seat gain. However, there were signs of growing GOP strength in the House: it was the first time since 1882 that a president’s party gained seats in the House while the president himself lost reelection (Herrnson 1995: 23).

Ironically, Vander Jagt was defeated in his own primary election in the summer of 1992. This created a vacancy at the NRCC and led to the selection of Rep. Bill Paxon (R-NY) as chair. When Paxon, a young and energetic Gingrich protege, assumed control, he was confronted with a large debt left from the 1992 election cycle and held a more aggressive view of the role of the NRCC. In the recent past, members relied on the NRCC for a steady stream of cash and other resources for their own reelection campaigns, earning it a reputation as an “incumbent protection committee.” Paxon sought and received assistance from the Republican National Committee (RNC) to alleviate the NRCC’s debt and to assist in a successful electoral strategy for 1994. The reforms Paxon employed are too numerous to recount here, but one of the most noteworthy accomplishments was his insisting (together with Gingrich) that incumbent members contribute money out of their own campaign funds to challenger and open seat candidates. The argument was that the collective goal of winning the majority was more valuable than the extra few thousand dollars added to incumbent war chests. This became the basis for the 1994 electoral strategy and prompted the evolution of the Contract.²

The Origins of the Contract with America

Bill Paxon was not the only new Republican party leader after 1992. Haley Barbour was elected chair of the RNC at about the same time Paxon took over at the NRCC. Barbour inherited an organization bruised and battered by President George Bush’s defeat. Since he did not have the White House to worry about in the immediate future, Barbour sought a working relationship with Republicans in Congress. There was resistance to these overtures at first. The RNC had more of a reputation for ignoring congressional Republicans than for helping them. But with a double change at both the NRCC and RNC, communications became easier and interactions more frequent. Barbour formed good working relationships with Gingrich as well. Together these three constructed an integrated party strategy for the 1994 election.

A critical move by Barbour was his creation of an office of congressional affairs at the RNC. Barbour intended this office to parallel the work of the Republican Governors’ Association and to coordinate strategy and message with Republicans in Congress. The office was staffed with a House liaison and a Senate liaison, whose offices were located immediately adjacent to Barbour’s, illustrating Barbour’s commitment to work directly with the congressional Republicans. Indeed, Barbour stated in his 1993 report that “there is nothing we can do to help elect a Republican president in 1996 that is nearly as important as winning a big Republican victory in 1994” (Republican National Committee 1993: 12).

The RNC’s commitment to the midterm congressional elections was also evident in the amounts of money raised and spent. The RNC lent the NRCC
critical funds early in 1993 when debts threatened the organization with bankruptcy, and directly spending over $5.1 million on House elections. An additional $400,000 was spent on disseminating the Contract message alone (Barnes 1995: 474). Several key members of the RNC staff were involved in the development of the Contract document from the time it was formally initiated in the spring of 1994 through its debut in September of 1994. The RNC also paid for the production of the paperback book version of the Contract with America.

Part of the Gingrich/Paxon/Barbour strategy was to develop a common public agenda for challengers. Using an idea Gingrich had long espoused, the Republican Conference agreed to develop eleven task forces to flesh out legislative ideas on the theme of what the Republicans would do if they controlled the House. Gingrich believed they could enact a historic program in one hundred days, similar to Roosevelt’s New Deal agenda. In July and August of 1994, the task forces went to work. They were aided by information gleaned from focus group studies conducted by the RNC and NRCC concerning the phrasing that should be used in various Contract items as well as reaction to the concept of the Contract as a whole. Some items were fairly simple to compose, being either straightforward ideas or based on bills previously introduced by Republican members. Other ideas, such as the proposal for welfare reform, were more difficult. The members were under severe time constraints, and the particulars were glossed over. One of the more creative aspects of the Contract was the clause where members and candidates would promise to bring these proposals to the floor of the House and hold a vote on all of them, but it did not promise an affirmative vote on all the items in the agenda. This escape clause weakens claims to responsible party governance by stating up front that the party has no authority to issue sanctions for disloyalty to the Contract.

Gingrich had long envisioned such a scheme. When Gingrich became whip in 1989, he appointed two deputy whips, Bob Walker (R-Penn) and Steve Gunderson (R-Wis). Walker was assigned to the parliamentary details on the floor, while Gunderson was asked to create a strategic issue agenda for the House Republican Party. In fact, Gingrich specifically asked Gunderson to come up with ten items for a possible Republican agenda. Gingrich was so interested in this concept that he also used the resources of GOPAC (G.O.P. Political Action Committee, a PAC designed to recruit Republican candidates at the state and local levels), which he chaired, to work on ideas for a potential campaign agenda and to hammer out a strategy to disseminate these ideas to future candidates (Seeley 1995: 26). This part of Gingrich’s thinking explains much about the origins and effects of the Contract. Though there is no denying that the Contract was designed as part of an explicit campaign strategy, it is also true that it comes out of an ideological agenda.

The Contract with America in the 104th Congress

Use of the Contract in the 1994 Elections

Once the Contract was completed, the NRCC and RNC arranged for an elaborate unveiling. On September 27, 1994, they assembled all the Republican candidates who agreed to sign the Contract on the steps of the Capitol and invited the press to watch. Though the assembly made for an impressive media event, few observers (and even a good number of event participants) took the possibility of enacting the Contract seriously. News of its existence quickly died.

Another interesting question is how candidates used the Contract in their own campaigns. Most senior Republican House members made little use of the document or ignored it entirely. Though they all hoped to move into the majority, it was deemed unlikely and continued their proven campaign strategies. The utility of the Contract for nonincumbent candidates was another matter. Without the benefit of previous electoral success in the House of Representatives (or in many cases any electoral experience whatsoever), challenger and open seat candidates were more receptive to the idea of using the Contract as a campaign tool. However, few nonincumbents used the notion of a party agenda for a potential majority party in their campaigns. Instead, they used the Contract as a resource for campaign themes, choosing from the balanced budget amendment, welfare reform, legal reform, and so forth, as it suited their needs, particularly to localize national issues (Jacobson 1995).

Postelection Effects of the Contract

By now, the results of the 1994 election are well known. All Republican incumbents won reelection and thirty-four Democratic incumbents were defeated. Of the fifty-two open seats, Republicans won thirty-nine, and carried twenty-two of thirty-one previously Democratic open seats, while holding seventeen of twenty-one of their own. In all, the 104th Congress has two hundred and thirty-six Republicans, one hundred and ninety-eight Democrats, and one Independent.

Virtually all Republican members, with the possible exception of Gingrich and his closest followers, were shocked (Abramowitz 1995: 874; Orstein and Schenkenberg 1995: 184). The much-hyped majority had been achieved. Several factors help explain the Republican victory. In many areas of the South, a Republican-based realignment appears under way. Money also played an important role, with nonincumbent Republicans significantly better funded than they have been in the past. Republicans accounted for eighteen of the richest twenty-five challenger candidates in terms of cash received (Roll Call, October 27, 1994). Many believe that the election contained a significant element of white male backlash. Gary Jacobson (1995) argues that an
unusually large portion of the electorate voted locally as they had been voting nationally; that is, Republicans gained seats in areas where they had done well in presidential races, but where Democratic incumbents held on in congressional and state-level elections. Overall, he reports that Republican gains were due in large measure to a strong crop with highly qualified candidates—something the Republicans had suffered from in the past. It seems clear that the Contract itself had little bearing on the outcome, with few voters knowing anything about it. Indeed, polls showed that only 28 percent of the electorate heard of the Contract before the election (Bardes 1996; see also Ladd 1995: 10).

Interestingly, the real impact of the Contract was not felt until the immediate postelection spin. Having ignored both the House Republicans and the Contract, the media scrambled to cover the Contract. Republican members who had not taken the idea of a Republican majority or the Contract seriously also scrambled to find answers to the question, What next? Consider their extraordinary situation: their previous leader had retired, they had few members and almost no staff who had served in a Republican majority, and they had promised to act upon a legislative agenda that included few details. Out of both convenience and necessity, the new Republican majority grasped the Contract as a starting point. Suddenly, Speaker-elect Gingrich and many from the Republican majority were talking about the “mandate” the voters had just given them. Not surprisingly, the new Republican majority began to act as though it believed it had been given a clear and undeniable message from the people.17

The new majority seized the moment and moved rapidly to prepare for the historic 104th Congress. November and December of 1994 were filled with frenetic activity. After all, the institution not only had to change partisan hands, but according to the Contract had to be reinvented as well. The Republicans selected their leaders committee and subcommittee chairs, hired more Republican staff while eliminating many Democratic staff positions, began to reallocate office space, and started laying plans for bringing all the items in the Contract to the floor in the first one hundred days of the session. In order to both consider the Contract and take care of all other necessary legislation business (the budget issues in particular), the Republican leadership decided to begin work on legislative business immediately upon swearing the new members in. In previous congresses, it was customary to swear members in on January 3 (the date required by the Constitution) and then recesso to give new members time to move into their offices and hire staff. Not this time; the 104th Congress began with a whoosh.

It is hard to comprehend the tremendous repercussions the change in majority control had on the House. In addition to absorbing an unusually large freshman class (a total of 86, 73 of whom were Republicans), members of both parties had to adjust to tremendous changes in the organization and operation of the committee system and House rules. The congressional reforms passed on the first day of the 104th Congress bear this out. The Republicans approved a series of rules changes that included elimination of three full congressional committees; realignment or “tightening” of committee jurisdictions; a one-third reduction in the number of staff per committees; limiting the number of subcommittees per committee; restricting members to no more than two full standing committee memberships; eliminating proxy voting in committees; publishing of all committee votes; eliminating rolling quorum (chairmen of committees holding votes open indefinitely while waiting for members to arrive); term limits on the Speaker of the House (four) and committee chairs (three); consolidating administrative offices; commissioning a House audit by an outside auditor; and eliminating all indirect support for legislative service organizations (CQ Weekly Report, 1995a). One outcome of this reorganization was to give an extraordinary amount of power to the Republican leadership to make order out of chaos. For example, Gingrich was permitted to violate seniority norms in naming committee chairs. This helped move items through committees quickly and bring them to the floor under favorable circumstances. Such allegiance to the leadership did not last in the post-Contract period the way it had during the Contract, but it is nonetheless still significant (Riley 1995: 705-6).

The new Democratic minority had many adjustments to make as well. They were not expecting the change and were utterly devastated. Their leader, Thomas Foley (D-Wash) was defeated for his own reelection. All the remaining incumbent leaders (including the de facto top leader Richard Gephardt) were challenged for their posts, an almost unheard-of situation for House Democrats, who usually reelect their leaders without contention. In addition, many southern Democrats were actively courted to switch over to the Republican ranks.13 The biggest surprise was that the House Democrats had virtually nothing constructive to say in opposition to the Contract agenda. (Ornstein and Schenkenberg 1995: 202-3).

The House Republicans needed only ninety-three of their pledged one hundred days to bring all the Contract items to the floor for a vote. Table 19.1 lists the items in the Contract and recounts their fate. Several points are worth noting. First, though the Contract was constructed as a ten-item agenda, table 19.1 shows that many of the items had to be broken down into several subitems, while other pieces of legislation contained provisions called for in several different Contract items. This splintering results from the Contract’s origins as a campaign document. Once it became clear that the Contract would become an operating agenda, committee jurisdictions and members’ policy experiences came into play.

Second, of the twenty-two roll call votes on final passage of Contract legislation, only five were close victories or defeats for House Republicans. This may make it seem as though the Contract items were relatively uncontroversial, but that is not quite true. The accounting does not include the myriad amendment votes that were held on the floor during this period. Also,
<table>
<thead>
<tr>
<th>Contract item</th>
<th>House Vote</th>
<th>Day of Contract</th>
<th>Senate Action</th>
<th>Current Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congressional process</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>End Congressional exemption</td>
<td>429-0</td>
<td>2</td>
<td>Passed parallel Bill S2</td>
<td>Signed into law</td>
</tr>
<tr>
<td>From workplace laws (HR 1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise house rules (H Res 6)</td>
<td>417-0</td>
<td>1</td>
<td>Not applicable</td>
<td>In force</td>
</tr>
<tr>
<td>1. The Fiscal Responsibility Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Balanced Budget Amendment (HJRes1)</td>
<td>300-132</td>
<td>23</td>
<td>Senate vote failed</td>
<td>Senate may hold future vote</td>
</tr>
<tr>
<td>Line item veto (HR 2)</td>
<td>294-154</td>
<td>34</td>
<td>Senate bill passed</td>
<td>Signed into law</td>
</tr>
<tr>
<td>2. The Taking Back of Our Streets</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Victim restitution (HR 665)</td>
<td>431-0</td>
<td>35</td>
<td>Senate bill passed</td>
<td>Now in Conference</td>
</tr>
<tr>
<td>Rules of evidence (HR 666)</td>
<td>289-142</td>
<td>36</td>
<td>No action</td>
<td>Stalled by Senate</td>
</tr>
<tr>
<td>Prison grants (HR 667)</td>
<td>286-156</td>
<td>38</td>
<td>No action</td>
<td>Stalled by Senate</td>
</tr>
<tr>
<td>Criminal aliens (HR 668)</td>
<td>380-30</td>
<td>38</td>
<td>No action</td>
<td>Stalled by Senate</td>
</tr>
<tr>
<td>Anticrime block grants (HR 728)</td>
<td>238-192</td>
<td>42</td>
<td>No action</td>
<td>Stalled by Senate</td>
</tr>
<tr>
<td>Death penalty appeals (HR 729)</td>
<td>297-132</td>
<td>36</td>
<td>No action</td>
<td>Stalled by Senate</td>
</tr>
<tr>
<td>3. The Personal Responsibility Act</td>
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<tr>
<td>Welfare reform (HR 4)</td>
<td>234-199</td>
<td>80</td>
<td>Senate passed own bill</td>
<td>Vetoed by president</td>
</tr>
<tr>
<td>4. The Family Reinforcement Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parental consent/surveys (HR 1271)</td>
<td>417-0</td>
<td>91</td>
<td>No action</td>
<td>Stalled by Senate</td>
</tr>
<tr>
<td>Increase sex crime penalties (HR 1240)</td>
<td>418-0</td>
<td>91</td>
<td>Senate approved</td>
<td>Signed into law</td>
</tr>
<tr>
<td>5. The American Dream Restoration Act</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Middle-class tax cut (HR 1215)</td>
<td>246-188</td>
<td>92</td>
<td>Senate passed own bill</td>
<td>President vetoed</td>
</tr>
<tr>
<td>7. The Wealth Creation Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Increase S.S. earnings limit/</td>
<td>424-5</td>
<td>93</td>
<td>Senate passed amended version</td>
<td>Signed into law</td>
</tr>
<tr>
<td>Long-term care (part of HR 1215)</td>
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<tr>
<td>Senior housing policy (HR 660)</td>
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<tr>
<td>8. Job Creation/Wage Enhancement Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cut capital gains (part of HR 1215)</td>
<td>360-74</td>
<td>29</td>
<td>Senate and conference bills passed</td>
<td>Signed into law</td>
</tr>
<tr>
<td>Reduce unfunded mandates (HR 5)</td>
<td>418-0</td>
<td>50</td>
<td>Signed into law</td>
<td>Signed into law</td>
</tr>
<tr>
<td>Reduce federal paperwork (HR 830)</td>
<td>277-141</td>
<td>59</td>
<td>Senate and conference bills passed</td>
<td>Signed into law</td>
</tr>
<tr>
<td>Regulatory review/&quot;Takings&quot; (HR 9)</td>
<td></td>
<td></td>
<td>Filibusted</td>
<td>Stalled in Senate</td>
</tr>
<tr>
<td>9. The Common Sense Legal Reform Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Product liability (HR 956)</td>
<td>285-161</td>
<td>66</td>
<td>Senate bill passed</td>
<td>In conference</td>
</tr>
<tr>
<td>Civil litigation overhaul (HR 988)</td>
<td>222-193</td>
<td>63</td>
<td>No action</td>
<td>Stalled in Senate</td>
</tr>
<tr>
<td>Shareholder lawsuits (HR 1058)</td>
<td>325-99</td>
<td>64</td>
<td>Senate and conference bills passed</td>
<td>Vetoes. Overridden by both Houses.</td>
</tr>
<tr>
<td>10. The Citizen Legislature Act</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Term limits amendment (HJRes 73)</td>
<td>227-204</td>
<td>85</td>
<td>Rejected: 2/3 needed</td>
<td>Stalled in both houses</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Under consideration in Senate</td>
<td></td>
</tr>
</tbody>
</table>
those five votes that were contentious were very contentious and consumed much of the House's time. These more controversial votes occurred from the middle to the end of the one-hundred-day period, which shows that House Republican leaders needed the extra time to either allow committees to resolve their differences (as was the case with HR 4, the welfare reform bill) or to secure the votes of wavering Republicans or sympathetic Democrats. All items presented before day 40 passed with votes to spare. The final passage vote to go down to defeat, the Term Limits Amendment, was held on day 85.

The workload figures for the first three months of the 104th Congress attest to the frantic pace of the new Republican majority. Between January 3 and March 31, the 104th Congress spent fifty-three days (for a total of 185 hours) in session and held 209 recorded votes. Statistics for the same period of the 103rd Congress find the House in session for only thirty-five days (for a total of 189 hours) and holding only forty-two recorded votes. However, the difference in the number of measures passed is not that stark, with 111 passed during the 104th Congress and eighty-seven approved during the 103rd.

Third, only six provisions of the Contract became law as of this writing: the termination of the congressional exemption from workplace laws, the increase in sex crime penalties, the reduction of unfunded mandates, the reduction of federal paperwork, the elimination of discrimination in seniors' housing, the limitation of shareholder lawsuit proposals, and the line item veto. This amounts to only seven of the twenty-two roll calls held, with the shareholder lawsuits limitation becoming law over President Clinton's veto.

A final note concerns the real obstacles to enactment of Contract items: the Senate. Earlier, it was noted that Senate Republicans did not wish to be included in signing the Contract, and as table 19.1 shows, they continue to demonstrate their indifference to the House agenda. On eight of the twenty-two bills, the Senate has yet to take action. One bill (Regulatory Review or "Takings") was filibustered to death, one (the Balanced Budget Amendment) was defeated, and three are currently in conference. The Senate co-operated with the House on only eight bills.

This discussion obscures something else about the Contract: the extent to which many of these proposals were significantly transformed at the committee level. Senior members, now in charge of committees and subcommittees, took a hard look at the Contract items and decided to "make lemonade out of the lemons" they had been handed. Several items, especially regulatory and welfare reform, looked very different when passed by the House than they did when introduced. In fact, shortly after the 104th Congress began, senior Republicans expressed their uneasiness with the speed of the process, with some claiming that many items were not well developed and others citing the need to move matters through committee quickly because of extreme pressure from the leadership (CQ Weekly Report 1995b). Thus, the high party unity in this period must be interpreted cautiously.

As table 19.1 shows, the House Republicans were not ultimately effective at creating public laws from their Contract proposals. In their euphoria over majority status, House Republicans believed that their ability to control the agenda would be enduring. However, once the House finished its business of enacting Contract items, they had no standing to induce the Senate Republicans to follow through. After the Contract period, the House leadership did encounter some significant challenges, especially in the authorization and appropriation phases of the budget process. Legislators had the opportunity to work on pet projects (which in the case of House Republicans usually meant cutting rather than saving certain programs) because they were freed from a publicly agreed upon agenda. Though Republican unity was still relatively high, Gingrich experienced some surprise defeats (such as the rule on the Labor/HHS appropriations bill) and was kept busy talking members out of introducing controversial measures. The Republican leadership also found themselves invoking more restrictive rules for bill consideration because they were so far behind schedule on their budget work.

The remainder of the Republican agenda was overshadowed by the lack of a budget for fiscal year 1996. A permanent budget was passed on April 25, 1996 (FY 1996 began on October 1, 1995). Books will be written on the protracted budget debate between President Clinton and the Republican Congress, and it will take time to sort out the winners and losers. Yet it seems clear that the budget stalemate eclipsed the House Republican momentum. Though they have plans to tackle some significant issues in the second session of the 104th Congress (including reforms of Superfund, OSHA, and affirmative action), it is doubtful that they will regain the momentum they had in the first nine months of 1995.

The Contract's Role in the 1996 Election

One lasting effect of the Contract is that all House Republicans will share a collective campaign strategy: defending the Contract with America in 1996. Though few members used the document in their 1994 campaigns, all will have to defend their votes and the direction the agenda might have taken the country. Of course, the budget gridlock will serve as a major issue for both parties, but the Contract belongs wholly to the House Republicans—for better or worse. Polls still show that Contract items have great resonance with the public. The House Republicans, through the NRCC, are actively preparing their members for a dramatically different task in the 1996 elections: how to defend a governing position instead of attack one.
The ability of House Republicans to defend the Contract and retain their majority will say a great deal about whether parties can overcome the atomistic tendencies of congressional politics. If the Republicans remain in control, officeholders may attribute this success to the power of their agenda to focus choices for voters, and it may serve as a model for both parties for the future. If instead the Republicans return to minority status, officeholders will likely return to the candidate-centered campaigning they have practiced for the last thirty years.

The response to the Contract during the one-hundred-day period was clearly mixed. The Democrats may be able to regain their congressional majority by demonstrating that their policies are more in line with the American electorate. Significantly, the House Republicans have decided not to develop a new “contract” for the 1996 elections. Perhaps they have recognized that party government in the American context is not as workable as they earlier believed. Overall, the Contract demonstrates both a wishfulness and a naiveté about the viability of party government in America. The House Republicans discovered that their ability to lead the party in the electorate or to unify the party in government is limited, at best.

Notes


3. Information obtained through a personal interview with Maria Cino, executive director of the NRCC, November 13, 1995, in Washington, D.C.

4. This has been institutionalized for the 1996 cycle by requiring “dues” from all members for the NRCC’s Incumbent Support Fund. The amounts required differ by the position held by House Republicans: 2500 = freshman, 5000 = regular, 6500 = subcommittee chairs, 7500 = party leaders and committee chairs. (Cino interview)

5. Don Pierce, RNC communications director, and Cece Hall Boyer, bill liaison in the Office of Congressional Affairs, were both actively involved in the Contract’s development.

6. Information obtained through a personal interview with Cece Hall Boyer, Congressions Liaison, Republican National Committee, October 4, 1995, in Washington, D.C.

7. Information from a telephone interview with Ed Gillespie, Communications Director, Republican National Committee, February 21, 1996. In fact, Gillespie reports that the welfare reform task force did not complete its work until the night before the Capitol Hill event.

8. Background interview with former whip office aide.

9. Three Republican incumbents, Lincoln Diaz-Balart (R-Fla), Ileana Ros-Lehtinen (R-Fla), and Don Young (R-Ak) did not sign the Contract or participate in the September event. Diaz-Balart and Ros-Lehtinen took issue with the anti-immigrant provisions in the proposals.

10. This observation is based on the author’s experience at a 1995 APSA Congressional Fellow working in the office of a Republican member of the House of Representatives and reflects observations garnered through interactions with other members’ staff.

11. According to Ornstein and Schlenker, only 53 percent of House freshmen previously held elective office.

12. Ornstein and Schlenker (1995: 205) state that the first 100 days resembled a parliamentary style of legislating rather than a transformative style of legislating. Also, they show that support for the Contract as a concept exceeds support for any of its individual items among the public.

13. Though most of these switches did not occur until after the Contract period, senator Richard Shelby of Alabama switched immediately after the election, giving House leaders a sound basis for alarm.