

Heavy Lifting: The Job of the American Legislature

By Tim Anderson



or more than 30 years, Alan Rosenthal has been studying U.S. legislatures, earning a reputation as one of the nation's most respected and knowledgeable scholars on the subject.

Only recently, though, has Rosenthal focused his research on addressing a fundamental question about American democracy: What makes for a “good” legislature?

“I’ve been thinking about that question throughout my career,” he says. In his new book, *Heavy Lifting: The Job of the American Legislature*, the Rutgers University professor sets out to find some answers.

To begin, Rosenthal argues that a legislature should be evaluated on how it functions, rather than on its structure or public policy decisions.

“The legislature is first and foremost a way we can democratically arrive at settlements,” the author explained during a June interview about the book. “So it’s not the particular settlements that make for a good legislature, because there’s no guarantee that the majority is going to want the right thing.

“But the process itself has to be fair and effective, and it has to include a good amount of deliberations as well as negotiations that are above board.”

The central question asked in the book leads to another. Are U.S. legislatures, on the whole, good?

Rosenthal believes the answer to the second question is yes. He arrived at that conclusion after traveling to five different states, including Minnesota and Ohio, where he surveyed and interviewed lawmakers and job-shadowed leaders during their 2001 legislative sessions.

The book’s title refers to the great number of responsibilities given to legislative bodies and their individual members. According to Rosenthal, their tasks most often involve one of the legislature’s three primary functions: representing constituents, lawmaking and balancing the power of the executive. A legislature must ably handle these three duties to be considered “good.”

And while he believes U.S. legislatures are functioning well, Rosenthal warns that current performance levels are far from a guarantee in the future.

“There are ways to screw up the legislature,” he says, “and it’s more important to avoid screwing it up than trying to make it better.”

Balance of Powers

In their responses to the political scientist’s job performance survey, individual lawmakers said they were least satisfied with

the legislature’s work in balancing the power of the executive. Rosenthal agrees with this assessment, adding that the capacity of lawmakers to perform this function has diminished over the past 30 years.

“Other things being equal, the weakest executive in the country now has the upper hand over the legislature,” he says. “Governors’ resources and skills in communicating to the public have increased vis-à-vis the legislature, so their power has as well.”

Leadership, then, becomes not only vital to effective lawmaking, but essential to a chamber’s ability to check the power of the executive branch.

“There’s a lot of diversity among leadership styles and approaches, and they all can work,” Rosenthal says. “But a legislature has to have it [effective leadership]. Without leadership, the governor can really have his or her way in picking off members.”

One method of undermining a functioning legislature, then, is to weaken its leadership.

“Term limits is the best devised way to screw it up, in part because it gets rid of any kind of leadership,” he adds. “People don’t have experience when they become leaders,

and they’re not there long enough [to be effective].”

Rosenthal believes other familiar concerns about term limits— weakening the deliberative function of legislative committees and diminishing the institutional knowledge and public policy expertise of members—are well-founded as well. The cumulative effect, he says, threatens the ability of the legislature to do its job.

“Nobody has any incentive to worry or concern themselves with the institution,” Rosenthal adds.

Another central finding in the book is the importance of civic education. Without it, Rosenthal says, public support of legislatures will continue to wane—a trend that can impair the legislature’s efforts to execute its three primary functions.

Lawmakers know the job of the legislature is a messy one; it is the public institution where conflicts and differences of opinion are expressed and must be resolved. The unattractiveness of the job, though, does not mean that legislators are not performing it well. Rosenthal says the challenge for people who care about legislatures is to deliver that message in a meaningful, effective way.

Heavy Lifting: The Job of the American Legislature can be ordered by contacting CQ Press at (866) 4CQ-PRESS or by visiting www.cqpress.com.



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