The Senate Through the Looking Glass:
The Debate over Television

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Paper prepared for delivery at the Hendricks Symposium on the U.S. Senate at University of Nebraska, Lincoln, October 6-8, 1988.
Introduction

During the last four decades, political scientists have produced a sizeable and stimulating literature on the United States Senate as an institution. The work has come in spurts; and we are now—as this conference attests—in the midst of one of them. As this conference also attests, our literature has come in many varieties. One variety has depended heavily on the views of the Senators themselves, as we have come by them either directly through our interviews with them or indirectly by listening in, as it were, to their interviews with reporters. Sometimes, too, we have been able to listen to Senators as they talked among themselves. But not often. In the absence of scholarly or journalistic questioning, senators tend not to talk about their institution. They are absorbed in their daily business. And they do not reflect upon or discuss or argue about the nature of the institution to which they belong—how it works, how it looks, how it should work or look, what might make it work better or look better. Not unless, of course, some large challenge to existing arrangements should force them to do so. On such occasions, it may be useful for political scientists to listen to them talk among themselves about the Senate. Such is the premise of this paper: that we might inform ourselves about the institution by listening to its members talk spontaneously among themselves about it. The intramural talk I want to examine here took place off and on between February 1981 and July 1986. The subject was the proposal to televise the floor proceedings of the Senate.

These senatorial discussions had no recourse to political science treatments of the institution. They did not draw upon our conceptualizations nor did they consult with us about what they should do. Their analyses, both historical and contemporary, were grounded in their own perspectives and experiences, their own interpretations of the past and their own speculations about the future. Indeed, this total separation from our scholarly work makes their debates especially appealing to us. For we are getting their unvarnished perceptions of their institution—the Senate through the looking glass. Our challenge, however, is to make some sense out of their discussions in terms of our perspectives and our conceptualizations—to use their perceptions of the Senate to enrich and challenge our own research on the same institution.

The Context

The overarching theme of our recent scholarship on the Senate as an institution has been change. The Senate of the 1980's, we have concluded, is a vastly different institution from the Senate of the 1950's. This is hardly surprising. During those thirty years, the country coursed through several recessions, several shocking assassinations, several failed presidencies, a bitterly divisive war, a debilitating political scandal, a declining confidence in government, a crusade in civil rights, a proliferation of activist interest groups, an information explosion, a revolution in communications technology, an expanded world market and an uncertain international environment. Small wonder that the Senate—one of the institutional nerve endings of the American polity—would change.
Our task, however, is to chart, to measure and to explain that change. We have been able to undertake that task, and stimulated to try, by the extraordinarily high quality of political science research on the Senate of the 1950's. Working from the baselines established by scholars like Ralph Huitt and Donald Matthews, we have been able to make successive comparisons and to calibrate the institutional change that has occurred since the 1950's. In studies too numerous to list, we have described changes in membership, in member resources, in norms (both formal and informal), in agendas (both policy and personal), in decision-making patterns, in leadership, in external influences, etc. The composite of these studies—captured best in the recent work of Barbara Sinclair1—describes the change from a dominantly communitarian Senate in the 1950's to the dominantly individualistic Senate of the 1980's. This conceptualization will be helpful to us in thinking about the senatorial debates on television in the chamber.

The communitarian Senate, as we have come to understand it, was a markedly self-contained, self-regulating, inward-looking institution. It was a place where everyone knew everyone else; and it was described, accordingly, as a club—a men's club, of course—or a small town. The conduct of affairs depended heavily on the kinds of informal understandings that regulated interpersonal relationships. These understandings, or norms, were internally generated, internally enunciated and internally enforced. They expressed, therefore, the general idea that senators should be especially responsive to stimuli that came from their colleagues inside the institution. "There is," an influential member told Matthews, "a great pressure to conform in the Senate. It's like living in a small town."2 Not all senators, of course, did conform. Availing themselves of both their one-person, one-vote equality and the cherished right of every senator or minority to talk at length on the floor, a few members charted an independent, externally-oriented course. But in the language of a club or a small town, they were described as loners, or mavericks or outsiders.3 The Senate was, on the whole, a stable, consensual, community-minded institution.

The centerpiece of the institution's internal structure was its committee-based division of labor. Newcomers were advised to specialize in the subject matters of their particular committees, to work hard, keep quiet and serve an apprenticeship until they became well-versed in the business of their committees. They ought not, so the prescription went, to roam all over the policy landscape, pursuing a broad and varied policy agenda, interfering in the work of other committees and, in general, spreading themselves thin. Expertise was important; but it should be confined largely to the jurisdiction of one's committees. Committee markups took place in closed sessions out of public view, thus protecting committee expertise from timely challenge from outside. Given this high degree of protected specialization, each committee's work product was expected to receive the benefit of the doubt from non-committee members and their approval on the Senate floor. And that was the prevailing pattern.

This committee-centered structure gave a disproportionate share of internal influence to an oligarchy of senior Democratic committee chairmen, to a few of their Republican counterparts and to the party
leaders who shepherded their legislative proposals on the Senate floor. It was these oligarchs who enunciated and, as best they could, enforced the community's informal understandings by manipulating the resources available to the other members—committee assignments, procedural advantages, information sources and social acceptance. Their decision-making and socializing successes imparted a hierarchical as well as a collegial dimension to the Senate's internal structure.

The oligarchs were institutional conservatives. They believed that the Senate was a unique institution; they liked it the way it was; and they allowed as little change to come to it as they could. They thought of it in terms of all the bicameral expectations of the framers—that it would bring deliberation, coolness, good judgment into the legislature. But the southerners who wished to keep their civil rights policies and the westerners who wished to buttress their small state leverage saw in the Senate, above all, an institution that would protect the interests of intense minorities from the assault of national majorities. In this view, the uniqueness of the Senate depended upon those rules and practices which provided for and preserved unlimited debate on the floor. Anyone or any group that felt deeply aggrieved could filibuster, and in so doing extract a hearing, or a bargain or a deadlock from their colleagues.

In the communitarian Senate, the norm governing behavior on the Senate floor was reciprocity. In general, reciprocity prescribed that everyone should get a little something out of a legislative encounter and that no party to a controversy should come away totally empty handed. As applied to floor activity, reciprocity called for self-restraint in manipulating the Senate's complicated rules of procedure to gain an advantage over a colleague. With respect to the Senate's distinctive right to talk, self restraint in the exercise of that right was understood to be a necessary informal corollary to the formal rules. Individual senators or senatorial minorities were expected to engage sparingly in "extended debate", to use the filibuster only as a signal that the most intensely held interests were at stake. And the majority was not expected to resort to the full extent of its prerogatives unless and until opposing sentiment became equally strong and deep. Only on some such reciprocal terms as these, so the argument went, could the consensual, communitarian institution survive.

The Senate was never as tightly organized nor as impervious to change as this familiar description implies. Indeed, our very description of it depends in part on the attacks that were being leveled against it. Nonetheless, the communitarian model gives us a baseline against which to assess the changes which occurred gradually over the next quarter century and which eventually produced a distinctly different kind of institution. The proposal to televise Senate proceedings came at the end of the quarter century of change. The debate must be understood and interpreted, therefore, in the context of a new and different, i.e., individualistic, model of the Senate. Even so, the baseline communitarian model remains relevant for purposes of comparison. It helped the debaters to consider the TV proposal in the light of earlier institutional changes, to measure how far they had come from an earlier state of affairs. And, insofar as the debate focussed on what kind of
institution the Senate ought to be, the communitarian model invited comparisons—invidious, nostalgic or preferential.

The individualistic Senate, as we have come to understand it, is markedly less self-contained and more outward-looking than the communitarian one. It has been shaped more by member responsiveness to external conditions than by member responsiveness to internal understandings. The members of the contemporary Senate are the products of a radically changed environment, and they have come to the Senate with an acute sensitivity to stimuli coming from that environment. New and controversial issues—from the Great Society, civil rights and Viet Nam to environmentalism, fundamentalism and arms control—produced successive waves of issue-oriented senators linked to issue networks beyond the institution. Changing political processes—more openness, more special interest group participation, more media visibility, more candidate-centered elections, weaker partisan ties and party organizations—produced newcomers with an ever stronger sense of their political independence. In 1980, a party leader whose tenure began in the 1950's reflected that "Going back to my earliest days in the Senate, I think there was more of an allegiance to party, more of an establishment-minded feeling. There was more cohesiveness on the part of political parties than there has been in recent years. The emergence of the individual has been a kind of phenomenon."6

These "individuals" were described as policy activists or entrepreneurs or prima donnas. Their style, once attributed only to mavericks or outsiders now dominated within the Senate. They were too eager to get involved in making policy or in burnishing their personal reputations to make good club members or model small town citizens. They had little tolerance for hierarchical or collegial constraints. They sought a greater equality of influence internally. And they were unwilling to hostage their personal political objectives to the norms of any collectivity.

As might be expected, many of the changes in internal structure centered around the committee system. The average senator came to serve on more committees and subcommittees than previously. And given the greater complexity of the new issues, members worked increasingly across jurisdictional boundaries. These changes so broadened the policy reach of each senator as to render the norm of specialization almost meaningless. And new members were able to secure the best of committee assignments, thus eliminating a major bulwark of the apprenticeship norm. Committee deliberations were gradually opened up to public view, thus distributing information to all interested parties and facilitating the work of senator-interest group alliances. These changes militated against the survival of an oligarchical structure of influence. And with 6 years of active encouragement by Senate leader Mike Mansfield, the hierarchical aspects of Senate life slowly gave way to a more egalitarian structure.7

In order to help them realize the potential for influence that came with their committee positions, all senators sought and secured larger and more professional staffs—both personal and committee—an essential resource in augmenting their influence. A senator's expertise, once exclusively committee-based, now became staff-based, further facilitating
a policy activity beyond one's committee jurisdiction. Each senator--
together with his or her 25-50 staffers--now constitutes a small but
formidable "enterprise" for furthering the entrepreneurship and
independence in policy making they have increasingly sought. On the
interpersonal side, moreover, these staff enterprises have become little
cocoon, insulating but also isolating senators from one another.
Members no longer see each other or know each other to the degree they
once did in the cozier communitarian Senate. Not only, therefore, have
the interpersonal understandings of the older Senate eroded or vanished,
but so too have the intimate social relationships necessary to generate
and enforce such understandings. Collegiality, that is, declined along
with hierarchy.

As senators became active over a wider range of committees and as they
developed their own staff-based expertise and as committee decision-
	making was made more accessible to outside groups, the protectionist
walls erected by the older committee-based division of labor began to be
breached. And the committees began to lose some of their dominance on
the Senate floor. An increasing number of decisions were pushed to the
Senate floor—resulting in more roll calls, more floor amendments offered
and passed by non-committee members and junior members. While the
committees certainly retained the largest share of influence, the balance
between the committee rooms and the floor as arenas of decision making
changed markedly. The Senate floor became the place par excellence,
where the policy activism and the policy individualism of the newer
senators was on display.

A major indicator of the changed balance was the commonplace exercise
of the cherished senatorial right to talk—reflected in more "extended
debate" on more subjects, more filibusters and threats of filibusters,
and more cloture votes in an effort to cut off debate. What was once
regarded by most senators as an ultimate right to be invoked sparingly
for the good of the community became an everyday weapon in the fight to
gain a temporary advantage over one's colleagues. "It used to be" said
Democratic leader Robert Byrd, "that (the filibuster) was resorted to
only infrequently and in the great national issues, mostly civil rights.
But anymore, it's just resorted to promiscuously, I think." 11

The norm of reciprocity, too, has been a casualty of the more
atomistic Senate. Party leaders like Byrd now must manage business on
the floor by means of ceaseless negotiations among large numbers of
individuals who are quite willing to hold the threat of extended debate
over the schedule unless they are given the personal and/or policy
consideration they seek. Floor activity is dominated by myriad
individual preferences and by the procedures devised to accommodate them—
"unanimous consent", "time agreements", "two track scheduling" and
"holds." The increased difficulty in moving legislation on the Senate
floor is, perhaps the most vivid reminder of the individualistic ethos
prevailing the Senate of the 1980's.

Barbara Sinclair sums up her study of these many changes with the
comment that "In the contemporary Senate, the typical member is
generously endowed with resources and little constrained by norms in
their use." 12 The proposal to televis the Senate involved the generous
endowment of one such member resource—publicity. Or better, perhaps, a
further endowment of a resource which had already grown beyond anything imagined in the Senate of the 1950s. As senators became increasingly dependent on the media to help them get to the Senate, they became increasingly desirous of media attention while they were there. Publicity for individual senators meant a degree of independence from the understandings and/or the influence of his or her colleagues. By the time the television proposal surfaced in 1981, therefore, the senatorial talent for getting publicity and the media's occupational need to give it to them already provided a strong underpinning for the individualistic Senate. Nonetheless, just as we might suppose happened with every other institutional change over the past quarter century, the TV proposal triggered a debate as to how senators as individuals and the Senate as an institution could be, should be or would be affected.

The Debate

In the broadest sense, we have argued, change comes to a representative institution like the Senate as a response to change in the country. In that sense, television came to the Senate as a response to a revolution in communications technology. In the narrower sense, however, we have argued that external change gets carried to our representative institutions by means of elections, as waves of new members bring different perspectives and preferences to their work. The television proposal was the direct result of the Republican electoral sweep of 1980, and as such demonstrates the innovative impetus that can come from electoral change. The idea was the very first legislative proposal offered by the new leader of the majority party, Howard Baker.13

He simply took a fresh look at the institution he was going to manage, did not like what he saw and decided to do something about it. The previous Democratic majority leader, Robert Byrd, had not perceived the desirability of such a change, had not favored it and had to be converted by his successor.14 As it turned out, Baker left the Senate before his idea came to fruition, and it was left to Byrd to supply the final push. Which he did.

The debate over television took place on both an inter-institutional and an intra-institutional level. The inter-institutional debate centered on the place of the Senate in the larger system of government—its relationships to other elements of the system and its contribution to the whole. The debate revolved around what was or should be special or unique or distinctive or beneficial about the institution. It ran the gamut from arguments about legislative tasks to arguments about legislative legitimacy. The advocates pressed the debate primarily on this level, making the argument that television would improve the external relationships of the Senate. Particularly, the advocates tried to seize the high moral ground, arguing that television would improve the relation between the Senate and the public, thereby strengthening American democracy. In the words of one advocate "The decision we are about to make involves a fundamental right, the right of citizens to know what their government is doing...The objections (to television) are Senator's objections. The objections are institutional objections. The arguments for moving forward are the benefit that it would bring to the American people."15
The intra-institutional debate centered on the internal organization and the decision-making processes of the Senate—members and their resources, rules and procedures, committee and floor activity. The debate revolved around the behavior of senators and individuals and the performance potential of an individualistic Senate. The opponents of TV pressed the debate most forcefully on this level, making the argument about the need to preserve certain well-established internal arrangements of the Senate. Particularly, the opponents tried to capitalize on member reluctance to change by posing objections that senators, given their concerns, would find realistic, disruptive, and institutionally debilitating. In the words of one opponent, "We are debating not simply the presence of television cameras. We are debating the rules and the customs of the U.S. Senate. If we change the way in which this floor is covered and include coverage by television cameras, it follows as the night the day that the whole method of operation, the structure of debate, what we do as United States Senators will change."16

As we shall see, however, the debate was fought on both levels, by both groups, often at the same time. And what follows is an effort to reconstruct the flow of the argument back and forth, from level to level. In terms of our earlier conceptualization, both sides operated on the assumption that the Senate had become a dominantly individualistic institution. There was, however, no clear agreement on exactly how far the Senate had drifted from one type toward the other—in the matter of committee system strength, or the character of floor debate, for example. Under the pressure of the television proposal, however, both proponents and opponents showed dissatisfaction with the drift toward individualism. And both argued, therefore, for a greater emphasis on communitarian arrangements. They did not, however, argue for the same prescription. And the vehemence of the argument—which lasted over five years—is a measure of the difference. In the end, then, our exercise reveals a fairly widespread mood of unhappiness with a strongly individualistic institution, but no consensus on what senators want their institution to be.

We shall rehearse the arguments primarily through the ideas and the words of the principals in the debate—Howard Baker (R. Tenn.) and Russell Long (D. Ia.). Occasionally, we can avail ourselves of other formulations. But, Baker and Long were, overwhelmingly, the key participants. And little, if anything, need be added to their debate.

Howard Baker launched his campaign with a practical argument and a theoretical one. The practical argument was that televising Senate proceedings was an idea whose time had come. The theoretical argument was that the change would strengthen representative democracy. Both arguments drew their force from Baker's reading of conditions external to the Senate.

On the practical level, there was the revolution in communications technology. "The most fundamental change in the public policy formulation system since the republican system was devised, since our democracy was conceived," he told the Rules Committee, "...has been the advent of electronic communication by television."17 It was natural, necessary and, indeed, inevitable that the Senate would, somehow or other, adjust to so great a change. "It is time to draw back the curtain
and open the Senate chamber to the eyes and ears of the world. Indeed, 100 years from now...they will wonder why we did not do it sooner."18

Baker drew heavily on the experience of the House of Representatives, which had been covering floor action, gavel-to-gavel, in that chamber for two years. "We have had the successful example of the House of Representatives to attest to the wisdom and the fitness of the concept," he generalized.19 And he accepted the favorable assessments of House experience on specifics such as: "the quality of deliberations," "the concern of some over demagoguery," "the number of hours in session," "the enthusiasm of viewers."20

From a theoretical standpoint, representative institutions depend ultimately for their acceptance, or their legitimacy, on public support. And public support, Baker argued, depends on maximum access to, and information about, decision-making. "The point is," he said, "that a democracy thrives on public support, and public support thrives on open government. It is unrealistic to expect public support when we will not let them see us doing what we do in the legislative process....If we want people to be with us, we ought to let the people in."21 A favorite analogy was the opening of the Senate galleries to the public in the earliest days of the Senate, adding precedent to Baker's contention that "television coverage of the Senate is the simple extension by electronic means of the public gallery."22 In a democracy, he argued the public has "a right to see" or "a right to know" what the legislature is doing.23 For Baker, the legitimacy of the Senate depended upon its direct relationship with the public. And that is the relationship he worried about and wished to foster.

Current conditions, he added, lent urgency to this concern. "It is no secret," he said, "that Congress is not held in particularly high esteem according to public opinion polls... Turning on the cameras to let the people see us as we really are can help bring a beginning of respect for public service and for public servants."24 Television held no terror for Baker. He argued that every senator could show to good advantage, and that "TV can spot a phony a mile away."25 He was further convinced that if the Senate were televised, warts and all, the viewing public would, on the whole, like what they saw. And would impose no distorting demands upon the Senate.

Another prong of Baker's inter-institutional case, one with both practical and theoretical bite, was his argument that unless the Senate accepted television, its power and prestige within the constitutional system—of bicameralism and checks and balances—would be seriously diminished and historically damaged. Television, he assumed, would bestow influence upon those institutions to which it paid attention. And by paying attention to the House, it was already in the process of downgrading the Senate in the bicameral setting. "You know," he told the Rules Committee, "the House and the Senate have been essentially coordinate and equal branches of the legislative department, but we are not going to stay that way if the public has free access to House proceedings and not to Senate proceedings."26 Voters had already begun to say to Senators, "Howard, you're not doing your job. I watched and watched (TV) and never saw you up there."27 Baker prophesied to a reporter that "If we don't open up the Senate to radio and television, I
predict that in a few years, ten at the most, that in the public mind, at least, the House will be the dominant branch of the two."28

He made a similar argument about the balance of presidential-congressional relations if the Senate failed to act. "Television affords the White House extraordinary leverage over the Congress," he said, "If we continue to say 'No, we won't use television'...I worry about an inevitable imbalance between the executive and the legislative branches as long as we deny ourselves the use of the most powerful communications tool yet devised by the mind of man."29 More bluntly, "This is a remarkable place. But we cannot compete with the presidency unless we open up the deliberations of this body by television."30

In Baker's view, an institution which failed to adapt to substantial technological change, which refused to open itself further to public scrutiny and judgment, and which could not hold its own in competition with the House of the President was "squandering" both its historic position and its future potential.

Against Baker's position that the failure to adopt TV would damage the institution, Russell Long took the contrary position—that the adoption of TV would damage it. Calling the proposal "a very bad mistake", "a historic mistake," he predicted "a great minus in the long run" and "a disaster" if gavel-to-gavel coverage came to the Senate.31 He based his argument not on the need to adapt to change, but on the need to preserve in the face of pressure to change. He focussed his argument on the need to preserve certain ways of doing things inside the Senate. He brushed aside the arguments in favor of greater public access to pose a more intra-institutional question. "Is it more important that we do the job for which we were elected or for the public to hear and see the speeches that we make here in the U.S. Senate."32

Long was every bit as mindful as Baker of the power of television to affect political life. But he was less trustful of it. "If we put the TV camera here," he said, "it will definitely change the Senate's way of doing business."33 And he was not sanguine about the changes he envisioned—or the ones he could not envision. As his ally John Stennis argued, "We are no doubt making the most far reaching change here that has been made in a long long time with reference to the possibility of the practices on this floor...we are just opening up a Pandoras box, and we can very easily carry on all the traditions and needs of the place without this."34

Long's basic premise was that "every senator is going to change his pattern of conduct if the Senate is on television."35 His prediction was that individual senators, given their ambitious nature and their political goals, would be more attracted than ever to the opportunities for garnering favorable publicity on the Senate floor. "There is no way, in my judgment, and I am positive I am right about his" he argued "that we can put the Senate of the United States on live television without greatly increasing the amount of time that Senators are going to spend making speeches here in the U.S. Senate."36 "Every Senator is a prima donna in one degree or another," he told the Rules Committee,
and everyone of them is going to be tempted to make himself a speech for the folks back home...And for those who are motivated to take an interest in being President of the United States, hoping lightening might strike them some day [and he estimated 61 such senators] what better opportunity to appear just as often as possible, say something that they think would have some appeal to people across the country."37

The scenario he saw was one of ever-increasing individualism. More political speechmaking, he argued, would diminish the Senate's capacity to conduct their normal legislative business. "The people don't send us here to wage a campaign for our reelection or wage a campaign for some other office," he said; "they elect us here and send us to legislate and pass laws that are in their interest."38

Long's thinking did not start with the matter of public participation. "It is very much more important that the Senate do the Nation's business...", he argued "than to project a favorable image."39 If the Senate did its work, the image would take care of itself, without television. There were, he argued, plenty of channels already available. "The press and also the TV and radio networks are very much tuned in. They know everything that happens in the Senate...If people want to know what is going on they can find out."40 And that attitude directed his concerns to the internal operations of the Senate. Unlike Baker, whose major worry began with the problem of legitimacy, Long's major worry began with the problem of decision-making.

His position was not that the existing allocation of floor speeches to floor action was ideal. Far from it. He began his testimony before the Rules Committee with the observation that, "The greatest surplus commodity we have in the Congress are speeches that need not have been made...The Senate...meets 12 months out of the year and still doesn't get the Nation's business done. And a great deal of that has to do with the fact that we just have a lot more conversation out there on the Senate floor than is necessary."41 His position was that the addition of television would exacerbate an already worsening pattern of individualistic behavior on the floor. "Right now..." he said, "one reason it takes so long to get things done in the Senate is that the average senator talks twice as much as necessary. He makes twice as many speeches as necessary and the average speech is twice as long as necessary. That would be doubled again."42 He also predicted more publicity inspired amendments and roll calls.43 He further predicted that debate would be less than ever internally focussed—senator to senator— and more directed to the outside audience, thus trivializing and atomizing deliberations.

Long's interior reasoning was that television would change a senator's incentive structure, by presenting new publicity-seeking opportunities. "When you put an enormous premium on a senator being on the floor and making a speech," he said, "he is going to do a lot more of it."44 And television creates such a premium. As his ally John Danforth put it, "Television does not simply report the news. In a unique way, television creates the news. Television draws events to it...We, in politics go where we think the cameras are. We do things in order to get on
television. Television...does not simply report what we do; it draws us."

This kind of change in the incentive structure would, the opponents argued, lead to a new allocation—a misallocation as they saw it—of member resources. "The fact that there is so much more reward, so much more advantage to senators appearing in the chamber and presenting themselves on television," Long argued, "is going to mean a neglect of...the tiresome, wearisome, tedious and less rewarding work of the Senate, less rewarding for public recognition he receives, but essential work that must be done in the public interest." In Long's view, "more than 90 percent—in fact about 99 percent—of (a senator's) work and maybe 99.5 percent of his work is not standing here on the Senate floor and making a speech." Primarily, Long believed, a senator's work was done in committee. But he would not be able to resist television's drawing power on the floor. "The television will tend to make him spend more time creating an image of himself on the floor...at the expense of work that he should be doing off the floor." A realistic view of senatorial motives would lead one to predict, therefore, too much image-making and too little legislative work, a misallocation which would further reduce the Senate's already declining legislative capabilities. "You have to keep in mind the human nature aspects of it," he summed up before the Rules Committee. "And I honestly believe, Senators, that we are not going to get the Nation's business done, certainly not with one-half the efficiency we are doing it now; and right now, we are not half as efficient as we should be." Along with his predictions about a poorer record of legislative work, Long expressed a second major prediction about the likely operation of the Senate—that the procedures protecting unlimited debate would be undermined by the advent of television. And that eventuality, he said, threatened the very essence of the institution. "The best rule we have in the U.S. Senate as of now," he said, "is the rule that protects the right of a single Senator to take the floor and hold it for a while if he thinks everybody else is wrong." But, he added, "The free debate on the Senate will have to go if the television comes in." "Television will kill it," he argued, "for the simple reason that television will make such a complete demand for unnecessary speeches for the benefit of the constituency back home that you won't have free debate any more." The sheer increase in speechmaking would necessitate a whole new set of rules "to accommodate it," including "a closed rule...similar to that in the House," he prophesied.

If the demands of fellow senators for speechmaking time did not crowd out extended debate, the demands of the viewing public would do the job. "Just let the public view a Senate filibuster," he said..."(and) in due course the public will insist that we put an end to that and that we adopt a rule whereby debate can be shut off." He was convinced that an impatient public would be uneducable on that score. "I do not care how much we try to explain it to them out there," he added, "we are not going to convince people who have been frustrated by a filibuster that we should permit unlimited debate or the kind of debate the rules of the Senate permit." Unlike Baker, Long believed the public would not like what it saw, i.e., "free" or unlimited debate, and would demand more expeditious floor action.
Any threat to "free debate," as Long saw it, was a threat to the constitutional purpose of the Senate. And here, his argument moved to the inter-institutional level, to rehearse the familiar bicameral rationale for a "smaller, somewhat older, hopefully wiser" Senate that would "give a more careful consideration to a measure that had passed the House," "do some things that are not popular at the moment," and "think in the long term best interest of the United States."55 Free debate, coupled with the six year term, was the guarantor of the Senate's special contribution to the larger system—slowing things down, expressing second thoughts, staving off impatient majorities, doing the unpopular or, in Long's favorite term, providing "statesmanship." His favorite example of superior statesmanship was the Senate's slow burial of House legislation drafting the striking coal miners during World War Two.56 "The Senate is the only legislative body," he said, "where those who are opposed to a measure that they believe would be of great harm to the Republic have the opportunity to speak at great length, the opportunity to delay, yes the opportunity to conduct a successful filibuster if they can."57 And, "The Senate must be preserved as a body where a minority, be it wrong or right, has the opportunity to make its case."58 That is a large part of what Long meant by "deliberation." So long as this deliberative capacity is preserved, "the people of the United States have a right to expect more statesmanship of the Senate than they do of the House," he said. And, he added, "From time to time, I am happy to say, they get it."59

"For the House of Representatives to be on television," he argued, "does not conflict very much with the theory on which (it) was established, that it is supposed to be representative of the immediate thinking of the majority of people in the country."60 On the other hand, everything that is special about the Senate, said Long, "is foreign to the idea of putting the matter on television, which would tend to make the Senate easier to stampede and make the difficult job of statesmanship, that type of statesmanship which requires enormous courage on the part of a senator, a great deal more difficult."61 In Long's view, the Supreme Court packing scheme would not have been stopped and the Panama Canal Treaty would not have been ratified in the presence of television.62 Nor would he (Long) have been as likely to have defended fellow Senator Thomas Dodd nor would Daniel Inouye have been as likely to have defended Senator Harrison Williams, he speculated. "You need a Senate of the type we have known," he told his colleagues, "where statesmanship can prevail, and you should not be doing things that are going to make it more difficult for statesmanship to prevail in this body."63 That is exactly what he believed television would do.

For opponents, these expressions of Senate distinctiveness rendered moot all the pro-television arguments based on the two-year experiment in the House, however successful it might be. The most specific assertions in this respect centered on the differences in the rules of debate. "I keep hearing people refer to the House," exclaimed opponent Lloyd Bentsen. "This is not the House. This is not a place where you have to debate for five minutes...We have a different set of rules here. This is a place of free and extemporaneous debate."64 These rules differences were a matter of the greatest sensitivity and concern to the opponents because they feared that television on the floor would bring rules changes in its wake. Indeed, Howard Baker had already asserted that "one
of the things we must do is rewrite the rules and simplify theory."\textsuperscript{65}

The very suggestion triggered alarm. "(I)f the senator is suggesting," said Barry Goldwater, "that we may have to develop new rules to further limit a Senator's opportunity to speak, I think we are watching the slow destruction of the great strength of this body, the fact that anybody who has the courage and the stamina can stand up here and defend his state or defend his principles."\textsuperscript{66}

But it was not just the proponents who predicted that television would bring rules changes. It was the opponents themselves. For by their own predictions, if television came, rules changes would have to come also, if only to manage the huge increase in speechmaking for publicity seeking purposes. If television ever became a certainty, therefore, the opponents would have to move, as best they could, to protect unlimited debate. Until that time, however, they dealt with the threat to their rules by opposing television altogether. "Experience in the House is not comparable to that in the Senate..." Russell Long summed up, "We do not operate under House rules, and that is one of the strongest arguments I know against adopting this measure—that we would be compelled to go to a rule similar to that of the House. That would mean an end to free debate in the Senate."\textsuperscript{67}

Or, he might have added, the tradition of free debate as we have known it. For that emendation would have called attention to the essential understanding that self restraint should be observed in using the rules of debate. In Long's view, a Senator should speak at length only "after having thought about it at considerable depth, after having tried his own conscience."\textsuperscript{68}

We have an old saying in the Senate, and it came from the days when we had only male members. 'One man on the side of God is a majority,' which was basically (that) a single senator was justified in filibustering if he was convinced he was right and what he was doing was in the interest of the people of this country. And many times a person has started out all by himself and wound up with a majority on his side.\textsuperscript{69}

The traditional assumption was that prolonged debate would occur only when, in John Stennis' words "it was so evident that the man or woman was moved by a sense of conscientiousness, of an obligation to the country, to this body, to the constitutional principles (that) we picked up a guidance. (And) I do not want to see that mission of the Senate invaded."\textsuperscript{70} Long and his allies made a crucial distinction between the kind of self-serving, self-advertising, unrestrained speechmaking which clogged up and impeded the conduct of legislative business and the purposeful, large-minded, occasional speechmaking on matters of the greatest concern to country or conscience. They wished to inhibit the first type and preserve the second.

Russell Long's line of argument was a preservationist one. Under challenge to produce his broadest rhetorical defense, he proclaimed that,

My view is that the Senate is the greatest deliberative body in the world. Whether they have gone up or down in
the last 30 years, it is still my view that the Senate is
the greatest deliberative body in the world...the supreme
legislative body of which this Senator has any knowledge
at all. And that is what I do not want to interfere
with. I want it to remain there.71

From this perspective, he viewed television as a serious threat to the
deliberative strengths of the body. He identified those strengths in
terms of what we have called the dominantly communitarian Senate of the
1950's. And he identified the threat with an increase in what we have
called the individualistic tendencies of the contemporary Senate.

Long (and allies like Stennis and Goldwater) was a member of the
communitarian Senate and had risen to become one of the Senate's most
powerful committee chairmen. His intra-institutional focus and his
opposition to television were shaped by that experience. It was no
accident, for example, that his prime illustration of deleterious,
monopolistic publicity-seeking was that of Senator Wayne Morse—a
certified maverick in the days of the communitarian Senate.72 Long was
no reformer, as his testimony denigrating "this so-called openness" and
"these so-called reforms" amply suggests.73 Over the 30 year span of
which he spoke, his clear view was that the Senate had "gone down", but
by how much or how far he did not (or could not) say. Only that he did
not want it to go further. And he believed that by any realistic
understanding of existing senatorial individualism, television would
produce more of it—much more.

There would be less attention to legislative work and more to
publicity seeking; there would be less time spent in committee and more
on the floor; and the Senate floor would become an arena in which to
register unrestrained advertisements of self instead of being held in
reserve for the occasional registration of intensely held minority
opinions and interests. All these changes, he believed, would make the
Senate less of a "deliberative body" than it had been and, therefore, a
less distinctive, less unique institution. For him (and for his allies)
the rules and traditions of debate were the essence of "deliberation".
They thrived in the more communitarian setting and he wanted to preserve
as much of the older communitarian Senate as he could.

Howard Baker's ideas about how a televised Senate would and should
operate internally, were more positive, more optimistic, more reformist
and altogether more visionary than those of Russell Long. In a sense
they had to be, believing as he did that television was a democratic
necessity and a technological inevitability. For him, the problem was
how to make the best out of a good thing. As he told the Rules Committee
"Good or negative effects are not really the issue in a sense—television
is a reality. And the issue is whether we are going to utilize that
which is best in television to improve our democratic process."74
Accordingly, Baker consistently minimized Long's predictions about
"negative effects." For example, "I know there is a fear that television
coverage might cause us to change some of the things we do on the Senate
floor. I don't think it would change much." Or, "I very much doubt that
it will have any material effect on the presentation of individual
Senators and the manner in which we transact the public's business." Or,
"The successful experience of the House of Representatives proves fairly
conclusive the concern of some over demagoguery has been exaggerated." Or, "We are making a mountain out of a mole hill...we are not exactly prime time players." Or, "I think television is more likely to tighten up the debate and perhaps reduce the number of days we are in session." Or, "I do not think that we are likely to provide a forum for presidential candidates." Baker's perspective was relentlessly forward-looking; and he refused to entertain serious doubts or fears.

But he put forth his ideas in a rhetorical wrapping very similar to that of Russell Long. That is to say, he too, described the Senate as "the greatest deliberative body on earth"; he, too, professed his undying devotion to it; and he, too, found the Senate's distinctiveness to be embodied in its traditions of deliberation and debate. "We shall do nothing to change this institution," he told his colleagues.

The Senate is a great institution. It is the balance wheel which keeps democracy on track. It is the framework on which the Republic is constructed. It is the essence of compromise. It is the only place where there is unfettered expression of individual views. It is the last fortress that can be used to defend against the tyranny of a temporary majority. I would not change a thing about that.

If there is a bedrock consensus about the Senate as an institution these sentiments probably express it. As do those of Russell Long.

It is impossible, we would guess, for Senators to take any kind of long look at themselves without expressing—on every side of the argument—consensual sentiments such as these. They serve as a reminder that their institution and, hence, they themselves have a place and an impact on the world that is worth preserving. And they serve as a reassurance that the speaker has no intention of doing fundamental damage to it. However much these sentiments of devotion and distinctiveness may be rhetorical window-dressing and however much they may be a guide to action, they represent a communitarian impulse. And they attest to the survival of a communitarian residue in an individualistic Senate.

The question Baker posed for himself was this: "Can the Senate effectively serve its deliberative role with the people watching our every move?" "And my answer," he added, "is absolutely yes." He attacked the problem by asserting that the Senate still had plenty of room to grow into and to perfect its "deliberative role." He emphasized not danger but opportunity. "I do not believe," he argued, "that the Senate has yet reached the height, the pinnacle of its success and usefulness to the American people. I think the Senate still has a role to define..." "I think the Senate is not what it ought to be...I believe the Senate should be what it once was and be again and is not now." "We really are not a deliberative body in the fullest sense," he complained. Television, however, provided a remedy for the deficiency by providing "the opportunity for the Senate actually to become the great deliberative body which it was thought to be when it was created."

Baker's vision for the Senate depended, of course, on his notion of "deliberative role" or "deliberative body." And what he meant was a
debating-informing role in a body where debates on the great issues of the day would take place on the Senate floor—with the widest possible senatorial participation and before the fullest possible public audience. "I believe the Senate has a special and unique and an historic role," Baker explained. "But I believe we are not performing it because we have lost our character as a great debating group, a great deliberative body and a great public forum."82 Or,

(That) the Senate's greatest asset, the crowning jewel of the Senate tradition is that because of the uniqueness and the specialty of its rules and the compactness of its size, that it lends itself to the role of the principal forum for the debate and disposition of public issues. I would like to see us get back to that.83

When Robert Byrd took up Baker's position later on, he argued that "the informing function of the Congress is as important as the legislative function."84 It is a John Stuart Mill type argument; and the Baker-Long debate, therefore, touched the century old debate about the proper proportions of legislative and educational activity for a representative body.

Howard Baker's public forum assumes a collective effort and a collective impact. In that sense, he echoes Russell Long's preference for administering a communitarian dosage to an individualistic institution. Coming from the Senate's majority leader, trying to manage its business on the floor, this stance is hardly surprising. And Baker's emphasis on the "uniqueness and specialty of its rules" has a Long-like ring to it, too. But the two men were not prescribing for the same kind of Senate. When Baker said that he wanted to "get back" to something that had been "lost", he did not have in mind, as Long did, the Senate of the 1950's. He had in mind the Senate of the 1850's. Howard Baker was arguing that the Senate had long since lost much of the distinctiveness which Russell Long said he was trying to protect. In reading "a good bit" about "the time of the great debates that preceded the Civil War," explained Baker, "I catch just the whiff of a different Senate."

I have a different feeling about what we were, that we were assembled in that small room...and that our former colleagues...sat there and they groused and they growled and they quarreled and they talked—and they did so freely...there was enthusiasm and there was antagonism and there was conflict—and there was consensus. And that was the essence of a deliberative forum. I do not find that in today's Senate. But I think we can supply it...(and) the first step toward supplying that is opening up the galleries to the public...through the electronic media.85

Baker wanted to reconstruct the modern Senate in the image of its "golden age"—to recapture a time when, in the words of Baker's ally, Charles Mathias "Webster and Clay and Calhoun were better known than Presidents, (and) the Senate became a dominant institution in American life."86

The thrust of Baker's vision called for more activity and more focus
on the Senate floor and a corresponding diminution of the influence of committees. And that thrust carried it in the opposite direction from Long, who placed maximum faith in the work of committees. "I am concerned about the tendency of the Senate...to often depend on the committee position," said Baker. And whereas Long perceived a long term decline in committee influence, Baker argued just the opposite—that "the committee system has taken on more substance, and activities of the full Senate less in recent years." He said,

We have tended to commit more of our personal resources of energy and intellect to other activities except those conducted here on the floor of the Senate. But that is wrong...because in doing that, in diminishing the quality of the Senate chamber as a forum for debate—even though the committee work is important—by diminishing the status, the stature of the Senate as a whole, we are squandering one of our great resources, the aggregation of 100 Senators who in their collective judgment have been right so often in the history of this nation.

Baker's idea of the floor as a debating forum was a communitarian idea, an idea that a new kind of collective effort could be organized and expressed on the floor.

Whereas Long believed that increased floor activity inevitably meant more individualistic behavior, Baker believed that community minded behavior could be encouraged in that arena. "I think," he said,

that over a period of a reasonable length of time, Senators would arrange their schedules to be there, not to be attracted as a moth to a flame but because once again they would begin to realize the value of the Senate as a great forum and an opportunity to express views and to contribute their unique and special views to the consideration of an issue, and reduce the dependence on the committee position.

This comment envisioned a relationship among television, senatorial incentives and community-mindedness that was foreign to the thinking of Russell Long.

But Howard Baker believed it was possible because his view of the Senate began with a concern for its place in the democratic process—as part of a two-way relationship, of Senators debating and citizens judging. As he put it, "the deliberative character of the Senate is dependent on the ability of the country to judge it." And that ability depends, in turn, on information. "If we are to collect the very best quality of public judgment," he believed, "the American people must have...the maximum exposure to the legislative process." If the Senate performed as "the aggregation of 100 Senators," the public would judge them as an aggregation of 100 Senators. Baker resolutely envisioned both. On the Senate side, "We are what we are," he would say, "a composite cross section of the Nation, commissioned to debate the public's business in a public way." On the public side, "The country will not be examining a single Senator," he said, "More often than not,
it will be the performance of the Senate in the aggregate that will be judge. 94 In the end, Baker, like Long, seeks an alternative to a highly individualistic Senate. In Long's view television will surely aggravate the existing individualism of the Senate. If, in Baker's view the public were taken into account, television could counteract against the individualism of the Senate.

Both men espouse communitarian preferences, but they spring from different notions of senatorial strength and senatorial legitimacy. Long believes senatorial strength lies in its committees, with the floor reserved as a place where one senator or a small group of senators can defend deeply held values and interests. He believes that senatorial legitimacy depends upon producing results that satisfy the public—a work product and "statesmanship." Baker believes that senatorial strength lies in the great debating forum that can both educate and make wise decisions on the great issues of the day. He believes that senatorial legitimacy depends on its participation in a process that involves maximum public participation and knowledge. At an abstract level, both men defend "the greatest deliberative body in the world." But their differences suggest that as of the early 1980's, the members of that body could not agree on what that meant.

The Process

In describing the debate, we made no effort to test the various arguments against some objective reality. It may well be the case, for example, that Russell Long was trying to preserve a Senate that never was, while Howard Baker was trying to construct a Senate that never could be. But we have left such analyses to another time. For both opponents and proponents, their perceptions of reality have been treated as reality, and their hopes and fears as real. We conclude, however, by highlighting the actual course of events which followed upon the opening confrontation in 1982.

In purely process terms, the saga of Howard Baker's proposal is a parable of the Senate and a parody on the debate. A determined minority of Senators was able to manipulate the Senate's procedures and its members' uncertainties to delay acceptance for more than five years. By the time gavel-to-gavel television began on the Senate floor in July of 1986, the House of Representatives had been televising its floor proceedings for more than seven years—since March of 1979. And the gestation-to-implementation period in the House had been two years—less than half as long as the comparable period in the Senate. In the language of the familiar colloquy about bicameralism, the Senate certainly acted as the "cooling saucer." And in the language favored by the senators themselves, they had certainly acted like "the greatest deliberative body in the world."

The 1982 debate—the one profiled in the previous section—came to an end on April 20th. Baker attempted cloture on the motion to proceed to the question; and it failed by a vote of 47 to 51. 95 The next day, the Senate voted 95-1 to return the resolution to the Rules Committee for 60 days, for the purpose of considering what Senate rules changes might be necessary in order to accommodate television. 96 The cloture vote reflects, at least, an enormous amount of uncertainty on the part of the
Senate and, probably, the effectiveness of Russell Long's warnings about the possible harmful effects of change. The existence of considerable uncertainty and worry kept the resolution off the Senate floor for two years. In September 1984, Baker brought the resolution (with rules changes) back for floor consideration. This time, he obtained cloture to shut down debate on the motion to proceed by 73-26, and the motion to proceed then passed 67-32.97 But his subsequent attempt to obtain cloture on the main debate itself, failed by a vote of 37-44.98 Whatever their views might have been on the substance of the matter, a near majority of the Senate remained reluctant to close down their deliberations. And on the two cloture defeats (1982 and 1984), the majority of pro-cloture votes were Baker's Republicans and the majority of anti-cloture votes were Long's Democrats.

The climatic debate—and the first real debate since 1982—occurred in February 1986. At that point, a crystallization of pro-television sentiment had occurred; and no cloture votes were necessary. The crucial vote occurred on a motion to strike a last ditch procedural amendment offered by the opponents. The vote was 60-37 to strike. Again the majority of yes votes were Republican and the majority of no votes were Democratic.99 From there on, the motion for a six week trial period and the later motion to make television permanent passed easily—by margins of 67-21 and 78-21 respectively, and with bipartisan majorities in favor.100 On July 29, 1986, television came to the Senate for good.

During the 1986 debate, one could hear the echoes of the debate four years earlier—sometimes from the same people, sometimes not. Newcomer Albert Gore (D. Tenn.) and veterans Mac Mathias and Robert Byrd expressed the Baker arguments:

When Americans turn on their television sets in the 1980's, they can see pictures of the Titanic at the bottom of the ocean and they can keep track of Halley's comet in deep space. But if they want to see and hear what is going on on the floor of the U.S. Senate, they have to get an airplane ticket and fly to Washington, take a taxi cab to the Capitol, get a ticket to get into the Capitol and then stand in line for 1 of only 611 seats in the Senate Gallery (Gore).101

(Television) is essential for the future of the Senate in its relationship with the American people...The decision we have to make involves the fundamental right of citizens to know what their government is doing and how it is doing it...The public will become a part of these debates. They will see them. They will hear them. They will get some sense of personal interplay that goes on among Senators which affects this Nation. In effect it will bring the debates in the Senate to life. It will make the Senate once again the great forum of debate in America. (Mathias)102

The Senate is fast becoming the invisible half of Congress, and we cannot hold our own with the White House and the House of Representatives when it comes to news
coverage of the important issues of the day...We should not hide behind tradition, but rather take advantage of what's available to us to prove our best-known tradition --namely, the Senate is the greatest deliberative body in the world. (Byrd)\textsuperscript{103}

Russell Long, his Louisiana colleague Bennett Johnston, and John Stennis gave voice to the continuing opposition:

The major purpose of debate on the Senate floor in our representative form of government is to persuade 50 other senators...to support your position on an issue...Undecided Senators are the audience to address, not the television audience under our present situation. Television will encourage us to use the Senate floor in ways that are unnecessary and ways that are not helpful to the decision-making process. It will encourage us to appeal to the electorate, to our constituents and to those we hope will vote for us in some future election. We can do that elsewhere. There is no need for us to do that on the Senate floor. It will be harmful to the institution of the Senate if we do. (Long)\textsuperscript{104}

Human nature is so clear. You cannot repeal the laws of human nature. You cannot repeal the laws that say the first rule of politics is get on television, the second rule of politics is to get on television and the third rule of politics is look good on television if you can...it will be the television tail wagging the Senate dog...everything will be focussed on how to maximize the coverage of television rather than how best to do the business of the nation. I think anybody who says it is not going to dramatically and fundamentally change the way we do business either does not know human nature or does not know politics...(Johnston)\textsuperscript{105}

This proposal to televise the Senate proceedings will have a very very far-reaching effect upon the U.S. Senate...We will certainly see its effect within 15 years. I believe that by then what we have known as the Senate, as a deliberative body, a body of last resort so to speak, is going to be a thing of history. It will not be a thing in use. It will not be a servant of the Constitution. It will not be a servant of the people...I tell you, we are flirting here in many ways with the very heart and soul, the operating values of this great body, and once we let it become changed, it will not be within us to change it back. (Stennis)\textsuperscript{106}

As the 1986 debate developed, it became increasingly clear that the climate of opinion had changed. "In talking to my colleagues in this body," said proponent Albert Gore, "I sense a feeling of inevitability about television procedures."\textsuperscript{107} "This is something we have been debating for some years," echoed opponent John Danforth, "and I sense that it is picking up steam. I think it is picking up steam in the
press. I know that editorial writers like it, and I am sure a lot of people in the public world enjoy seeing the Senate televised. So I assume that it is coming."\(^{108}\) In view of this altered context, the arguments of both sides became less substantive and more strategic.

Proponents downplayed large reformist arguments to stress both the inevitability and the essential harmlessness of the change. In Mac Mathias' words, "It is seldom that an action can be taken that has no adverse impact, but televising the Senate proceedings is such an action."\(^{109}\) Opponents downplayed general arguments about the impairment of senatorial deliberations to emphasize the need for specific rules changes to accompany the innovation in communications. "As we proceed with the question of TV in the Senate," said Danforth, "we should be considering rules changes. We should be considering what measures we can take to make sure that the time we spend on the Senate floor is productive time..."\(^{110}\) The presentation and the manipulation of these rules changes lay at the heart of the opposition's two-tier strategy. They would propose rules changes—first in the hope that they would make TV less palatable to some of its supporters, and second in the belief that if TV did come, its worst effects would be mitigated.

The proponents were no longer led by Howard Baker. The Republicans still controlled the Senate, but the new majority was Robert Dole. Dole had never been an enthusiastic supporter. In 1982, his position was that "I'm not sure I feel as strongly as Senator Baker does about it, but if it's all right with the majority leader, it would be all right with me."\(^{111}\) In 1986, his position had not changed. "My own view," he said, "is that I am not certain gavel-to-gavel coverage is in the best interests of the viewing public or the Senate."\(^{112}\) Nonetheless, he used his procedural controls to move the resolution along, in close concert with its new chief sponsor, minority leader Robert Byrd. But he left the strategizing to Byrd.

The minority leader, too, had reservations—not about the desirability of televising the Senate but about the need for accompanying rules changes. Byrd was the Senate's reigning expert on its rules and procedures. And his position was that "Knowing something about the rules, we should do whatever we can to make television available within the peculiar rules and traditions of the Senate."\(^{113}\) He was particularly concerned about majority-minority balance in decision-making. "The toughest problem with putting the Senate on TV is with the Senate rules," he said, "(and) the toughest question to answer about TV is how shall we have TV in the Senate context of the rules, and assure the minority of equal time."\(^{114}\) For some time, Byrd had been trying to bring about a number of rules changes that would lean against the rising individualism on the Senate floor. And he seized upon the television proposal as a vehicle for bringing about those changes. Accordingly, the television resolution he introduced in the Rules Committee (S.Res. 28) also contained a dozen or so rules changes—including such controversial measures as limiting debate on the motion to proceed, limiting post cloture debate and limiting the introduction of non-germane amendments. Like the leading opponents of television, therefore, its leading proponent was advocating and pushing for specific rules changes. And that conjunction of interests complicated the strategic situation as the resolution worked its way toward a vote.
When Byrd's resolution came to the floor from the Rules Committee, all of his proposed rules changes had been removed from it. As one Rules Committee member explained, "a full blown debate on all of these rules changes now could serve the unintended purpose of holding up the resolution on broadcast coverage." The committee resolution called instead, for a test period for television, at the end of which rules changes would be considered. But Byrd believed that his best opportunity for rules change lay in an immediate linkage—not later. So he continued to press for rules changes—so long as those changes did not jeopardize passage of the resolution. "The bottom line of what I want is TV in the Senate" said Byrd. "But I personally feel that there should be some rules changes whether or not we have TV in the Senate...There are rules changes that I believe...are really overdue...I hope the Senate will, in the final analysis, approve more than just the bottom line of TV in the Senate." "The sentiments of senators like Byrd or Bentsen were added to the sentiments of the opponents of television, the result was to renew the consideration of rules changes. And after extensive informal negotiation, Dole and Byrd reversed the decision of the Rules Committee by bringing about the reinstatement of five rules changes originally attached to the TV resolution. The agreement signified the leadership's determination to avoid a bitter-end confrontation in which the minority of opponents would either prevent cloture or feel mistreated. No one knew whether cloture would succeed; but no one seemed anxious to test it.119

Russell Long, for his part, agreed, in effect, not to filibuster if certain rules changes could be voted on. For prudential as well as substantive reasons, Byrd wanted to give Long his chance. To those who opposed the reversal of the Rules Committee, Byrd argued that "the name of the game is 'votes'".

We have to get the votes or we won't pass anything. Sometimes we have to offer this Senator, that Senator, or a lot of Senators something that they want in order to get what we want...if there are certain senators who are dead set against television in the Senate but who would, nevertheless, vote for it in the event a particular rule or another rule is changed or added or repealed, I hope we will let them have the opportunity to vote on their rules changes. That maybe, in the final analysis, the
only way we can get television.\textsuperscript{120}

The leaders hoped that if votes were allowed on rules changes, a vote on cloture could be avoided. In Dole's words,

\begin{quote}
What we do not want to happen is to have anybody who has a different view—and I know there are a number of different views on TV in the Senate and rules changes—to feel that they have been shut out, precluded or their rights have been limited. We want to take as much time as we can. I hope we can come to a consensus so we do not need cloture.\textsuperscript{121}
\end{quote}

It was a prototypical statement of the traditional senatorial reluctance to roll over an intense minority—the more so on an institutional matter and the more so when the outcome seemed inevitable.

Those who wanted the matter of rules changes kept totally separate from the television proposal saw neither prudence nor magnanimity in the leader's decision to re-attach them to one another. What they saw, instead was the likely death of Senate television. And they openly distrusted the motives of the die-hard opponents in pushing for rules changes. "I think it (the Byrd-Dole repackaging) is going to kill the proposal to televise the Senate," said a negotiator for the proponents, William Armstrong (R. Colo.). And he added.

\begin{quote}
I must congratulate those who have either openly or covertly opposed televising the Senate for their skillfulness in getting the issue framed this way. It is just a fact that a lot of people who do not want to televise the Senate now, next year or ever, are behind some of these changes. Some of them, at least privately, are pretty frank to admit that that is their motive.\textsuperscript{122}
\end{quote}

Armstrong believed that "some senators do not wish either to change the rules or have television in the Senate...They have made it plain that they will either support or oppose rules changes based upon their evaluation of whether that will enhance or detract from the idea of the Senate TV and they will do anything they can to throw a monkey wrench into the works."\textsuperscript{123} He further described the opponents and the probable effects of their strategy.

\begin{quote}
Some members of that group, I regret to say, are some of the most skillful, energetic, resourceful, creative and downright stubborn Members of the Senate, who have repeatedly shown they know how to get their way, who have announced, 'You will not get this to a vote unless you add something to it.' But the problem is (that) what has been added to it is anathema to those who are equally desirous of getting their way. What I do not see is how we compromise that. I am somewhat in the middle, in that I am for television and I am for three of the five proposed rules changes. But the other two are too high a price for me to pay to get television.\textsuperscript{124}
\end{quote}
It is not clear how many other senators he spoke for. But a good guess is that they were about as large a group as those who, like Bentsen, said they would not vote for TV unless those same "other two" changes were added. And the opposition could be expected to take advantage of that situation.

With respect to opposition strategy, Armstrong's suppositions seem correct. Their first priority was to sink the bill by proposing rules change amendments that, if successful, would force increased opposition to the basic resolution on television.125 Not surprisingly, the one rules change which Russell Long placed in the revived rules package and the one which he chose to champion most strenuously was one of those to which Armstrong and like-minded Senators most strongly objected.126 It was a proposal to restrict the use of non-germane amendments. It would allow a majority to vote to disallow all non-germane amendments on a bill, with the parliamentarian's decision on germaneness to be overridden only by a two-thirds vote. Under existing rules, germaneness could only be invoked by cloture or unanimous consent. This change, like other changes in the Byrd-Dole package, was designed to curb the most extreme sorts of individualism on the Senate floor. And in that sense it would be helpful in leaning against those individualistic tendencies that might be heightened by television. On its face, therefore, Long's advocacy was perfectly reasonable—and sensibly aimed to limit the behavior he most feared.

But only two weeks before, Long's sidekick Bennett Johnston had argued that "there are two rules or two things that distinguish this body from any other legislative body that I know of in the world. Those are unlimited debate No. 1 and non-germane amendments No. 2." He further argued that if television came "sooner or later we are going to change those rules on unlimited debate and change the rules on non-germane amendments. And when we do that, we fundamentally change the nature of the body, fundamentally change the constitutional scheme of this Nation."127 "That is what I am afraid of," Johnston said, "that we are going to take away unlimited debate or our capacity to have non-germane amendments."128 Yet here they were two weeks later, proposing this very same fundamental change. Their preference for the rule was clearly a fallback position. Their first hope was to use it to defeat the resolution. But it is worth noting that Robert Byrd took every opportunity to exonerate Russell Long from any such strategy, to praise him for his statesmanship and to argue that his germaneness provision antedated the television controversy.129

In the reaction against Long's proposed change, we can sense how vitally important non-germaneness is as a bulwark of the minority in the deliberative Senate—precisely as Johnston had argued it was. Armstrong described the capacity to introduce non-germane amendments as "one of the most cherished, fundamental bedrock rights of Senators...the only means by which a minority or a single Senator can gain access to the legislative process and legislative vehicles."130 It was in his view, one of the crucial differences between the House and the Senate. But it was fitting, perhaps, that the most impassioned opposition to the change should come from one of the premier individualists of the Senate—Lowell Weicker (R. Conn.). "I understand what it is like," he said "to be in terms of philosophy and partisanship in the minority."
I have all the power of the majority leadership, minority leadership or the Senate as a whole. I have all of that as one person. There are many ways I can exercise it. One of them is, very frankly, the raising of legislation which could well be considered non-germane on a bill... I do not have allies in terms of numbers on either my side of the aisle or on the Democratic side of the aisle. My allies are the rules of the U.S. Senate... I can assure my colleagues that I would have had 15 futile years in the U.S. Senate were it not for these protections that we are now debating.

Weicker believed that television "will be a great ally to a minority" but he would not vote for it if his power to introduce non-germane amendments were curbed. It bespoke a depth of conviction with which many senators probably could identify. Byrd called it "one of the most eloquent and effective speeches I have heard since I have been in the Senate."

The climactic vote came on a motion by Armstrong, Weicker and others to strike a germaneness requirement from the package. True to his agreement with Byrd, Russell Long did not filibuster the amendment. It was, after all, the vote he wanted on the issue he had chosen. And he hoped to manipulate the vote in such a way that no majority could be found in favor of television—i.e. to create a voting cycle. He hoped to build a majority for his germaneness provision out of a combination of the opponents of television (i.e. Long, Stennis) and those people for whom rules changes were of paramount importance (i.e. Byrd, Bentsen).

Then, having successfully attached germaneness to the TV resolution, he hoped to build a majority against television by combining the opponents with those supporters who were unable to live with the germaneness rule (i.e. Armstrong, Weicker).

Schematically, the situation looked like this:

If Position A = Television without rules changes
And Position B = Television with rules changes
And Position C = No Television

Then for Mathias-Gore
   A is preferred to B is preferred to C
for Long-Danforth
   C is preferred to B is preferred to A
for Byrd-Bentsen
   B is preferred to A is preferred to C
for Armstrong-Weicker
   A is preferred to C is preferred to B

The success of Long's manipulation depended partly on the size of these various groupings and on the degree to which each group voted its true preferences. Long's hope, of course, was that the Byrd-Bentsen group would vote their true preferences, for the rules change, and that the Long-Danforth group would vote strategically, i.e., for rules changes in order to kill television. The size of the group and the success of the strategy would be revealed only by the results of the vote.

The stakes were extremely high. The last words before the vote came from Assistant Majority leader Ted Stevens (R. Alaska) who said,
If this amendment does not carry, future debate upon television in the Senate will be meaningless. The odds against us being able to work out some sort of compromise with this provision in the resolution are too great...So, in my judgment, those who support television in the Senate should support the amendment of the Senator from Colorado even if they feel, as I do, that the Senator from Louisiana has made an excellent case and that his proposal would improve the life of Senator and the work product of the Senate.

It was a plea to the Byrd-Bentsen group and to the Long-Danforth group to vote in a manner exactly opposite to what Russell Long hoped. That is, Stevens was asking the Byrd-Bentsen group to vote strategically, against their true preferences; and he was asking the Long-Danforth group to vote sincerely, against rules changes.

The vote was 60-37 to strike the germaneness provision from the resolution. Russell Long's last ditch effort failed; and his protracted battle against television was over. He recognized it, not with bitterness, but with equanimity—as the leaders had intended. It was a distinctively senatorial outcome. "The Senator from Louisiana has been here long enough," he said, "to have a philosophy that one person on the side of God is a majority...and I am satisfied that the wisdom of the Senator from Louisiana will prevail in the end."

From the looks of the voting, two groups were pivotal. The easiest to locate are those members of the Long-Danforth group—opponents of television—who refused to vote strategically to create a voting cycle. Twelve Republicans (plus one Democrat) voted—as Long had hoped they would not—to strike the germaneness provision and then voted against television on the final vote. Representative of this group was long-time, die-hard opponent, John Danforth. No more than ten senators followed Russell Long in voting strategically for the rules change and against television.

Less easy to locate are those senators who favored the germaneness rule but who voted against it in order to prevent the creation of a voting cycle. They answered Ted Steven's plea. And they were singled out for praise, after the vote by both Armstrong and Byrd. "Some of those who voted to strike would have voted with the distinguished Senator (Long)", said Byrd "if that provision had not been in this resolution. They are subordinating that particular language to their desire to support TV and radio coverage of the Senate. I congratulate those senators who voted that way in order to save television." But, Byrd continued, "I voted with the Senator from Louisiana and I think that as the years come and go, more Senators will find that the position of the distinguished Senator from Louisiana was right." Twenty-three of the 37 votes for the germaneness provision, like Byrd's (and Bentsen's), came from Democrats who subsequently voted for television. They voted their true preferences, as Long had hoped.

All 16 Democrats who voted against the germaneness provision, voted
for television. But how many of these came from the Byrd-Bentsen group, i.e., voted strategically, and how many of them came from the Armstrong-Weickert group i.e. voted sincerely, is impossible for us to determine. Most likely, however, the number of people who foiled Russell Long's efforts by voting strategically was no larger than the number of people who foiled Long's efforts by voting sincerely. On this example at least, the creation of a voting cycle is an extremely difficult parliamentary maneuver—even when the public is not watching.

Conclusion

There are times in the life of every political institution when its members pause to take stock—of their strengths and weaknesses, their problems and their potential, where they have been and where they ought to go. In the life of a stable institution, such occasions do not occur often. But when they do, they offer scholars some assistance in their ongoing assessments of the institution involved. The Senate debate over television offers students of that institution one such occasion. It was a long, hard, thoughtful and informative debate, conducted according to the "special traditions" of a "great deliberative body." An intense minority was allowed every opportunity to make its case; and the eventual decision was a highly consensual one.

The debate pictures for us an institution that changes itself very slowly. Its members may be quickly responsive to external change in policy terms; but they are especially reluctant to respond in institutional terms. They think of themselves, whether exaggeratedly or not—as "special", "unique", "distinctive", "peculiar", "the greatest". Accordingly, their natural response to suggestions of institutional change is one of extreme caution, lest they lose whatever it is that makes them so. And it only adds to their caution that they differ deeply about just what it is that makes them distinctive. At the most abstract level, their self-image is that of "the greatest deliberative body in the world." But as for their interpretations of what "deliberative" means and their prescriptions for what "deliberative" should mean, they differ. And these differences get expressed, at more concrete levels, in different preferences with regard to deliberative places and deliberative procedures.

It is helpful to us to see that the great debate over television came to center on the notion of "deliberative", and that the distinctiveness of the Senate, for both sides, involved the nature and the importance of "debate". What should Senate floor debate be like? What should it be about? What rules should govern it? What should it contribute to the polity? How should it be different from debate elsewhere—within or without the American system? On those questions—and on the matter of how television would affect the answers to them—differences remain. And it is not our purpose to settle them. It is enough to note that questions about "deliberation" and "debate" are distinctively questions about the Senate and are likely to remain central questions for anyone with an interest in the Senate as an institution.

The debate over television shed light on the Senate of the 1980's. It located the Senate well along the path leading away from a communitarian Senate and leading toward an individualistic one. Indeed, it revealed
nothing to conflict with our present notion that the Senate has become highly individualistic in its observable patterns. But it also revealed that a sizeable residue of communitarian sentiment remains in the Senate. And it further revealed a fairly widespread concern for the degree of individualism now characterizing the Senate. It also suggests the difficulty of changing course. It raises the question of whether one can administer small dosages of communitarianism without bringing back some of the supporting characteristics of the communitarian senate—reciprocity or self-restraint in deliberation and debate for instance. In any case, the Senate of the 1980's should be characterized, still, as somewhere between the communitarian and the individualistic modes—and still moving. Its members have not yet found an equilibrium. External pressures push it toward individualism; but internal concerns produce a countervailing communitarianism. The Senate is still looking for its place in the current American political system.
Endnotes


10. Ibid.


12. Sinclair, "Senate Norms, Senate Styles and Senate Influence."


15. CR September 18, 1984, pp. 11393, 11400.


17. Hearings on S. Res. 20, before Committee on Rules and Administration, United States Senate, Washington, D.C., April 8, 9; May 5, 1981, p. 27. Hereafter citation will read, Hearings.

19. Ibid.


24. Ibid.


26. Ibid., pp. 15-16.


29. *Hearings* p. 5.

30. Ibid., p. 9.


37. *Hearings* p. 146. His calculation of 61 will be found in *CR* February 8, 1982, p. 453.

38. *Hearings* p. 76.


41. *Hearings* p. 73.


45. Ibid., p. 270.
46. Ibid., p. 282.
47. Ibid., p. 280.
48. Ibid., p. 282.
49. Hearings p. 81.
50. Ibid., pp. 82-83.
51. Ibid., pp. 82-83.
52. Ibid., p. 80; CR February 3, 1982, p. 347.
54. Ibid.
55. CR February 2, 1982; April 15, 1982, p. 3581.
57. Ibid., p. 279.
60. CR April 15, 1982, p. 3581.
61. Ibid., p. 3582.
63. CR April 15, 1982, p. 3582.
64. CR February 8, 1982, p. 467.
65. Hearings pp. 11, 14.
68. CR April 15, 1982, p. 3580.
69. Hearings p. 82.
70. CR February 3, 1982, p. 344.
71. CR February 2, 1982, p. 278.

73. Hearings pp. 77, 81.

74. Ibid., p. 4.


77. Hearings p. 3.

78. Ibid., p. 9.


81. Hearings p. 5.

82. Ibid. p. 6.

83. CR April 14, 1982, pp. 3477-3478.

84. CR September 16, 1985.


86. Ibid. p. 8.


88. Ibid. p. 273.

89. Ibid.

90. Ibid.

91. Hearings p. 27.

92. Ibid. p. 6.


94. Ibid.


96. CR April 21, 1982, p. 3804.

98. CR September 21, 1984, p. 11675.


102. Ibid., pp. 819-820.

103. Ibid., p. 822.

104. Ibid., p. 843.


111. Hearings p. 29.


119. For Dole, see CR February 6, 1986, p. 1085; for Byrd, see CR February 26, 1986, p. 1619.

120. CR February 20, 1986, pp. 1460-1461.

121. Ibid.


124. Ibid., p. 1461.


130. Ibid., p. 1662.

131. Ibid., pp. 1663–1665.

132. Ibid., p. 1668.


136. Ibid., p. 1667.

137. Ibid. p. 1668.

138. Ibid.