

The Thomas Willis Lambeth Distinguished Lecture

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*Democracy  
Beyond Elections:  
Institutions  
in Crisis*

**THE HONORABLE DAVID E. PRICE**

*Member of Congress, 1987–1994, 1997–2023*

*Professor of Political Science and Public Policy, Duke University*

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“BREAK THE ESTABLISHMENT ONCE AND FOR ALL” proclaimed Rep. Andy Biggs (R-AZ), in a fundraising appeal in the midst of the repeated balloting to try to elect a new Speaker of the House in January. “A CONSERVATIVE should lead us...not another RINO establishment hack like [Kevin] McCarthy...”<sup>1</sup>

Watching this spectacle, where do one’s sympathies lie? Not with the particular “establishment” referenced, at least not for me, and hardly for establishments in general. But what is striking about this rebellion was its nihilistic quality - not so much about policy differences or even personalities as about authority and discipline themselves. As veteran Washington Post reporter Dan Balz observed, the anti-McCarthy Republicans were “part of the breed of politicians for whom social media, cable news, and self-aggrandizement take precedence over the institutional obligations and governing challenges of being an elected official.”<sup>2</sup>

Some of the protagonists went so far as to equate their rebellion with democracy, a particularly egregious misunderstanding of what democracy is and what, in practice, it requires. This provides the point of departure for what I want to talk about tonight: democracy and institutions. Or more precisely, the centrality of institutions to functioning democracies and the bearing that has on our civic obligations, whether as citizens or as members of institutions of governance.

I am grateful to be able to express these thoughts in the context of a Lambeth Lecture. I have long admired Tom Lambeth as a practitioner and champion of democracy in both the governmental and nonprofit sectors, and I am well aware of the distinguished citizens who have preceded me in this lectureship and the contributions they have made to the commonweal. I am grateful to the Lambeth Lecture Committee and the UNC Department of Public Policy for extending the invitation to me and for all the preparation that has gone into this event.

“Think institutionally,” political scientist Hugh Heclo admonished in a pathbreaking book fifteen years ago. The failure to do so, he said, with “people neglecting and dishonoring the longer-term values of the going concern[s] of

which they are a part,” helps explain the “dysfunction” in various “spheres of contemporary life.”<sup>3</sup>

Heclo did not assume that such thinking would come naturally or easily. We are surrounded, after all, by institutional failures: regulatory lapses that endanger our safety; systemic racism in housing, education, and criminal justice; clerical child abuse covered up for decades; corporate profits pursued at the expense of workers and product quality. Moreover, many of the fights we’ve been engaged in through our political lives have taken the form of challenging institutional norms and practices.

In the Congress of the 1950s and 60s, for example, institutional norms and structures gave inordinate power to senior committee chairs (mainly Southern Democrats), with a markedly negative impact on civil rights, education, and other policies. Those institutional arrangements required major reform, and they were successfully challenged in the 1970s. Certainly much of the modern fight for gender equality has also taken the form of challenging deep-seated norms and structures in the workplace, the university, the church, governing bodies, and other institutions across the society.

All of this may lead us to view institutions more often as the problem rather than the solution to the ills we need to address and the values we hope to promote. But there is a more deeply seated barrier than failures of institutional performance to thinking constructively about institutions as vehicles for social advancement or sources of moral obligation. That is our cultural and ideological bias toward individualism as we view our place and make our way in the world. Individualism assumes that the “free” individual is the basic unit of the political order and that the protection of his/her life, liberty and property is the state’s basic task. The institutions of government are more often seen as a threat than as a help. Morality is often described as following one’s conscience, answering to an inner voice.

This individualistic premise has not gone unchallenged in American political thought. During my teaching years I developed an interest in “communitarian”

<sup>1</sup> Quoted in Colby Itkowitz and Dylan Wells, “Meet the McCarthy Resistance,” Politico, January 5, 2023. RINO is an acronym for “Republican in Name Only.”

<sup>2</sup> Balz, “House Republicans’ Dysfunction Points to More Chaos Ahead,” *The Washington Post*, January 4, 2023

<sup>3</sup> Heclo, *On Thinking Institutionally* (New York: Oxford University Press, 2008), p.7

thinkers who questioned its assumptions both as to how individuals are formed and what their fulfillment in society looks like.<sup>4</sup> But communitarianism has remained a dissenting strain in the American tradition, confronting dominant ways of thinking similar to those that often stand in the way of thinking institutionally.

It is likely, if we are asked to name an outstanding example of moral rectitude and leadership, that we will think of someone taking a lonely stand, resisting the pressures of conformity and collusion. We admire people who live this way, who, as we say, “march to their own drummer.” Jimmy Stewart exemplified the ideal in Frank Capra’s classic film, *Mr. Smith Goes to Washington*, as he confronted a den of conspiracy and corruption with lonely and brave defiance.

It should not diminish our admiration, however, to note that individual independence and dissent are not the whole story. We do not come into this world or live within it as unencumbered individuals. The institutions and communities within which we find or situate ourselves, starting with the family, decisively shape the identities, moralities, and loyalties that we take with us into the world, including efforts we may make to change the world.

As modern men and women, to a much greater degree than our forebears, we abstract ourselves from the institutions of which we are a part. We often become critical of those institutions and set out alternatively to reform them and to loosen their constraints. But that is very different from assuming or asserting total autonomy. We are still enmeshed in institutional life, and our ideas for change often come from what we assume the core values or missions of those institutions to be. And in any event, we are bound to recognize the centrality and indispensability of institutions to a functioning democratic society. No matter how radical our critique may be, we do not conceive of a society without institutions, an arid landscape without differentiation, where isolated individuals struggle in vain.

<sup>4</sup>David E. Price, “Community and Control: Critical Democratic Theory in the Progressive Period,” *American Political Science Review* 68 (December 1974), pp 1663–78.

Hugh Heclo describes our situation well:

*I believe it is possible to imagine being both thoroughly modern and more deeply committed to institutional values. By thoroughly modern, I mean that one will probably continue to be distrustful of institutions and on guard against their power over us. And rightfully so, given the harm they can do to us. However, I also think that we can achieve a saner way of life by more self-consciously learning how to think and act institutionally. Along with a prudent regard for institutional failings, a turning of thought and action toward institutional values could also prevent much harm and do much good.*<sup>5</sup>

Let me take two recent examples from public life to illustrate further what it means to think institutionally, to frame our moral obligation in institutional terms. These are not necessarily typical of everyday institutional thinking, which often focuses on recurring obligations we have as members of a family, religious group, profession, or governing body. By contrast, my examples are dramatic, showing how people reacted under duress, understanding that their democratic institutional commitments were in jeopardy.

First, consider my former colleague, Rep. Tim Ryan, and the concession speech he made upon losing a hard-fought Senate race in Ohio last November 8. Concession speeches are rarely memorable, but this one took an unusual turn. “I have the privilege to concede this election,” Ryan said.

*When you lose an election, you concede. You respect the will of the people. We can't have a system where, if you win it's a legitimate election, and if you lose someone stole it.*

Ryan’s meaning, of course, was lost on no one. Donald Trump’s election denial had recast concession as a sign of weakness and disloyalty. But Ryan was reaffirming long-term democratic norms that upheld election integrity and the peaceful transfer of power. In that sense, it was indeed a “privilege” to concede, to live in a country where the rule of law prevails and to have the opportunity, even in bitter defeat, to affirm and strengthen that democratic value.<sup>6</sup>

<sup>5</sup>Heclo, *On Thinking Institutionally*, p. 45.

For another contemporary example, consider Marie Yovanovitch, Ambassador to Ukraine, 2016–2019. Yovanovitch was abruptly recalled in 2019 by President Trump because of her failure to support his efforts to pressure Ukraine to investigate the business activities of Hunter Biden, son of Trump’s prospective 2020 opponent, and to promote the discredited theory that it was Ukraine, rather than Russia, that had interfered in the 2016 presidential election.

Yovanovitch has written an account of the smear campaign that Rudy Giuliani and other Trump associates, along with their Ukrainian collaborators, mounted against her. She held fast to the anti-corruption stance that was established U.S. policy, refusing to intervene, for example, on behalf of a discredited former Ukrainian general prosecutor, Viktor Shokin, whom Giuliani wished to bring to Washington. Yovanovitch felt bound, she said, by the “processes and laws” that apply “when a known corrupt person applies for a visa.”

As the conspiracy deepened and Trump and his inner circle became more directly involved, it became clear that Yovanovitch’s ambassadorship was in jeopardy. After efforts to get Secretary of State Mike Pompeo to defend her and her mission failed, Yovanovitch was advised by undersecretary David Hale and by ambassador to the European Union Gordon Sondland to issue a statement expressing her loyalty to Trump (“Put out a tweet about how much you love [him],” Sondland recommended). Yovanovitch’s rejection was telling:

*I thanked Sondland for his advice, but I couldn’t imagine any Foreign Service Officer following it. It was another suggestion for a loyalty oath, and an even more partisan version than the one Hale had suggested. I couldn’t do it.*<sup>7</sup>

She couldn’t do it, because of the position she held and the norms and obligations that surrounded it. She was thinking institutionally.

I worked with Yovanovitch briefly during this time when I led a delegation from the House Democracy Partnership (HDP) to Kyiv. HDP is a bipartisan commission of the House which engages peer-to-peer with legislatures in

emerging democracies to increase their effectiveness. I had resumed the chairmanship of HDP after the 2018 elections flipped control of the House, and we took an April trip to Eastern Europe to engage our parliamentary counterparts in Ukraine, Georgia, Moldova, and Armenia. The timing was not ideal for Ukraine, which was awaiting the runoff election that would make Volodymyr Zelenskyy president. But we nonetheless had good meetings with a range of parliamentarians, and I remember thinking, as the ambassador sat beside me on April 15, that I had seldom had better guidance in understanding to whom we were talking and what would be productive lines of discussion. Little did I imagine that in just nine days, she would be recalled. Yovanovitch later became the single most important witness in the Trump impeachment inquiry.<sup>8</sup>

Before turning to other governmental institutions, including the one in which I served for 34 years, I want to reflect briefly on the institution in which we are situated tonight, the university. Yuval Levin, whose recent book, *A Time to Build*, is another powerful brief for thinking institutionally, suggests that we have three expectations of universities as institutions, complementary but often in tension with one another. Universities are simultaneously the purveyors of the skills our economy requires, the moral demands of a just society, and the deepest and best wisdom of our civilization. Levin argues that those institutional roles are now tilted toward moral activism on many campuses, and distorted by identity politics and a dogmatism that forecloses free inquiry.<sup>9</sup> He also articulates quite another concern about academia, that the pursuit of “critical thinking” might corrode basic institutional understandings and commitments. “Devoid of institutional appreciations,” he observes, “the vaunted intelligence associated with critical thinking is really a way of not knowing.”<sup>10</sup>

Without dismissing or minimizing such concerns, I believe that they were not characteristic of my own university experience, nor do I think they necessarily define the experience today. I don’t believe, for example, that this requires a lot of fixing by the UNC Board of Trustees.<sup>11</sup> In fact, though I would never have

<sup>6</sup> Glenn Thrush, “Concessions are Making a Modest but Notable Comeback in 2022,” *New York Times*, November 9, 2022.

<sup>7</sup> Marie Yovanovitch, *Lessons from the Edge* (New York: Mariner Books, 2022), pp 249, 264–67.

<sup>8</sup> Adam Schiff attributes Yovanovitch’s willingness to defy State Department orders and testify to a similar sense of patriotic duty. *Midnight in Washington: How We Almost Lost Our Democracy and Still Could* (New York: Random House, 2021), p.253.

<sup>9</sup> Yuval Levin, *A Time to Build* (New York: Basic Books, 2020), chap.5.

<sup>10</sup> Hecla, *On Thinking Institutionally*, p. 92.

characterized it that way at the time, I believe my undergraduate experience on this campus involved a great deal of institutional thinking, inspired by what I encountered in the classroom, by my involvement in religious organizations and student government, and by the currents swirling outside, dominated by the struggle for civil rights. My generation was challenged, and we needed to be challenged, by the dissonance between our received values and ideals — religious, social, political — and the realities of American life, including the performance of our institutions. Our discussions were characterized by neither withering skepticism nor political correctness. But we were critical, sometimes radically so, of the ways our community and our country were falling short of the values they professed.

I would hope that the university still provides that kind of setting and stimulus for thinking institutionally, and in that sense prepares students for lives of attentive citizenship and political engagement. Whenever I am asked how I first “got into” politics, my basic answer goes back not to my first campaign or any other seminal event, but to those Chapel Hill years when the die was cast. By no means was it guaranteed that I would someday run for Congress, but coming of age politically at the time and in the ways I did — and it was only three years after picketing theatres in Chapel Hill that I, as a staffer crowded into the Senate gallery, saw the Civil Rights Act of 1964 passed — guaranteed that I would recognize the centrality of politics and government to social change, and that I would find a way to be personally involved. That is still the kind of experience the University needs to provide, both for the sake of the citizens it is forming and for the society and its institutions, which require constant renewal.

Turning now to institutions of governance, we recognize both the centrality of institutions to the practice of democracy and the unmistakable signs of institutional decline. The episode with which I started, the spectacle of a majority party unable to elect a Speaker, is evidence of a hollowed-out political party, with members pursuing their own agendas, unmoved by unifying

<sup>11</sup> The reference is to a new School of Civic Life and Leadership, proposed by the UNC-Chapel Hill Board of Trustees on January 26, 2023. The initiative, Board Chair David Boliek said on Fox and Friends, is “all about balance.” At UNC, he said, we “have no shortage of left-of-center, progressive views...but the same really can’t be said about right-of-center views. So this is an effort to try and remedy that...” Korie Dean, “What’s Next after UNC Board Proposed School of Civic Life?” *Raleigh News and Observer*, February 7, 2023.

principles or requirements of governing. The Trump presidency offered many examples of the same phenomenon, starting with the capture of the Republican party by Trump himself, a celebrity devoid of any history with or attachment to the party, and including the later failure of party elders to play anything like the role their counterparts did years before when they advised Richard Nixon that the time had come for him to resign.

The Democratic Party is less hollowed-out. I’m inclined to cite the nomination of Joe Biden in 2020 as evidence, as well as the remarkable legislative performance of the 117th Congress (2021–22) despite razor-thin Democratic majorities in both houses.<sup>12</sup> I have, however, experienced a fair amount of anti-establishment thinking, veering over into anti-institutional, in party circles as I advocated over the years for the inclusion of elected officials in our party’s conventions: the so-called “superdelegate” controversy. In any event, Levin makes the intriguing assertion that “growing partisanship is a sign of weaker parties, not stronger ones.” Modern parties, he argues,

*have become de-professionalized, cannot control their own internal processes, and are increasingly exposed to the power and pressure of political-celebrity culture. That increasingly unmolded political culture then sets raw partnership loose upon society.*<sup>13</sup>

There is a balance to be struck, of course — in an earlier era, the case for democratization within the parties was compelling — but contemporary American politics would gain coherence and responsiveness if the parties regained a measure of their institutional strength.

The relationship of thinking institutionally to democratic governance is perhaps most obvious with respect to legislatures. In engaging with fellow parliamentarians from emerging democracies through the House Democracy Partnership, we have developed a mantra: “Free and fair elections are essential to democracy. But what is equally or more important is what happens between elections, where you develop effective, inclusive,

<sup>12</sup> For an account that attributes the nomination of Biden in large part to the exertions of Democratic Party “leaders and insiders,” based on the lessons they took from Hillary Clinton’s 2016 loss, see Seth Masket, *Learning from Loss: The Democrats, 2016–2020* (New York: Cambridge University Press, 2020). Noting the failure of Republican leaders to exercise comparable control in 2016, Masket concludes that Republicans were the weaker party, deficient in “organizational power” (p.231).

<sup>13</sup> Yuval Levin, *A Time to Build*, pp. 62, 64.

legitimate representative institutions that translate needs and interests across the society into public policy — or you do not.” Elections do little good for democratic development if the institutions that are charged with carrying out the popular mandate are ineffective or unresponsive. That has set the terms of our cooperation: to share experiences and best practices, understanding that institutional forms vary from country to country but have the common purpose of realizing democratic aspirations.

The strong institutional history of the U.S. Congress was on display as I started out in politics, both in the way the institution was run and in the challenges faced by reformers. It was also reflected in leading academic analyses. Richard Fenno’s landmark studies of the House and Senate Appropriations committees adopted a functionalist framework, stressing members’ socialization and adaptation to well-established norms and procedures. UNC political scientist Donald Matthews wrote in the same vein about the Senate, describing the “folkways” of the institution, “its unwritten rules of the game, its norms of conduct, its approved manner of behavior,” just like, as one senator put it, “living in a small town.”<sup>14</sup>

It was a sign of the changing character of the institution as well as changing fashions in social science research that subsequent studies were more inclined to utilize what we now call a rational-choice model, portraying members as purposive agents in a fluid organizational setting, utilizing assumptions more characteristic of economics than of sociology. The landmark study was *Congress: The Electoral Connection* by David Mayhew. Assuming members to be “single-minded seekers of reelection.” Mayhew demonstrated a close fit between the behavior such an assumption would predict and actual congressional performance.<sup>15</sup>

A number of developments made an individualistic portrayal of Congress an increasingly plausible one. The folkways that had kept members “in their place” with a lengthy period of apprenticeship, deference to leaders, and policy specialization gave way as members found themselves largely on their own

<sup>14</sup> Donald R. Matthews, *U.S. Senators and Their World* (New York: Vintage, 1960), p.92. See also Richard Fenno, “The House Appropriations Committee as a Political System: The Problem of Integration,” *American Political Science Review* 56 (June 1962), pp.310–24; and Fenno, *The Power of the Purse: Appropriations Politics in Congress* (Boston: Little, Brown, 1966).

electorally. They were no longer able to rely on party machines and faced the rise of television, direct mail, and other technologies that offered unmediated contact with voters but also offered their opponents the same. Members were motivated to gain visibility and leverage earlier in their congressional careers, and to press for the dispersal of power and prerogatives within the institution. This led to the democratization of committee operations and the proliferation of subcommittees in the 1970s. It also prompted a strengthening of House party leadership, first as a counterweight to committee oligarchs and then as a corrective to the problems decentralization posed for mobilizing the chamber and realizing members’ policy goals.

The period of my congressional service, starting in the late 1980s, has seen an intensification of these dual developments. The advent of talk radio, cable television, and social media has provided more and more pressures and opportunities for members to focus outside the institution, to cultivate large followings, and — given the ideological bent of many of the outlets — to establish their anti-governmental, anti-institutional credentials.

A new breed of members has emerged, distinguished by a huge social media presence. Democrat Alexandria Ocasio-Cortez (NY) came to the House with nine million followers on these platforms, more than four times the number claimed by the Speaker of the House, Nancy Pelosi. Republican Marjorie Taylor Greene (GA) raised \$3 million in small donations in the first quarter of 2021 alone, often providing her followers accounts of the fines she was incurring for her refusal to wear a mask on the House floor during the COVID pandemic.<sup>16</sup> As Levin observes:

*Many members of Congress have come to understand themselves most fundamentally as players in a larger cultural ecosystem, the point of which is not legislating or governing but rather a kind of performative outrage for a partisan audience.*<sup>17</sup>

Now this overstates the case somewhat, or more precisely, it overgeneralizes about the posture this new kind of member is likely to adopt toward the

<sup>15</sup> David R. Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974).

<sup>16</sup> Richard Pildes, “Why the Fringiest Fringe of the GOP Now Has so Much Power Over the Party,” *New York Times*, January 5, 2023.

<sup>17</sup> Levin, *Time to Build*, p. 48.

institution. There is a range of possibilities. It was already clear by the time I arrived in 1987 that those of us who regarded ourselves as “work horses,” to use Speaker Rayburn’s famous distinction, were also going to have to be “show horses,” presenting and promoting ourselves in a changing media and political environment, if we intended to survive. The dichotomy was not absolute, but simply toiling in obscurity was not a viable option. Now, of course, the “show horse” temptations and incentives surpass anything my cohort ever dreamed of, but it is still possible to combine a strong and savvy social media presence with a serious legislative role. I will argue that in fact it is important to do so. But there clearly is a possibility of a massive distraction from governing, and what Kevin McCarthy faced in January provides an apt illustration of the dynamics and dangers in play.

The second major development, the modern House’s “march toward centralization,” took a major leap in 1995 when Speaker Newt Gingrich imposed the greatest consolidation of leadership power in a century.<sup>18</sup> But there were other forces pushing successive Speakers of both parties in the same direction: the need to counter the centrifugal forces in the political and media environment; an increasing polarization that made cross-party cooperation less likely; close competition between the parties for House control, with little margin for error; and repeated crises, both natural and manmade, which forced decisions to the leadership level.

Thinking institutionally about these trends is likely to produce some ambivalence and debate. What strengthens the institution in some ways may weaken it in others. For example, the march toward centralization has come at the expense of the committee system, with a loss of the capacity to engage members, incubate innovative policies, and facilitate cooperation which committees have often displayed. I do not regard leadership strength and committee vitality as necessarily a zero-sum proposition, but it will take some work — and some good institutional thinking — to bring them into better balance.

What alternative roles do these developments offer to individual members?

<sup>18</sup> On the progression since the 1970s, see David E. Price, *The Congressional Experience: An Institution Transformed* (4th edition, New York: Routledge, 2021), pp.137–48.

There is considerable “slack” in the system, compared to most parliamentary bodies. Members face numerous conflicting pulls — electoral constraints, group and constituency pressure, and party importunings — but they still have considerable leeway in determining what roles they assume.

“What kind of member shall I be?” This is not merely a matter of personal preference; it is fundamentally a question of moral obligation. The Congress is integral to our system of constitutional government: it is the first branch of government, responsible for securing the country and promoting the commonweal. It is not merely a political waystation or a platform for its members’ performance. It is an institution entrusted to its members, which they are bound to protect and uphold. So whatever obligations members have to their conscience, constituency, or political creed, they are also obligated to think institutionally.<sup>19</sup> Rather than pose as “outsiders,” they need to think about what it takes to be a serious and conscientious “insider.”

First, members should ask, to what extent and in what fashion will I contribute to the work of the legislature? The inducements to engage seriously in the work of the Congress have eroded, and distractions - many of them politically profitable - abound. Pulling one’s weight in committee and developing a substantial area of expertise are still serviceable strategies for members who desire the esteem of their colleagues. Members still have incentives to latch onto a piece of committee or subcommittee turf and to cultivate an image of policy leadership. But the rewards for engaging in the painstaking work of legislative craftsmanship and coalition building are harder to come by, partly because of the decline of committees. And the incentives to seek out serious discussions and to do one’s homework may pale before the pressures of fundraising and the lure of social media. Moreover, the public is only sporadically attentive. This may make the electoral payoffs for merely taking a position, introducing a bill, touting one’s party loyalty, or, alternatively, declaring one’s independence of the

<sup>19</sup> What follows is adapted from Price, *The Congressional Experience*, pp. 286–96. For an earlier formulation see David E. Price, “Legislative Ethics in the New Congress,” in Bruce Jennings and Daniel Callahan, eds., *Representation and Responsibility: Exploring Legislative Ethics* (New York: Plenum Press, 1985), chap. 7. Compare Hecl on the moral perspective that accompanies institutional participation: “These obligations are a kind of internal morality that flows from the purpose point of the institution itself” (*Thinking Institutionally*, p.85). And Levin: “The duty-laden institutional question – given my position here, how should I behave – is precisely the question our elites . . . will need to ask and answer persuasively if they are to make a strong claim to authority” (*Time to Build*, p.194).



“swamp,” greater than the rewards for more ambitious or consequential efforts.

Secondly, more specifically, members should ask: What responsibilities do I bear for the functioning of the committee and party systems and of Congress as an institution? Assuming that the committees and the parties play a legitimate and necessary role in developing and refining measures, aggregating interests, and mobilizing the chamber, shouldn't the member who violates the comity and discipline necessary for these components of the institution to function bear some burden of justification?

I am not counseling simply marching in lockstep. Conflicts that members have with party or committee leadership must sometimes be resolved in favor of one's convictions regarding constituency interests or the common good. Certainly no leader has the right to demand action based on deception or distortion of the truth. Party regularity has its own ethical pitfalls, including the possible contradiction of broader institutional responsibilities. And as I said earlier, institutional arrangements and practices themselves, such as the formerly dominant role of Southern Democratic committee chairs, must be subjected to ethical scrutiny.

Having said all that, the need remains for a conscientious balance between autonomy and accommodation, between individual initiative and team play. More than most of the world's parliaments, the U.S. Congress places the responsibility for striking such balances on legislators themselves.

The third question, tellingly, is one I added to the most recent edition of *The Congressional Experience*: What responsibility do I have to assert and protect the constitutional role of Congress and the rule of law? Members who regard themselves as institutionalists have always taken Congress's Article One stature seriously and have regarded a robust exercise of its powers as an essential buttress of that position. But Donald Trump's challenges to the institution went beyond those of his predecessors in degree and in kind: executive orders, “emergency” declarations, diversions of funds that flew in the face of congressional prerogatives, and then blocking and refusing to cooperate

with investigations into his own conduct. And that was before his efforts to prevent Congress from certifying state electors after the 2020 election, seeking to deny the peaceful transfer of power.

To their everlasting discredit, 139 of 213 House Republicans voted essentially to deny the election results. But that followed four years of toleration of the constitutional and legal incursions of a president who declared, “I have an Article Two, where I have the right to do whatever I want as president.”<sup>20</sup> For example, when Trump precipitated a five-week partial government shut-down in 2019 over funding for his proposed border wall, Senate Majority Leader Mitch McConnell finally persuaded him to sign a funding bill to end the impasse. But the constitutional price was steep: McConnell agreed to support a declaration by Trump that the border situation constituted a national emergency, freeing him to fund his wall independent of congressional appropriations. So much for institutional defense!

Finally, members should ask, how should I position myself in relation to the working of the legislature and the overall performance of government? Richard Fenno focused on members' presentation of the institution as he traveled with House members around their districts:

*In explaining what he was doing in Washington, every one of the eighteen House members took the opportunity to picture himself as different from, and better than, most of his fellow members in Congress. No one availed himself of the opportunity to educate his constituents about Congress as an institution — not in any way that would “hurt a little.” To the contrary, the members' process of differentiating themselves from the Congress as a whole only served, directly or indirectly, to downgrade the Congress.*

“We have to differentiate me from the rest of those bandits down there,” Fenno heard a member say to a campaign strategy group. “‘They are awful but our guy is wonderful’ — that's the message we have to get across.”<sup>21</sup> And this was in the mid-1970s, before Newt Gingrich began his systematic effort to condemn the

<sup>20</sup> Quoted in Business Insider, July 25, 2019.

<sup>21</sup> Richard Fenno, *Home Style: House Members in Their Districts* (Boston: Little, Brown, 1978), pp.164, 166.

institution as “corrupt” and “despotic!”

The alternative is not to defend Congress uncritically or to ignore its failings. Indeed, members have an obligation to identify the flaws and failings and to press for improvements. But that is very different from posing as the perpetual outsider, carping at all agreements and accommodations as though problems could simply be ignored, cost-free solutions devised, or the painful necessities of compromise avoided. Responsible legislators will not only communicate to their constituents the legislature’s failings but also educate and interpret as to what it is reasonable and fair to expect. This may well be accompanied by a negative assessment of what Congress has actually done or failed to do in a given instance — but without self-righteous, anti-institutional posturing. The moral quixotism to which reelection- or media-minded legislators are prone too often serves to rationalize unproductive legislative roles and to perpetuate public misperceptions of the criteria that should reasonably apply to legislative performance.

Although it may be politically profitable to “run for Congress by running against Congress,” the implications for the institution’s legitimacy and effectiveness are ominous. As Fenno concluded:

*The strategy is ubiquitous, addictive, cost-free, and foolproof...In the short term, everybody plays and nearly everybody wins. Yet the institution bleeds from 435 separate cuts. In the long run, therefore, somebody may lose... Congress may lack public support at the very time when the public needs Congress the most.<sup>22</sup>*

My work through the House Democracy Partnership with some two dozen emerging parliamentary democracies has given me some perspective on this interpretive challenge and our country’s institutional legacy. Nowhere in the world are legislative bodies popular institutions. That is hardly surprising: they feature constant conflict and confusing, convoluted procedures. In many of these countries parliament literally represents the alternative to fighting in the streets. Parliamentary democracy is messy. It is perhaps too much to expect legislatures

to be loved by the public. But we should strive for understanding and respect, the underpinnings of public legitimacy. As members, we contribute (or detract) by the way we conduct ourselves — how seriously we attempt to govern — and also by how we interpret that work and portray the institution to the various audiences we address.

Finally, it is often touching to encounter the esteem in which others hold our country and its democratic institutions, despite our manifest failures and flaws. In dealing with partner institutions, we have never assumed that our constitutional design is ideal for their situations, nor have we hesitated to acknowledge the ways our own institutional performance falls short. Democracy is always a work in progress for all of us. Still, we recognize the uniqueness of our institution’s 230-year history, and honor the legacy even as we attempt to move beyond it, correcting failures and striving to contribute to a “more perfect union.” That is what it means to think institutionally, and our future depends on our ability to adopt this mindset within institutions of governance and throughout public life.

<sup>22</sup> *Ibid.*, pp 168, 246.

## *The Honorable David Price*



The Honorable David Price represented the Research Triangle area, North Carolina's 4th Congressional District, for 34 years before retiring in January 2023. He earned his bachelor's degree in history and mathematics as a Morehead Scholar at UNC-Chapel Hill, then a Bachelor of Divinity degree in 1964 and a Ph.D. in political science in 1969, both from Yale University. Before entering Congress (and since retiring), he has taught political science and public policy at Duke University.

As a member of Congress, Congressman Price chaired the Transportation and Housing Appropriations Subcommittee and served on the House Budget Committee as well as the Appropriations Subcommittees for Homeland Security and for State and Foreign Operations. He also chaired the House Democracy Partnership, a bipartisan commission to strengthen representative institutions in emerging democracies throughout the world.

Among his many legislative achievements, Congressman Price wrote and helped pass legislation to ensure that candidates for public office stand by the content of their ads, and he introduced the "We the People Act" to reform the public financing system for presidential campaigns. As a political scientist, he also is the author of *The Congressional Experience*, a political science textbook on Congress.

## *Thomas Willis Lambeth*



The Lambeth Distinguished Lecture honors Thomas Willis Lambeth, who led the Z. Smith Reynolds Foundation as its executive director for more than two decades until his retirement in 2000. Born in Clayton, North Carolina, Lambeth graduated from the University of North Carolina in 1957 with a bachelor's degree in history, and served as Administrative Assistant to Governor Terry Sanford and to U.S. Representative Richardson Preyer before being named to lead the Foundation in 1978. Described by one journalist as "the state's do-gooder-in-chief," Lambeth throughout his career has exemplified the qualities of personal integrity, a passionate devotion to education, democracy, and civic engagement, and wholehearted pursuit of the ideals of the public good and of progressive and innovative ways of achieving it.

During his tenure, the Reynolds Foundation awarded grants totaling more than \$260 million to address many of North Carolina's most pressing public policy issues, particularly social justice and equity, governance and civic engagement, community-building and economic development, education, and protection of the state's natural environment. Tom Lambeth also has made a strong personal impact on many key public policy issues in North Carolina and nationally, including leadership of the Public School Forum of North Carolina, Leadership North Carolina, the North Carolina Rural Center, and a task force of the national Institute of Medicine on the problems of people who lack medical insurance. He also has been a national leader in improving the management and effectiveness of family philanthropic foundations themselves.

*The Thomas  
Willis Lambeth  
Distinguished  
Lecture in  
Public Policy*

The Lambeth Distinguished Lecture was established in 2006 at the University of North Carolina at Chapel Hill by the generous gift of an anonymous donor. Presented annually, its purpose is to bring the UNC campus distinguished speakers who are practitioners or scholars of public policy, particularly those whose work touches on the fields of education, ethics, democratic institutions, and civic engagement. The Lambeth Lectureship Committee, composed of faculty, students and distinguished individuals engaged in public policy, provide overall leadership in collaboration with UNC Public Policy, College of Arts & Sciences.

