

## Study Outline

### Chapter 11: Congress

- I. Congress: the "first branch"
  - A. This branch has considerable power
  - B. Many consider this branch to be the one most badly in need of repair
  - C. The puzzles, processes and actions of this branch say a great deal about America's representative democracy
- II. Congress versus Parliament
  - A. Parliamentary candidates are selected by party
    1. Members of Parliament select prime minister and other leaders
    2. Party members vote together on most issues
    3. Renomination depends on loyalty to party
    4. Principal work is debating national issues
    5. Very little power, very little pay
  - B. Congressional candidates run in a primary election, with little party control
    1. Vote is for the man or woman, not the party
    2. Result is a body of independent representatives
    3. Members do not choose the president
    4. Principal work is representation and action
    5. Great deal of power, high pay; parties cannot discipline members
  - C. Congress a decentralized institution
    1. Members more concerned with their views and views of their constituents
    2. Members less concerned with organized parties and program proposals of president
  - D. Congress can be unpopular with voters
- III. The evolution of Congress
  - A. Intent of the Framers
    1. To oppose concentration of power in a single institution
    2. To balance large and small states: bicameralism
  - B. Traditional criticism: Congress is too slow
    1. Centralization needed for quick and decisive action
    2. Decentralization needed if congressional constituency interests are to be dominant
  - C. Development of the House
    1. Always powerful but varied in organization and leadership
      - a. Powerful Speakers
      - b. Powerful committee chairmen
      - c. Powerful individual members
    2. Ongoing dilemmas
      - a. Increases in size have lead to the need for centralization and less individual influence
      - b. Desire for individual influence has led to institutional weakness
  - D. Development of the Senate
    1. Structural advantages over the House
      - a. Small enough to be run without giving authority to small group of leaders
      - b. Interests more carefully balanced
      - c. No time limits on speakers or committee control of debate
      - d. Senators not elected by voters until this century
        1. Chosen by state legislators
        2. Often leaders of local party organizations
    2. Major changes
      - a. Demand for direct popular election
        1. Intense political maneuvering and the Millionaire's Club
        2. Senate opposition and the threat of a constitutional convention
        3. 17th Amendment approved in 1913
      - b. Filibuster restricted by Rule 22 - though tradition of unlimited debate remains
- IV. Who is in Congress?

- A. The beliefs and interests of members of Congress can affect policy
- B. Sex and race
  - 1. House has become less male and less white
  - 2. Senate has been slower to change, but several blacks and Hispanics hold powerful positions
- C. Incumbency
  - 1. Low turnover rates and safe districts common in Congress before 1980s
  - 2. Incumbents increasingly viewed as professional politicians and out of touch with the people by the 1980s
  - 3. Call for term limits; however, natural forces were doing what term limits were designed to do by the mid-1990s
  - 4. Influx of new members should not distort incumbents' advantage
- D. Party
  - 1. Democrats are beneficiaries of incumbency
  - 2. Gap between votes and seats: Republican vote higher than number of seats won
    - a. One explanation: Democratic legislatures redraw district lines to favor Democratic candidates
    - b. But research does not support; Republicans run best in high turnout districts, Democrats in low turnout ones
    - c. Another explanation: incumbent advantage increasing
    - d. But not the reason; Democrats field better candidates whose positions are closer to those of voters
  - 3. Advantages of incumbency for Democrats turn into disadvantages by the 1990s
  - 4. Republicans win control of Congress in 1994
  - 5. Republicans replace conservative Democrats in the South during the 1990s
  - 6. More party unity, especially in the House, since the 1990s
- V. Do members represent their voters?
  - A. Representational view
    - 1. Assumes that members vote to please their constituents
    - 2. Constituents must have a clear opinion of the issue
      - a. Very strong correlation on civil rights and social welfare bills
      - b. Very weak correlation on foreign policy
    - 3. May be conflict between legislator and constituency on certain measures: gun control, Panama Canal treaty, abortion
    - 4. Constituency influence more important in Senate votes
    - 5. Members in marginal districts as independent as those in safe districts
    - 6. Weakness of representational explanation: no clear opinion in the constituency
  - B. Organizational view
    - 1. Assumes members of Congress vote to please colleagues
    - 2. Organizational cues
      - a. Party
      - b. Ideology
    - 3. Problem is that party and other organizations do not have a clear position on all issues
    - 4. On minor votes most members influenced by party members on sponsoring committees
  - C. Attitudinal view
    - 1. Assumes that ideology affects a legislator's vote
    - 2. House members tend more than senators to have opinions similar to those of the public.
      - a. 1970s: senators more liberal
      - b. 1980s: senators more conservative
    - 3. Prior to 1990s, southern Democrats often aligned with Republicans to form a conservative coalition.
    - 4. Conservative coalition no longer as important since most southerners are Republicans
  - D. Ideology and civility in Congress
    - 1. Members of Congress more sharply divided ideologically than they once were
    - 2. New members of Congress are more ideological
    - 3. Members of Congress more polarized than voters
      - a. Democrats more liberal/Republicans more conservative
      - b. Voters closer to center of political spectrum

4. Members of Congress (especially the House) do not get along as well as they once did.
- VI. The organization of Congress: parties and caucuses
- A. Party organization of the Senate
    1. President pro tempore presides; member with most seniority in majority party
    2. Leaders are the majority leader and the minority leader, elected by their respective party members
    3. Party whips keep leaders informed, round up votes, count noses
    4. Policy Committee schedules Senate business
    5. Committee assignments
      - a. Democratic Steering Committee
      - b. Republican Committee on Committees
      - c. Emphasize ideological and regional balance
      - d. Other factors: popularity, effectiveness on television, favors owed
  - B. Party structure in the House
    1. Speaker of the House as leader of majority party; presides over House
      - a. Decides whom to recognize to speak on the floor
      - b. Rules of germaneness of motions
      - c. Decides to which committee bills go
      - d. Appoints members of special and select committees
      - e. Has some patronage power
    2. Majority leader and minority leader
    3. Party whip organizations
    4. Democratic Steering and Policy Committee, chaired by Speaker
      - a. Makes committee assignments
      - b. Schedules legislation
    5. Republican Committee on Committees; makes committee assignments
    6. Republican Policy Committee; discusses policy
    7. Democratic and Republican congressional campaign committees
  - C. The strength of party structure
    1. Loose measure is ability of leaders to determine party rules and organization
    2. Tested in 103d Congress: 110 new members
      - a. Ran as outsiders
      - b. Yet reelected entire leadership and committee chairs
    3. Senate different since transformed by changes in norms, not rules: now less party centered, less leader oriented, more hospitable to new members
  - D. Party unity
    1. Recent trends
      - a. Party unity voting higher between 1953 and 1965 and lower between 1966 and 1982
      - b. Party unity voting increased since 1983 and was norm in the 1990s
      - c. Party unity voting lower today than in the 1800s and early 1900s
      - d. Party splits today may reflect sharp ideological differences between parties (or at least their respective leaders)
    2. Such strong differences in opinion are not so obvious among the public
      - a. Impeachment vote did not reflect public opinion
      - b. Congressional Democrats and Republicans also more sharply divided on abortion
    3. Why are congressional Democrats and Republicans so liberal and conservative?
      - a. Most districts are drawn to protect partisan interests
        1. Few are truly competitive
        2. Primary elections count for more and ideological voters are more common in such a low turnout environment
      - b. Voters may be taking cues from the liberal and conservative votes of members of Congress
      - c. Committee chairs are typically chosen on the basis of seniority
        1. They are also usually from safe districts
        2. And hold views shaped by lifetime dedication to the cause of their party
  - E. Caucuses: rivals to parties in policy formulation
    1. No longer supported by public funds
    2. Six types

- VII. The organization of Congress: committees
  - A. Legislative committees--most important organizational feature of Congress
    - 1. Consider bills or legislative proposals
    - 2. Maintain oversight of executive agencies
    - 3. Conduct investigations
  - B. Types of committees
    - 1. Select committees--groups appointed for a limited purpose and limited duration
    - 2. Joint committees--those on which both representatives and senators serve
    - 3. Conference committee--a joint committee appointed to resolve differences in the Senate and House versions of the same piece of legislation before final passage
    - 4. Standing committees--most important type of committee
      - a. Majority party has majority of seats on the committees
      - b. Each member usually serves on two standing committees
      - c. Chairs are elected, but usually the most senior member of the committee is elected by the majority party
      - d. Subcommittee "bill of rights" of 1970s changed several traditions
        - 1. Opened more meetings to the public
        - 2. Allowed television coverage of meetings
        - 3. Effort to reduce number of committees in 1995-1996
  - C. Committee styles
    - 1. Decentralization has increased individual member's influence
      - a. Less control by chairs
      - b. More amendments proposed and adopted
    - 2. Ideological orientations of committees vary, depending on attitudes of members
    - 3. Certain committees tend to attract particular types of legislators
      - a. Policy-oriented members
      - b. Constituency-oriented members
- VIII. The organization of Congress: staffs and specialized offices
  - A. Tasks of staff members
    - 1. Constituency service: major task of staff
    - 2. Legislative functions: monitoring hearings, devising proposals, drafting reports, meeting with lobbyists
    - 3. Staff members consider themselves advocates of their employers
  - B. Growth and influence of staff
    - 1. Rapid growth: a large staff itself requires a large staff
    - 2. Larger staff generates more legislative work
    - 3. Members of Congress can no longer keep up with increased legislative work and so must rely on staff
    - 4. Results in a more individualistic Congress
  - C. Staff agencies offer specialized information
    - 1. Congressional Research Service (CRS)
    - 2. General Accounting Office (GAO)
    - 3. Office of Technology Assessment (OTA)
    - 4. Congressional Budget Office (CBO)
- IX. How a bill becomes law
  - A. Bills travel through Congress at different speeds
    - 1. Bills to spend money or to tax or regulate business move slowly
    - 2. Bills with a clear, appealing idea move fast  
Examples: "Stop drugs," "End scandal"
  - B. Introducing a bill
    - 1. Introduced by a member of Congress: hopper in House, recognized in Senate
    - 2. Most legislation has been initiated in Congress
    - 3. Presidentially-drafted legislation is shaped by Congress
    - 4. Resolutions
      - a. Simple--passed by one house affecting that house
      - b. Concurrent--passed by both houses affecting both
      - c. Joint--passed by both houses, signed by president (except for constitutional amendments)
  - C. Study by committees
    - 1. Bill is referred to a committee for consideration by either Speaker or presiding officer
    - 2. Revenue bills must originate in the House

3. Most bills die in committee
  4. Hearings are often conducted by several subcommittees: multiple referrals (replaced by sequential referral system in 1995)
  5. Markup of bills--bills are revised by committees
  6. Committee reports a bill out to the House or Senate
    - a. If bill is not reported out, the House can use the discharge petition
    - b. If bill is not reported out, the Senate can pass a discharge motion
  7. House Rules Committee sets the rules for consideration
    - a. Closed rule: sets time limit on debate and restricts amendments
    - b. Open rule: permits amendments from the floor
    - c. Restrictive rule: permits only some amendments
    - d. Use of closed and restrictive rules growing
    - e. Rules can be bypassed by the House
    - f. No direct equivalent in Senate
- D. Floor debate, House
1. Committee of the Whole--procedural device for expediting House consideration of bills but cannot pass bills
  2. Committee sponsor of bill organizes the discussion
- E. Floor debate, Senate
1. No rule limiting debate or germaneness
  2. Entire committee hearing process can be bypassed by a senator
  3. Cloture--sets time limit on debate--three-fifths of Senate must vote for a cloture petition
  4. Both filibusters and cloture votes becoming more common
    - a. Easier now to stage filibuster
    - b. Roll calls are replacing long speeches
    - c. But can be curtailed by "double tracking"--disputed bill is shelved temporarily--making filibuster less costly
- F. Methods of voting
1. To investigate voting behavior one must know how a legislator voted on amendments as well as on the bill itself.
  2. Procedures for voting in the House
    - a. Voice vote
    - b. Division vote
    - c. Teller vote
    - d. Roll call vote
  3. Senate voting is the same except no teller vote
  4. Differences in Senate and House versions of a bill
    - a. If minor, last house to act merely sends bill to the other house, which accepts the changes
    - b. If major, a conference committee is appointed
      1. Decisions are made by a majority of each delegation; Senate version favored
      2. Conference reports back to each house for acceptance or rejection
  5. Bill, in final form, goes to the president
    - a. President may sign it
    - b. If president vetoes it, it returns to the house of origin
      1. Either house may override the president by a vote of two-thirds of those present
      2. If both override, the bill becomes law without the president's signature
- X. Reducing power and perks
- A. Many proposals made to "reform" and "improve" Congress
  - B. Common perception it is overstaffed and self-indulgent
    1. Quick to regulate others, but not itself
    2. Quick to pass pork barrel legislation but slow to address controversial questions of national policy
    3. Use of franking privilege to subsidize personal campaigns
      - a. Proposals to abolish it
      - b. Proposals for restrictions on timing of mailings and a taxpayer "notice"
  - C. Congressional Accountability Act of 1995

1. For years Congress routinely exempted itself from many of the laws it passed
  2. Concern for enforcement (by Executive branch) and separation of powers
  3. 1995 Act
    - a. Obligated Congress to obey eleven major laws
    - b. Created the Office of Compliance
    - c. Established an employee grievance procedure
  - D. Trimming the pork
    1. Main cause of deficit is entitlement programs, not pork
    2. Some spending in districts represents needed projects
    3. Members supposed to advocate interests of district
    4. Price of citizen-oriented Congress is pork
- XI. Ethics and Congress
- A. Separation of powers and corruption
    1. Fragmentation of power increases number of officials with opportunity to sell influence. Example: senatorial courtesy offers opportunity for office seeker to influence a senator
    2. Forms of influence
      - a. Money
      - b. Exchange of favors
  - B. Problem of defining unethical conduct
    1. Violation of criminal law is obviously unethical
      - a. Since 1941, over one hundred charges of misconduct
      - b. Most led to convictions, resignations, or retirements
      - c. Ethics codes and related reforms enacted in 1978, 1989, and 1995 have placed members of Congress under tight rules
    2. Other issues are more difficult.
      - a. A substantial outside income from speaking and writing does not necessarily lead to vote corruption.
      - b. Personal friendships and alliances can have an undue influence on votes.
      - c. Bargaining among members of Congress may involve exchange of favors and votes.
- XII. Summary: The old and the new Congress
- A. House has evolved through three stages
    1. Mid-1940s to early 1960s
      - a. Powerful committee chairs, mostly from the South
      - b. Long apprenticeships for new members
      - c. Small congressional staffs
    2. Early 1970s to early 1980s
      - a. Spurred by civil rights efforts of younger, mostly northern members
      - b. Growth in size of staffs
      - c. Committees became more democratic
      - d. More independence for members
      - e. Focus on reelection
      - f. More amendments and filibusters
    3. Early 1980s to present
      - a. Strengthening and centralizing party leadership
      - b. Became apparent under Jim Wright
      - c. Return to more accommodating style under Tom Foley
    4. Senate meanwhile has remained decentralized throughout this period
  - B. Reassertion of congressional power in 1970s
    1. Reaction to Vietnam and Watergate
    2. War Powers Act of 1973
    3. Congressional Budget and Impoundment Act of 1974
    4. Increased requirement for legislative veto
  - C. Congressional power never as weak as critics have alleged