Congress

The Capitol, which is in our capital, Washington D.C.

The House of Representatives meets on the left side of the Rotunda, the Senate chamber is to the right.
Congress
4 Principles

• Bicameralism
• Congressional Hierarchy/Leadership
• Specialization and Reciprocity
• Obstructionism/Gridlock/Stalemate

Congress is consistently America’s lowest rated public institution.
Though a senator is a member of Congress, do not call one a simply congressperson, as they occupy the lofty start of the Senate, just as one would not typically call a general a soldier.

Notice the Senate’s longer terms, and the stability and continuity provided by staggered elections there.
### Bicameralism

**Senator’s Prestige**

<table>
<thead>
<tr>
<th>The House</th>
<th>The Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>One voice of 435</td>
<td>Only one of 100</td>
</tr>
<tr>
<td>Only reps. a district</td>
<td>Whole states</td>
</tr>
<tr>
<td>4,000 sq. ft. office</td>
<td>10,000 sq. ft. office</td>
</tr>
<tr>
<td>About 15 staffers</td>
<td>About 31 staffers</td>
</tr>
<tr>
<td><em>(hands on specialists)</em></td>
<td><em>(reliance on staff)</em></td>
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No sitting senator has ever run to be a member of the House, though many House members have gone on to be senators.

The fact that senators represent whole states give them a certain degree of status and prestige (if only symbolically). No one pays attention when you enter or leave a congressional district, but we take notice when we leave a state. To say you represent California has more punch that saying you represent the 41st district.
Bicameralism
The U.S. Congress

For any bill to become a law it must be passed by both the House and Senate.

Bicameralism comes from the Greek and Latin meaning two chambers and refers to the two parts of Congress: the House and the Senate.
Passing Legislation
(The Congressional Labyrinth)

• ‘‘Session’’ of Congress
  Bill ---->Law (ie. HB146)

• Steps:
  – Authorship/sponsorship (in either house)
  – Committee Assignment
    • Hearings/Markups/Committee vote
    • 90% of bills die in committee
  – Calendar/Debate/Majority vote by full chamber
  – All of the above in the other chamber
  – Conference Committee
  – Both chambers revote on Compromise Bill
  – Presidential Action
  – Appropriation of funds/ Implementation

Your text explains this all pretty well. Note that anyone can write a bill, but only a member of congress can sponsor (or officially submit) one. Members of Congress generally do not write bills, this is done usually by teams of lawyers and experts, often hired by special interests who then bring a bill to a member of Congress.

In 2002: Over 15,000 bills introduced, but only about 535 passed.
Bicameralism
The U.S. Congress
(distinct powers)

The House
- Originate tax bills
- Election of president
- Power to Impeach

The Senate
- Tries Impeachments
- Ratification cabinet
- Ratification judges
- Ratification of treaties
  \(\text{(foreign policy leadership)}\)

\(2/3\) vote for all the above

To ratify means to approve. The Constitution gives all ratification powers exclusively to the Senate, and all require a 2/3 majority.

To impeach, means to accuse, not to remove from office. An official can only be impeached for committing a crime while in office, not just because someone does not like the job they are doing. If the House impeaches, it is up to the Senate to decide if that person shall be removed from office. Bill Clinton was impeached for lying under oath about his sex life; however, he was not removed from office because the Senate decided the offense was not serious enough to warrant this.

Remember “no taxation without representation”? That is why the House, the chamber closest to the people, must originate all tax bills.

If no candidate gets more than 50% of the election vote, the House chooses the next president. Only John Quincy Adams won this way.
The majority party is simply the party with the most members elected to a given chamber. Today the Democrats control both the House and the Senate.

The Constitution makes the vice-president, now Dick Cheney, the President of the Senate. However, other than voting in the case of ties, the U.S. vice-president does little with the Senate. The real leader is the Majority leader. (The president pro-temp is a symbolic role given to an older member; he official opens the sessions, but then hands power over to the majority leader.

The Constitution says the House will select a speaker to lead them and makes the VP the President of the Senate - but says noting about parties and thus nothing about majority or minority leaders. The Senate majority leader is a position created simply by Senate rules and tradition.
The minority leaders simply are the leaders of the minority party (the party with fewer elected members).

While the minority party is unlikely to pass legislation favored by the majority party, there are numerous ways the minority party can block the majority party.
Nancy Pelosi (from S.F.) is the speaker of the House (the first woman to hold the position). Because the Speaker has more control over the house than the Senate majority leader has over Senate, the speaker is considered the most powerful person in Congress.

Still, as this cartoon shows, the job involves balancing different constituencies. This has been particularly true in regards to policy in Iraq. The most liberal Democrats want to pull the troops out immediately, but many of the recently elected Democrats defeated Republican candidates by taking more moderate stands on the issues. They have worked to block some of the aims of the more liberal members including adding transgender people to a recent piece of gay rights legislation and numerous bills to shut off the war effort. Pelosi often is willing to listen to the demands of these somewhat conservative members for fear that if Congress seems too liberal, the somewhat conservative voters of their district to vote for Republicans in 2008 and the Democrats could lose their recently won majority status.
Your text has a very good description of the roles of the Speaker and Senate majority leader.
Nancy’s First 100 Hour Plan.

- Fund stem cell research.
- Retract tax breaks for oil companies.
- Increase tuition tax credit.
- Lobby reform. (ie. - K-street Project)
- Implement all 41 of the 9/11 Commission Recommendations.
- Renegotiate Medicare/ Pharmaceutical Deal.
- Raise minimum wage to $7.25.

During the last election (2006), Pelosi promised action on all of the above within 100 hours if the voters gave the Democrats the majority. The House did indeed pass all of the above, the Republican minority in the Senate used their special powers there to block all of them (though eventually a compromise was worked out on the minimum wage.)

We will now look at how the Senate operates, and how a well organize minority can block legislation.
Senate Leadership
The Majority Leader

- Informal Leader - leads from floor
- Less Control than the Speaker
  - No rules committee: unlimited debate
  - Senatorial Courtesy
  - More Bipartisan by Necessity
  - Filibuster
    - Cloture 3/5 vote *(60 members to stop a filibuster)*
    - Threat of filibuster

Democrat Harry Reid form Nevada is now the Senate majority leader. The Senate, being smaller than the House, has a more clubby atmosphere. The idea is that nothing much gets done unless there is a general consensus. The Senate majority leader is less able to shove legislation down the throats of a resistant minority. As former majority leader Mitch Mitchell said, the Majority leader only has the power to kiss 99 asses.

In Senate, the tradition is if you want to speak, you simply stand up. The the House you can only speak if the Speaker of the House recognizes (calls on) you.

Once you have the floor in the Senate, you can keep it as long as you want. Thus, if you oppose a piece of legislation that is being debated, all you have to do is take the floor and refuse to give it up. This is called a filibuster. It can only be stopped by a vote of 3/5 of the Senate (61 votes). This is called cloture.

In the last year, the Republicans in the Senate have threatened to filibuster a number of initiatives posed by the Democrats including numerous attempts to cut off or reduce funding for the war or set deadlines for ending combat as well as most of the item on Pelosi’s 100 hour plan.
Congressional Committees

• Role of Committees:
  – The gate keepers and graveyard of legislation.
  – Oversight hearings
  – Ratification hearings
Standing Committees
(some examples)

**House**
- Rules
- Ways and Means
- Appropriations
- Agriculture
- Interior
- Energy
- Environment
- Etc.

**Senate**
- Judiciary
- Armed Services
- Foreign Relations
- Appropriations
- Finance
- Education
- Commerce
- Etc.

As the book notes, committees are organized by specialty areas, as you can see above. It is in these committees that hearings are held and it is the members of these committees who become experts on a bill. Lobbyists and donors who are potentially affected by legislation of course take great interest in what goes on in committee, and work hard to insure that committee members support bills that they are interested in. (Remember iron triangles.)

Once a bill is passed through a committee, it is generally seen that the “experts” have approved it - thus the general body of the Senate and/or House will defer to the committee’s wishes and pass what the committee has passed. If I am on a committee that passes a bill, I expect the rest of the House or Senate to follow suit, and I know also that they expect me to pass on their bills. If I buck the system and make a big stink about an issue not in my committee’s jurisdiction, I am seen as rocking the boat, and risk having others retaliate by blocking legislation from my committee that is dear to me.

Lobbyists and donors for special interest groups, of course know how this works - knowing that if they get a bill through committee, it is likely to pass. Thus they put great pressure on committee members (using the carrots and sticks we studied earlier) to get committee members to support their desired legislation. Major donations come to committee members who please the most organized special interests their committee has jurisdiction over. (For example, in the case of the
**Standing Committees**

**Specialization and Reciprocity**

- Generally, all bills must go through a committees before being voted on by the complete House or Senate.

- 90% of bills die in committee.

- Most bills passed by committee are passed by the full House or Senate.

The types of issues on Pelosi’s first 100 hour plan are of great public interest and divide the parties. The same can be said of abortion, our policy in Iraq, and immigration policy. However, these issues, which get plenty of press coverage and are of great public interest, are not the typical stuff that Congress deals with day in and day out.

Most legislation passes underneath the public eye and is of great concern mostly to the small special interest groups that are most affected by it. In most of these cases there is relative co-operation between the parties.

Most legislation, rather than being marked by partisanship and loud bickering on the floor of the Senate or House pass the committee system and then a quickly and quietly passed the the full chambers without much controversy or debate.
Committees and Special Interest Legislation

Who: Lockheed
How Much: $11,500
To: 5 members of the Armed Services Committee
Interest: Contract for the C-5B Cargo Plane

A few years ago a Time Magazine story highlighted this and the following pieces of special interest legislation (and the donations that may have helped them get through).
Committees and Special Interest Legislation

Who: United Auto Workers
How Much: $35,000
To: 5 members of the Energy and Commerce Committee
Interest: Requiring that foreign cars use mainly American parts
Committees and Special Interest Legislation

Who: NRA
How Much: $85,000
To: 5 members of the Judiciary Committee
Interest: The Mclure-Vockmer law making it easier to buy firearms.
Special Interests and Committees

Legislation to cap CO2 emissions:

Pelosi’s push for a vote on a bill this year also is a challenge to several Democratic committee chairmen including House Energy and Commerce Chairman John Dingell of Michigan and Rep. Rick Boucher of Virginia, who chairs the sub-committee that is writing climate change legislation.

Coile, S.F. Chron. 6/2/07

A strong speaker can challenge chair and their committee. In the example above Pelosi is trying to make good on a pledge to cap cap emissions and establish a carbon-based trading system before the end of 2007.
Dingell, a close ally of Detroit automakers, and Boucher, who represents a coal-producing district in southwest Virginia, have pursued a slower approach.

Coile, S.F. Chron. 6/2/07

Of course, the chairs of the committee are greatly interested in the powerful interests that environmental legislation is likely to affect.
Special Interests and Committees

Presidential Wannabes

Joe Biden - Chr. Judiciary Com - $500,000 from lawyers

Chris Dodd - Chr. Banking Com - $1,475,000 from bankers and insurance industry.

S.F. Chron. 7/16/07

Of you can see, campaign funds are closely tied to the area the an official has jurisdiction over.
Committee Chairs

• Selection of Chairs
  – Seniority system replaced by party appointment.

• Powers Committee Chairs:
Issues of Representation

• Race/Gender:
  – Senate: no Hispanics, 1 African Am., 16 women
  – House: 16% women, 8.5% African Am., 4.7% Hispanic

• The House - Creating Fair Districts:
  – Reapportionment ------> redistricting
    • "one person-one vote"
    • Gerrymandering:
      – The shaping of district lines for political advantage.
        “Politicians choosing the voters rather than voters choosing politicians.”
      – Partisan gerrymander: Increasing Party Advantage
      – Bipartisan gerrymander: Safe seats /non-competitive races

Nationwide women are over 50% of the population, African-Americans are about 12%, and Hispanic are about 15%.

Claiming fairness and equality require “one man, one vote” the Supreme Court ahs said that all House districts must be equal in population. Thus after every census (every 10 years) district lines must be redrawn to keep them equal. However, because this is done by which ever party has control of a state’s government, it is often done in a way that benefits them. The biggest problem currently seems to be that incumbents from both parities work together to insure there re-election by drawing lines in such a way as to clump Republicans and Democrats together so that no one has to worry abut a serious challenge from the opposing party. Thus was have Republican districts and Democratic districts, result in few competitive races where someone from either party has a legitimate chance of winning. These are known as safe seats

SINCE 2001, THE LAST REDISTRICTIONG, CA HAS HAD 300 DISTRICT ELECTIONS AND 297 OF THESE WENT TO THE INCUMBANT OR TO A SUCCESSOR OF THE SAME PARTY. (In the last 6 years only one CA district changed party.)

One political science journal suggests that there are only only 30-40 competitive congressional districts in country (out of 435).
Issues of Representation

- Race/Gender/Income
- The House - gerrymandering
- The Senate
  - 51 senators from the 26 smallest population states, representing 18% of Americans can pass a bill.
  - 41 senators from 21 small states representing 3% of the population can block any bill (i.e. 41 senators maintain a filibuster)
- Power of Incumbency
  - Safe seat gerrymanders
  - $$$ (especially for majority party)
  - Media coverage / name recognition
  - Franking
  - Case work
  - Pork (pork barrel legislation)
- Two views of representation
  - Trustee vs. delegate

Unlike the House, Senate districts never change (because they are simply states). While this means that district lines cannot be drawn to serve political purposes, it also means that that senators serves constituencies of hugely varying sizes. This raises issues regarding equality and fairness of Senate representation.
This map shows population density which is clearly not even throughout the country. Keep it in mind as you view the following slides.
This map shows the red (Republican) and blue (Democratic) congressional districts from 2004.

Because densely populated areas of the country tend to vote Democratic, the "blue" districts occupy a smaller area on average. Though they are nonetheless large in terms of numbers of people, the map appears to be very red indeed.

We can correct for this by making use of a cartogram, a map in which the sizes of districts are rescaled according to their population. That is, districts are drawn with a size proportional not to their sheer topographic acreage but to the number of their inhabitants, districts with more people appearing larger than districts with fewer, regardless of their actual area on the ground. Here are the 2006 House election results on a population cartogram of this type: This map makes it clear that the numbers of people in Republican and Democratic areas are in fact not so far apart, and where the first map above makes it seem as though there is far more red than blue this one allows one to see how the votes fall in terms of actual population.

Right: The actual number of Representatives in the House from each party however does not depend on how many people there are in each congressional district: by definition there is one representative per...
A cartogram, a map in which the sizes of districts are rescaled according to their population (which are roughly all equal) show a different story. On this map the area of each district is relative equal to represent the fact that they represent an equal number of people. The show a much different color to the nation and makes it clear that the numbers of people in Republican and Democratic areas are in fact not so far apart. Whereas the previous map above makes it seem as though there is far more red than blue this one allows one to see how the votes fall in terms of actual population.
Also, if we look at the Senate after the 2006 election, we see as much purple as blue and red. Each state has two senators, the purple ones have elected one Republican and one Democrat.
Again, however a cartogram map can paint a more blue map. Because the red states mostly have smaller populations than the blue states a normal map makes the country look more red in terms of the population than it really is.

This map appears to have more blue than red, which is not an illusion: it reflects the fact that although there are only slightly more senators in the Democratic caucus than the Republican one (51 versus 49 as of 2006), the number of people in blue states significantly outnumber the number of people in red ones. Based on figures from the US Census, for instance, the total population of blue states is 167.9 million people, while the total population of red states is 125.2 million.
Democracy and The Meaning of Representation

There are two views of how representation should work in a democracy:

- The delegate view is that representatives ought to vote just how their constituents feel on a given issue.

- The trustee view suggests that once we elect a representative, we should put our trust in them and allow them to vote their conscience regardless of how a majority of their constituents feel.

Which do you think is proper and fitting for our democratic republic?
Delegate or Trustee?

Your Congressman’s staff bring him an economic recovery plan that they say is sound but involves some tax increases. A focus group shows that it will be politically unpopular among his constituents and he decides to bury the plan.

_Do you praise or condemn him?_
Delegate or Trustee?

Polls show that his 60% of your Congressman’s constituents favor ending an unpopular war, but he believes it is in the national interest and votes to continue funding it.

*Do you praise or condemn him*
Summary: Bicameralism
The Nature of Debate

**The House**
- More parochial concerns (more partisan)
- Constant Election
- Limited debate
- More hierarchical
- Majoritarian democracy

**The Senate**
- Must Balance Constituencies (more moderate)
- A counter balance to the public mood
- Emphasis on Deliberation
- M.A.D.
- Consensual Democracy