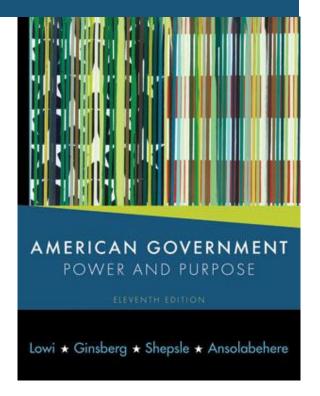


# Congress: The First Branch

### **AMERICAN GOVERNMENT**

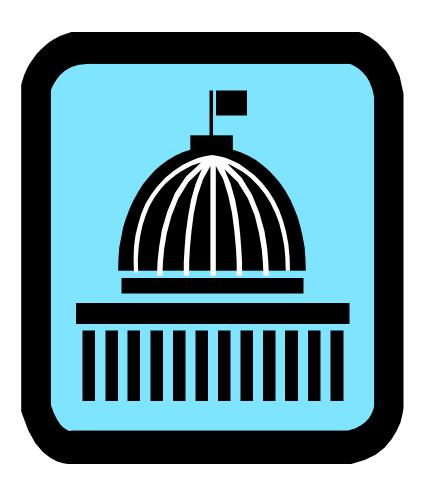
POWER AND PURPOSE

Lowi ◆ Ginsberg ◆ Shepsle ◆ Ansolabehere



### Congress: Functions and Goals

The United States Congress is unique among the world's legislatures in its capacity to govern.



"Ambition must be made to counteract ambition"

—Federalist 51

Unlike parliamentary systems where the legislature generally supports the recommendations of the prime minister, America's separation of powers framework gives Congress incentives to compete with the president.



Still, a trade-off exists between Congress's representative functions and its legislative functions.

As "the people's branch," Congress must balance its unique governing responsibilities with its institutional duty to represent the American people and the political reality that members of Congress want to get re-elected.

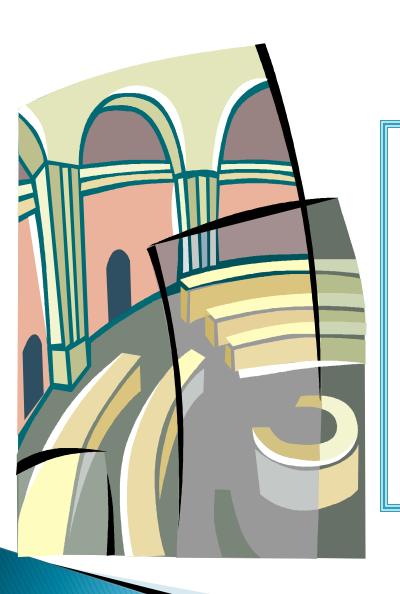
The institutional functions of Congress and members' individual goals are connected.

#### **Functions of Congress**

- 1. Representation
- 2. Legislation
- 3. Oversight

#### Goals of Members

- 1. Re-election
- 2. Public policy
- 3. Political influence

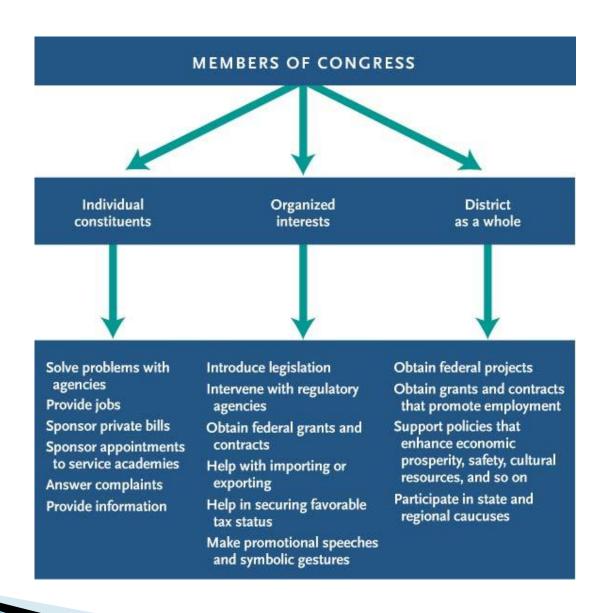


Additionally, the bicameral nature of Congress and the differences between the House and the Senate mean that there are important differences between the two chambers in how they perform their institutional functions and how House members and Senators perceive and pursue their goals.

# The Representative Function and the Re-Election Goal

Congress was designed to be a locus of representation where varying individual viewpoints as well as private and community interests could be voiced.

Members of Congress balance efforts to represent individuals, groups, and their districts (and, for senators, states).



# Re-election and Representation

As a practical matter, it is direct and frequent elections (particularly in the House) that make members of Congress perform this representative function.



House members and Senators represent their constituencies differently, have different terms, and different qualifications.

Because of the "great compromise," the House was meant to represent the people whereas the Senate was designed to represent the states.



#### The House

- 435 members
- Two-year term
- Membership per state varies by population
- Tend to have localized, narrow constituencies

#### The Senate

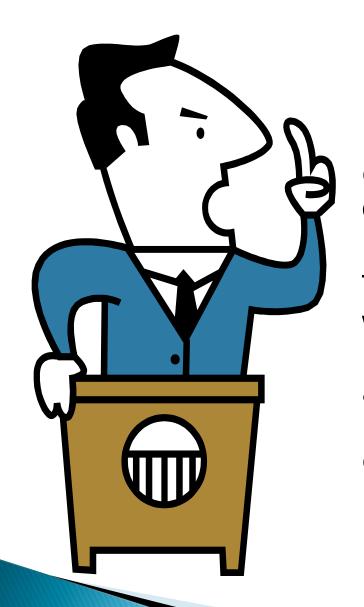
- ▶ 100 Senators
- Six-year term
- States represented equally (two senators)
- Have broader, more diverse constituencies

The size of the average House district has changed dramatically throughout American history.

In 1789, the average representative had a constituency of 30,000; now it is 550,000.

Senate representation has changed dramatically as well.

In 1789, Senators were selected by state legislatures rather than the people; the Seventeenth Amendment provided for the direct election of senators in 1913.



Despite these differences, in both chambers, re-election is the primary goal of members of Congress

This is the case primarily because without winning re-election, members of Congress will not have an influence in politics, nor will they be as able to achieve their policy goals.

Congressional incumbents in both the House and Senate enjoy distinct advantages in elections.

#### Competitive Advantages

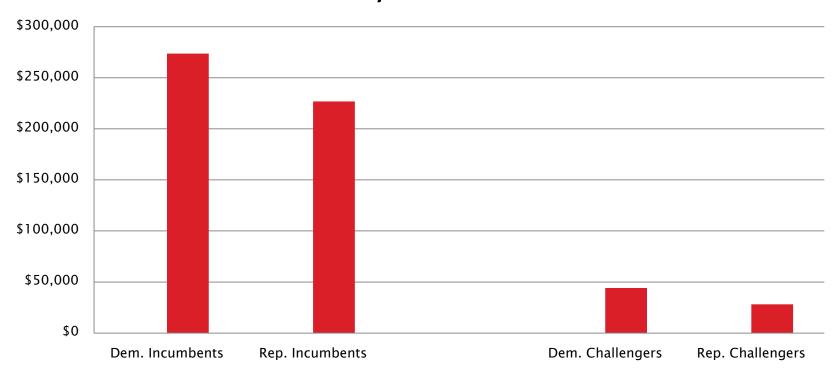
- Name recognition
- Fund-raising advantages
- More media coverage

#### Advantages of Office

- Free mailing to constituents
- Providing casework
- Bringing legislative projects to the district



## House Candidates' Off-Year (2009) Fund-raising by Party and Status

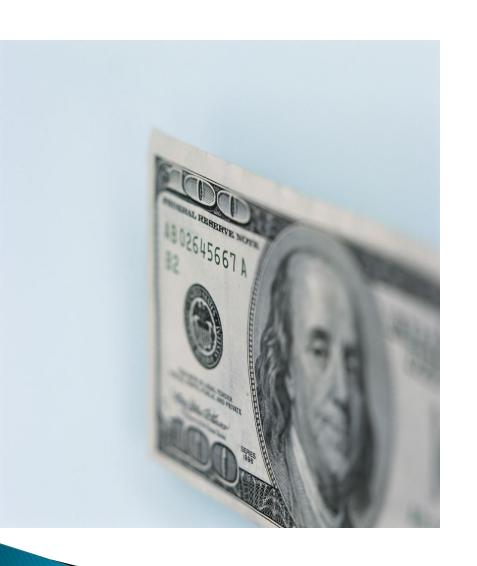


Figures represent median off-year receipts as reported by June 30 of the off-year. Source: Federal Election Commission, "2010 Congressional Candidates Raise over \$250 Million in First Half of 2009; Senate Candidates Raise Record Amount for Period," September 14, 2009,

http://www.fec.gov/press/press2009/20090914\_6MnthCandStats.shtml, accessed 9/21/09.

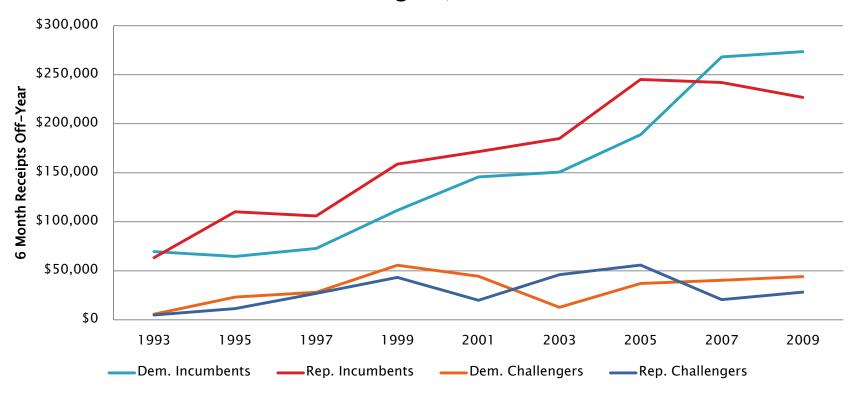
Sometimes, particularly when incumbency is strong, members' reelection motivations and activities hamper the representative nature of Congress.

Members of Congress use their incumbency advantages to dissuade strong and effective challengers from running.



By raising large amounts of "early money," Senators and House members can scare off strong challengers who might unseat them.

## House Candidates' Off-Year Fund-raising, Incumbents and Challengers, 1993-2009

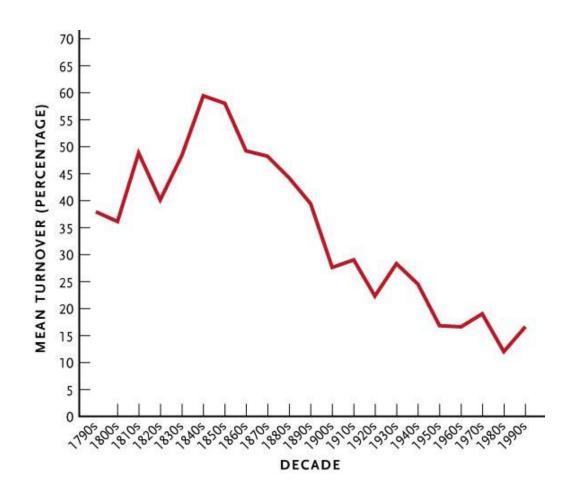


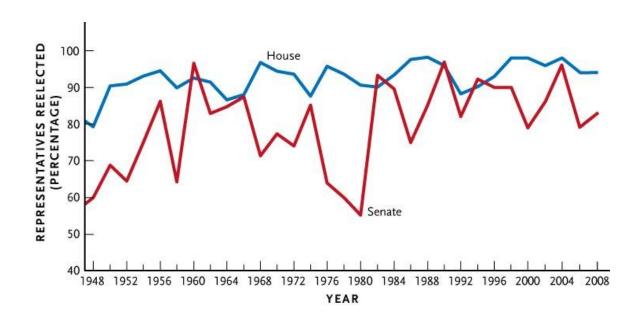
Figures represent median off-year receipts as reported by June 30 of the off-year. Source: Federal Election Commission, "2010 Congressional Candidates Raise over \$250 Million in First Half of 2009; Senate Candidates Raise Record Amount for Period," September 14, 2009,

http://www.fec.gov/press/press2009/20090914 6MnthCandStats.shtml, accessed 9/21/09.

Although re-election concerns are lynchpins for making Congress more representative, the lengths to which incumbents go in order to protect themselves (and their success in doing so) may, in some ways, compromise the overall representativeness of Congress.

Careerism in Congress has led to a drastic reduction in turnover of membership, and incumbency has become a most powerful predictor of electoral success.





#### Representation Styles

Members of Congress balance two styles, based on the knowledge of their constituents, their own personal feelings, and public attention to an issue.

Delegates closely follow and act on the preferences of their constituents.

Trustees act based on their own judgments when they disagree with their constituents. Do you want your member of Congress and senators to be trustees or delegates? When and why?

How do you think incumbency advantages in campaign finance and early money affect members' representation styles? How might these affect the representative nature of Congress as an institution?



# The Legislative Function and Members' Policy Goals

Members of Congress often first got into politics because of ideological commitments and a desire to change or improve public policy.

In addition to re-election, these **policy goals** are important to understanding members' behavior and their efforts to wield influence in the legislative process.



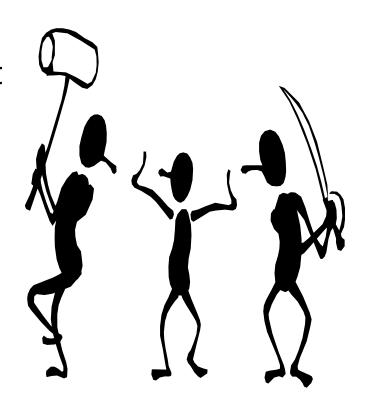
### **Principles of Politics**

#### The Collective-Action Principle:

All politics is collective action but achieving collective action can be difficult.

<u>The Institution Principle</u>: Institutions structure politics.

Parties and committees are organizations designed to help Congress overcome the impediments to collective action.



Again, there are important differences between the House and the Senate in how they make legislation.

#### The House

- 435 Members representing narrow constituencies
- More organized and with centralized authority
- Greater degree of policy specialization
- Generally quicker to act

#### The Senate

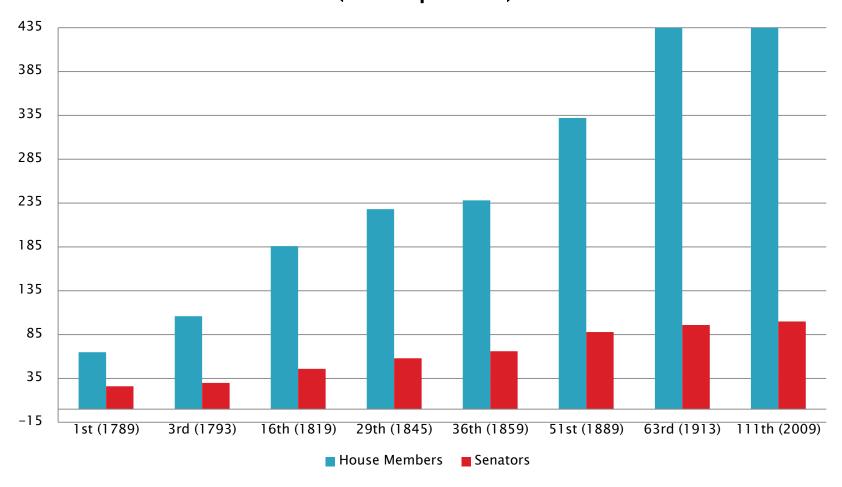
- 100 Senators representing broader, statewide constituencies
- Less organized and more individualistic
- Senators tend to be "generalists"
- More deliberative



Because it is larger and represents a more specialized, narrow constituency, the House naturally has a greater collective-action problem than the Senate.

Still, to cope with this size difference, the House has stronger rules and stronger parties and committees that facilitate legislative work.

## House and Senate Size Differences, Selected Congresses (1789-present)

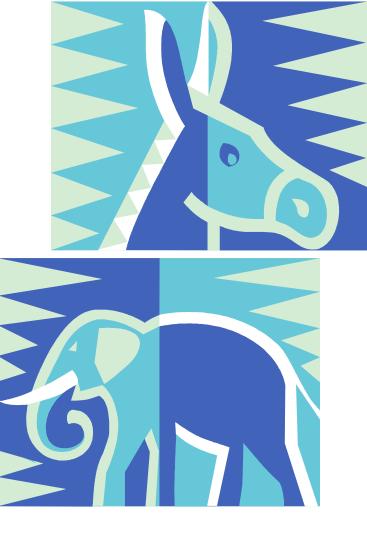


Although the House was only 2.5 times the size of the Senate during the First Congress, population growth meant that soon it was more than four times the size of the Senate.

Given the differences in size and diversity, the House adopted stronger political party and committee organizations as well as more stringent rules (especially governing debate time) than the Senate.

The basic congressional party organizations are the gatherings of all Republicans and Democrats. Republicans call such meetings the **conference**. Democrats call their organization a **caucus**.

These party organizations, the top leaders they select (Speaker, floor leaders, whips), and partisanship are strong in both chambers but tend to be stronger in the House than the Senate.





Congress is also organized by a system of **standing committees** that propose, research and write legislation.

Committees enjoy influence due to:

- legislative expertise;
- jurisdiction over policy areas;
- procedural advantages over the committee's legislation.

#### Standing Committees of Congress, 2009

House Committees	
Agriculture	Natural Resources
Appropriations	Oversight and Government Reform
Armed Services	Rules
Budget	Science and Technology
Education and Labor	Small Business
Energy and Commerce	Standards of Official Conduct (Ethics)
Financial Services	Transportation and Infrastructure
Foreign Affairs Homeland Security	Veterans' Affairs
House Administration	Ways and Means
House Administration  Judiciary	Ways and Means
Judiciary	Ways and Means
Judiciary Senate (	
Judiciary Senate ( Agriculture, Nutrition, and Forestry	Committees Foreign Relations
Judiciary  Senate of Agriculture, Nutrition, and Forestry  Appropriations	Committees Foreign Relations
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Senate ( Agriculture, Nutrition, and Forestry Appropriations Armed Services Banking, Housing, and Urban Affairs Budget	Foreign Relations Health, Education, Labor, and Pensions Homeland Security and Governmental Affairs  Judiciary

### Stages of the Legislative Process

#### 1. Bill Introduction and Committee Referral

When members introduce legislation, it is referred to a congressional committee that has jurisdiction over that policy area.

That committee (and possibly a relevant subcommittee) will study the bill, bring in witnesses, debate it, and vote on whether to report it out.

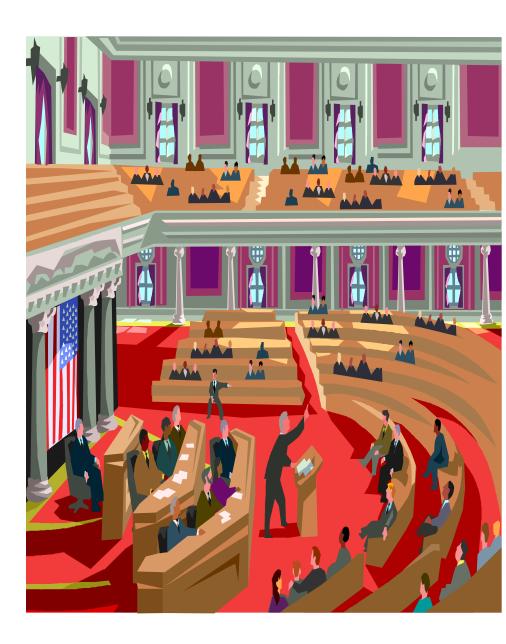
#### 2. Floor Access

Once reported out of committee, legislation then must be scheduled on the floor.

In the House, the Rules Committee issues a "rule" for consideration of the bill that governs the time allotted for debate and the potential for floor amendments.

In the Senate, consultation between the Senate's majority and minority leaders generally determines the Senate's floor schedule.

3. Legislative Passage
Legislation generally
must pass with a
majority vote on the
floor and, in the Senate,
sometimes it requires a
three-fifths vote to
pass legislation.





4. Conference Stage
Once passed by the House and Senate, the two chambers' different versions of the legislation must be reconciled. Often this happens in Conference Committee.

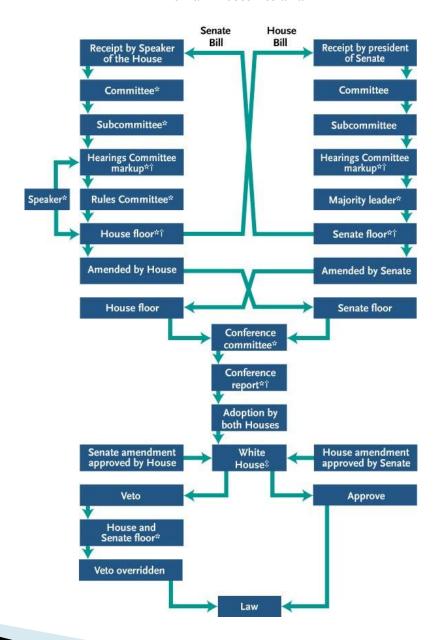
Still, after conference, both chambers must approve any changes made in conference.



### 5. On to the White House

If both chambers approve, the bill is then sent to the president for a signature or veto.

If the president vetoes the legislation, it can be overridden by a two-thirds vote of each chamber.



## The Oversight Function and Legislator Influence

Within the House and Senate, the influence individual legislators enjoy is tied to the positions they hold within the committee system or in the party leadership hierarchy.

Still, members' goals for influence in Washington are also tied to the overall influence Congress enjoys in separation of powers conflicts.



In addition to legislating, Congress plays important roles in the separation of powers:

- oversight
- advice and consent
- impeachment

"In a republican government, the legislative authority necessarily predominates."

—James Madison, Federalist 51

The Constitution sought to limit congressional power through:

- 1. bicameralism;
- 2. strengthening the executive branch.



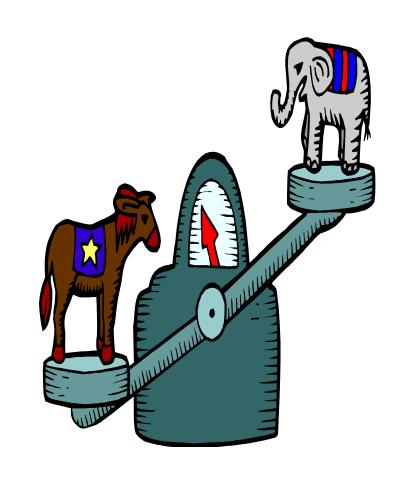
Political party strength in Congress has been key to separation of powers struggles with the White House.

Strong parties in the nineteenth and early twentieth centuries coincide with an era of congressional dominance in American politics.

The weakening of parties after the Progressive Era and throughout the twentieth century coincides with the rise of presidential power relative to Congress.

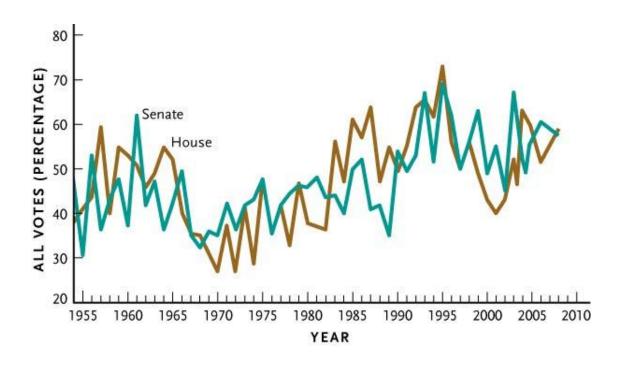
Partisan resurgence toward the end of the twentieth century helped Congress compete with presidents in the 1980s and 1990s.

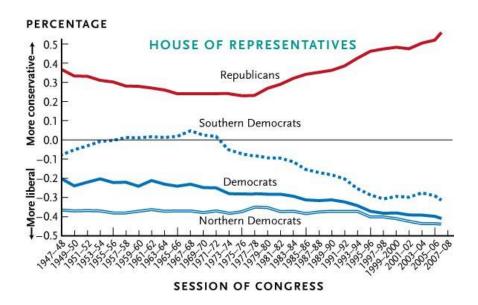
The first Congresses of the twenty-first century continue this trend toward greater partisanship in, and party control of, Congress.

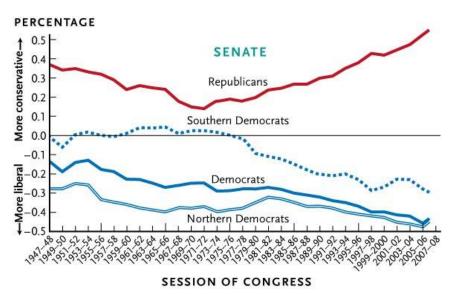


## Two Measures of Partisanship:

Party voting (that is, votes where at least 50 percent of one party votes against at least 50 percent of the other party) and the ideological distance between the parties have both been on the rise since the early 1970s.







In contemporary politics, Congress neither dominates nor is it subservient to the presidency. From one year to the next, Congress continues to compete in the separation of powers all the while performing its institutional functions and meeting the goals of its members.



High-profile conflicts between Congress and the president, including the impeachment of President Clinton, high-profile Republican investigations of the Clinton administration, and efforts by Democrats to filibuster President Bush's judicial nominees typify how partisanship dominates contemporary inter-branch relationships.



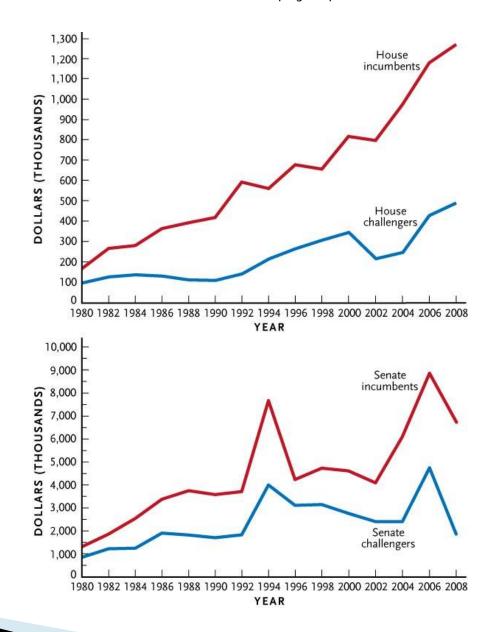
Whereas former president George W. Bush had governed since the 2002 elections with a Republican-controlled Congress, the Democratic takeover of the House and Senate in the 2006 midterm elections produced increased interbranch conflict.

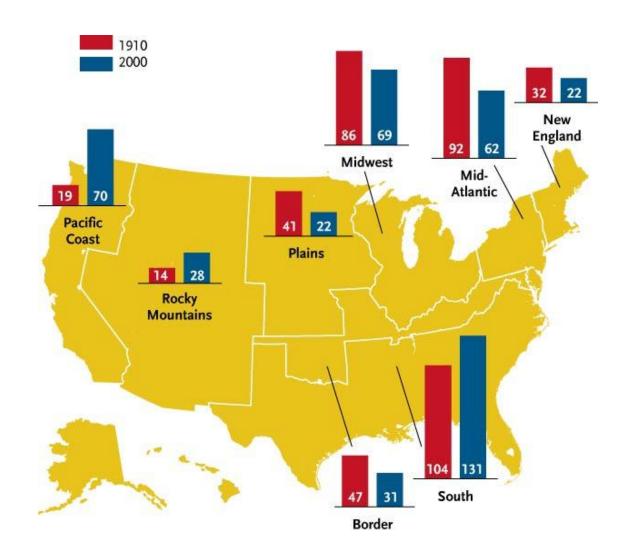


Barack Obama's 2008 election (and the return of Democrats to majority control of both the House and the Senate) returned American politics to unified government, promising more inter-branch cooperation.

## Additional Art for Chapter 5

	House	Senate
Minimum age of member	25 years	30 years
Length of U.S. citizenship	At least 7 years	At least 9 years
Length of term	2 years	6 years (staggered)
Number per state	Depends on population: 1 per 30,000 in 1789; 1 per 630,000 today	2 per state
Constituency	Tends to be local	Is both local and national





#### ANALYZING THE EVIDENCE

#### Parties and Agenda Control in Congress

In assessing the influence of political parties on legislative politics, political scientists often ask how parties affect outcomes in Congress. One approach might be to look for evidence of arm twisting or promised favors by party leaders, both of which can be used to influence members' roll-call vote choices. Yet, increasingly, scholars have responded to this question by looking for evidence of agenda manipulation by the majority party. If the majority party can control what gets voted on—through its control of committees, including the Rules Committee, and the party leaders' scheduling power—then it can affect outcomes even when the party leaders cannot effectively twist arms or promise favors. Thus, a question that has taken center stage in congressional research is, Who controls the agenda in Congress?

#### REPUBLICAN AGENDA (Pre-Obama)

Tay Cut

War in Iraq and Afghanistan

Education (No Child Left Behind)

National Security

**Budget Management** 

Terrorism (Homeland Security)

Social Security Reform

Faith Based and Community Initiatives

#### DEMOCRATIC AGENDA (Post-Obama)

Economic Recovery

**Energy Independence** 

Iraq Troop Withdrawal

Health Care Reform

College Access

Mortgage Reform

Banking Industry Reform

**Equal Pay** 

Source: Republican National Committee, www.rnc.org; Office of the Speaker, U.S. House of Representatives, "A New Direction for America," www.speaker.gov/pdf/thebook.pdf (accessed 7/9/09).



Why is majority party status so important in Congress? Whichever party controls a greater number of seats in either the House or the Senate decides which issues will come to the floor for consideration. To illustrate this point, consider the recent instances when the Republicans controlled both chambers of Congress and the presidency (from 2003–2006) and when the Democrats achieved unified party control of these two branches of government (beginning in 2009). In addition to all the other perks that come with majority control, each party was able to push its specific agenda. As we see from the table above, there are clear differences between Republicans and Democrats in terms of the legislative policies they chose to pursue.

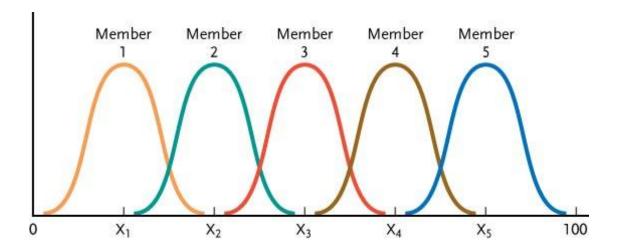
HOUSE ROLLS ON FINAL-PASSAGE VOTES, 99TH-110TH CONGRE	SSES
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Congress	Majority Party	Total Final Passage Votes	Majority Party Rolls	Majority Party Roll Rate (%)	Minority Party Rolls	Minority Party Roll Rate (%)
99th	Democrats	89	1	1.1	35	39.3
100 <sup>th</sup>	Democrats	116	2	1.7	40	34.5
101 <sup>th</sup>	Democrats	108	1	0.93	39	36.1
102 <sup>th</sup>	Democrats	142	0	0	39	27.5
103 <sup>th</sup>	Democrats	160	1	0.63	56	35
104 <sup>th</sup>	Republicans	136	1	0.74	63	46.3
105 <sup>th</sup>	Republicans	133	3	2.3	51	38.4
106 <sup>th</sup>	Republicans	136	4	2.9	51	37.5
107 <sup>th</sup>	Republicans	93	1	1.1	31	33.3
108 <sup>th</sup>	Republicans	119	1	0.84	46	38.7
109 <sup>th</sup>	Republicans	146	2	1.37	64	43.8
110 <sup>th</sup>	Democrats	161	4	2.48	102	63.4

Source: Gary W. Cox and Mathew D. McCubbins, Setting the Agenda: Responsible Party Government in the U.S. House of Representatives. New York: Cambridge University Press, 2005; calculated by author.

One specific way to think about agenda control in Congress is in terms of the winners and losers on particular pieces of legislation, because this may tell us how much influence the majority party actually has. The most prominent example of this approach has been to look at partisan roll rates. A party (or group of members) is "rolled" when a majority of its members winds up on the losing side of a vote that passes. In focusing specifically on final passage votes in the U.S. House, the political scientists Gary Cox and Mathew McCubbins have found that, at the aggregate level, the majority party is almost never rolled. In contrast, and as we see from the table above, the minority party is significantly more likely to be on the losing side of final-passage votes. This suggests that the majority party controls the agenda and prevents legislation that it opposes (and is likely to lose on) from coming to a vote.

191



#### ANALYZING THE EVIDENCE

## The Median Voter in Congressional Committees

109th U.S. Con	110th L			
Representative	State	Party	Rank	Represe
				McGover
Slaughter				Slaughter
				Hastings,
				Welch
Capito				Sutton
Diaz-Balart				Matsui
COLE	OK		310	CASTOR
Dreier				Arcuri
Hastings, Doc				Cardoza
				Diaz-Bala
				Dreier
Gingrey				Hastings,
				Sessions
	House M			
				Democra
Republican Median: 320				Republica

# | Table | Tabl

The Rules Committee is a (perhaps the) central gate keeper in the House of Representatives. In order for a bill proposed by a committee to find its way to the floor of the House for full-chamber consideration, it must secure a rule from the Rules Committee that governs when it will be taken up, the amendments to it that are in order, and other procedural matters. The Rules Committee is dominated by the majority party; it is composed of nine majority party members and four minority party members. The median member of the committee is "pivotal" in the sense that he or she can combine with colleagues to her left or her right to form a majority. If we rank-order all legislators, based on their voting behavior, from most liberal (legislator no. 1) to most conservative (legislator no. 435), we can assess where Rules Committee members stand. In the 109th Congress (2005–2006), dominated by the Republicans, Tom Cole of Oklahoma (in bold in the table above) was the median member of the Rules Committee. At no. 310 he was very conservativeindeed, much more conservative than the median member of the entire House chamber (no. 218). The Rules Committee in this Congress pulled legislation to the right, either refusing more liberal bills access to the floor or forcing them to be revised in a more conservative direction. In the 110th Congress (2007-2008), the Democrats were in the majority. The median Rules member, Kathy Castor of Florida, was among the most liberal (no. 88)—far to the left of the House median (no. 218) and even more liberal than the median of the majority party (no. 118). This Rules Committee favored moves to the left, sometimes even further than the majority party might prefer. A comparison of the two Congresses gives us a sense of how the matter of which party has a majority in the chamber can affect its politics and its policy decisions.

Source: These data were assembled by Joseph Williams, PhD candidate in government, Harvard University.

197

# This concludes the presentation slides for Chapter 5: Congress

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