

# Congress



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What is Congress \* One of the three branches of government: Congress, President and Supreme Court \* Legislative branch of federal government where laws are made \* Based in building known as Capitol in Washington \* 535 members of Congress ??“ 100 in Senate and 435 in House of Representatives. \* Work carried out in these two chambers as well as committee rooms and offices. Make policy compared to most modern legislatures where are executive dominated. \* Work in Congress often seen to be slow and characterised by gridlock ??“ provides the ??? limited government??™ and ??? checks and balances??™ which Founding Fathers wanted. Intended negative bias built in.

How is Congress structured \* Bicameral ??“ made up of House of Representatives and Senate \* In lower house (House of Representatives) the states represented proportionally to population. Representatives for each state reappointed after 10 yearly census (2000, 2010, 2020). Some gain and some lose ??“ Florida rose from 25 to 27 in 2010 while New York fell from 29 to 27. Can be influenced by gerrymandering where parties alter boundaries for their own advantage. \* In upper house (Senate) states represented equally ??“ 2 members. \* Originally, House of Representatives were elected by people but Senate were indirectly elected by state governments. \* Changed in 1914 when, due to 17th Amendment, Senate was directly elected too. How representative is the membership of Congress \* Congress elected every 2 years and members have to be at least 25 years old, a US citizen for 7 years and be resident in your state district \* Senators elected every 6 years (third every 2 on rotation system) and must be at least 30 years of age, a US citizen for 9 years and be resident in your state.

\* Members of Congress tend to be middle-aged (Average 56 H of R and 63 in Senate) , highly educated (284 in H of R have degree and 75 in Senate), religious (approximately half) and from professional backgrounds. A typical Senator is the same but 7 years older. \* Problems that ??? ordinary people??™ do not want to be representatives, need for high levels of education, need for large campaign war chests and perception that politics occupation for rich. \* Women persistently underrepresented ??“ 79 currently in House of Representatives and 17 in Senate which means they make up 22% of Congress - is way below 51% of women in America so Congress does not ??? look like America??™ . Women under-represented in pool of recruitment. \* Is improving as were 75 in House of Representatives and 17 in Senate in 2010 and way up on 56 in House of Representatives and 9 in Senate in 2000.

\* Women tend to come from Democrat party ??“ 54 of 79 in House of Representatives are currently Democrat and 12 of 17 in Senate. 1992 Democrats tried to focus on issue and declared ??? the Year of the Woman??™ which double number of women. Also elected first female speaker, Nancy Pelosi of California and first woman chair, Louise Slaughter of New York. \* Between 2009 and 2011 women led three house committees down from four between 2007 and 2009; this figure is currently at just one - Ileana Ros-Lehtinen for Foreign Affairs.

\* In 2012 23. 6% of state legislators were women (down from 24. 2% in 2008) and in only two states did women make up more than 35% of state legislators with Colorado highest at 40%. There are 5 states where women make up less than 15% of state legislators ??“ in South Caroline in 2012 they are just 10% women. \* PAC??™s helping to support women candidates such <https://assignbuster.com/congress/>

as Emily's List. \* Representation by race is much better in House of Representatives than in the Senate because federal courts have allowed states to set up majority-minority districts which represent an ethnic minority group. North Carolina's 12th Congressional District links small towns scattered for 100 miles. African-American Democrat Melvin Watt represents them.

\* By 2003, all the 38 African-American Representatives were Democrats. In 2012 there are now 44 African-American Democrat Representatives.

Between 2005 and 2008 Barack Obama only African-American in Senate and there are now 0. \* Still under represented as in 2012 in only 19 states did African-Americans make up more than 10% of the state legislature. Highest in Mississippi (29%), Alabama (25%) and Maryland (23%).

\* Currently 30 Hispanic members of House of Representatives and 2 Hispanic Senators (Mel Martinez for Florida and Robert Menendez for New Jersey). Most Hispanic members come from California, Texas and Florida states with significant Hispanic population. \* 16. 3% of population but only 7% represented in Congress. \* In 2008 Cao first Vietnamese American to be elected to Congress.

\* Currently 9 Asian members of House of Representatives and 2 Senators. What powers does Congress hold \* Laid down in Article 1 Section 8 of the Constitution. Some powers explicit to coin money, others more vague to provide for common defence and general welfare of the United States.

\* Some powers are exclusive to one house whilst others are concurrent and shared by both houses. Powers of House of Representatives| Powers of Senate| Concurrent powers| \* Initiate money bills ??“ deciding how to spend money \* Impeachment ??“ can accuse any member of executive and judicial branches. Most famously of Clinton. Used 19 times ??“ most recently for Judges Kent and Porteous in 2009/2010. \* If Electoral College is deadlocked then House elects the President. Happened in 1800 and 1824.| \* Confirms, by a simple majority, many appointments made by President ??“ e.

g. judiciary and executive branch such as Supreme Court justices, cabinet secretaries. Rejected Bork for Supreme Court in 1987 and Tower as defence secretary in 1989.

In 2006 Senate voted to confirm Robert Gates as Secretary of Defense. ??? Senatorial courtesy??™ means presidents speaks to Senator in his party from a state when choosing someone for that state. \* Power to ratify, by a two thirds majority, all treaties negotiated by the president. E. g SMART Treaty ratified in 2010 by 71 to 26 votes. Had previously rejected Treaty of Versailles 1919 and Salt II in 1979 \* The Senate try cases of impeachment to determine whether guilty or not ??“ need 2/3rd majority.

\* If Electoral College is deadlocked ??“ must elect vice-President| \* Power of the purse (taxation and spending power) to discuss after initiated in House of Representatives. \* Co-equal in passage of legislation. All bills must pass through all stages in both houses and agree in same copy of bill. \* Both houses must vote, by 2/3rd majority, to override the president??™s veto of a bill ??“ did in 2007 to override Bush??™s veto of Water Resources

Development Bill (by 381-40 in H of R and 81-12 in Senate) and in 2008 of Farm Bill. \* Can initiate constitutional amendments and must be approved by a two thirds majority in both houses before sent to states for ratification. \* Must agree on declarations of war ??“ happened five times (last in 1941) \* Confirm a newly appointed vice-president ??“ happened with Ford in 1973 and Rockefeller in 1974. | How do the two houses work internally \* House, chaired by the Speaker, operates in a more formal and procedural way with rules and limits on debate, as befits a chamber of 435 members. \* Senate, chaired by vice-President who can vote only to break a tied vote, has procedures that are more informal and less rule-bound.

Tradition of unlimited debate which can lead to filibustering. \* Both are involved in committees and subcommittees, pork-barrelling or bringing home the bacon on spending bills, log-rolling (vote trading on bills), coalition building to gain a majority of votes, party and congressional caucuses. \* Relatively weak party ties, although there is some evidence that these are increasing. All Senators and Representatives try to avoid alienating strong lobbies who seek access to them and their decision making. Which house of Congress is more powerful \* Senate seen as more powerful and prestigious than House. House members seek election to Senate (48 former members of House in Senate in 2009 but no ex-senators in House of Representatives).

\* Mainly because: \* Senators represent an entire state rather than a Congressional district. \* Senators have a 6 year term rather than a two year term \* Senators are one of 100 rather than 435 so likely to have more influence. \* More likely to gain a leadership position as fewer people ??“ e. g. in 2003 Frist had taken 8 years to become majority leader in Senate whereas

Pelosi took 20 years in House of Representatives. \* Senators are known state wide and nationwide whereas House members are not. \* Senate seen as launching pad for a presidential campaign ??“ Truman, Kennedy, Johnson, Nixon and Obama all members of Senate. In 2008 both parties nominated incumbent senators.

\* Seen as recruitment pool for vice-presidential candidates ??“ four of last six including Joe Biden. Democrats nominated senator as vice-presidential candidate in 14 of last 15 elections. \* Senators enjoy significant exclusive powers as seen above \* However: \* Equal powers in passage of legislation \* Receive the same salary Who are the leaders of Congress \* House Speaker (John Boehner replaced Nancy Pelosi) \* Elected by entire House membership at start of each Congress every two years ??“ therefore likely to be from majority party in the House at that time. \* Three of five speakers left job under unusual circumstances ??“ Jim Wright resigned 1989 after being threatened with impeachment for violation of House rules, Tom Foley in 1994 lost his seat in an election and Newt Gingrich resigned in 1998.

More successful was Dennis Hastert who was much more low-key and served from 1999 to 2006. \* Power to act as presiding officer of House (chairman), to interpret and enforce the rules of the House and decide on points of order (what issues will be dealt with and when), to refer bills to standing committees to be looked at, to appoint select committee and conference committee chairs and to appoint the majority paper members of the House Rules Committee. Also, next in line for presidency after the vice-president but not likely as 25th Amendment made it compulsory to replace vice-president. \* When President and majority of Congress are different parties,

like today, become a kind of ??? leader of the opposition??™ figure and spokesperson of the party. Pelosi did this during last two years of Bush??™s second term and Boehner currently playing role. \* Majority and minority leaders \* In both House and Senate are majority and minority leaders ??“ elected by respective party groups every two years.

\* In Senate currently Harry Reid Majority and Mitch McConnell Minority. \* In House of Representatives currently Eric Cantor Majority and Nancy Pelosi Minority. \* Act as chief spokesperson for party and day-to-day ??? directors of operations??™ for house.

Also, hold press briefings to talk about party??™s policy agenda and act as liaison between their house and White House \* Senate majority leader brings bills to debate on Senate floor \* House majority leader assists the Speaker. \* Roles can be used as a launching pad for presidential candidates ??“ e. g. Lyndon Johnson, Bob Dole and Dick Gephardt (House minority leader 1995 to 2003 before 2004 presidential nomination).

What are the roles of committees in Congress \* Woodrow Wilson, 1885, said ??? The House sits to sanction the conclusions of its committees as rapidly as possible. It legislates in its committee rooms, not by the determinations of majorities, but by the specially-commissioned minorities (the committees)??“ Congress in its committee rooms is Congress at work??™ \* In 110th Congress there were 223 permanent committees and sub-committees. Currently there are 21 permanent committees in the House of Representatives, 20 in the Senate, 4 joint committees with a wide number of more sub-committees.

Standing committees \* Permanent, policy-specialist committees. Most divided into sub-committees (E. g. Foreign Affair divided into: 1. Africa, Global Health and Human Rights 2. Asia and the Pacific 3.

Europe and Eurasia 4. Middle East and South Asia 5. Oversight and Investigations 6.

Terrorism, Non-proliferation and Trade 7. Western Hemisphere ??” More examples attached). \* Typical House of Representatives made up of around 40-50 members.

\* Typical Senate one made up of around 18 members. Divided in proportion to chamber as a whole. Therefore, currently Democrat majority but only small one. Down from a three seat majority between 2009 and 2010. \* House and Senate members seek assignments on committees that are closest to the interests of their district or state e. g. Both Senators Iowa on Agriculture Committee. Regularly reappointed to same committee.

\* Some committees more prestigious than others e. g. Judiciary, Armed Services and Appropriations. \* Two main functions in House and Senate: 1. Conduct committee stage of bills in the legislative process by holding ??? hearings??™ on the bill at which witnesses appear. Witnesses might be members of Congress, members from relevant departments or agencies, White House members, representatives from interest groups or professional bodies and also ordinary members of the public. Witnesses make prepared statements and then questioned.

Short, non controversial bills attract short hearings but more controversial lead to more hearings. E. g.

1993 Healthcare Reform Bill began summer 1993 and took over a year. At conclusion of hearings, vote taken by committee on whether to pass the bill on to its second reading. 2. Conduct investigations within committee's policy area.

Look into problems and whether legislation could be improved. Witnesses summoned and questions asked. E. g. 100th Congress " House Agriculture Committee looked into technology in meat industry and House Foreign Affairs Committee looked into status of the war and political developments in Iraq. \* Third function in Senate to begin confirmation process of numerous presidential appointments " particularly Senate's Judiciary (on judicial appointments) and Foreign Relations committees (on ambassadorial appointments).

Or confirm appointments within own policy areas. Hearing held at which supporters and critics hear before vote taken. Vote not decisive but recommendation. However recommendations rarely overturned and close vote indicates problems ahead. e. g. Hilary Clinton voted 16 votes to 1 to be secretary of state and House appointed her 94 to 2. \* Standing committees have power to help parent chambers manage workloads but cannot legislate, force executive to accept or implement policies.

House Rules Committee \* One of standing committees of House of Representatives but different function. \* Responsible for prioritising bills coming from committee stage to the House floor for second readings. \* Sets <https://assignbuster.com/congress/>

out the rules of debate by stating whether any amendments can be made to bill. \* Membership smaller than other standing committees. In 2012 just 13 members and more skewed to majority party (nine Republicans and 4 Democrats) chaired by David Dreier. Conference Committees \* Important because both houses equal power and bills pass through both houses at same time and this means version in each house likely to be different.

\* Conference committee set up if differences can not be reconciled informally ??“ all temporary and set up to consider one specific bill. \* Members, known as ??? conferees??™ are drawn from both houses with sole function to reconcile differences. \* Once has come up with an agreed version ??“ it must be agreed by a vote on the floor of each house. If doesn??™t pass committee may meet again with another compromise sent off. If this one is rejected sent back to standing committees that first considered it.

\* Important as they draw up what become final version of the bill but can be refused by houses. \* Used less frequently as other ways used to resolve differences in version of bills. Select Committees \* ??? Special??™ or ??? investigative??™ committees which are ad hoc and set up to investigate a particular issue. \* Set up when investigation does not fall into policy area of one committee or is likely to be time consuming. E. g. Senate select committee on CIA, House select committee on political assassinations, joint select committee on Iran-Contra affair and 9/11, House select committee on energy independence and global warming in 2007. Who chairs the committees \* Always drawn from the majority party in the house e.

g. currently Republican. \* Have powers to control committee's agenda, decide when will next week, control their budget, choose the membership, meetings and hearings, supervise committee staff, make requests to House Rules Committee for scheduling, report legislation to the floor of chamber and act as spokesperson for that committee to Congress, White House and Media. \* For many is the pinnacle of their congressional career. Seniority rule states will be member of majority party that has served on committee longest. Same for ranking minority members' longest serving of minority party.

\* Some changes since 1970s as seen to just employ the old (nicknamed seniority rule) so secret ballots to choose both roles. Still usually member with most service elected. \* Further reforms in 1995 with 6 year limit on committee and sub-committee chairs to prevent domination e. g. Whitten chaired Appropriations sub-committee on Agriculture for 43 years. Some disagree because means less experienced chairs rely on unelected committee staff more.

\* 2009 91 year old Byrd resigned (as some said he was too old) to be replaced by 84 year old Inouye. Dingell removed as Chair of Energy and Commerce Committee after 54 years. How are bills passed in Congress \* Can only be initiated by a member of Congress although most originates from presidential agenda and State of Union Address. However, he can't propose them in Houses' President proposes, Congress disposes' they choose what they want to accept. \* To be successful all bills must pass through stages 1-5 and 7. Conference committee may be avoided if both houses pass bill or differences resolved amicably. If bills not completed in

one congress must start process again at beginning of next Congress. \* Bills can be so significantly amended during the process that they become unrecognisable.

\* Are circumstances where bills passed easily e. g. Patriot Act passed on wave of patriotism after 9/11 and gave more power to law enforcement agencies. 1. First Reading \* Introduction of bill.

No debate or vote. In House bill placed in a tray on the clerk's desk. In Senate title of the bill read. Bills then numbered, printed, circulated and sent on to relevant standing committee. \* Massive number.

Typical congress sees anything between 10, 000 and 14, 000 bills introduced with only 3-5% making it into law. 2. Committee Stage \* Hundreds of bills referred to each committee so many are pigeon-holed and put to one side with no action taken, no hearings and no vote. 110th Congress passed 460 (3%) of 14, 042 bills into law. \* Those with support from Congress, White House or interest groups are given hearings in full committee or sub-committee. \* Comes before House and Senate debate bill. Members regarded as policy specialists and have power to amend bills.

Vile (1999) said they are the sieve through which all legislation is poured, and what comes out, and how it comes out, is largely in their hands. \* However, can slow process down as pork-barrelling occurs with numerous amendments or riders added to bill to benefit constituents or special interests. \* Once hearings completed, committee holds a mark-up session where they make changes they wish.

Bills then reported and sent on to next stage. \* Report states main aims of the bill, amendments made, estimates cost of doing it and recommends future action taken by full chamber. 3. Timetabling \* Deal with legislative traffic jam as so many bills trying to get on to House and Senate floors. \* Senate uses ??? unanimous consent agreements??™ where majority and minority leaders agree on order of bills.

\* House uses House Rules Committee to prioritise bills. \* If Rules Committee fails to give chance to a popular bill then House members may resort to discharge petition where majority of House members required. If get majority then bill comes automatically to the House floor for debate. Used 2001-2 on the Shays-Meehan Campaign Finance Reform Bill. 4. Second Reading \* First opportunity for full chambers to debate the bill. \* In House bills debated in the ??? Committee of the Whole House??™ which uses rules of debate and allows as many members to take part as possible.

\* In both houses, further amendments can be made. Votes taken on amendments and whole bill at end of debate. Simple majorities required to pass using ??? voice vote??™ (saying aye or no for non-controversial bills) or by ??? recorded vote??™ (where a record of each member??™s vote is made). In House done electronically whilst in Senate there is a roll-call vote for the 100 Senators. Both procedures take about 15 minutes. \* In Senate possibility of a filibuster. 1957 Thurmond conduct one against civil rights bill for over 24 hours. 1992 D??™ Amato conducted one for 15 hours over tax break being removed for a New York typewriter manufacturer (he was New York Senator).

Sometimes senators conduct filibuster together e. g. 2007 Republican Senators filibustered 2008 Defence Appropriations Bill which demanded Bush to withdraw American troops from Iraq. Democrats allowed to continue to show divisions in policy at time when many Americans supported policy. Filibuster can be ended if closure petition used ??” needs 16 senators to sign and then be voted for by 3/5ths of entire Senate. 5. Third Reading \* Final opportunity to debate the bill. If substantial amendments made at second reading or final vote was close then leads to another substantial debate a few weeks or months later.

\* If few amendments or final vote heavily in favour then next reading immediate and very brief with vote at the end. 6. Conference committee \* Between 1993 and 1934 around 1/3rd of bills were sorted out using Conference committee. \* Today are frequently avoided with differences being resolved by majority party membership. In 110th Congress (2007-2008) only 10% bills used Conference committee.

\* Decline began from 1995 when Republicans took control of Congress. Began to use more improvised and leadership-driven approach with one chamber asked to endorse legislation passed by another chamber with ??? pingponging??™ between chambers. Bill offered on a take-it-or-leave-it basis to other chamber with bill being sent back and forth. Reduced possible input from minority party members and further increased partisanship. E. g. \$700 billion bail out financial industry 2008 with pingponging going on for a long time \* Democrats continued trend when returned to majority in 2007. Number Conference committees declined from 62 in 1993-94 to just 10 in 2007-08.

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\* Many senior members against shift ??“ Republican senator Crapo believed pingponging meant ??? we make mistakes??™ and created ??? much less worthy product??™. \* Once bill is agreed by both houses bill sent to president. 7. Presidential action ??“ 4 options a) Sign the bill into law. Does this with bills he fully supports and wants credit for. E.

g. 2002 Bush signing Homeland Security Bill or Obama 2010 Healthcare Reform Bill. Bill-signing ceremony arranged. b) ??? Leave the bill on his desk??™. Does this for bills he has no opinion on or he would like to veto but knows it would be overridden. Become law without signature after ten days. c) Use regular veto. Does this to bills he strongly opposes.

Use threat of veto to bargain with Congress and get them to make changes. Must veto it within ten days and sent it back to house of origin with message explaining objections. Must veto the whole bill. Clinton used 36 occasions between 1993 and 2001(2 overridden ??“ Securities Bill 1995 and Military Construction Appropriations Bill 1998), Bush used 0 times between 2001 and 2005 and 11 times between 2005 and 2009 (4 overridden including Water Resources Development Bill 2007 ??“ highest override rate of any modern day president) and Obama has used it twice successfully.

\* Congress can then make the changes the President requested and return bill (unlikely as against it to begin with), attempt to override the veto which requires a 2/3rd majority in both houses (hard to achieve but more likely if Congress against President) or do nothing and accept the president has won (this is the most likely option). \* In 220 years between 1789 and 2009 had

been 1,495 veto and just 110 had been overridden. Presidents have 93% success rate.

Largely because president only needs 34 supporters in Senate to win and President only challenges if change of success (if huge majority in both houses then no point) \* Carter had his veto overridden in 1980 despite having a large majority in Congress. Happened over Veterans Health Care Bill and Oil Import Fee Bill. d) Pocket veto. If bill is awaiting president's action when Congress ends then the bill is lost. Clinton used once in 8 years (Consumer Bankruptcy Overhaul Bill in 2000), Bush used once (end National Defence Authorisation Bill) \* In 1990s Clinton had line-item veto.

Gave president power to veto sections or items of bills which signing remainder of bill into law. Enhance power of President over legislation. Line Item Veto Bill passed by H of R by 232 to 177 and Senate 69 to 31. However, Supreme Court declared law unconstitutional in 1998. Clinton had used the power 11 times to get rid of 82 items from bills. What are the problems with the legislative process \* Carr (1974) Cards are stacked against action by Congress. Those who seek action in Congress face a far more difficult task than those who purpose is negative \* Difficult to get bills passed through Congress because process crowded.

\* Process is complicated and Denenbourg (1976) described as bastion of negation, legislative labyrinth and had built-in negative bias. \* Need at some stages for super-majority votes "3/5th to stop filibuster and 2/3rd in both houses to override president's veto. \* Power in Congress is decentralised. Power resides with standing committees and

particularly those who chair them. Party leaders have limited powers to influence Congress and decision making ??“ Bob Dole therefore described himself as ??? majority pleader??™. \* Both houses possess equal power which makes it hard to override the wishes of the others. \* Houses may not be controlled by the same party (like today) so want different things and hard to pass laws over key issues.

\* Congress may be from different parties from President who will find it hard to pass bills he wants or may veto them. \* Party discipline in Congress is weak so members do not toe the party line and harder to pass bills. Most members mindful of folds back home or special interests. Led to Clinton healthcare bill defeat in 1994 even though Congress Democrat. \* Complex process as log-rolling, exchange of votes and trading of favours by Representatives occurs. \* Congress blocks legislation of president more effectively than provides own alternative agenda.

Pork-barrel in order to provide projects in their districts but don??™t have long term or national perspective. What influences how members of Congress vote \* Members called to cast a large number of votes. House of Representatives cast 1, 186 times in 2007. In 2008 they were asked to vote 66 times between the 5 and 8 of May.

112th Congress has so far held 1100 in House and 300 in Senate \* Votes take place on budgets, amendments to bills, second or third readings, bills from conference committees, constitutional amendments or, in the Senate, on treaties or appointments made by the President. \* Recorded votes taken by electronic device to cut down time to read out the names. \* Recent votes

and results are shown here ??” it is worth noting down the key examples \*  
<http://projects.washingtonpost.com/congress/112/house/> \* [http://www.senate.gov/pagelayout/legislative/a\\_three\\_sections\\_with\\_teasers/votes.htm](http://www.senate.gov/pagelayout/legislative/a_three_sections_with_teasers/votes.htm) \* Seen

to be six main factors that influence voting behaviour Political Party \* In general, members of Congress will vote with their party unless there are significant constituency pressures on them not to do so. \* Tends to be most important on contentious and ideological issues such as civil liberties, taxation, gun control, abortion or school prayers. As seen in recent arguments over Jobs Plan and taxation/economic reform. Leads to ??? party votes??™. Party vote is a vote in which the majority of one party votes against the majority of the other.

\* Since 1995 been a rise in partisanship as Republicans pushed ??? Contract with America??™ policy items and Democrats voted to oppose them. Party votes in 1995 were 73% in House and 69% in Senate ??” highest since 1910. Growing cohesion as more ideological politics. House majority leader, DeLay, was nicknamed ??? The Hammer??™ for his iron discipline and skill in getting what Bush wanted after 2001.

\* However, decreased in 2008 with only about 50% of party votes in each house. \* Increased recently due to controversial issues and division between President and Congress. E. g. on Budget Plan March 2012 in House - 228 of 241 Republicans voted in favour and 181 of 190 Democrats voting against it. Jobs Bill 238 of 240 Republicans voted in favour with 185 of 193 Republicans voting against it.

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\* In years immediately after party control changes in Congress (2007, 2010) there is a significant increase in partisanship. Explains partisanship in 1995 as Republicans gained control. \* Votes in the Senate to confirm the president's nominations can become partisan.

\* Parties have few sticks (punishments) or carrots (rewards) to encourage party voting. No way of stopping them being elected and no way of giving them higher roles as executive separate. Also, party plays little role in them being elected as fund own campaigns and run own personalised beliefs to get elected. No clear manifestos they have to follow (Contract with America was rare occasion) \* Party voting also less predictable due to wide variety of opinions in each party " conservative Democrats often vote Republican and moderate Republicans can vote Democrat. Is a geographic and regional influence to party voting " most conservative House Democrats and Senate tend to come from South and most moderate Republicans from Northeast.

\* Also, ideological groupings within party groupings, especially in House of Representatives. E. g.

Blue Dog Democrats who are fiscally conservative Democrats from the South. Called Blue Dog because their ideas had been strangled and choked by Democrats whilst in power until 1995 but also named after painting which hung on offices of two founding members. Influential in working towards reduction of federal debt and a balanced budget. Form significant voting bloc. \* Look up the other examples of the factions within the party that you did in the last unit. <http://nationaljournal.com/pictures->

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video/most-conservative-house-members-pictures-20120223mrefid=skyboxWebsite above has clear rundown of most conservative and liberal members for your examples. Constituents \* Depends on representation model used ??“ mandate (can do what they want), delegate (must do exactly what state or district want) or most commonly used is trustee (put forward by Edmund Burke in the 1770s) where they try their best to please state but do have some independence based on mature and considered judgement and can vote for the good of the nation as a whole.

\* Big focus on representing interests of constituents ??“ focus on these over national issues. Constitution says must be residents of state so have good idea what ??? folks back home??™ are saying and have to live there due to ??? locality rule??™. Typical House or Senate members have been born, raised and educated in the state.

House members especially careful because face electors every two years. \* In Senate can compare how the two senators from each state vote ??“ might expect them to vote similarly. Categorized as twins (similar voting records) or odd couples (different parties or different voting patterns). Leahy and Sanders of Vermont most similar in 2008 and Reid and Ensign of Nevada most different (although different parties). Most different same party Senators are Biden and Carper from Delaware and Dole and Burr from North Carolina.

\* When return back home House and Senate members hold party meetings, visit individual constituents, visit around state and district, appear on local radio phone in programmes, interview, address key groups and visit local

schools, hospitals and businesses. \* Find out constituents views through phone, email, newspapers, visits, phonecalls, letters. Volume of written communication has increased ??“ 1996 members of Congress received 36 million letters and 11 million emails ??“ 90, 000 communications per member. By 2004 18 million letters but 182 million emails. 2006 now 313 million emails. Continued increasing since then. \* However, through meetings at towns and communications they are likely to hear views of discontented ??? what folks don??™t like from the folks who don??™t like it??™ ??“ not representative of constituency opinion.

That is why trustee??™s as may need to balance other opinions and factors as well as national good in making decisions. \* If don??™t look after constituents can be fatal e. g.

Gilchrest and Wynn (House members) both defeated in 2008 congressional elections because seen to be out of touch from voters ??“ accused of being too liberal and too conservative respectively. Senator Dole lost re-election bid for not visiting state enough ??“ her opponent produced television add saying she had spent 13 days in North Carolina whilst visiting 12 other states. \* Carney, House member in 2006, said ??? no hesitation when I vote against the party view if it conflicts with the values of my district??™ and Rodriguez, whose state after redistributing became a lot more conservative, started voting differently and said ??? it??™s a totally different ball game??™. Administration \* Members of executive branch, including President and cabinet members, who have keen interest in passage of legislation affecting their policy areas. \* Members of administration (from departments, agencies

and White House) keep in contact with members of Congress through phone calls and meetings.

Also get involved through President and Office of Legislative Affairs. \* Any persuasion needs to be regular, reciprocal and bipartisan ??“ need to be willing to do favours in return to members from both parties. \* Lyndon Johnson famous for the ??? Johnson treatment??™ he applied to Senators whilst Senate majority leader in 1950s ??“ very persuasive. \* However, some Senate and Congress members dislike being too attached to a President ??“ Republicans defeated in 2008 for being too close to Bush. Television ad said that Dole (who lost election in North Carolina) ??? voted with Bush 92% of the time??™. Pressure Groups \* Pressure groups make direct contact with members and their staff or attempt to generate public support favourable to their position.

Make visits, phone calls, provide evidence to committees, organise rallies, demonstrations, petitions, fundraising and campaigning. \* Money raised to fund politicians who support their cause and seek to defeat those who do not. \* Significant pressure group activity in key areas: environment, abortion, gun control, healthcare and welfare reform e. g. National Rifle Association or American Association of Retired People Colleagues and Staff \* Because of massive number of votes they do not know details of all of them ??“ rely on others to help them make a decision. \* Develop ??? congressional caucuses??™ with coalitions of people who share same or similar ideology, ethnicity or regional interests e.

g. black caucus and Hispanic caucus. \* Might turn to fellow members of same chamber and party who share philosophy and views. \* Some ??? senior members??™ act as mentors to newer members and offer advice and suggestions.

\* Might follow those of local states \* Members of relevant committees can help inform their decisions ??“ particularly chair committees or ranking minority members. Senior staff members provide guidance on what Congressman will want to support. Personal beliefs \* May vote according to own personal beliefs ??“ particularly on controversial issues. E. g. will never vote to deny life of fellow human being (whether to do with capital punishment, war or abortion) or will never vote to subsidise any industry or group (regardless of who it is). How can Congress check the powers of the Executive \* Congress has power to scrutinise and check activities of the executive branch of government. One of main functions as government so big and complex.

\* Done through legislative process, Congress??™s control of the purse strings of government (Congressional Budget Office), the Senate??™s advice and consent powers, power to subpoena documents and testimony, hold individuals in contempt if they fail to comply with demands for information (and it is illegal to lie to Congress) and the impeachment process. \* Also done through standing committees and through huge number of congressional staff and resources. Can question members of the executive branch. Permanent specialist bodies. \* Oversight only really effective when Congress is not controlled by president??™s party. Only times when Senate

reject presidential nomination has come when president's party has not controlled the Senate. E. g.

Democrat Senate rejected Reagan's nomination of Bork. Same in 1989 when senate rejected Bush's nomination of Tower. Republican Senate rejected Clinton's nomination of Ronnie White. \* Also seen between relationship of Congress and Bush. Whilst Republican party controlled Congress for first six years there was little oversight.

E. g. 1993 and 1994 Democrats controlled Congress during Clinton's first two years " 135 hearings but Republican congress only 37 hearings in 2003 and 2004. \* This changed when Republicans lost control in both houses of Congress in 2006.

President Bush now faced challenging committee chairs such as Leahy, Levin and Byrd and major committees on Oversight and Government reform and House Energy and Commerce Committee. More people forced out of job in 3 weeks after they took control than in previous 6 years " 4 high profile forced out by relentless questioning. Also questioned administration's foreign policy on Iraq and Afghanistan.

Held hearings into it. Democrats had fought back and Byrd said " Congress is not a rubber stamp or a presidential lapdog, obedient and unquestioning. Oversight, oversight, oversight is among our most important responsibilities and oversight, oversight, oversight has been lacking for far too long" \* Carrying out now as Republican Congress questioning Obama and challenging his Healthcare Reform Bill and other decisions. \* However, some see congressional oversight as just trying to embarrass president when

opposition are in power. Democrats tried to make Bush look incompetent. \* Also limited impact to change course of president and change policies.

How has Congress changed \* Changes because of Vietnam and Watergate and failures of presidential politics. Also realised that house needed putting in order to. Wanted to become more open, modern, better-equipped, democratic and accountable. \* Changes to how to select committee chairs ??“ democratised by secret ballots. No one can chair more than one committee and those with more than twenty members have to have at least four sub-committees with these choosing their own chairs, have their own budgets and hire their own staff.

Committee hearings are held in public unless members vote for a ??? closed??™ hearing. Republicans placed a 6-year term limits on holding of committee chairs in both houses. \* Television used in chambers and committee rooms. Considerable implications for ??? folk back home??™ allowing them to see and hear their House and Senate members. \* Increase in congressional staffing and congressional agencies.

Tripled since 1961 and Congressional Research Service expanded and Congressional Budget Office set up in 1974. \* Congressional oversight of the executive branch become more assertive. Presidency-curbing legislation such as Case Act (1972), War Powers Act (1973) and Budget and Impoundment Control Act (1974). Committees carrying out further oversight too ??“ seen in Watergate and Nixon, Reagan and Iran-Contra affair and impeachment of Clinton. More challenging in Senate confirmation process. \* Tightening of the ethics rules of Congress.

Total ban on members of Congress receiving gifts and fees for writing articles or making speeches. How is Congress viewed by the Public \*

Declined in public esteem. \* 2008 Gallup poll found only 14% of Americans

approved of way Congress doing job ??” an all time low. \* 79% of

Republicans dissatisfied, 70% of Democrats and 76% of independents. \* Hold

their own senators and representatives in much higher esteem than

institution as a whole.

\* Washington politicians regarded with scepticism ??” in 6 of 7 elections

between 1976 to 2000 winner was a former state governor and not a

Washington insider. This changed in 2008 when both incumbent senators. \*

Congress associated with gridlock and ??? do-nothing??™ mentality with

concerns only slowly resolved. How similar or different is Congress to

Parliament LOOK AT THE BIG CHART YOU DID ON THIS FOR MORE

DETAILS ??” IF YOU COMPLETED FOR HOMEWORK AS EXPECTED IT SHOULD

BE A LOT MORE DETAILED. Area| Congress| Parliament| How are they

elected| Fixed-term elections| Only House of Commons directly elected. No

separate elections for the executive and legislature| How is it structured|

Bicameral ??” House of Representatives and Senate| Bicameral ??” House of

Commons and House of Lords| What determines how they work| Set out in

Constitution and Amendments| Operates under uncodified constitution but

follow rules laid down by constitutional statutes and conventions| Is it

representative| Almost entirely from two major parties and women and

ethnic groups underrepresented| Contains many members from third parties

and in House of Lords no allegiances. Still underrepresentation of women

and ethnic groups. | How easy is it to pass bills| Massive number of bills to

decide between, lots of stages to pass through before voted on if chosen and then can be stopped passing by Congress or vetoed by President.

| Apart from backbench rebellion can pass quickly, any opposition in House of Lords can be overcome using Parliament act or Salisbury Convention and Royal Assent automatic. | Is there a separation of powers | Strict separation | No ??“ members executive also in legislature | Which house holds more power | Both houses have equal legislative power but Senate more powerful and prestigious | House of Commons greater power over legislation | How important are committees | Standing committees is of great importance | Vital role in passing of legislation and scrutinising bills and work done. | What influences voting behaviour | Party only one of a number of important factors | Party usually most important factor as ??? carrot??™ (promotions) and ??? stick??™ (refusal to select as a candidate) available | How much oversight do they have of the executive | Carried out through committees ??“ particularly when from opposite party to President | Done both in the chambers and in committees ??“ hampered by the executive??™s control of parliamentary procedures with majority in Commons and high levels party discipline. Question time is not effective and committees are weak in scrutiny of legislation as lack permanence and expertise. |