

## chapter seven

# Parts of Government: The Legislative Branch

Americans believe in democracy. We believe final political power rests with the people and we give those who govern only a portion of that power in order to rule. In a *direct democracy*, the people rule themselves by meeting, discussing, and then voting on issues. In most instances, people find it is either impractical (imagine all the eligible voters in the United States attempting to deal with all the matters that come before Congress) or inconvenient (people have to make a living and could not possibly keep up with all the issues that need to be decided by Congress) to practice direct democracy and substitute what is called *representative democracy* in its place. Instead of deciding issues ourselves, we choose others to represent us and to make the actual decisions. Having representatives substitute for citizens as decision makers may solve the problems of impracticality or inconvenience but raises problems of its own.

When small groups (say, a college fraternity) use direct democracy to settle issues (do we enter a float in the homecoming parade?) we can be sure there will be little question as to whether or not the policy chosen is the one the members really want. Since this is what a majority of the people voted for, we can say there is a high correlation or correspondence between what people want for a policy and what they actually get. When we choose someone to represent us, that person has to make a decision as to how he or she will perform that representation. Representatives can choose to be either *trustees* or *delegates* when it comes to deciding issues. The 18<sup>th</sup> century political philosopher Edmund Burke is credited with defining the options a representative has and advancing the trustee position of representation. Parliament, said Burke,

*“is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices ought to guide but the general good, resulting from the general reason of the whole.”<sup>1</sup>*

Representatives would be taking a trustee position if they were willing to substitute their own judgment for that of the people they represented. Representatives who act as delegates, on the other hand, would take the position that they are representing the people’s interests best by voting as the people would want them to vote regardless of what they think of the issue.

We are represented in Congress, not by some common characteristic like race, religion or gender, but by common geography. Members of the House of Representatives are chosen from geographically defined **congressional districts** within each state. To run for the House of Representatives a person must meet the constitutionally mandated requirements of being a U.S. citizen, and of being a minimum age. They also are required to be an inhabitant of the state from which they are running for office. However, few people run successfully for the House of Representatives if they do not reside (usually for a long time) in the congressional district from which they are running. This is because most people look upon the representative as a delegate whose main job is to look out for the interests of the residents of the district. Members of the Senate face similar problems. Aspirants to the Senate have to be five years older than their House counterparts (30 as opposed to 25 for House members). Beyond that, they are subject to slightly longer residency requirements (nine years for Senators, seven years for Representatives) and most find it necessary to be native sons (occasionally native daughters) or at least long-term residents of the states if they hope to have much chance of winning.

Most people who find their way to Congress, want the job and fight hard to gain the position. Once there, most seem happy to remain and therefore it should come as no surprise to discover most representatives take on the role of delegate. The desire to return coupled with belief that most of their constituents view them as delegates and measure

their performance by this standard, forces most representatives to be extremely sensitive to the delegate role when it comes to making policy decisions.

### POWER PERSPECTIVE

Congress is enmeshed in a complex web of power relationships both within and outside its walls, and they all contribute to some degree to an explanation of how the institution operates. First, various groups and organizations vie with each other to control the inner working of each chamber, for neither the House nor the Senate can act without the ascent of a majority of its members. Second, each chamber struggles with the other, because, with the exception of a few duties such as presidential appointments, neither can wield legislative power without the agreement of the other.

Third, because ours is a federal system where both state governments as well as the federal government claim sovereignty, Congress has to compete with the states for control in certain areas of policy making. Finally, Congress as an institution has to contend with the President and the Supreme Court because without their ascent constitutional powers cannot be effectively implemented, as they are constitutionally independent of each other.

## POWER DISTRIBUTION IN THE CONTEMPORARY CONGRESS

### Within each Chamber

Beyond a few Constitutional prescriptions, Congress is free to organize itself in about any manner it deems suitable to perform its assigned tasks.<sup>2</sup> The interesting question is how does each chamber distribute power internally between

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Who holds the power within each legislative chamber?

its members and what effect does this distribution of power have on the ability of Congress and its members to accomplish their goals?

We will use Aristotle's topology of power distribution to address this question. Let us equate the rule of one with the chamber's leaders, the rule of the few with power being placed in the hands of committee chairs, and the rule of the many with the party caucus. In other words, Congress has the option of allowing most of the power in the chamber to be held by the leadership, distributed among the relatively few committee chairs, or held in the hands of the majority party caucus.

As America moved into the industrial age at the end of the 19<sup>th</sup> century, people began to demand action by the national government to curtail some of the more outrageous abuses of power by the newly created industrial combines. In 1889, Thomas Reed ascended to the speakership of the House of Representatives and set out to make the chamber more responsive to these demands. He successfully consolidated enormous power into the hands of the House Speaker position and ruled unchallenged for a decade. Joseph Cannon, whose rule was so arbitrary it engendered a revolt by the regular members in 1910–1911, succeeded him. Cannon was forced to resign and the speakership was stripped of much of its power.

With the speaker shorn of much of his powers, guidance was provided for a time by the party caucus. The caucus proved to be too unwieldy a mechanism to provide day-to-day leadership and power began to devolve by default to the individual committees and their chairpersons.

The national government grew rapidly in the 1930s and early 1940s because of our efforts to deal with the problems of the Great Depression and our participation in WWII. Almost all of this growth took place in the executive branch with the result Congress began to feel threatened by the attendant expansion of the President's political power. In 1946, Congress passed a major reform bill in an effort to respond to the changing political environment and maintain its equal status with the President. The number of standing committees in both the House and Senate were greatly reduced

in an effort to eliminate confusion brought about by overlapping committee jurisdictions and a committee structure that no longer matched Congress's concerns. Congress also realized that the rapid growth of the executive branch had given the latter an advantage when it came to making policy decisions because of the resources now at its disposal. Accordingly, Congress gave itself help in the form of staff positions and an increase in professional help.

Congress also acknowledged at this point that the rapid expansion of the bureaucracy meant someone had to act as watchdog over its actions and it went on record as acknowledging the role of overseer was its responsibility. Congress also attempted but failed to solve the problem of how to control the budget process more effectively. This issue would not be resolved until passage of the ***Budget and Impoundment Control Act of 1974***.

The consequence of reducing the number of committees while not increasing the powers of the leadership and leaving the budget process fragmented, was to strengthen what one political scientist has labeled the "Conservative Coalition Era" of strong committees, which lasted approximately from 1937 to 1964.<sup>3</sup> With most of the power now in the hands of the chairpersons of the newly expanded committees, decision making in Congress became more distributed, predictable, and routine. New members were advised in order to "get along, go along" and a number of informal norms (apprenticeship, courtesy, reciprocity, and seniority) were expected to be observed. However, even as political scientists were documenting this "Textbook Congress," forces were at work which would alter the distribution of power and consequently the way things got done.

As the strength of the northern wing of the Democratic Party expanded, so did its impatience with obstructionist tactics practiced by southern Democrats, especially in the area of Civil Rights. Since the end of Reconstruction, Democrats had dominated the politics of the South. Consequently, Southern Democrats had much less trouble in retaining their seats in Congress during this period than did their northern Democratic counterparts, who often faced stiff opposition from Republicans. Since the norm of seniority held that the member of the majority party with the most continuous service on a committee was automatically elevated to the chair, southern Democrats rose to positions of power in committees more

rapidly than did northern Democrats. In the House, new members began to call for the curtailing of committee chair's powers, while in the Senate Lyndon Johnson initiated a committee-assignment rule that distributed desirable committee seats more equitably. The moves to challenge the established distribution of power within Congress would eventually signal the end of the strong committee era and usher in the reform period. The reform period, which lasted from 1965 to 1978, saw a certain democratization of the process as individual members were given new opportunities to participate and the power of committee chairs was curtailed.<sup>4</sup> At the same time, the leadership was given more power to affect the system. The Speaker was allowed to refer legislation to more than one committee in the House and he was able to name the majority members of the Rules Committee.

By reining in the powers of committee chairs and giving the regular members more opportunities to participate in the process, it became more difficult for committees to protect their legislative proposals on the floor of Congress. In this postreform period (1979 to 1994), the leadership had to come to the aid of committees by using their powers over scheduling.<sup>5</sup> Beginning in the 1970s, speakers began to turn the Rules Committee into an arm of the leadership by appointing members who agreed with the leadership. The Rules Committee then responded to floor attacks on committee legislation by issuing restrictive rules, which made it easier to control floor debate.

This postreform period also witnessed the reemergence of partisanship. The liberal Democratic philosophy of a activist government had directed government policy actions for a half century from Franklin Roosevelt's New Deal through Lyndon Johnson's Great Society. Conservative Republicans had always opposed these policies but were in the minority and in no position to challenge them effectively. The late 1970s saw a number of conservatives elected to Congress including Newt Gingrich of Georgia. This was just the first wave of conservatives elected to public office in what would become a successful effort to recapture the machinery of the American government. Led by Ronald Reagan, conservatives would recapture the presidency and the Senate in 1980 and eventually the House of Representatives in 1994.

## Conservative Reemergence

The long dominance of Democrats and the liberal philosophy in Congress was resisted by conservatives, but to little avail. Consequently, many Republicans began to take a more passive stance toward the liberal dominance, preferring to work with the Democrat majority in order to have some input into the policy process. The election of 1978 brought a new generation of conservatives to Congress who were not content to go along with the liberal agenda. Newt Gingrich, Tom Delay, and others began to openly challenge the Democratic leadership in what, at first, amounted to little more than guerrilla warfare against the dominant Democratic majority. Labeled *guerrilla warriors*, *partisan fire-eaters*, and *bomb throwers* by the press, they set out to portray the Democratic leadership as unfair and to undermine public confidence in the way Congress operated. After the 1982 elections, Gingrich established an informal organization of these activists, which was labeled the **Conservative Opportunity Society (COS)**.

One of the results of this conservative challenge to the liberal orthodoxy was a rapid rise in the levels of partisanship displayed on legislative proposals and in behavior on the floor in general. As the battlelines began to harden between liberals and conservatives, the debates became more intense and increasingly bitter and many of the informal norms such as courtesy and reciprocity began to suffer.

Because of this rapidly changing environment, one prominent political scientist has argued that the contemporary Congress now resorts to what she calls *unorthodox lawmaking*. On major legislation, she observes, Congress is more likely to resort to unorthodox lawmaking than what is usually referred to as the textbook process, which reflects the distributive decision-making structure prevalent in the 1960s.<sup>7</sup>

The decline of comity in Congress, the increase in partisanship, and the democratization of the process to allow



**Newt Gingrich, as Speaker of the House, stands next to Vice President Al Gore while President Bill Clinton gestures from the podium at his 1997 State of the Union speech.**

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Special Orders



more participation by regular members has made the contemporary Congress a less predictable body when it comes to processing legislation. This uncertainty has increasingly led party leaders to resort to unorthodox procedures to advance the lawmaking process.

House committees are now routinely bypassed as the Speaker refers legislation to more than one committee, and legislation that emerges from committee is subject to postcommittee adjustments by party leaders in order to enhance its chances of surviving intact on the floor. Leaders also now resort to parliamentary devices and complex special rules from the Rules Committee to protect legislation on the floor.

These shifts in power have led one leading observer to name the contemporary Congress the Oxymoronic Congress because “In both House and Senate, the combining of individualism/ fragmentation with partisanship has made for a Congress that encourages—simultaneously—both centrifugal (decentralizing) and centripetal (centralizing) forces.”<sup>8</sup> He further points out that as Congress moves beyond the postreform period (1979–1994) to a Congress controlled by narrow Republican majorities, it is facing an *identity crisis*; while partisanship is high, the party leadership finds it increasingly difficult to forge a coherent agenda.

## House v. Senate

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Each chamber jealously guards its own prerogatives and is very sensitive to any attempt by the other chamber to gain the upper hand. At times, this competitiveness can work to make the job of governing more difficult. For example, several years ago the government almost came to a standstill because the House and Senate could not reconcile differences in an appropriations bill. The reason for the delay was that neither side would agree to meet on the other’s territory in the Capital Building. The reconciliation finally took place only because the two delegations agreed the old Supreme Court

### POWER FOCUS

How is power allocated between the House and the Senate?

Chamber (located on the Senate side, vacated by the Supreme Court when it moved to its own building in 1935) was neutral territory and therefore could be used as a suitable meeting place.

The Great Compromise at the Constitutional Convention, which created the bicameral legislature, came about because the small states refused to enter into any arrangement that jeopardized their independent status. The small states looked to the Senate to protect their interests because each state regardless of physical size, wealth, or population is represented equally. The House of Representatives, based on population, more accurately reflects the sentiments of the larger states. To make sure neither of these chambers and the interests they represent gets the upper hand, the Constitution provides each chamber has to have the agreement of the other to effectively exercise most of its powers. Each chamber has several unique powers, but for the most part the other chamber has to cooperate for the powers to be effective. For example, the House of Representatives has the sole power of impeachment (the ability to bring charges against executive and judicial branch personnel), but the Senate has the sole power to try all impeachments (determine the guilt or innocence of those impeached by the House). It does not do much good for the House of Representatives to impeach someone if they cannot have that person tried and possibly removed from office. Conversely, the Senate cannot try to remove anyone from office if the House of Representatives does not first impeach them. All revenue-raising bills have to originate in the House of Representatives, but it does little good if the Senate refuses to agree to the revenue bill because all bills have to pass both chambers in identical form before proceeding to the President for his signature. Senate powers that do not need the concurrence of the House of Representatives to be effective are the power shared with the President over treaties and appointments and the responsibility of choosing the Vice President if one is not chosen by the Electoral College. Likewise, the House of Representatives possesses the sole power to choose the President in case the Electoral College fails to agree on anyone. All money bills have to originate in the House of Representatives, and that chamber, primarily because of its much larger size, performs the bulk of the work on most proposed legislation.

Congress conducts most of its business by means of committees and almost all of the committees are chamber

specific (consisting of members from only one chamber). Joint committees (committees having both Senators and Representatives as members) are very rare. There are only four joint committees in Congress now and they are limited to holding hearings and gathering information to be used by each chamber's substantive committees.

Because legislation has to pass both chambers of Congress in identical form before it can be considered by the President, there is a need for members of the Senate and House of Representatives to confer on any legislation that has passed both chambers but does not meet this standard. Conference committees, consisting of the key players from both chambers involved with processing the legislation, are tasked with finding common agreement. These are considered temporary committees whose lifespan may run anywhere from several hours to several months depending on the complexity involved and the level of controversy surrounding the issue.

## Congress v. the States

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Because both state governments and the national government claim sovereign power over American citizens, Congress and the states contest with one another over the development of public policy in a number of arenas. Congress has relied on the Supreme Court to help in its power struggle with the states. Favorable interpretations of the powers of Congress in the court cases of *McCulloch v. Maryland* (1819) and *Gibbons v. Ogden* (1824) helped expand the scope of Congressional activity beyond that envisaged by the founders. The preamble to the Constitution begins with the words, "We the people of the United States" in contrast to the Articles of Confederation, which was concerned with forming a league of friendship between independent states. The use of the term "We the people" was a deliberate attempt on the part of the founding fathers to establish a direct link between the

### POWER FOCUS

What is the power relationship between Congress and the States?

people and the national government and therefore put the national government on an equal footing with the states in their claimed relationship with the people. Congress is also given the commerce power. One of the enumerated powers given to Congress in Article I, Section 8 of the Constitution is the power, “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” This power to regulate commerce among the states is one of the most important powers Congress possesses in its dealings with the states, for it allows the Congress to impose its will over that of the states in a number of matters. Finally, there is the supremacy clause. The supremacy clause tips the scale of power in the direction of the Congress because it allocates the final say to Congress when power is disputed between Congress and the states.

The 10<sup>th</sup> Amendment statement that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” should, in theory, work to the states’ advantage in any dispute over the extent of the powers of Congress. Appeals to the 10<sup>th</sup> Amendment in an attempt to limit Congressional powers to those enumerated in the Constitution, have, until recently, been unsuccessful. However, the Supreme Court under Chief Justice William Rehnquist had begun, in the last decade, to look favorably upon legal arguments to control the powers of Congress based on the 10<sup>th</sup> Amendment. The court under Chief Justice John Roberts has yet to rule on the matter.

## **Congress v. the President**

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The separation-of-power principle guarantees there will be a contest for power between the President, Congress, and, to a lesser extent, the Supreme Court. Each branch gets its power from the Constitution, not from the other branches. In addition, with the exception of the impeachment powers granted Congress, none of the

### **POWER FOCUS**

What is the power relationship between Congress and the President?

branches can strip the others of their powers.

Some have argued that the separation-of-power principle comes at too high a cost. While it affords some protection from the abuse of power, it makes it more difficult for government to effectively use the powers it has been given. Consequently, some have advocated a system where either the President or the Congress takes the lead in governing. Some people argue the times now call for the President to take the dominant role in determining the direction of public policy. In contrast, others call for Congress to take the initiative in deciding these issues.

Is the notion of a balance of essentially equal powers between the separate branches of the National government still a good idea? After all, the founding fathers were setting up a government for a group of northern Europeans (primarily Englishmen) who were mainly farmers and small businesspersons. These people lived on the farm or in small towns (The largest city at the time, Philadelphia had barely 40,000 inhabitants) and had little need for government. Communications were slow and governments had time to deliberate and debate issues at some length before acting. Contrast those conditions to the ones that now prevail. We are a continental nation (over 6 million square miles) composed of 300 million people with diverse ethnic, racial, and religious roots and practices. The world has shrunk to the point government officials sometimes have to make decisions in the space of hours instead of the months our predecessors had to act. Given these tremendous changes, many have asked whether the fundamental power relations between the branches of the national government should be altered in order to allow us to meet the changing needs of our society. This is not a new issue. From the beginning of the Republic, some people have questioned the arrangement adopted by the founding fathers, and argued for other power arrangements between the branches.

A position popular in the 19<sup>th</sup> century was the congressional-supremacy or *Whig theory* of government. Proponents of this view of the power relationship between the executive and Congress envision Congress as the epicenter of the national government. They see Congress initiating and passing legislative programs with the President, his administration, and the bureaucracy simply implementing or carrying out these policies. In this view, Congress would

occupy center stage in the government while the executive would simply serve in a secondary role somewhat in the manner of the executive under the Articles of Confederation.

The opposite of the Whig theory is the *executive-force* theory, which holds the executive, not the legislature, should be the prime mover in the government. This position is based on the argument that events have simply caught up with and passed the Constitution. We are no longer a small, slow-paced, simple agrarian society, but rather a very large, highly urbanized, industrialized, and interdependent society. We live in a world where decisions have to be made with an appreciation as to their impact on all of the society and these decisions may have to be made quickly. Only the presidency (including the bureaucracy) has developed the requisite skills to handle these problems posed by a rapidly evolving society. Therefore, the Congress with its slow, consensually oriented methods of solving societal problems should step aside and let the President and rest of the executive branch run the show.

Bridging the gap between these views of the proper relationship between the two political branches of the national government is the view proposed by the founding fathers of a balance of powers between the branches. This is the *literary theory* of government. The literary theory has the advantages of structure and tradition. Proponents of both the Whig and executive-force theories have to contend with the fact that the founding fathers structured the literary view of power distribution into the Constitution. Each of the three branches of the national government does possess independent powers and shares in the powers of the other two. This arrangement could be altered by changing the Constitution to give one branch more power than the others. It is also possible that one or more branches will simply abdicate powers to the other branch or branches and be content with a subordinate role. Both of these eventualities, however, require the branch of government giving up power to agree to give up its power. Even if one branch of the government wanted to give up part of its powers, the weight of 200 years of tradition and success with the present system would make it difficult to accomplish.

## Congress v. the Supreme Court

The Constitution provides for a Supreme Court and such inferior courts as Congress may from time to time ordain and establish. This means that Congress is responsible for creating and maintaining the American court system other than the Supreme Court.

We saw in chapter 3 that Article III of the Constitution invests the judicial power of the United States in one Supreme Court and in such inferior courts as Congress decides to create. The extent of Congressional authority to regulate and limit the federal court's jurisdiction is the vexing question.

Congress has to create the lower court systems, which supply the Supreme Court with most of its cases. The Supreme Court hears few cases through its power of original jurisdiction (the power to hear a case for the first time) and most of its cases through its appellate powers (the power to hear cases from lower courts on appeal). By controlling the Supreme Court's appellate jurisdiction, Congress can influence what types of cases come before the Court. Some have argued that there is no limit on the power of Congress to control the Supreme Court's appellate jurisdiction while others have argued that Congress is constitutionally obligated under Article III of the Constitution to create lower federal courts.

The *plenary view* of congressional power is the most commonly held. According to this view, there is no limit imposed by Article III on the ability of Congress to regulate the Supreme Court's appellate jurisdiction or on its ability to create and abolish lower federal courts and define and limit their jurisdiction. On the other hand, the *mandatory view* holds that the Congress is constitutionally obligated under Article III to create lower federal courts and not try to restrict the court's jurisdiction in an effort to limit access to those courts.

A third view holds that while Article III does not impose restrictions on the exercise of congressional power over federal jurisdiction, other constitutional provisions do. This view holds that the supremacy clause, the habeas corpus

### POWER FOCUS

What is the power relationship between Congress and the Supreme Court?

clause, and the due-process clause of the Fifth Amendment establish the right to have a hearing before a federal judge on a constitutional issue.

## EXPECTATIONS OF CONGRESS

The founding fathers intended the Congress to be a representative body in which the political will of the people could be expressed. Congress possesses a great deal of power and its members a good amount of autonomy from both state governments and the people. Given this power and independence, it is reasonable for people to expect something from Congress in the way of legislation. In other words, we expect them to use the powers granted to solve problems facing the society by making sound decisions. We want Congress to act responsibly by using its powers to address and solve or attempt to solve problems facing the society. To accomplish this, a majority of the representatives must agree. Congress can act responsibly only if a majority of its membership agrees on a solution to a particular problem.

Congress, however, is composed of individual members, each of whom has his or her own agenda when it comes to making a decision as how to vote on any particular issue. It is usually the case that all of the members of Congress belong to political parties and therefore we might expect political parties to provide the cohesion necessary to develop legislative majorities. However, in contrast to England, The United States has never developed a *disciplined political party* system where regular members of a political party defer to the wishes of the party leaders. Because of the weak party system in the United States, most members find they must organize, fund, and run their own election campaigns. This allows members to be independent of political party control, which in turn enables them to play the delegate role toward constituents. They find it necessary to play the delegate role because to survive politically they must remain sensitive to the wishes of their constituencies and they do this by being very responsive to their needs.

We expect the Congress to be responsible in that it is supposed to face up to and solve problems that face our society. We pay these people good money (too much money if you ask the average citizen), give them lots of help and all the power they need. Therefore, we expect they should produce and when it appears they fail to do so, we take great delight in berating and ridiculing the institution. The humorist Will Rogers once said of Congress, "This country has come to feel the same when Congress is in session as we do when the baby gets hold of a hammer. It's just a question of how much damage he can do before we take it away from him."<sup>9</sup>

At the same time that we are demanding Congress act responsibly by addressing society's problems, we expect individual members to be responsive to our particular needs. We expect them to accomplish this by performing as delegates, which means they look out for our interests regardless of what that means for the rest of society.

## RESPONSIBILITIES OF CONGRESS

What should Congress do? What are its responsibilities? We have argued Congress is a decision-making body but have not determined just what type of decisions it is supposed to make and about what subjects.

### Lawmaking

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Historically, legislatures have been assigned the responsibility of making laws. This lawmaking function is divided into two parts. First, there is the process of taking an idea and turning it into a workable law that can be implemented as well as understood. This job usually falls to the legislature although aid in the initial drafting of the bill might be provided by those outside the legislature having an interest in the subject. The most important portion of the lawmaking function,

by far, involves the question of who in the process has the actual power to decide the content of the bill or to call for enactment of the bill in the first place. Many legislative bodies, while possessing the legal authority to process legislation, are in reality doing no more than rubber-stamping decisions made elsewhere in the political system.

## Oversight

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Congress enacts laws, but it does not implement them. In 1986, Congress passed a sweeping revision of the tax laws. We moved away from a graduated income tax system to a modified flat rate system. To implement this massive change in the way we pay taxes, thousands of people had to rewrite payroll withholding computer programs, tax return forms, tax brochures, and a multitude of other forms as well as devise new procedures and processes in order to meet the legal requirements of the new tax legislation and to make sure the taxes were collected. Who is responsible for doing all this? Mainly it falls upon the executive branch. Article II, section 3 of the Constitution tasks the President with the responsibility to “take Care that the Laws be faithfully executed.” The specific responsibility for collecting federal taxes falls upon the part of the executive branch called the Internal Revenue Service. What if the Internal Revenue Service decided not to collect income taxes from some people and the President and his administration did nothing? Could or should the Congress do something about the situation?

Congress does have the power and the responsibility to do something about the Internal Revenue Service not implementing the tax laws in the manner Congress intended. This is the power of *oversight*. Congress has the power to literally look over the shoulder and oversee the performance of the bureaucracy to make sure they are executing the laws the way Congress wants them to be executed.

## Representation

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On sightseeing trips to Washington, DC, it is not unusual for people to stop in the office of the House member from their congressional district or the Senator from their state and ask or occasionally demand the representative or one of his or her aids show them around the Capitol Building. On the other hand, it is highly unlikely that those same people would demand or request the President or Supreme Court judges show them around the White House or the Supreme Court. Because we see the House member or Senator as “our” representative, while the President and justices are seen as representing us in a more abstract manner, we look upon the legislator as our connection or link to government. We expect them to represent our interests in a personal manner not expected of the President or members of the Court.

This representation usually takes one of two forms. Members of Congress will introduce, amend, and generally attempt to gain passage of legislation that will benefit their constituent’s policy interests. They also spend a great deal of time and resources (usually in the form of staff dedicated to the job) in catering to their constituents’ personal interests. This is sometimes referred to as the representative’s *errand-boy role*, and can range from seeing to it that constituent mail is answered promptly to running interference for constituents with the various bureaucratic agencies.

## STRUCTURING CONGRESS TO MEET EXPECTATIONS AND RESPONSIBILITIES

Harnessing the power of Congress is complicated by the mixed messages we send our elected representatives. On one hand, we want them to look after the best interests of the society; on the other, we want them to look out for our parochial interests as well. Often the result is gridlock as individual members maneuver to use the structure and rules to

their local advantage, leaving it to others to look after the general good. Committees, for example, make the complexity of modern legislation manageable by breaking up the workload. However, by their very existence, they divide the power and make it possible for key members to exert power and influence beyond what their raw numbers would warrant. Likewise, a complex set of rules is an absolute necessity to the smooth functioning of a modern legislature like Congress, but members bent on pursuing their own agendas can use the complexity to their advantage. Parties and norms attempt to overcome these centrifugal tendencies, but parties lack the discipline to put much power in the hands of its leadership and only social sanctions back norms.

## Committees

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From the beginning, it was apparent to the members of Congress that the workload would have to be divided if Congress was to perform its job adequately. Committees are the device used by Congress to divide this workload.

Congress needs to do much of its work on a continuing basis. For example, the House Ways and Means Committee has the responsibility for initiating revenue-raising bills in Congress. Since money is the fuel that keeps the engine of government running, it is not surprising to learn that the Ways and Means Committee can trace its origins to the very first Congress. It is the oldest continuously standing committee in Congress having been given that status in 1802.<sup>10</sup>

*Standing committees* are the backbone of the committee system in Congress. Some of these committees deal with the major recurring substantive issues that confront Congress, while others handle the chamber's internal administrative matters. Standing committees



**House Committee Hearing**

are sometimes referred to as “permanent” committees because of their longevity. Since 1946, when the last extensive reorganization of House Committees took place, four new standing committees have been added and four abolished. The rest of the standing committees have been carried over from Congress to Congress although several have undergone modifications to their jurisdictions or have had name changes.

Rule X of the Rules of the House of Representatives and Rule XXI of the Rules of the Senate establish standing committees and assign *fixed jurisdictions* to the committees. Jurisdiction specifies what legislative matters are a committee’s responsibilities. Knowing a committee’s area of fixed jurisdiction helps the Clerk of the House or the Senate Parliamentarian determine which committee to send a bill after the bill is introduced into Congress.

The early House and Senate relied almost exclusively on *select committees* to carry out the chambers’ business rather than standing committees. Select committees are created to perform a single function and when that function is completed, the committee is allowed to expire. Select committees are sometimes referred to as “ad hoc” committees because of their temporary nature. The jurisdictions of standing committees now cover the full range of legislative activity but Congress still relies occasionally on select committees to meet unusual and special needs. Probably the most famous of contemporary select committees are those associated with recent government scandals. The Senate created a select committee on the Watergate to investigate allegations of wrongdoing by the Nixon Administration in the early 1970s and both chambers created select committees to investigate the Iran–Contra affair during the last days of the Reagan Administration.

One of the first committees of the initial Congress was a *joint committee* of Senators and House members created to prepare a set of rules so the two chambers could communicate with each other. Since that time, the two chambers have created a number of joint committees to address a wide range of assignments such as oversight, investigations, and administrative matters. A very important type of joint committee is the *conference committee*. Conference committees



are made up of key members of both chambers who meet *in conference* to reconcile the differences of legislation that has passed both chambers in different forms so that it can be passed on to the President for his approval.

Congress created *subcommittees* to divide further the workload of committees. They are not a specific type of committee like standing or select committees but are simply a further extension of the division of labor. The workloads of modern committees are simply too extensive for members. Dividing the workload between subcommittees in a committee allows more members to share power and to meet the committee's overall responsibility for the subject effectively.

## Rules

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The need or desire for some form of order when people compete for power is obvious. Even in war, the ultimate power struggle, men have attempted to come up with procedures by which the participants are supposed to play. Congress is no exception in this regard, for members realize any attempt to operate the Congress without a previously agreed upon set of procedures or rules to regulate member's conduct would lead to chaos and eventually total paralysis of the institution.

Since we believe in the principle of *one person, one vote*, it follows that the fairest decision rule a democratic society should use is majority rule. A vexing problem with using the principle of majority rule is the question of how to protect the interests of the minority.

Most decision-making bodies use some form of majority rule to regulate conflict; Congress is no exception, nor was its predecessor. In the Continental Congress (as organized by the Articles of Confederation) each state had one vote, and restrictive majority rules were used as one means of keeping it under control. It took a simple majority of seven states to make ordinary laws, but issues of war, commerce, foreign relations, money, or requisitions of money required an extraordinary majority of nine states. Finally, amendments required a unanimous majority of all 13 states to pass.



The modern Congress also makes use of all three types of majority rule and on occasion, it has even allowed the use of minority rule. It differs from the Continental Congress in that the modern Congress is given more leeway to solve problems by simple majority rule. It saves extraordinary majorities for occasions where overwhelming agreement is warranted by the circumstances. Thus, the Constitution requires a two-thirds majority to override a presidential veto and to propose constitutional amendments while Senate rules require a three-fifths majority vote to end a filibuster. Passage of private legislation in the House, for all practical purposes, calls for unanimous agreement and the Senate handles most floor procedures under unanimous consent agreements. For practically all other occasions, a simple majority suffices.

## Political Parties

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Members of two political parties control the modern Congress: Democrats and Republicans. The Democratic party is the older of the two, tracing its lineage back to the presidency of Andrew Jackson (1829–1837). Republicans trace their beginnings to the 1850s when the previous party system was coming unraveled over efforts to solve the states' rights issue. Since that time, these two parties have dominated the political scene with one and then the other occupying the favored position as majority party.

The last big swing in popularity between the two parties came in the early 1930s primarily because of the **Great Depression**. Franklin D. Roosevelt's presidential wins in 1932 and 1936 helped the Democrats replace the Republicans as the majority party in the United States, a position the Republicans had held since the election of 1896. The domination of the Democrats is most evident in the Congress, especially in the House of Representatives. Beginning in 1933, the year Roosevelt swept to power and brought with him a Democrat majority to Congress; the Democrats practically dominated the House of Representatives for the next 62 years (1933–1995). During that period, they managed to hold a majority in the House of Representatives except for the 80<sup>th</sup> Congress (1946–1948) and the first two years of

Eisenhower's Administration (1952–1954). They managed to do almost as well in the Senate, losing control only in the first six years of Reagan's Administration (1980–1986) along with the losses in the House of Representatives. In 1994, the Republicans were able to win back control of Congress and in 2000; they succeeded in gaining control of the entire government (presidency and both chambers of Congress) for the first time since 1952.

To say the Democrats controlled Congress for most of the last 60 years or that the Republicans controlled for the last 12 years before relinquishing power back to the Democrats is somewhat misleading. It would be more accurate to say they are able to organize the Congress during their time in the majority. Because American political parties are not disciplined parties, party leaders cannot command the loyalty of regular members on every issue that comes before Congress. Therefore, the best party leaders can do is to attempt to influence the legislative process. They simply do not have the power to control the content of legislation or the fate of all legislative proposals. However, whichever political party possesses a numerical majority can use its majority to organize the Congress.

At the beginning of every new Congress, members of the House of Representatives and the Senate have to organize their respective chambers. They have to adopt sets of rules and procedures and they have to pick leaders. The Constitution stipulates the House of Representatives has to pick a *Speaker of the House* and the Senate a *President pro tempore*. Members of the majority party have found it advantageous to stick together at this point in order to organize the Congress to their liking. By voting together, the majority can determine the rules used as well as pick their own members to all of the leadership positions.

In the month immediately following Congressional elections, the winners from both parties converge on Washington, DC, for the purpose of organizing the next Congress. The Democrats and Republicans will meet separately in their own *caucus* or *conference* (Democrats use the old term caucus, Republicans prefer conference) to pick leaders and determine strategy. Both parties in the House of Representatives will pick candidates for Speaker of the House. When Congress convenes the next January, each of these candidates will be nominated for the post but the majority

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party candidate will win. At the same time they are nominating candidates for Speaker, both parties will also pick party leaders. The majority party will pick a **majority leader** to assist the Speaker as well as several assistant leaders or **majority whips**. The minority party's candidate for speaker will fail to be chosen Speaker and will become the **minority leader**. He or she will be helped by their party's assistant leaders or **minority whips**. Also chosen at this time is the **caucus** or **conference leader** whose job it is to preside whenever the party meets as a group. A member is also chosen to lead the PAC of the legislative party. In the House of Representatives, the Democrat PAC is called the Democratic Congressional Campaign Committee, and the Republican PAC the National Republican Congressional Committee.



Since the President of the Senate is the Vice President, Senators pick a President pro tempore to preside over the Senate when the Vice President is absent. Today the position is an honorary one, which goes to the senator in the majority party having the most seniority. Both Senate parties pick their own leaders. The majority party will pick a majority leader and assistant leaders called majority whips. Likewise, the leader of the current Senate minority party is the minority leader while his or her assistant leader is called the **assistant minority leader**. Both parties pick leaders of their respective caucuses, people to head up advisory committees to the leaders, and members to lead their respective PACs. Democrat Senators call their PAC the Democratic Senate Campaign Committee, while Republican Senators call their PAC the National Republican Senatorial Committee.



## Norms

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Modes of behavior expected of individuals in a group by other members of that group are called **norms**. Reasons for norms may vary, but usually they serve to advance the goals of the individual or group in some manner. The difference between norms and rules is the former is not written and therefore usually not as well understood or as easily enforced. Congressional

norms are written nowhere and members observe them with varying degrees of acceptance depending on circumstances and their own personalities. Overall, members accept these norms because they realize the norms help both Congress and themselves reach their respective goals. When adherence to norms works against the interests of members, the norms will usually be quickly discarded or modified.

Scholars working in the post WWII era identified a number of norms operating in Congress. These were *apprenticeship*, *legislative work*, *specialization*, *courtesy*, *reciprocity*, *institutional patriotism*, and *seniority*. Apprenticeship is a norm found in many organizations. This norm holds that new members of the organization stay in the background while learning their way around. They are expected to do much of the menial work of the chamber and keep a low profile. Legislative work calls for legislators to pitch in and help with out with the tremendous work load, especially in committee. Their goal should be to work behind the scenes and not try for the limelight. Closely aligned with the norm of being a good legislative worker is the norm of specialization. From the beginning of their careers, new members were advised to pick an area and become an expert in that area. It may take decades for a member to rise to a position of power in the party hierarchy and become a committee or subcommittee chair. By becoming an expert in an area, especially in committee, members could accrue power early on because other members defer to their expertise when the issue comes before Congress. Courtesy refers to the ability to keep policy differences from degenerating into personal animosity. Members were never to address each other directly or by their given names. All comments were addressed to the chair (a third party) and representatives were never called by name but by title: "My esteemed colleague from Kansas" or "The renowned Senator from Alaska." This is an attempt to keep personality from creeping into the process. Politics is the art of compromise and today's enemy may have to be tomorrow's ally. What is implied with the norm of reciprocity is the idea that one side will not necessarily take advantage of the other. Individual members will *pair* or *logroll* and do not usually attempt to *sneak* legislation through when others are not looking. Pairing is the practice of a member, unable to make a vote, finding someone planning to voting opposite on an issue who is willing to cancel his or her advantage by appearing

as a pair on the voting role. In effect, both get to register how they would have voted but neither vote counts toward the total vote. Logrolling means much the same thing only here a member could be agreeing to help another out on any number of issues with the understanding when the time comes the other member reciprocates. Institutional patriotism referred to the belief that House and Senator Members were expected to have a great deal of pride in the institution of Congress and be willing to defend it against assault from outsiders. Probably the most widely recognized congressional norm is seniority. Seniority is simply rewarded longevity. Congress in the 19<sup>th</sup> century was not a particularly popular institution. Not until the end of the century did the average length of stay for congress people begin to inch upward. By the 104<sup>th</sup> Congress (1995), the length of tenure was approximately 9.6 years for the House and 12.3 years for the Senate.<sup>14</sup> As seniority began to grow so did the sentiment for using it to make some politically sensitive allocation decisions.

There are two types of congressional seniority. *Chamber seniority* is seniority a member accrues by virtue of holding public office and is proprietary, the seniority belongs to the person and is used to determine that person's relative position on the chamber's seniority list. This seniority is then used make a number of allocation decisions such as to which office space and parking slot the legislator is entitled.

The second and most controversial type of seniority is *committee seniority*. This seniority is committee specific and is not proprietary. A member accumulates committee seniority only so long as he or she has unbroken service on that committee. If they shift to another committee, they start at the bottom. The seniority they accumulated on the previous committee is not transferable. In addition, if a member has a break in committee service, seniority is lost when they return to that committee. This type of seniority proved to be controversial because for a long time it was used to determine who would chair congressional committees. Until 1975, when the Democrat Caucus moved to modify the practice, the privilege of chairing a committee went to the member of the majority party with the most continuous service on the committee.

Recent scholarship points to a substantial decline in adherence to the norms of the immediate post WWII

Congress. Accordingly, one congressional scholar found that in the House of Representatives, “Fewer than half the junior members completely accept the bedrock norms of courtesy and reciprocity. In addition, almost all these legislators reject the notions of apprenticeship and institutional patriotism.”<sup>15</sup>

## CONGRESSIONAL PROCEDURES

The job of processing legislation, overseeing the bureaucracy, and representing the interests of constituents is the responsibility of Congress. Congress has developed a complex set of committees, elaborate rules of procedure, competitive political parties, and behavioral norms to help it accomplish these responsibilities.

### Processing Legislation

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House members introduce legislation by dropping the bill into a mahogany box located near the clerk’s desk at the front of the chamber called the *hopper*. Senators may introduce by giving the bill to a clerk or by gaining recognition on the floor and personally introducing the bill. The proposals are then numbered, printed, and made available to members and the public. The next step is for the bill to be sent to a committee for consideration.

Bills are assigned to committees based on the content of the bill and the fixed jurisdiction of the committee. The Speaker of the House and the presiding officer of the Senate have the responsibility for assigning bills but, as a matter of routine, this duty falls to the parliamentarians of the House and Senate. Referrals of most bills is cut and dried, but occasionally more than one committee may claim jurisdiction. When this happens, the bill or parts of the bill may be sent to several committees for processing. The Senate has allowed multiple referrals for

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years but the House only changed its rules in 1975 to allow the Speaker to do the same.

Committees are the graveyard for most proposals. Approximately 90% of all bills and resolutions sent to committees die there. Some die for good reason. Many bills are essentially duplicates of other bills because congress people find it advantageous to introduce legislation as a way of demonstrating their concern for constituents needs. During a drought in the Midwest, you can bet that most of the representatives and Senators from the area will introduce some sort of drought relief legislation, most of it similar if not identical in content. Other bills die in committee because they would make bad law. The classic example of this is the bill supposedly introduced early in this century aimed at dealing with the problem of high death rates among railroad passengers. It seems that research had shown the highest death rate among passengers in rail accidents happened on the last car of the train. Subsequently some well-meaning legislator introduced a bill outlawing the last car on every train as a way of cutting down the death rate!

Bills deemed worthy of more careful consideration because they have merit or have not generated too much political opposition, are normally scheduled for *hearings*. Hearings are public meetings where the committee or subcommittee invites individuals or group representatives to testify about the proposed legislation. Hearings serve several purposes. Committee members who are members of the President's party may need to know what the Administration's position is on the issue. Committee or subcommittee members may be interested in what others (interest groups, citizens lobbies, academic experts) think about the proposal and what its effects might be if adopted. Members of the committee or subcommittee studying the proposed legislation, even though often experts on the general subject, can always use more information about the economic, political, and social implications of the proposal.

The next stage of the process is for committee members to consider among themselves the merits of the proposed legislation. This is done in what is called a *mark-up* session. A bill is literally marked up, line by line, item by item in a mark-up session as members modify, agree to, and discard portions of the proposal. This is truly the heart of the legislative process and until very recently these sessions were routinely held in *executive session*. Executive session is a

euphemism for secret session. For years members argued that only when they met behind closed doors could they be free of pressure from special interests to strike the bargains necessary to gain acceptance of controversial legislation. Executive mark-up sessions along with a number of other secretive practices of Congress were all but eliminated by the Legislative Reform Act of 1970.

Proposals subjected to subcommittee hearings and mark-ups are passed back to the full committee with the subcommittee's recommendations. The full committee may choose to ignore the subcommittee's recommendations and hold its own hearings and mark-up or it may choose to accept the findings and recommendations of the subcommittee as its own. On occasion, the full committee never gets around to acting on the subcommittee's proposal, because of political or time constraints, thus effectively killing the legislation.

Legislative proposals that survive committee scrutiny are forwarded to the full chamber (either Senate or House) for final consideration. Committees have eliminated most proposals from consideration but a good number remain to be processed. House and Senate floor consideration of bills differ noticeably at this point. The House, because of its considerable size (435 members), has developed an elaborate system of *legislative calendars* and strict rules of debate to facilitate an orderly processing of legislation. The Senate with far fewer members (100) can afford to be more casual in its approach to handling legislation on the floor.

The amount of time the House of Representatives has to process legislation is limited. It needs to handle legislative proposals coming from committees in some priority order so they can be handled properly and efficiently. The House assigns bills and resolutions coming from committees to legislative calendars based on the content of the proposal. Public bills that directly or indirectly appropriate money or property or raise revenue are placed on the *Union Calendar* while all public bills not raising revenue nor directly or indirectly appropriating money or property are placed on the *House Calendar*. All bills of a private character are placed on the *Private Calendar*.

There are also two procedural calendars. First is the *Corrections Calendar*. Any member can petition to have a

bill from either the Union or the House calendar, which they feel is not controversial, placed on this calendar. Second is the *Discharge Calendar*. Occasionally a committee may refuse to report a bill even though most members of the House wish to consider the legislation. When this happens, a member may file a *Discharge Petition*. If this petition gains enough signatures (218, a majority of the House), the bill is discharged from the committee and can be considered by the full chamber. The discharged bill is placed on the Discharge Calendar awaiting floor action.

Bills are taken off legislative calendars according to how controversial they appear. The general idea is to reserve the most time and effort for the most important legislation, controversial public legislation, and allow less time and attention to uncontroversial matters.

Uncontroversial legislation ought to be of little interest to legislators and should take up little of their limited time. Accordingly, House rules stipulate this type of legislation has to be considered in a special manner. A near unanimous decision rule is applied to all private legislation. Two people objecting to private bills are enough to kill the legislation in most instances.

Semiconroversial legislation is handled in several ways. The most popular approach is to use a motion to *suspend the rules*. Originally used to help establish the order of business by allowing the chamber to consider a bill out of order, the device is now used to expedite the handling of semiconroversial public issues. Once a move to suspend the rules is entertained, debate is limited to 40 minutes and no floor amendments are permitted. If a favorable two-thirds vote is not obtained, the bill may be considered later under regular procedures. A second way is to use the Corrections Calendar established in 1995 as a replacement for the Consent Calendar. Measures previously placed on either the House or Union calendars can be put on this calendar, which is in order on the second and fourth Tuesdays of each month. Debate is limited to one hour, no amendments are permitted (except for those offered by the chairperson of the committee of primary jurisdiction), and a three-fifths vote is required for passage.

Use of special majority rules (unanimous and extraordinary) allows the House to process all private bills as

well as all uncontroversial and semicontroversial public legislation with a minimum of time and effort. What is left is controversial public legislation. This legislation is too important to be considered under blanket rules like those used to process uncontroversial and semicontroversial bills. Consequently, the House has developed a procedure to provide some flexibility to the process. Major bills, unless privileged,<sup>16</sup> are brought to the floor with a *special rule* issued by the Rules Committee.

Public bills reported out of committee are placed on either the House or Union Calendars in chronological order. If major bills had to wait their turn to be taken off the calendar, many would not be considered. The way around this problem is for the Rules Committee to issue a special rule that “bumps” the desired bill up so it can be considered early. The rule also sets limits on how long the bill can be considered and whether or not amendments are in order while it is being considered. A special rule from the Rules Committee is really a resolution recommending the House deal with the committee’s bill in a certain manner and has no force unless accepted by the whole House. The House therefore debates the rule for a bill before it is accepted. Once the rule is accepted, its first provision usually calls for the Speaker to resolve the House into the Committee of the Whole House on the State of the Union or *Committee of the Whole* for short. This is another parliamentary device designed to help Congress meet its obligation to be responsible by making it easier to do its job of processing legislation.

The Constitution requires the House to have a quorum (218 members) on the floor to do business. This requirement does not apply to committees of Congress, so the House by reconstituting itself into a committee is free to set the quorum requirement at any level it wishes. When the Speaker steps from the podium and the *mace* (a club made of ebony rods symbolic of the authority of the Sergeant at Arms) is removed from its pedestal near the Speaker’s podium, the House is at that moment not operating as the House of Representatives but as a committee of the House. Since this is a committee of all the members, it is a committee of the whole. The quorum requirement for this committee has been set at 100, which is far easier to maintain than the 218 required when members sit as the House of Representatives.

While sitting as the Committee of the Whole, members hear debate on the bill and vote on amendments if they are allowed under the rule.

The Committee of the Whole “rises” (goes out of business) after all amendments to the bill have been voted upon and reports the bill back to the full House. Once the chairperson of the Committee of the Whole returns control back to the Speaker and the mace is returned to its pedestal, the members are again sitting as the House of Representatives. The last step involves going through a prescribed set of procedures which involve first voting on any amendments approved in the Committee of the Whole, followed by the engrossment and third reading of the bill. A motion to recommit follows this and, failing that, the final vote on the bill. The motion to recommit offers the opposition a last chance to kill the bill by recommitting it to the committee from which it came.

In contrast to the House with its multiple calendars, Committee of the Whole, and Special Rules, the Senate operates with only two calendars and uses *unanimous consent agreements* to expedite its business. The Senate, with far fewer members than the House of Representatives, has little need for devices such as the Committee of the Whole because the full Senate needs only 51 members to be present for a quorum. Special rules are not required regulating the length of debate because the Senate only limits debate under unusual circumstances.

All legislation, public or private, controversial or uncontroversial is placed on the *Calendar of General Orders*. All matters pertaining to the Senate’s responsibility to “Advise and Consent” to presidential appointments and treaties are placed on the *Executive Calendar*.

Senators have found it necessary to develop a very flexible scheduling process to accommodate their varied and extremely busy schedules. The result is that the Senate does business by essentially ignoring its written rules of procedure, preferring to operate through mutual accommodation of individual Senator’s requests and the institution’s needs.

The device which best meets this requirement is the practice of gaining unanimous consent from participating Senators to set aside the rules in order to expedite the chamber’s business. Unanimous consent agreements allow the

leadership to limit the time it requires to dispose of controversial issues. Without unanimous agreement to limit debate, legislation is subject to both delaying procedural tactics and an outright *filibuster* on the part of those opposed to the legislation.

From its earliest days, the Senate saw itself acting as a break on the more democratic and majoritarian tendencies of the House of Representatives. It was looked upon as a place where great issues of the day could be debated and discussed at greater length and with more time given to reflection than the House. Here cooler heads might prevail against the transient “mood” of the majority. It was imperative in the Senate that the right of unlimited debate not be jeopardized, for it was with the power of unlimited debate in the Senate that minorities could protect their position.

For over a century, determined minorities used the power of unlimited speech on the floor of the Senate to work compromises and at times thwart the will of the majority. It was not until 1917 that the Senate, after a protracted filibuster, adopted Rule XXII, which gave the chamber the formal power to end a filibuster involuntarily through invocation of *cloture*.

Any Senator may file a *cloture petition* with the presiding officer providing the petition has the signatures of at least 16 Senators. A successful cloture petition mandates a roll call of Senators be taken to ascertain whether debate on the issue being filibustered shall end. If three fifths of the entire Senate (60 Senators) vote to end the filibuster, cloture is invoked. Using unanimous-consent agreements, cloture, and compromise, the Senate eventually moves to a final vote on a bill. The vote is a straight up or down process.

The Constitution stipulates that legislation must pass both chambers in identical form before it can be presented to the President for a signature. Usually this is not a problem, but sometimes major legislation is either so complex or controversial that the chambers do not pass identical bills. Therefore, the House and Senate must work out their differences or the proposed legislation will not become law. When this occurs, the leadership will appoint a number of members (usually those most knowledgeable about the legislation) to represent the chamber in negotiations

with similarly appointed members of the other chamber. They form a conference committee to try to work out their differences. Conference committees may last anywhere from a few hours to several months depending on how complex or controversial the proposed legislation is. Once an agreement is worked out among the conferees, the revised legislation is sent back to the parent chambers for their approval since a committee cannot speak for the chambers.

## **Overseeing the Bureaucracy**

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The Legislative Reorganization Act of 1946 gave each standing committee of Congress the responsibility to “exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee.” Several conclusions can be drawn from this mandate. First, the intent is clear there is to be systematic oversight of the bureaucracy. Second, the responsibility for performing this oversight unquestionably lies with Congress. Third, this responsibility is to be carried out at the committee level. Fourth, it is not to be a consolidated effort, rather this responsibility is to be decentralized to the standing committees.

Rapid expansion of the bureaucracy in the 20<sup>th</sup> century has made it imperative someone keep the bureaucrats accountable for their actions. Congress is the logical choice for this job because it is not part of the executive branch and it has the resources to oversee the bureaucracy. The best place to carry out oversight of bureaucratic agencies is at the committee level because committees possess the expertise needed to perform this job. Finally, standing committees have been given the responsibility for oversight rather than specially designed oversight committees because standing committee do not want to give up or share power over these agencies.

There is no systematic review of the entire bureaucracy by Congress because no one group is responsible for seeing it is accomplished. Individual committees are responsible for performing oversight over that part of the bureaucracy that

falls under their jurisdiction. The result is Congressional oversight of the bureaucracy is at best a sporadic event carried out over only a small portion of the bureaucracy.

Congress has several tools at its disposal to help in carrying out oversight. Congress can hold hearings and *investigations* focusing upon executive branch operations. This is an important source of feedback for legislators on the effectiveness or lack thereof of government programs and the ability or interest of bureaucrats in implementing these programs.

Since the early 1930s, Congress has relied upon the *legislative veto* to aid in its oversight responsibilities. This procedure allows Congress (either chamber or occasionally both) to veto executive branch decisions by a simple majority vote. Even though it is seldom invoked, the legislative veto is looked upon as a useful oversight tool because it keeps executive branch personnel responsive to the wishes of Congress. In 1983, the Supreme Court ruled in the case of *Immigration and Naturalization Service v. Chadha* that the legislative veto was unconstitutional. Despite the Chadra ruling, however, Congress continues to incorporate legislative vetoes into new laws.

Congress also uses its *authorizing committees* and *appropriations committees* to perform oversight. Authorizing committees can enact statutes authorizing departments and defining their internal organization while appropriating committees gain the attention of bureaucrats by curtailing or expanding funds for programs.

Congress frequently relies on the reports of its support agencies to alert it to possible shortcomings in the bureaucracy. These agencies are the *Government Accounting Office (GAO)*, *Congressional Reference Service (CRS)*, and the *Congressional Budget Office (CBO)*. It has also created a number of offices within federal agencies whose responsibility is to investigate and audit their agencies and report their findings to Congress. Members of Congress are often unwilling to engage in oversight because they feel they can gain far more benefit from focusing on their lawmaking or representative roles. Oversight can command a great number of resources in terms of staff and time often with little in return. The result is Congressional oversight of bureaucratic agencies is more likely to occur in some instances than in others. Oversight has

the best chance of being performed if a committee or subcommittee chairperson with jurisdiction over the subject wants it performed. If the subject matter to be investigated is not too complex or politically sensitive (a Democrat controlled Congress probably would never have impeached Bill Clinton over his affair with Monica Lewinsky) and the committee has good staff support, oversight is more likely to take place. If the issue receives a great deal of publicity, oversight may be impossible to avoid whether or not the committee wants to pursue the issue.

## Representing Constituent's Interests

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A number of political commentators have recently noted the fact that most congresspersons, most notably members of the House of Representatives, have become almost immune from electoral defeat. The *incumbency effect* as it is called refers to the fact that over 98 percent of recent House incumbents (those who currently hold the position) have been returned to Congress whenever they have sought reelection. This unprecedented incumbent success rate has been attributed in large measure to member's devoting more and more of their time and resources to performing the representative role.

The decline of the political party has meant those seeking public office have had to develop their own sources of revenue and support. The rise of the modern media (especially television) has allowed them reach that support without the political party acting as an intermediary. The result is a member more independent of party attachments and loyalties, but at the same times a member who constantly needs to maintain contact with constituents on a personal basis.

Members have used the resources at their disposal (enlarged staffs, more trips home, and the franking privilege) to keep in contact with constituents and attend to both their policy and personal needs. It is not unusual for members of Congress to maintain several offices in the district devoted strictly to dealing with constituent's personal needs.

## SUMMARY

The modern Congress is a complex but understandable beast. It is the product of a number of forces. First, there is the legacy, given to us by the founding fathers, of a system of limited and shared powers. Two independently powerful branches of the national legislature have to share power with two other equally independent and powerful branches of the national government and with independent state governments over a people who view these grants of power as limited. Second, there is the legacy of 200 years of governing on the part of Congress. Over that time, Congress has constructed an elaborate system of committees, rules, political parties, and norms designed to help meet its obligations. Finally, there are outside factors, which have an influence on what happens in Congress. Several critical outside events that have helped to shape the modern Congress are the rise of the positive state coupled with the spectacular rise in the power of the President and the decline of the political party in electoral politics.

Responding to these changing events has caused Congress to shift the locus of power within the chambers from time to time. The beginning of the century saw power firmly in the hands of the leadership. However, when this power was abused, it moved to the committees where it resided for the next half century. The 1970s saw the power of committees decline as a more independent-minded membership demanded a greater say in policymaking. This increased independence was offset somewhat by the reemergence of high partisanship levels as conservatives made a determined assault on the values of the liberal activist state. The result is a current Congress less civil and less willing to adhere to the norms of its predecessors, a Congress where individual members have the staff, support, and willingness to challenge their own leadership on policy matters. In other words a Congress more difficult for the party leadership, despite the increase in partisanship, to control in order to produce a coherent agenda.

## DISCUSSION QUESTIONS

In your estimation, should elected officials take a delegate role toward representation or should they act as trustees? Why do you think so?

Given the inability of Congress to act decisively most of the time, should it abdicate its lawmaking role to the President and concentrate most of its efforts on oversight and representation? Why or why not?

Was it a good thing the Supreme Court struck down the President's line-item veto power? Why or why not?

The House of Representatives allows a simple majority to control the chamber's agenda. In the Senate however, because of the filibuster, it takes an extraordinary majority to control the chamber's agenda. Should the Senate amend the cloture rule to allow a simple majority to overrule a filibuster? What would it hurt?

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## WEB LINKS

<http://thomas.loc.gov/>

*Library of Congress maintained site. Wealth of information on legislation pending in Congress, committee information, with links to other government agencies and pages explaining the legislative process.*

<http://www.senate.gov/>

*Official U.S. Senate website.*

<http://www.house.gov/>

*Official U.S. House of representatives website.*

<http://www.congress.org/>

*Links to individual Senators and Representatives, bill status search feature and links to associations and advocacy groups' legislative voting scorecards.*

<http://www.cq.com/>

<http://www.hillnews.com/>

<http://www.rollcall.com/>

*Three online publications that cover Congress and congressional activities.*

## END NOTES

1. Heinz Eulau, John C. Wahlke, William Buchanan, and Leroy C. Ferguson. "The Role of the Representative: Some Empirical Observations on the Theory of Edmund Burke." *American Political Science Review*, Vol. 53. 1959. p. 742–756.
2. Both chambers are required to choose officers (a speaker for the House of Representatives and a President pro tempore for the Senate to fill in for the Vice President when he is absent). They are required to meet at least once in every year "and a majority of each shall constitute a quorum to do business." Each House may determine its own rules, has to keep a journal of its proceedings and "Neither House, during the session of Congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."
3. Roger H. Davidson. ed. *The Postreform Congress*. New York: St. Martin's Press. 1992. p. 10.
4. Leroy N. Rieselbach and Joseph K. Unekis. "Ousting the Oligarchs: Assessing the Consequences of Reform and Change on Four House Committees". *Congress and the Presidency*. Vol 9, Num 1, Winter 1981–1982.
5. Davidson. op. cit. p. 13.
6. This discussion draws extensively from C. Lawrence Evans and Walter J. Oleszek. *Congress Under Fire: Reform Politics and the Republican Majority*. New York: Houghton Mifflin. 1997. pp. 26–30.
7. Barbara Sinclair. *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress*. Washington, DC: CQ Press. 1997.
8. Burdett Loomis and Wendy J. Schiller. *The Contemporary Congress*. 5<sup>th</sup> ed. Thompson/Wadsworth. 2006, p. 195.
9. Bryan B. Sterling. *The Best of Will Rogers*. New York: Crown. 1979, pp. 33–34.
10. *Guide to the Records of the United States House of Representatives at the National Archives: 1789–1989 Bicentennial Edition*. House Document No. 100–245, p. 275.

11. *Congressional Quarterly Weekly Reports*. June 13, 1981. p. 1026.
12. *Congressional Quarterly Weekly Reports*. February 18, 1995. p. 496.
13. [http://en.wikipedia.org/wiki/Nancy\\_Pelosi](http://en.wikipedia.org/wiki/Nancy_Pelosi)
14. Norman Ornstein, Thomas Mann, and Michael J. Malbin. *Vital Statistics on Congress 1995–1996*. Washington, DC, Congressional Quarterly Press. 1996. pp. 20–21.
15. Loomis and Schiller. op. cit. p. 132.
16. Privileged legislation is legislation that can be taken directly to the floor without having to go through the floor calendars.

## glossary

# Glossary of Terms

**active-negative (8)** One of four personality types developed by James David Barber based on the psychological characteristics of presidents. Active-negative presidents get little satisfaction from their efforts and their primary aim is to gain and keep power.

**active-positive (8)** One of four personality types developed by James David Barber based on the psychological characteristics of presidents. Active-positive presidents work hard and enjoy what they are doing. Their primary goal is to achieve results.

**activist state (1)** Term used to describe the involvement of the government in activities historically deemed to be in the private realm primarily as a response to the Great Depression.

**administration (8)** The group of individuals chosen through patronage appointments to help the President perform his duties. Sometimes referred to as the temporary government.

**affirmative action (6)** Public policy based on the assumption that, because past discrimination against certain groups has put them at a disadvantage, these groups should be afforded extra education and employment opportunities.

**agenda setting (10)** The media's act of determining what is and is not newsworthy.

**Alien and Sedition Act of 1798 (4)** Legislation passed by the Federalist-dominated Congress designed to suppress the political opposition led by Thomas Jefferson. The Act made it a crime to criticize the government.

**American Woman Suffrage Association (6)** One of the first Woman's Rights organizations.

**Anthony Amendment (6)** Informal name given to the federal suffrage amendment proposal.

**Anthony, Susan B. (6)** One of the first Women's Rights activists.

**Anti-Federalists (3)** Name given to those who opposed adoption of the Constitution over the Articles of Confederation on the grounds the former gave too much power to the central government.

**apathetic majority (7)** Term used to describe the attitude of a majority on a public issue.

**appellate jurisdiction (9)** The power of a court to review decisions made by a lower court.

**apportionment (11)** Refers to the number of seats a state is entitled to in the House of Representatives. Since the size of the House of Representatives is capped at 435, each state is entitled to one seat with the remaining 385 seats awarded according to a formula based on relative population.

**apprenticeship (7)** Norm practiced by many organizations where freshmen members are expected to initially remain in the background while becoming familiar with their new jobs. Once used extensively, especially by the Senate, the practice has all but disappeared in the modern Congress.

**appropriations committees (7)** The congressional committees that appropriate money for individual expenditures by the executive branch of the government.

**Aristotle (1)** Ancient Greek political philosopher who developed the topology of the one, the few, and the many as the only possible types or rulers.

**Articles of Confederation (2)** The first formal governmental agreement between the states (1781), which emphasized the powers of the states at the expense of the central government.

**assistant minority leader (7)** The person directly below the Senate minority leader.

**authorizing committees (7)** The congressional committees that actually authorize individual expenditures by the executive branch of the government.

**automatic election plan (12)** Proposal to eliminate human presidential electors and simply award electoral college votes automatically to the winners of those votes.

**baby boomers (11)** The generation of Americans born between approximately 1945 and 1965, who, because of their large numbers, had a tremendous impact on the development of post-war culture, values, and public policies.

**Baker v. Carr 1962 (11)** Supreme Court case that held malapportioned congressional districts to be unconstitutional.

**balanced budget (14)** An approach to government funding wherein revenues and expenditures are expected to equal each other so that the government's books are zero at the end of each year.

**Battle of Bunker Hill (2)** Armed conflict between colonists and British Regulars in June of 1775 just outside of Boston. The British won the battle, but the Americans' performance boosted their resolve to continue the fight.

**Battle of Concord (2)** Skirmish between British troops and American colonists on April 19, 1775, which moved Ralph Waldo Emerson to pen: *“By the rude bridge that arched the flood, Their flag to April’s breeze unfurled, Here once the embattled farmers stood And fired the shot heard around the world.”*

**Battle of Lexington (2)** Skirmish between British troops advancing on Concord on April 19, 1775, and American militiamen standing on the village green of Lexington, which saw eight Americans die.

**Battle of Yorktown (2)** Washington’s defeat of Lord Cornwallis and his army at Yorktown on October 17, 1781, signaled the effective end of the Revolutionary War.

**bill of attainder (4)** Legislative act that defines certain actions as a crime and specifies the punishment for that crime without benefit of a trial.

**bill of impeachment (1)** The first step in removing an official from public office. The House of Representatives has to present the Senate with a bill of impeachment spelling out the charges against the accused.

**Bill of Rights (5)** First 10 amendments to the Constitution designed to formally restrict the powers of the federal government and adopted at the insistence of several states as the price of ratification.

**Bipartisan Campaign Reform Act (BCRA) (11)** Bill overhauling the campaign finance system by banning unregulated soft money contributions to the national political parties.

**Black codes (6)** A series of laws adopted by Southern states immediately after the Civil War designed to restrict the rights of newly freed slaves.

**blanket primary (12)** Primary elections where all of the candidates for the various offices are presented to the voters on one ballot. This allows the voter to pick the candidates of their choice by office regardless of the candidate's party affiliation.

**bonus election plan (12)** Proposal of the Twentieth Century Fund which calls for reforming the present Electoral College by increasing the Electoral College from its present size of 538 to 640 by adding two votes for every state and awarding those votes to the popular vote winner.

**Brown v. Board of Education Topeka Kansas 1954 (6)** Supreme Court ruling which reversed Plessy v. Ferguson (1898) and effectively struck down segregated schools in the United States.

**Buckley v. Valeo 1976 (11)** Supreme Court ruling which struck down portions of the Federal Election Campaign Act but upheld the basic constitutionality of the law.

**Budget and Accounting Act of 1921 (14)** Act by which Congress mandated that the President had to present it with a unified budget.

**Budget and Impoundment Control Act of 1974 (7)** An act passed by Congress to address the power imbalance between the President's OMB and the hodgepodge of congressional committees that considered each year's budget.

**Budget Enforcement Act of 1990 (14)** Budget Act aimed at controlling the federal budget by adopting PAYGO rules which mandated that each spending increase be balanced by an equal reduction in expenditures.

**built-in lobbyist (10)** Term used to describe a decision maker who is biased toward the position of an interest group and openly advances the cause of that interest group.

**bundling (10)** The practice of combining legally limited contributions from several Political Action Committees together before they are presented to the decision maker in order to emphasize the extent of their contributions.

**Bureau of the Budget (8)** The executive agency created by the Budget and Accounting Act of 1921 to help the president prepare his annual budget proposal to the Congress. President Nixon had it moved to the Executive Office of the President in 1970 and renamed the Office of Management and Budget.

**bureaucracy (8)** Term describing a hierarchical organization where employment and promotion is gained by merit.

**cabinet (8)** The heads of 15 executive agencies designated by Congress, along with the Vice President, who collectively act as a presidential advisory group.

**cadre political party (12)** A political party created and initially administered by a small elite who seek political power.

**Calendar of General Orders (7)** The Senate floor calendar where all items other than presidential treaties and appointments are placed prior to their consideration.

**candidate (11)** The name given to those who contest for political power through elections.

**Catch-22 (8)** Title of Joseph Heller's satirical book about WWII. Catch-22 refers to the Army rule that declares that insane individuals need only to ask to be released from military duty. However, asking to be relieved demonstrates the individual is not insane, and therefore will not be released from the Army.

**categorical grants (4)** Financial aid from the federal government to the states that can only be spent on specific categories of projects.

**caucus (7)** Term used to describe a meeting of members of a political party to plan strategy. Currently used by the Democrat Party. The Republican Party prefers the term conference to caucus.

**caucus leader (7)** Individual designated to lead the party when it meets in caucus.

**certiorari jurisdiction (9)** The power of the Supreme Court to decide which appeals it will hear from lower courts.

**chamber seniority (7)** Seniority which accrues to an individual by virtue of being elected to Congress over time.

**checks and balances (1)** Principle of government developed by the framers of the Constitution as a way to maintain the separation of the powers allocated to the three branches of government.

**Chicago, Burlington, and Quincy Railroad Company v. Chicago 1897 (5)** The first Supreme Court decision to accept the argument that the provisions of the 14<sup>th</sup> Amendment could be used to extend the protections of the Bill of Rights to state actions.

**chief administrator (8)** One of the President's five formal roles or duties. Under the obligation to "take care that the laws be faithfully executed," the President is responsible for seeing that most of the federal bureaucracy functions effectively.

**chief diplomat (8)** One of the President's five formal roles or duties. Congress and the country look to the President to take the lead in developing our foreign policy and dealing with other countries.

**chief legislator (8)** One of the President's five formal roles or duties. Even though the Constitution allocates legislative power to Congress, the President is expected to take the lead in formulating a legislative agenda for the Congress to consider.

**chief of state (8)** One of the President's five formal roles or duties. The President is expected to perform most of the ceremonial responsibilities of government such as decorating war heroes and greeting foreign heads of state.

**Chisholm v. Georgia 1793 (9)** Supreme Court decision that decided a state could be sued in federal court by a plaintiff from another state. This action prompted Congress to pass the 11<sup>th</sup> Amendment in response as a way of negating the effect of the Supreme Court's ruling.

**choice stage (10)** The stage in the policy process where decision makers are chosen by election or appointment.

**Citizen Publishing Company v. United States 1969 (9)** Supreme Court ruling that, by voiding an agreement between two newspapers on the grounds it violated the antitrust laws, prompted passage of the Newspaper Preservation Act by Congress.

**civil liberties (5)** Civil liberties are designed to guarantee the people certain rights by limiting the actions of government.

**civil rights (6)** Civil rights concern the right of individuals to participate in the political life of the society.

**Civil Rights Act of 1866 (6)** Congressional act declaring all persons born in the United States to be citizens of the United States and of the state in which they reside.

**Civil Rights Act of 1964 (6)** Congressional act forbidding discrimination in public places.

**Civil Service Reform Act of 1883 (8)** Popularly known as the Pendleton Act, it signaled the beginning of end of the spoils system of choosing civil servants by providing a portion of federal employees be hired on the basis of merit and be given protection from removal simply for political reasons.

**closed primary (12)** Political primary election open only to those who are registered members of the party conducting the primary.

**cloture (7)** The legislative procedure followed when attempting to end a Senate filibuster. The votes of 60 senators are needed to end a filibuster if there is a call for a cloture vote.

**cloture petition (7)** Legislative device used to determine if a cloture vote can be taken in an attempt to curtail a Senate filibuster. Sixteen senators have to sign a cloture petition before a cloture vote can take place.

**commander-in-chief (8)** One of the President's five formal roles or duties. He is the civilian head of the military.

**committee of the whole (7)** Parliamentary device used by the House of Representatives to lower the quorum requirement from 218 to 100 for the purpose of hearing debate and proposing amendments to legislation pending before the chamber.

**committee seniority (7)** Seniority accrued by members for continuous service on a committee.

**Common Sense (2)** Political pamphlet written by Thomas Paine on the eve of the American Revolution which furthered the cause of those who favored a complete break with England.

**Compromise of 1850 (6)** Temporarily papered over the sectional differences between the North and the South over the issue of slavery in territories newly acquired from the Mexican–American War.

**concurrent resolution (7)** A resolution which needs the concurrence of both chambers and affects only those chambers.

**confederation (4)** Form of government where sovereignty resides with the regional governments, not the central government.

**conference (7)** Term used to describe a meeting of members of a political party to plan strategy. Currently used by the Republican Party. The Democratic Party prefers the term caucus to conference.

**conference committee (7)** Congressional committee made up of members from both chambers who meet to resolve differences in legislation.

**conference leader (7)** Individual designated to lead the party when it meets in conference.

**Confiscation Act of 1862 (6)** Civil War act of Congress which promised slaves their freedom once they made it to Union lines.

**Congressional Budget Office (CBO) (7)** Agency created by Congress as part of the Budget and Impoundment Control Act of 1974. Its job is to make economic assessments for Congress in the same manner the Office of Management and Budget (OMB) does for the executive.

**Congressional districts (7)** The legally defined geographic districts from which members of the House of Representatives are chosen.

**Congressional Reference Service (CRS) (7)** Agency created by the Legislative Reform Act of 1946 to help members of Congress meet their legislative responsibilities.

**Connecticut Plan (3)** The compromise proposal at the Constitutional Convention which broke the deadlock between the Virginia and New Jersey plans by calling for a House of Representatives based on population and a Senate based on statehood.

**Conservative Opportunity Society (COS) (7)** The name given to a group of conservative House Republicans, organized by Newt Gingrich, who actively opposed the liberal agenda of the majority Democrats.

**continuing resolution (1)** Congressional resolution that authorizes federal agencies to continue spending beyond the current budget year.

**cooperative federalism (4)** Term applied to the period of federalism whereby cooperation between the federal government and the states is fostered by federal grants of money to the states in exchange for their cooperation in adopting federal standards.

**corrections calendar (7)** House legislative calendar adopted by the Republican majority in 1995 as a substitute for the Consent Calendar. Bills and resolutions brought to the House floor under this calendar are limited to one hour of debate, no amendments are allowed (except under special circumstances) and a three-fifths affirmative vote is required for passage.

**Corrupt Practices Act 1925 (11)** Legislative attempt to control spending in congressional races by limiting how much could be spent on Senate races and providing for fines of up to \$10,000 and jail terms for violating the Act.

**courtesy (7)** A legislative norm designed to avoid unnecessary conflict by having members address each other through the chair and by title rather than by name.

**coverture (6)** The legal doctrine which held women had legal rights only through their husbands.

**creative federalism (4)** The era of federalism fostered by the Johnson Administration's attempt to bypass the states and deal with local communities directly.

**cugging (10)** A form of pseudo-poll where the objective is to campaign under the guise of doing public opinion research.

**debt (14)** The total amount owed to creditors.

**decision stage (10)** The stage in the policy process when decision makers actually make their decisions.

**Declaration of Independence (2)** Political tract written by Thomas Jefferson that justified the impending political break with England.

**deficit (14)** The difference at the end of the year between revenues and expenses.

**deficit spending (14)** An approach to government budgeting that allows the government to spend more money than it receives in revenues. At the end of the year, the government owes more than at the beginning of the year.

**delegate (7)** The role orientation adopted by representatives who see themselves as simply reflecting the wishes of their constituents.

**department (8)** The most important form of bureaucratic structure in the government. The heads of 15 departments serve as the President's cabinet.

**deviating elections (11)** Elections where the candidate of the minority party (measured by party registration and preference) wins. The argument is that members of the majority party are induced to cross party lines because of some short-term factor but retain their basic party allegiance.

**direct democracy (7)** Form of democracy where the people make decisions directly without the use of representatives.

**direct lobbying (10)** The situation where lobbyists interact directly with decision makers in an effort to influence the development of public policy.

**discharge calendar (7)** House legislative floor calendar used for legislation brought to the floor by means of a discharge petition.

**discharge petition (7)** Legislative procedure to remove legislation from a House committee. If 218 members sign a discharge petition, the legislation must be relinquished by the affected committee and reported to the floor.

**disciplined political party (7)** A political party that is able to control and discipline its members so that it can maintain voting cohesion.

**distributive public policy (1)** Public policy category developed by Theodore Lowi. Distributive public policy is government policy that focuses on giving public resources as an incentive to further common goals.

**district courts (9)** The lowest level of the federal court system. The 96 District Courts have only original jurisdiction.

**district election plan (12)** Proposal for reforming the Electoral College by awarding electoral votes by congressional district rather than by the entire state.

**divided government (1)** Term to denote the control of the executive by one political party and at least part of the legislative body by the other political party.

**Douglas, Frederick (6)** African-American abolitionist who argued that the Constitution was written so generally that its clauses could be interpreted in such a manner as to enhance the cause of African-Americans rather than hindering their progress.

**Dred Scott v. Sandford 1857 (6)** Supreme Court decision which struck down the Missouri Compromise and contributed to the outbreak of the Civil War.

**dual federalism (4)** View of federalism that holds the states and federal government are sovereign in their own spheres of influence.

**due-process clause (5)** Clause of the 14<sup>th</sup> Amendment used to curtail the excesses of state governments in the area of civil liberties and civil rights.

**Economic Recovery Tax Act (14)** President Reagan's tax plan which cut federal taxes by approximately 23% across the board beginning in 1982.

**Electoral College (3)** The method of selecting a President. Each state gets to choose a number of electors equal to its representation in Congress. Once chosen, these electors cast ballots for President with a majority needed to win.

**electorate (11)** People eligible to participate in elections by meeting the legal requirements to vote.

**Emancipation Proclamation (6)** Proclamation by President Lincoln freeing all slaves in the rebellious Confederate states.

**Equal Pay Act of 1963 (6)** Congressional legislation which prohibited private employers from discriminating on the basis of sex.

**equal-protection clause (5)** Clause of the 14<sup>th</sup> Amendment used to curtail the excesses of state governments in the area of civil liberties and civil rights.

**Equal Rights Amendment (6)** Proposed amendment aimed at providing women with full equality with men which was passed by Congress in 1972 but failed to gain the support of 38 states and thus failed.

**Era of Good Feelings (12)** Time period between the failure of the first party system in 1816 and the rise of the second party system in 1828. In this period, there was no partisanship because everyone belonged to the dominant Jeffersonian party.

**errand-boy role (7)** A euphemism for the time and resources spent by the representative's staff catering to his or her constituent's personal interests.

**Espionage Act of 1917 (5)** Act passed by Congress at the height of WWI that made it a crime to interfere or obstruct military recruitment or morale.

**establishment clause (5)** Clause of the First Amendment that prohibits Congress from making laws respecting the establishment of religion.

**exceptions (9)** The exceptions clause of Article III, Section 2 of the Constitution has been used by some to argue that Congress has plenary power over the Supreme Court's appellate jurisdiction.

**executive agencies (8)** Government agencies whose subject matter scope is too narrow to justify cabinet status.

**executive calendar (7)** Senate calendar which handles issues regarding presidential appointments and treaties.

**executive force (7)** Theory that the executive should have primary responsibility for governing.

**executive session (7)** Legislative term for a closed door or secret meeting of a committee or subcommittee to discuss pending legislation.

**ex post facto law (4)** Law declaring a act illegal after the fact. Forbidden by the Constitution.

**extraordinary majority (1)** A majority that falls between a simple majority and a unanimous majority. *Also:* super majority.

**faithless elector (12)** A presidential elector who fail to vote the way he or she promised to vote when chosen.

**federal (4)** Form of government where sovereignty resides with both the regional governments and the central government.

**Federal Election Campaign Act (FECA) 1972 (11)** Basic legislation that attempts to control spending in federal elections.

**Federal Election Commission (FEC) (11)** Commission created to monitor compliance with the provisions of the FECA.

**federalism (4)** Term to describe the political relationship between a central government and regional governments where both levels of government claim sovereignty.

**Federalist (3)** Individual who favored adoption of the present Constitution over the Articles of Confederation.

**Federalist Papers (3)** A series of newspaper articles written in New York newspapers by Alexander Hamilton, James Madison, and John Jay in the Spring of 1788 intended to convince delegates to the New York Ratifying Convention to adopt the Constitution.

**filibuster (7)** The use of the Senate privilege of unlimited debate to gain a political advantage by blocking the process with irrelevant debate.

**First Continental Congress (2)** Congress of the American Colonies called in the fall of 1774 to discuss the consequences of the Coercive Acts.

**first hundred days (12)** Name given by the press to the first three months of the initial Roosevelt Administration in 1933.

**fixed jurisdiction (7)** The legislative jurisdictions of permanent House and Senate committees are specified (fixed) in the rules of the chambers.

**flat income tax (14)** A tax that takes the same percentage of person's income regardless of how much that person earns.

**framing (10)** The shaping of public opinion on a subject by manipulating the manner in which the subject is presented to the public.

**franking privilege (11)** The right of congressmen to communicate with constituents without paying for the postage.

**free-exercise clause (5)** The clause of the First Amendment protecting the free exercise of religion.

**French and Indian War 1756–1763 (2)** The war that pitted England and the colonies against France and her Indian allies for control of the interior of the North American continent.

**frugging (10)** The practice of fund raising under the guise of public opinion research.

**Fugitive Slave Act of 1793 (6)** Congressional act that supported slavery by commanding state and federal officials to aid in the recovery of runaway slaves.

**gatekeepers (11)** Name given to those individuals who control access to power in a society.

**gerrymander (11)** Name given to the practice of drawing election boundaries to your advantage.

**Government Accounting Office (GAO) (7)** Support agency of the Congress that acts as a watchdog over the actions of the bureaucracy.

**government corporations (8)** Legacy of the New Deal era when Congress set up operations to compete with the private sector. Amtrak and the Postal Service are examples of government corporations.

**Gramm-Rudman- Hollings Act (14)** The commonly known name of the Balanced Budget and Emergency Deficit Control Act of 1985.

**grandfather clause (11)** Device used to deprive African-Americans of their voting rights after the Civil War. By stipulating that only those individuals whose grandfather had voted could do the same, it effectively disenfranchised African-Americans whose grandfathers had been slaves.

**grant-in-aid (4)** Where the federal government passes financial aid to the states to accomplish mutually agreed-upon goals.

**Great Compromise (3)** Informal name given to the Connecticut Plan which broke the deadlock between the Virginia and New Jersey plans over how the Congress was to be chosen.

**Great Depression (7)** Name given to the economic depression that nearly caused the collapse of capitalist economies in the late 1920s and early 1930s.

**Great Society (12)** Name applied to President Lyndon Johnson's ambitious social plan to address some of the fundamental problems of society including poverty.

**Gulf War I (1)** The 1990–1991 war with Iraq.

**hard money (11)** Money raised under the provisions of the FECA which can be spent for any legitimate election expense.

**hearings (7)** The stage in the legislative process where lawmakers call in witnesses to testify about proposed legislation as a way of gaining information about the proposal.

**heredity (11)** Method of transferring political power which relies on the idea that power is proprietary and can be passed from one generation to another.

**Hobbes, Thomas (1)** Seventeenth Century political philosopher whose book *Leviathan* was influential in popularizing the idea that government ultimately rested on the consent of the people.

**House Calendar (7)** House floor calendar used to process public legislation not raising revenue nor directly or indirectly appropriating money or property.

**Immigration and Naturalization Services v. Chadha 1983 (7)** Supreme Court decision which struck down the legislative veto as unconstitutional.

**impeachment (8)** The process by which Congress can remove members of the executive and judiciary from public office.

**implied power (4)** Power derived from an interpretation of the *necessary and proper clause* of the Constitution that argues the clause allows Congress to go beyond the enumerated powers.

**incorporation doctrine (5)** Judicial doctrine which applies portions of the Bill of Rights to state actions by incorporating them through the 14<sup>th</sup> Amendment's due-process and equal-protection-of-the-laws clauses.

**incumbency effect (7)** The built in advantages incumbents have over their challengers when it comes to reelection is called the incumbency effect. These include the franking privilege and name recognition.

**incumbent (11)** The person who currently occupies a position in government.

**independent regulatory commissions (8)** Government agencies set up to regulate certain parts of the economy.

**indirect lobbying (10)** Technique used by interest groups to influence decision makers by inducing their constituents to put pressure on them rather than relying on the direct efforts of lobbyists.

**institutional patriotism (7)** The norm which calls on members of Congress to have great pride in the institution and be willing to defend it against all assaults.

**intense minority (7)** Name given to those who are highly involved in an issue and willing to put forth extra effort to get their way.

**intensity (7)** The idea that the level of effort will determine the outcome of an issue rather than sheer numbers.

**interposition (4)** James Madison's response to the imposition of The Alien and Sedition Act passed by the Federalist Congress in 1798 as a way of crushing the political opposition. Madison stated in the Virginia Resolution of 1798 that when the federal government overstepped its powers states had the right to interpose their judgment for that of the federal government.

**Intolerable Acts (2)** Name given by the colonists to the Coercive Acts passed by Parliament in response to the Boston Tea Party.

**investigations (7)** Tool used by Congress to perform its oversight role over the activities of the bureaucracy.

**Iran-Contra (1)** The political scandal involving allegations of a deal selling arms to the Iranians and using the proceeds to fund the Contras (insurgents in Central America), in violation of a congressional ban on giving aid to the Contras. The scandal led to several trials of ranking officials and calls for Reagan's impeachment.

**iron triangles (8)** Name given to the combination of committee members, relevant bureaucrats and affected interest groups who come together to make public policy in a specific arena.

**joint committee (7)** Congressional committees made up of members of both chambers whose current responsibilities are providing substantive committees with information.

**joint resolution (7)** A resolution that needs the approval of both chambers and the signature of the President and carries the force of law.

**judicial review (4)** The power of the courts to rule on the constitutionality of legislative and executive acts.

**justiciability (9)** The process that guides judges when they have to decide whether or not to hear a case.

**Kansas-Nebraska Act of 1854 (6)** Congressional act which overrode the Missouri Compromise by allowing territories to decide for themselves if they wanted to enter the Union as free or slave states.

**Keynes, John Maynard (14)** Influential early 20th Century British economist who advocated having the government play an active role in the economy.

**King, Martin Luther, Jr. (6)** A Baptist minister who became a national leader in the civil rights movement.

**laissez faire (12)** French term literally meaning *government hands off*.

**legislative calendar (7)** Parliamentary device to keep track of legislative proposals brought to the floor of the chamber for consideration.

**legislative caucus (12)** A meeting of a political party's legislative members convened to make political decisions.

**legislative veto (7)** The practice of inserting language into legislation allowing for post passage review of executive action by Congress.

**legislative work (7)** A norm of Congress that calls for members to help shoulder the enormous workload of the institution.

**Leviathan (1)** The name of the ruler in Thomas Hobbes book on government. The connotation of the word means the ruler is all powerful.

**Lewinsky, Monica (1)** White House intern whose sexual liaison with President Bill Clinton eventually led to his impeachment.

**libel (5)** Written defamation of an individual.

**limited power (4)** Concept that the power given to those who govern has limits.

**literacy test (11)** Test given to prospective voters as a means of denying undesirable people the ability to register to vote.

**literal president (8)** Position that the President is limited to the powers expressly given to him.

**literary theory (7)** Theory that the three branches of government should remain evenly divided in their control of power just as the Constitution specified.

**lobbyist (10)** A person who acts on the behalf of an interest group with decision makers.

**Locke, John (1)** Seventeenth century political philosopher whose writings greatly influenced the thinking and actions of the founding fathers.

**loyal opposition (12)** The political concept that individuals can be opposed to the regime in power but still be loyal to the system. This allows for people to compete for power within the system without resorting to violence.

**mace (7)** The club made up of ebony rods symbolic of the power of the Sergeant at Arms of the House of Representatives.

**maintaining elections (11)** Elections where the candidate of the majority party (measured by party registration and preference) wins. The argument is that members of the majority party voted for the majority party candidate thus maintaining the balance of power.

**majority leader (7)** Leader of the majority political party in a legislative chamber.

**majority rule (1)** A basic tenet of democratic theory. This rule calls for decisions to be decided based on majority agreement.

**majority whip (7)** Individual chosen to assist the leader of the majority party in a legislative assembly.

**malapportionment (11)** The failure to reapportion legislative district lines to match shifts in population. Used in the first half of the 20<sup>th</sup> Century by rural interests in the states to gain an unfair advantage in state legislative assemblies and Congress.

**manager of prosperity (8)** One of a modern President's informal responsibilities. Ever since the advent of the activist state under Franklin Roosevelt, presidents have been expected to make sure the economy stays strong and healthy.

**mandamus (9)** A writ of mandamus is a judicial order directed at an official of the executive branch ordering him to perform his ministerial duty.

**mandatory view (7)** The view that Congress is obligated under Article III of the Constitution to create lower federal courts and not try to control these court's jurisdictions.

**Marbury v. Madison (1803) (4)** Supreme Court ruling that allowed the High Court to claim the power of judicial review.

**mark-up (7)** The portion of the legislative process where the members of the committee or subcommittee discuss the substance of the proposal and literally mark it up or change its substance as they go.

**mass political party (12)** Political party formed by enlisting a large number of individuals with similar interests or occupations to join together for their common interests.

**mercantilism (2)** The economic policy followed by England during the development of the American colonies which called for tight control of the trade between itself and its colonies.

**midnight appointments (9)** Derisive name given to the last minute judicial appointments of the outgoing Federalist President, John Adams, in an effort to pack the judicial branch of the federal government with Federalists before turning control of the other two branches of government over to Thomas Jefferson and his followers.

**Miller v. Johnson 1995 (11)** The Supreme Court struck down minority-majority congressional districts.

**minority leader (7)** Leader of the minority political party in a legislative chamber.

**minority rule (1)** Rule by less than half of those eligible to participate.

**minority whip (7)** Individual chosen to assist the leader of the minority party in a legislative assembly.

**minority winner (12)** The person who wins a majority of the electoral college votes cast in the presidential race but fails to gain a plurality of the popular vote cast.

**Montesquieu, Charles-Louis de (1)** Eighteenth century political philosopher who introduced the idea of separation of powers as a means of controlling power in government in his work *The Spirit of the Laws* published in 1748.

**National American Woman Suffrage Association (6)** The combined Woman's Rights organization, from the merger of the American Woman Suffrage Association and the National Woman Suffrage Association.

**National Association for the Advancement of Colored People (NAACP) (6)** Association founded by Blacks in 1909 with the strategy of fighting segregation through legal means.

**National Woman Suffrage Association (6)** One of the first Woman's Rights organizations.

**natural rights (1)** Political argument that people have certain rights that accrue to them simply because they are human beings.

**Navigation Acts (2)** Parliamentary acts designed to control trade between England and her colonies in accord with the tenets of mercantilism.

**necessary and proper clause (4)** Provision of Article I, Section 8 of the Constitution that has been interpreted by Congress and the Supreme Court as giving Congress powers beyond those expressly stated in the Constitution.

**New Deal (1)** Name attached to the series of programs and policies adopted by the Franklin Roosevelt Administration in an effort to fight the Great Depression.

**new federalism (4)** An approach toward federalism fostered by the Nixon and Ford Administrations that focused on cutting down on bureaucratic red tape and turning more responsibility for the administration of programs to the states.

**New Jersey Plan (3)** Plan proposed at the Constitutional Convention calling for a new government consisting of a one-chamber legislature with each state having equal representation, a separate executive chosen by the legislature and a separate high court picked by the executive.

**no winner (12)** The situation which occurs when no one gains a majority of the electoral votes cast in the presidential election. When the electoral college fails to pick a winner, the President is chosen by the House of Representatives.

**noncompliance (9)** The failure of officials under jurisdiction of the courts to comply with the rulings of those courts.

**norms (7)** Sets of expectations people have about how to behave in certain social situations.

**nullification (4)** Thomas Jefferson's response to the imposition of the Alien and Sedition Act passed by the Federalist Congress in 1798 as a way of suppressing political opposition. Jefferson drafted the Kentucky Resolutions of 1798, which asserted the right to declare unauthorized actions of the federal government "null, and of no force."

**Office of Management and Budget (OMB) (8)** Executive agency created by the Budget Act of 1921 and charged with helping the President meet his economic and budget responsibilities.

**open primary (12)** A primary election that is open to all registered voters regardless of their party affiliation.

**Oregon v. Mitchell 1970 (9)** Supreme Court ruling which, by voiding the effort of Congress to lower the minimum voting age in states to 18, prompted passage of the 26<sup>th</sup> Amendment in 1971.

**original jurisdiction (9)** The power of a court to hear a case for the first time.

**oversight (7)** One of the three major responsibilities of Congress. It involves having Congress keep a watchful eye on the bureaucracy to make sure they do what Congress has mandated.

**paper currency law (3)** Law proposed to the Massachusetts legislature to authorize the printing of paper money to alleviate a credit crisis plaguing the state. The failure to enact this law contributed to the rise of Shay's Rebellion.

**party convention (12)** Mechanism for nominating party candidates that allows for participation in the decision process by party faithful as well as party in government.

**party faithful (11)** Those individuals in the political party who do not hold official positions of power in government but work beyond simply voting to promote the party's interests.

**party in government (11)** Individuals who hold official positions of power in government through the efforts of the political party they affiliate with.

**party in the electorate (11)** Individuals whose attachment to the political is primarily psychological.

**party leader (8)** One of a modern President's informal responsibilities. Presidents need to work with their party colleagues to ensure their own reelection and the election of a Congress that their party controls if they want to be successful.

**passive-negative (8)** One of four personality types developed by James David Barber based on the psychological characteristics of presidents. Passive-negative presidents avoid doing much and get little satisfaction from their efforts. They are drawn to public service primarily by a sense of duty or obligation.

**passive-positive (8)** One of four personality types developed by James David Barber based on the psychological characteristics of presidents. Passive-positive presidents wish to avoid conflict but are positive because they want to be liked.

**patronage (11)** The convention of giving jobs to people based on party affiliation and party work rather than merit.

**Pendleton Act of 1883 (8)** Popular name of the Civil Service Reform Act that reformed the bureaucracy by introducing merit into the selection process and providing federal employees protection from removal simply for political reasons.

**penumbra (5)** The fainter shadow which develops around a full shadow.

**plenary view (7)** The view that Congress is not limited by Article III in its efforts to control the appellate jurisdiction of the federal courts.

**Plessy v. Ferguson 1898 (6)** Supreme Court decision that upheld the separate but equal principle, giving segregation legal sanction.

**plurality (11)** Decision rule which awards the win to the candidate with the most votes even if that is not a majority of the votes cast.

**Political Action Committee (PAC) (10)** The political arms of labor unions and corporations that allow them to contribute to political campaigns without violating election laws. PACs are allowed to collect voluntary contributions from members and are restricted from making any contribution over \$5,000 to any one campaign.

**political cohort (11)** A group of individuals who enter the political arena at the same time and are influenced by the same political experiences.

**political party (11)** A group of like-minded individuals who form together to gain political power in order to accomplish their common goals.

**political socialization (10)** The process by which individuals learn how to react to the political world around them.

**poll tax (11)** Fees individuals were required to pay before they could vote. It was used as a method to keep poor African-Americans from voting and was finally banned by passage of the 24<sup>th</sup> Amendment adopted in 1964.

**Pollock v. Farmers' Home and Trust Company 1895 (9)** Supreme Court decision that struck down a federal income tax and prompted Congress to pass the 16<sup>th</sup> Amendment as a way of nullifying the judicial decision.

**population (10)** The group whose opinion researchers are attempting to ascertain.

**positive state (1)** See activist state.

**power of the purse (8)** Term used to denote who controls the money in a political system.

**power of the sword (8)** Term used to denote who controls the military power in a political system.

**President pro tempore (7)** The senator who presides over the Senate in the absence of the Vice President.

**presidential character (8)** One of two psychological traits defined by James David Barber that allow him to develop a four-fold table of presidential personality types. A President's character determines how he feels about what he does. He is either positive or negative about what he accomplishes.

**presidential style (8)** One of two psychological traits defined by James David Barber which allow him to develop a four-fold table of presidential personality types. A President's style refers to how he approaches his work. He is either active or passive in his approach to solving problems.

**primary election (12)** The choosing of party candidates by means of an election where every level of the party, including the party in the electorate, is eligible to participate.

**priming (10)** The media's shaping of public opinion by telling the public which issues should be emphasized.

**private bill (7)** A bill introduced into Congress which affects only the individuals named in the bill.

**private calendar (7)** The House floor calendar on which all private bills are placed awaiting consideration by the full chamber.

**procedural due process (5)** Judicial doctrine which attempts to protect individuals from government abuse in the manner justice is administered.

**professional lobbyist (10)** An individual who makes it his or her career to contact decision makers on the behalf of interest groups.

**progressive income tax (14)** A tax that taxes a larger percentage of a person's income as that person's income increases.

**Prohibitory Act of 1775 (2)** Parliamentary Act which declared the colonies to be in rebellion and labeled their action as treason.

**proportional election plan (11)** Plan to allocate electoral votes in presidential elections in proportion to how many popular votes a candidate gathered.

**protector of the peace (8)** One of a modern President's informal responsibilities. Presidents are in a unique position to respond to natural disasters and internal disturbances and the American people expect them to do so.

**pseudo-polls (10)** Polls that do not collect information from a representative sample of the population and whose results are questionable.

**public bill (7)** A bill introduced into Congress which affects the general population.

**push-poll (10)** A poll which attempts to push votes toward a particular candidate by feeding them false or misleading information about the candidate's opponent through the guise of asking polling questions.

**qualified veto (4)** A veto that can be overridden by the legislature. The President's veto can be overridden by a two-thirds vote of both chambers of Congress.

**realigning election (11)** An election where the candidate of the minority party (measured by party registration and preference) wins because there is a shift in party loyalty and the minority party becomes the majority party.

**reciprocity (7)** The congressional norm of not trying to take advantage of the other side when you have the opportunity.

**Reconstruction (6)** Military occupation of the South after the Civil War.

**redistributive public policy (1)** Public policy which seeks to redistribute the goods of society according to some social plan.

**redistricting (11)** The act of redrawing legislative district lines to reflect changes in political circumstances.

**regressive income tax (14)** A tax that takes a lesser percentage of a person's income as that person's income increases.

**regulatory public policy (1)** Public policy designed to regulate industries so they do not abuse their economic power.

**representative democracy (7)** The alternative to direct democracy. Representatives are chosen to represent the interests of citizens in making governmental decisions.

**Revenue Act of 1971 (11)** Congressional act which created the funds used to fund presidential campaigns.

**Roe v. Wade 1973 (5)** The Supreme Court decision that effectively legalized abortions in the United States.

**rules (11)** Mechanism used to determine under what conditions someone wins an election.

**sampling (10)** Statistical technique used to draw samples from populations in order to ascertain information about the population.

**Second Continental Congress (2)** Congress of American Colonies convened in May 1775 to address the issues surrounding the impending war with England.

**Sedition Act of 1918 (5)** Congressional act that made it a crime to criticize the government or military forces.

**select committee (7)** Congressional committees which are created for a specific purpose and only for a specific time, usually one Congress or less.

**Seneca Falls Convention (6)** The first Women's Rights Convention, held in Seneca Falls, NY.

**seniority (7)** Longevity which is used to make allocative decisions.

**separation of powers (1)** Political principle popularized by the political philosopher Montesquieu who advocated dividing the powers of government between the various branches as a way of avoiding the abuse of power.

**sequestration (14)** Budgeting term which means that all parts of the budget have to be cut equally if there is to be a cut.

**Shay's Rebellion (3)** An uprising among farmers on the western edge of Massachusetts in 1786 over the unwillingness of the state legislature to pass bills which would alleviate the effects of a credit crisis that threatened their livelihoods.

**simple majority (1)** A majority defined as one half plus one.

**simple resolution (7)** A resolution which needs only the concurrence of the chamber in which it was introduced and affects only that chamber.

**slander (5)** Oral defamation of an individual.

**social contract (1)** The agreement people enter into in order to ensure their natural rights will be protected.

**soft money (11)** Money raised by means other than by direct contributions to candidates. This money cannot be used to directly support an individual campaign.

**sovereignty (4)** The concept of a final power within a political system which answers to no higher power.

**special rule (7)** Mechanism used by the House Rules Committee to bring major legislation to the floor. The committee issues a simple resolution recommending the affected bill be considered by the House under certain specific conditions.

**specialization (7)** Congressional norm which encourages individual legislators to specialize on some aspect of the legislative process rather than becoming jacks of all trades and masters of none.

**Speaker of the House (7)** The formally elected leader of the House of Representatives.

**Spirit of the Laws 1748 (1)** Political tract published by Charles-Louis de Montesquieu in which he introduced separation of powers as a political precept.

**Spoils system (8)** The spoils system was introduced by President Andrew Jackson as a means of building support for his political party by having party loyalists rewarded with government jobs regardless of their qualifications. When asked why it was instituted, one of his associates allegedly said; “to the victors go the spoils”.

**stagflation (1)** Word coined by economists in the 1970s to describe the condition where high inflation is accompanied by high unemployment.

**standing committee (7)** Congressional committees given fixed jurisdictions which usually persist from Congress to Congress because they address issues of continuing concern.

**Stanton, Elizabeth Cody (6)** One of the first Women's Rights leaders.

**strong president (8)** A President who will argue he has the power to do something unless it is specifically denied him.

**subcommittee (7)** A further division of labor in a committee. A subset of a committee.

**substantive due process (5)** Legal doctrine that protects individuals from government control based on the substance of the legislation.

**succession (11)** The problem associated with passing power from one group of people to another group.

**sugging (10)** The practice of selling something under the guise of public opinion research.

**super majority (1)** A majority that falls between a simple majority and a unanimous majority. Also known as an extraordinary majority.

**supremacy clause (4)** Clause of the Constitution which states that the national constitution and the laws and treaties made under that constitution are to be supreme over state constitutions and laws if the two conflict.

**suspension of the rules (7)** House parliamentary procedure which allows legislation to be brought up out of order. In this case, the legislation needs a two-thirds majority to pass.

**Taft–Hartley Act 1947 (11)** Legislation passed after WWII that forbade labor unions' direct contributions to political campaigns.

**tender law (3)** Law proposed to the Massachusetts legislature to allow farmers to pay off specie debts through payments in goods such as crops in order to alleviate a credit crisis plaguing the state. The failure to enact this law contributed to the rise of Shay's Rebellion.

**Tillman Act of 1907 (11)** The first attempt by Congress to control spending in federal elections. The act outlawed direct political contributions by corporations.

**Title IX (6)** Portion of the Education Act of 1972 that forbids discrimination based on gender in any educational program receiving federal funds.

**trustee (7)** The role orientation taken by representatives who see themselves as looking out for the interests of the larger community and not just their narrow constituency.

**unanimous consent agreement (7)** Parliamentary devices used in the Senate to expedite its business by getting all of the member to agree to a set procedure before proceeding.

**unanimous majority (1)** A majority with no disagreement.

**Union Calendar (7)** House floor calendar used to process public legislation that directly or indirectly appropriates money or property or raises revenue.

**unitary system (4)** Form of government where sovereignty resides in the central government exclusively.

**United States Reports (9)** The official record of the laws of the United States.

**U.S. Courts of Appeal (9)** Federal courts just below the Supreme Court which hear appeals from the federal district courts.

**Vietnam War (12)** On the surface, a civil war in Asia from 1958 to 1975. However, because both the USSR and the United States were participating, it worked out to a war between East and West.

**Virginia Plan (3)** Plan proposed at the Constitutional Convention calling for a two-chamber legislature based on population and a separate executive and judiciary both to be chosen by the legislature.

**voice of the people (8)** One of a modern President's informal responsibilities. He is the leading formulator of public opinion in the United States and is moral spokesperson for the nation as a whole.

**voodoo economics (14)** Term coined to describe the economic plan put forth by candidate Ronald Reagan in the 1980 presidential campaign.

**voter registration (11)** Offers a way to reduce fraud and cheating in elections at the expense of the people's easy access to their right to vote.

**Voting Rights Act of 1965 (6)** Legislation authorizing the sending of registrars into Southern states to ensure that Blacks could register and vote.

**War on Poverty (1)** Name given to the Johnson Administration policy on poverty.

**Watergate (12)** The political scandal involving a break in at the Democratic National Headquarters located in the Watergate apartment complex which eventually led to the resignation of Richard Nixon from the presidency.

**Westbury v. Sanders 1964 (11)** Supreme Court decision in which the Court enunciated the principle of “one man, one vote” and said it applied to the U.S. House of Representatives.

**Whig theory (7)** Theory which holds that the legislature should have primary responsibility for governing.

**White House Office (8)** The President’s personal staff, an important component of the institutional presidency.

**White primary (11)** Device used to disenfranchise African-Americans by closing the dominant party’s nomination process to them. The White primary was banned by passage of the 24<sup>th</sup> Amendment adopted in 1964.

**winner-take-all election (11)** Whoever wins the election wins all of the power associated with the election.

**writ of habeas corpus (4)** See habeas corpus

**Youngstown Co v. Sawyer 1952 (9)** The Supreme Court ruled that President Harry Truman did not have the power to take over the nation’s steel mills and ordered them returned to their civilian owners.