

Government Notes

“Congress”

I. Introduction

- I. The **Congress** that the U.S. and most Latin American countries has is different from the **Parliament** that most European nations have because in Europe, a person who wants to run for office must persuade his party to nominate him, while in America, politicians can run for themselves.
 - i. In Europe, people vote for parties; in America, they vote for individuals.
 - ii. In primaries, people vote especially for a “person” (and his qualities, traits, etc...), and in general elections, this is sometimes true also.
 - iii. In parliament, legislators can support their leaders or not, and if they don’t then new leaders (prime minister and various cabinet members) must be elected.
 - a. This ensures that more action can occur, since the parties of the executive and legislative branches are practically always the same.
 - iv. Congress is free from the turmoil of possible collapsing executive branches and is more powerful to make decisions; Congressmen don’t have to worry about easily losing their positions come another election.
 - a. In Congress, there is less cohesion in bill passing, and less stuff can get done.
 - v. Parliaments members usually engage in **debate**, are poorly paid, have little independent power, and receive little power as well.
 - vi. Meanwhile, Congressmen are much better paid, have more power, do many things in committees, and have staff members of their own, thus “proving how important they are.”

II. The Evolution of Congress

- I. The framers of the Constitution chose a congress over other forms of representative gov’t because they didn’t want all power concentrated together, even if it was in a group of people, but they also knew that the states would want to be heavily represented and have power.
 - i. Thus, they created a **bicameral legislature**, which consisted of two houses—a House of Representatives and a Senate—where one was based on population representation and the other was more evenly balanced.
2. Despite the **checks and balances** created, the framers still expected Congress to be the dominant branch in politics, and for a while, it was, except with strong presidents like **Andrew Jackson**, **Abraham Lincoln**, **Theodore Roosevelt**, and **Woodrow Wilson** were in power.
 - i. Many struggles within Congress have been over important issues like slavery and tariffs, but there has also been debate over how power should be spread within Congress itself.
 - a. **Centralization** leads to quick, decisive actions but limits individual power and rights.
 - b. **Decentralization** protects individual representation but leads to many gridlocks.
 - c. The trend over the years has been toward decentralization.
3. The House has given its **Speaker** much power at times and little power at other times, and there have been six main ways it has operated over the years:
 - i. During the first three administrations, the House was often led by presidential cabinet members or the president himself, but the House quickly began to gain its own power and personality, with great Speakers like **Henry Clay** leading the way and new implementations like the **caucus system** (used to choose presidential candidates in those days) used to get power.

- ii. In the late 1820s, Andrew Jackson greatly strengthened the power of the presidency, the caucus system was replaced by national nominating conventions, House Speakers lost great power, the issue of slavery divided and weakened the House greatly, and radical groups used what power they could to punish the South after the **Civil War**.
 - iii. Near the end of the 1800s, when **Thomas Reed** of Maine became speaker, the Speaker position gained more power than ever, with Reed even chairing the **Rules Committee** (the one that selected which piece of legislation would even be debated in Congress) and unifying the Republican party greatly, but later, **Joseph Cannon** of Illinois, trying to exert the same power Reed did, led the House to a revolt against the Speaker.
 - iv. In 1910-11, the House revolted against Cannon, stripping the Speaker position of many powers (like the right to appoint members to committees and a position in the Rules Committee), and adopted the caucus system again, but members soon dropped it; also, the power of committee chairmen rose because they could control what was discussed.
 - v. In the 1960s-70s, the power of chairmen was greatly lowered, committees had to create sub-committees if they didn't already exist, and individual members of the House became powerful.
 - vi. In 1994-95, after seeing how individualism made it hard for things to be done, the House made measures to strengthen leadership, leading to domination by Speaker **Newt Gingrich**, and the Republicans in particular became very unified.
4. The basic problem with the House is that it wants to be big and powerful AND it wants to have individuals with power, which contradicts itself.
 5. The Senate has been small enough to evade many of the House problems, and in the Senate, there is no limit on the amount of time that can be used to debate over a topic.
 - i. Until the 1900s, senators were picked by legislators, not the public, and before the Civil War, it was quite balanced, with equal members from slave-holding and non-slave-holding states.
 - ii. The big fight was over who should elect senators, since during the **Gilded Age**, when corruption reigned, it seemed that anyone with lots of money could simply buy a senator position, leading the Senate to be called the "Millionaire's Club," but finally, after a long struggle, the **17th Amendment** was passed, allowing direct elections of senators.
 - iii. Another issue was the use of the **filibuster**, or the stalling of time (usually to prevent the discussion or passage of a bill) by a senator (he/she could do anything to stall, as long as he/she kept talking), but **Rule 22** sort of solved this by allowing senators to end a filibuster if 2/3 of the senators (now it's just 60) present voted for a "**cloture**" and thus end a debate.

III. Who Is in Congress?

1. The typical stereotype of Congress is that it is populated with white middle-aged male Protestant lawyers, but actually, Congress has become more diversified (more women and minorities), and though there still are relatively few minority members, some of the minorities present are committee chairs.
2. In the early days of America, most Congressmen served only one term, due to the facts that the pay was low, the travel to Washington, D.C. was difficult, and the city was not nice to live in, but by the 1950s, being a Congressman had become a career.
 - i. More and more Congressmen were incumbents who were re-elected, and while some tried to impose term limits, many movements to do so failed in the Senate or the Supreme Court.
 - ii. Luckily, there has recently been a surge in the number of new Congressmen, in part because new districts (from the census) have changed power, voters have become disgusted by some scandals, and traditional party areas have shifted allegiances.

- iii. Still, incumbents enjoy great advantages, and the number of **safe districts**, where incumbents win 55% of the vote or more, is still much greater than the number of **marginal districts**, where incumbents win by less than 55%.
 - a. Incumbents probably win because voters are more familiar with their names and faces; they can mail information to constituents for free, and can pass measures that benefit their districts and themselves.
- 3. Since 1933, Democrats have controlled the house well over 80% of the time, and this may be because Democrats have often redrawn district lines to benefit themselves and weaken Republicans.
 - i. Also, the Democrats were often in power during the time when the power and advantages of incumbents grew vastly, and many Democratic candidates have proven to appeal to voters.
 - ii. However, in 1994, the Democrats suddenly lost their majority and much of their power, probably because voters no longer wanted “professional politicians” who were responsible for the “mess in Washington,” and were upset over the various scandals that broke.
 - a. Thus, during the anti-incumbent period, when Democrats held the power, most incumbents—Democrats—were ousted.
- 4. Democrats have been more divided throughout history than Republicans; in fact, in the 1960s and 70s, they formed the **conservative coalition**, teaming up with Republicans to pass many laws, but over time, their influence has waned.

IV. Getting Elected to Congress

- 1. Each state has two senators in the Senate and at least one representative, with the number of reps determined by state population, but the Constitution says virtually nothing about voting districts and HOW Congressmen would be elected.
- 2. There were two problems in apportioning voting districts: **malapportionment**, where districts were unequally sized and a person in would district could have his vote have twice the power of that of a person in another district, and **gerrymandering**, where districts are drawn in bizarre shapes so that a candidate of a party can easily win that district (like connected two large areas of opposite party strength by a thin line so that instead of two districts, they are one).
 - i. Solutions have been to establish the total size of the House, to allocate seats in the House among states, and to determine the size and shapes of congressional districts within states.
- 3. In 1911, Congress voted to fix the size of the House at 435 members, and it was also decided that districts would be redrawn every decade according to the results of the census, but states did very little about malapportionment and gerrymandering until the Supreme Court ordered them to do so in 1964.
 - i. Still, many problems remain, and parties can still gerrymander by going through loopholes, even though this is technically illegal!
 - ii. A problem is **majority-minority districts**, created by some Southern states to allow minority voters to elect minority candidates so that Congress can be more diverse, but some districts drawn have been very weird, and the Supreme Court has made a few 5-4 decisions that have ruled against this type of action (nothing has been solved, though).
- 4. There’s a difference between **descriptive representation**, or the statistical correspondence of the demographic characteristics of representatives with those of their constituents, and **substantive representation**, or the correspondence between representatives’ and their constituents’ opinions.
 - i. The first can be used to support majority-minority districts, while the second supports ethics.
- 5. Today, a candidate usually gets enough signatures to get his name on a ballot, and parties have very little influence in the process, but incumbents still usually win primaries due to their large support.

- i. The 10% of new House members are usually people who have become strong in their districts very quickly, a phenomenon called **sophomore surge**, so that today, freshmen politicians running for re-election typically get 8-10% more votes than the first time around.
 - ii. These people have figured out how to use their offices to run *personal* campaigns instead of party ones, playing on constituents' concern over the "mess in Washington" by promising to "clean it up."
 - iii. Thus, if a local candidate is on a certain committee, that locale will probably get more funds for whatever that committee is for.
- 6. There's a question that asks if legislators are **delegates** who do what their district wants or **trustees** who use their best judgment on issues and act based on what THEY think, even if it contradicts constituents.
 - i. Most are mixtures of both, but delegates value re-election more than trustees while trustees may seek committees that have little or no effects on their districts.

V. The Organization of Congress: Parties and Caucuses

- 1. While other legislative organizations in other nations may be only one organization (where, say, only the party is important), Congress is a mixture of many organizations.
- 2. The majority party chooses one of its members (usually the one with greatest seniority) to be **president pro tempore** of the Senate—a position that is really just honorary and has no real power.
 - i. The president of the Senate is the vice president of the U.S., but he has little power too.
 - ii. The real leadership is in the hands of the **majority leader**, who schedules business and can be recognized first in the Senate but can do much more if he is skilled at political bargaining and has a strong personality (i.e. **Lyndon Johnson**), the **minority leader**, and the **whip**, who basically enlightens the party leader and also makes sure party members are present for and vote for important decisions.
- 3. The key party organization is the group that assigns senators to the standing committees of the Senate, and what committee a senator is appointed to can be very advantageous to new senators' careers.
- 4. In the House, the Speaker is the most powerful and important person because he controls who can speak and influences decisions (there are limits on speaking and debating times in the House).
 - i. He decides who to recognize, what bills to debate, and what rules to obey.
 - ii. Each party in the house also has a majority or minority leader that can become Speaker if/when the Speaker dies or retires, provided that his party is still the majority one.
- 5. One important measure of strength in the House is the ease in which a party leader can get sweeping decisions, even ones that some people don't like, passed, but in the Senate, changes since the 1950s & 60s have made it easier for freshmen for work.
 - i. A **party unity vote** is a vote in which a majority of voting Democrats oppose a majority of voting Republicans, and it can measure party strength, because the more people from opposing parties vote similarly, the weaker each party supposedly is.
 - ii. While parties don't play that big of a role in helping candidates, Congressmen still vote in support with their party, probably because they have certain ideological traits, turn to one another when unsure of how to vote, and follow what their leader says.
 - a. While party is not as important to a politician today as it was, it is still very vital.
- 6. A **caucus** is an association of members of Congress created to advocate a political ideology or a regional or economic interest, and more and more have sprung up over the years.
 - i. Legislators join caucuses to prove that they are actively working to solve issues, and while recently, Republicans have adopted rules that have made caucus operation harder, caucuses still remain strong and popular.
 - a. Groups with similar ideologies form **intraparty caucuses**.

VI. The Organization of Congress: Committees

1. It is in the committees that real work is done, and there are many types of committees:
 - i. **Standing committees** are pretty much permanent and have specified legislative duties.
 - ii. **Select committees** are appointed for limited purposes and last only a few congresses.
 - iii. **Joint committees** have both representatives and senators serving on them.
 - a. A special type of this is the **conference committee**, made up of people who resolve differences in House and Senate versions of the same bills before final passage.
2. The **Legislative Reorganization Act of 1946** sought to lower the number of committees so that those remaining would have greater influences and powers.
 - i. The 104th Congress actually tried to lower the number of committees (against the norm).
 - ii. Usually, the majority party simply takes a majority of the seats in each committee and lets the minority party have the rest.
 - iii. Representatives can serve on a maximum of two committees unless one of them is “exclusive” (i.e. Appropriations, Rules, Ways and Means), where the limit is one, and Senators can be on two major and one minor committee.
 - iv. Committee chairmen used to be loyal friends of strong speakers, but that changed to seniority, and now, even that trend is sinking, so that chairmen can be anyone qualified, really.
3. To let less experienced Congressmen have better chances of chairing committees, Congress adopted some rules, like:
 - i. In the House, committee chairmen were selected by secret ballot in party caucus; no member could chair more than one committee; all committees with 20+ member had to have 4 subcommittees; committee and personal staffs had to be increased in size; and committee meetings had to be public unless members voted to close them.
 - ii. In the Senate, the rules were the same, except the chairmen would be selected by secret ballot if 1/5 of the people asked for it.
 - iii. This decentralization gave individuals more power, but less could be done, and subcommittees began to be attended by few people only.
 - a. Chairmen began to cast **proxy votes**, where he voted in place of another member (with that member’s approval, of course).
4. The 1995 Republicans, angered by this loss of power, enacted new changes, such as banning proxy voting, limiting the terms of chairmen and Speakers, allowing more floor debate under open rules, reducing the number of committees and subcommittees, and authorizing committee chairmen to hire subcommittee staffs.
 - i. Basically, the proxy voting, etc... made it easier for work to be done, at the expense of individual power and influence, and the opposite led to less work being done.
 - ii. In the Senate, the most important of the few changes have been to put a 6-year limit on chairmen and to have chairmen selected by secret ballots.
5. Nevertheless, the committee is where most work still takes place.

VI. The Organization of Congress: Staffs and Specialized Offices

1. Congressmen have extensive staff members. In fact, until the 1990’s, Congress had the most rapidly growing bureaucracy in Washington.
2. Tasks of Staff Members
 - i. Staff functions can be split up into three areas:
 - a. Much of the time of the staff members is spent servicing requests from constituents, ultimately helping the members of Congress get reelected. This would be the **representative function**.

- b. Very large portions of congressional staffs work in the district offices of the Congressmen (and women) rather than directly from Washington.
 - c. This might be a reason why it is so hard to defeat incumbents.
 - d. Also, the staff has a **legislative function**. There are too many proposals for Congress members to get to know in detail. Therefore, the staff plays a large role in devising proposals, meeting with lobbyists, etc.
 - e. There is an **entrepreneurial function** as well: sell your employer. This applies more to those staff members that work directly for an individual member of Congress as opposed to a committee. It's the game of "find something the boss can take credit for."
 - f. Lobbyists and reporters understand the entrepreneurial function, and spend a lot of time courting congressional staffers as sources of information and consumers of ideas.
 - ii. One reason for the increase in staff is that large staffs seem to create demands for more staff members. For example, large staffs generate a lot of legislative work. Subcommittees come up to handle all those issues, but the workload increases.
 - iii. Reliance on the staff has increased a bunch, not because staffers do things against their "elected masters," but because they change the environment where things are done. As a result, Congress has become much more individualistic, and less of a deliberative body.
3. Staff Agencies
- i. Congress also has staff agencies that work not for individuals within Congress, but Congress as a whole. This position came into being to give Congress the same information that the president got from a trusty, reliable source.
 - a. **Congressional Research Service (CRS)**: Created in 1914 and part of the **Library of Congress**, the CRS, while not recommending policy, does look up policy and give the for-and-against sides of each policy, and it also keeps track of all bills (library service) and gives summaries of each one via computer terminals in almost all Congress offices.
 - b. **General Accounting Office (GAO)**: Started out in 1921 as a financial auditing service of the executive-branch departments, it ended up investigating agencies and policies and making recommendations on almost every aspect of government. Congress is downsizing it now.
 - c. **Office of Technology Assessment (OTA)**: A short-lived agency that was created in 1972 but abolished in 1995 that studied and evaluated policies and programs that had significant use of or impact on technology.
 - d. **Congressional Budget Office (CBO)**: Advises Congress on likely economic effects of spending programs, provides info on proposed policies cost, analyzes president's budget, and gives conclusions different from administration (giving Congressmen grit in debates).

VII. How a Bill Becomes Law (I'm just a bill, a regular old bill, and I'm sitting here on Capitol Hill . . .)

1. Congress is like a freeway: sometimes you might as well be on the autobahn, others you might as well get out and crawl.
2. Reasons some bills zip and others don't:
 - i. Bills that spend a lot of money move slower (especially when the government is running up deficit, which is always does).
 - ii. Bills that will tax or regulate businesses go through slowly because the multitude and variety of interests have to be accounted for.
 - iii. But bills with clear, strong messages ("stop drugs," "end scandal") go through quickly, especially when the government doesn't have to spend too much money.

- iv. Plus, sheer complexity of procedures lends some more obstacles; so, a member of Congress must either assemble a majority ever so slowly, or take advantage of some enthusiasm.
3. Introducing a Bill
- i. In House: Hand it to the clerk, or drop it in the “hopper” box. Bills here bear the prefix H.R.
 - ii. In Senate: Being recognized by the presiding officer (take him out to dinner the night before) and announcing the bills introduction. Bills here bear the prefix S.
 - iii. **Public bill**: pertains to public affair in general.
 - iv. **Private bill**: pertains to an individual. There aren’t too many of these around any more.
 - v. The stereotype is that the President proposes legislation, and Congress disposes. The reality is more complicated, and rather opposite to the stereotype.
 - a. Besides, only Congress can introduce legislation, not the president.
 - vi. Also, Congress can pass resolutions.
 - a. **Simple resolution**: used for things like operating rules for each body. Not signed by president and don’t have the force of law.
 - b. **Concurrent resolution**: settles housekeeping and procedural matters that affect both houses, is not signed by the president, and does not have the force of law.
 - c. **Joint resolution**: both Congress and presidential approval needed. In practice, it is the same as a law. Also used to propose a constitutional amendment, but those propositions don’t require the presidential signature.
4. Study by Committees
- i. In House, the Speaker refers a bill to committee; in Senate, the presiding officer refers it. Therefore, the Speaker and the presiding officer wield great power. Depending on whether or not they like the bill, they assign it to committees with chairmen favorable or hostile to the bill.
 - ii. All bills for raising money have to start in the House of Representatives. Also, House usually originates appropriations bills (how money gets to be spent). Members of the **Ways and Means Committee** (revenue legislation) get lots of Christmas presents.
 - iii. Most bills die in committee. They serve only as publicity stunts for Congressmen.
 - iv. Bills of general interest that get through are assigned to a subcommittee, the hearing of which is then used to inform Congress, to permit interest groups to squall, and/or to build public support.
 - v. However, the hearings fragment the process of considering such bills; with power and info being dispersed, it is hard to get a full view of a matter crossing committee boundaries.
 - vi. **Multiple referral** was the process by which a bill can be sent to multiple committees, but this was abolished in 1995.
 - a. Advantage: All views have a chance to be heard.
 - b. Disadvantage: More chances to kill the bill.
 - vii. Now, the Speaker uses **sequential referral**, through which the Speaker can either send a bill to a second committee after the first is done acting or send parts of a bill to different committees.
 - viii. Then, the (sub)-committees “mark up” the bill, making any suitable changes, etc.
 - ix. Even if the bill is stalled, House can file a **discharge petition** and get it on the floor anyway, but discharge is rarely used in Senate because almost any proposal can get to the floor as an amendment to another bill.
 - x. In order for a bill to come before house, it needs to go on calendar (5 in House, 2 in Senate).
 - xi. Even though the bills are on calendars, they aren’t always considered chronologically.
 - xii. There are three rules to the procedures.

- a. **Closed rule:** sets a strict time limit, and forbids introduction of other amendments from the floor (yes or no vote).
 - b. **Open rule** permits amendments from the floor.
 - c. **Restrictive rule** permits some amendments but not others.
 - xiii. The trend now is towards closed rules; this is due to the decision of the Rules Committee.
 - xiv. How to bypass Rules Committee:
 - a. Move that rules be suspended, requiring two-thirds vote.
 - b. File a discharge petition.
 - c. “Calendar Wednesday” procedure, by which a committee can bring up for action a bill of its own already on the calendar. Rarely used because a big bill can hardly be completely voted on in one day. If the business is not completed by the end of the day, the bill goes back to committee.
 - xv. Although theoretically, there aren’t very many barriers to floor consideration in Senate, in practice getting proposals to Senate floor is really complicated. The interests of individual senators must be accommodated, as opposed to the House, which just plows through its schedule.
5. Floor Debate—The House
- i. Before the bills are voted on, the “Committee of the Whole” (translation: whoever’s there at the moment) debates on it and changes the stuff they want to. The **quorum** (minimum required members) for the Committee of the Whole is 100 members. Speaker doesn’t preside. After amending, the bill goes back to the House.
 - ii. During debate, sponsoring committee guides discussion, divides time, and decides how long each member speaks. Amendments put forth can’t be **riders** (extraneous material), but must be germane to the bill.
 - iii. **Quorum call** is a Congressional roll call, during which members can take a breather to discuss strategy or refill coffee (probably the latter).
6. Floor Debate—The Senate
- i. Things are more casual here, and there is no rule limiting debate (except for cloture).
 - ii. Members aren’t really limited to what they can say.
 - iii. Amendments don’t have to directly pertain to the bill; as a result, many riders are attached. In fact, this is a way to get other bills onto the floor without the calendar; call it an amendment and you’re in business (appropriations bills are exceptions).
 - iv. The total debate time cannot exceed one hundred hours, though.
 - v. **Double tracking** is the process by which a disputed bill is shelved temporarily while other Congressional business goes on.
7. Methods of Voting
- i. Not everybody who voted for a bill supported it fully.
 - ii. There are four voting procedures in the House.
 - a. **Voice vote:** shout “yea” or “nay.” Not recorded.
 - b. **Division vote:** standing and being counted. Not recorded.
 - c. **Teller vote:** members pass between two tellers, one for the yeas and one for the nays. At the request of twenty members, people can be recorded for what they voted on.
 - d. **Roll-call vote:** It’s sort of like the voice vote, but electronic (recently, anyway). These are recorded.
 - e. Senate is much the same, except there is no teller vote or electronic counters.
 - iii. If bills pass House and Senate in different forms, something must be done.
 - a. If differences are minor, usually one house just refers the bill back to the other house, which then accepts the alterations.

- b. If differences are major, then a conference committee might be appointed by both houses through a vote to iron the differences out.
- iv. After the ironing, the bill is usually accepted and then goes to the President, who may decide to accept and sign it or just veto it.
- v. In the condition that the President vetoes it, the bill is returned to the house of origin. An effort to override the veto may be attempted through a roll-call vote, and if more than two-thirds of the house votes “yea,” screw the president...the bill is passed.

VIII. How Members of Congress Vote

1. This question has at least three answers.
 - i. **Representational:** Members want to get reelected, so they represent their constituents. Problem being, sometimes, public opinion isn't clear or strong enough on the issues that are really important (e.g. abortion).
 - ii. **Organizational:** Since most constituents don't know how their legislator voted, it is not necessary to please the constituents. But fellow members of Congress do know. Here, the principal cue is the party.
 - iii. **Attitudinal:** The pressures on Congressmen cancel out, leaving them to vote on their own beliefs.

IX. Reforming Congress

1. Most citizens are more interested in whether or not Congress fulfills its mission than they are about why members of Congress vote the way they do.
2. Recently, the trend has been to reduce individual power while making it easier to pass legislation in Congress.
3. Representative or Direct Democracy?
 - i. The framers of the Constitution believed that representative should define public opinion, but nowadays, we believe the Constitution should reflect public opinion.
 - ii. In fact, some people think we should just bypass Congress entirely.
 - a. Half of the people in a 1993 survey favored a selection means by which members of Congress were randomly selected from lists of eligible voters.
 - b. One in six supported the idea of auctioning seats in Congress off to the highest bidder to lower the national debt (back to the Millionaires' Club.).
 - iii. In contrast, representative democracy is pretty much what we have now: legislators serving as the people's trustees, expert staffs, no term limits, and work-related perks.
4. Proper Guardians of the Public Weal?
 - i. Congress should serve the public interest. What's the public interest again?
 - ii. **James Madison** said that public interest transcends the “local prejudices” and “sinister designs” of factions.
 - iii. Madison believed that a representative government would be best able to serve the people as a whole without succumbing to “factions.”
5. A Decisive Congress or a Deliberative One?
 - i. Congress was designed to move slowly, deliberatively: this way, it would check and balance strong leaders in the executive branch instead of automatically giving in to executive authority.
 - ii. Some people don't like this slowness, or this “policy gridlock.” They want the gov't to be reformed to match more of a parliamentary gov't, so that legislation can be sped along.
 - iii. The problem is that if good legislation can be speeded along, so can the bad.
6. Imposing Term Limits
 - i. This is a big one: people are worried about corruption (with good reason), but imposing term limits would mean younger people went in, leaving the older people with less control.

- ii. Problem: The principle of seniority would be totally disrupted, and committees would be lost.
 - iii. Also, the incumbent has to do something for his constituents, whereas the young guy coming in has no such obligation.
 - iv. Amateur legislators are more prone to be stubborn, whereas the older ones practice the ABC's of democratic politics—making Alliances, striking Bargains, and forging Compromises. In such a diverse society, unbending politics may be very bad.
 - v. Another thing to consider would be that, if term limits in Congress limited without limiting other elected offices, than we would get a bunch of office-hopping cronies who only used the position in Congress to step up to the next position, or an electoral “musical chairs.”
 - vi. Some states actually passed term limiting laws, but Supreme Court ruled them unconstitutional.
7. Reducing Powers and Perks
- i. **Pork-barrel legislation:** Bills that give tangible benefits to the people (freeways, post offices, dams, etc.), but don't tackle the more complex issues of the nation.
 - ii. Congress is criticized for being overstaffed and self-indulgent. But are we being too harsh?
 - iii. Banning Legal Bribes
 - a. This brings up the issue of corruption.
 - b. House rules adopted in 1995 permit only family and close friends to give gifts to Representatives.
 - c. Senate put a limit of \$50 on any gift (including dinner) and a \$100 dollar/year limit on gifts from a single source, unless the gift-givers are family or “close personal friends.”
 - d. However, there are still many loopholes: people can give donations to campaign funds or give Congressmen free flights to “speak on Congress,” etc... and the **House Committee on Standards of Official Conduct** can grant waivers for “unusual” cases.
 - iv. Fencing in the Frank
 - a. **Frank:** the fax signature substituted for postage.
 - b. The franking privilege lets them send stuff for free and right before an election, there is a lot of franking going on by incumbents who want to win.
 - c. In 1995, House limited use of the frank and prevented the frank from being used as a campaign tool; also, the **House Oversight Committee** decreased franking authorization.
 - v. Placing Congress Under the Law
 - a. Often, Congressional members are exempt from certain laws; the excuse was that obeying these laws would give the executive branch too much power over the legislative branch, interfering with separation of powers.
 - b. Therefore, the **Office of Compliance** was created, making politicians follow certain rules.
 - c. Obviously, the Congressmen and women didn't like this.
 - vi. Trimming the Pork
 - a. Congressmen are criticized for spending money on pork-barrel legislation for the voters.
 - b. However, most categories of pork spending have decreased in the last ten or fifteen years, and pork spending is only a fraction of **entitlement spending** (e.g. health care), the main cause of budget deficit.
 - c. Also, pork is certainly better than bribery, for pork benefits the community and the district.
 - vii. Cutting Committees
 - a. Congress, while supposedly organized to enable its members to “deliberate, debate, and decide” matters of national policy, instead seems organized to afford each member a committee spot.

- b. Therefore, some committee cuts have taken place, and the number of committees one could serve on was decreased (there's a big chart in your book about this, I think).
- viii. Most people that believe in downsizing committees also believe in doing the same to Congressional staffs.
- ix. However, this would be a "penny-wise, pound-foolish approach."
- x. After all, the members of Congress would hardly be able to handle all that work by themselves. They need large staffs to gather information and process constituent demands.

X. Ethics and Congress

1. Most people believe that the phrase "congressional ethics" constitutes an oxymoron.
2. The separation of powers seems to actually have increased corruption, as there are more places to buy and sell "stuff."
3. Divided power = divided responsibility; divided responsibility = evaded responsibility.
4. It also equals the necessity to assemble a lot of power to get anything done.
5. However, scandals continue.
6. The book, though, says that Congress is not necessarily inherently corrupt. It's just that we notice the bad apples more than all the good ones surrounding them.
7. Also, there are three other, really difficult issues:
 - i. What limits should exist on a Congressman (or woman) for his job: looking out for his/her constituents?
 - ii. Executive branch ethics cases are turned over to an independent special prosecutor, whereas Congress has the right to judge and discipline its own members. Shouldn't the same rules apply to both branches?
 - iii. Election campaigns are expensive, but challengers are at a disadvantage, so isn't there a way to make it both fair *and* honest?
 - iv. Ethics is really hard, and the Framers went for liberty more than morality, though ultimately they knew that the latter was essential to the former.
 - v. They didn't want a "simon-pure" Congress; they want a powerful, yet still checked, Congress.