Welcome to America and Arizona government for elementary teachers. This is presentation 7, Congress. The next couple of presentations we'll discuss the institutions of government at the national level. We begin with discussing the legislature. The founders thought that the legislature was the most important of the three branches of government. All you have to do is look at the link of the constitution and you'll see that the article which involves the legislature is the most detailed. This is the branch of government that founders were most worried about. They were very careful to ensure that the legislature would run in a way that would advance the interest of the people but not threaten to devolve into a tyranny.

This presentation will cover material involving the AEPA objective 6, understand various governmental systems, 11, understand structure organization and operation of the federal government and Arizona Social Study Standard Strand 3, concept to structure of government. As always, I recommend that you pause the presentation and review the document, Social Studies Standard Articulated by Grade Level Strand 3 civics and government and review the objective per grade level, K through 8 to see what objectives are associated with this concept. Then after this presentation, you can again review that document and see which of those objectives you now have learned.

The Delegate model of representation

-Legislators must “act in the same manner as the whole body would act, were they present” – Thomas Paine (1776)
Audio: To begin, let's look at some of the politics of the legislature and what explains the way legislatures behave. There's two different models for how members of Congress think of themselves. The first is the delegate model. And here we have a picture of a congressman speaking to someone on the phone. It might be a constituent expressing a concern or maybe he's trying to shake someone down for campaign donation. Let's be charitable and assume it's the former. Why would members of Congress listen so intently to their constituents and the desires of their constituency? Well, the delegate model of representation argues that legislatures should do what the constituents themselves would do in Congress. If you have the time to go to Congress, how would you vote? Well, there's an expectation that the person you elected to go to Congress to represent you will vote the way you would have voted. Had you been in Congress that's why you elected that person and not their opponent in the election? And so if a member of Congress is operating under this model, they will take great pains to find out what their constituency wants because they feel duty-bound to follow the voice of their constituency. Now, members of Congress are not robots clearly and they are going to have strong opinions on issues that they just feel their constituents are wrong about but for the most part, representatives who view their job in Congress as a delegate will follow their constituency. I spent some time working in the US Senate and there were couple of issues that the senator really didn't particularly care one way or the other on. They weren't that important to the senator and so he asked his staff member, "What's the mail say?" And the staff member had kept the tally of mail and phone calls that had come in in favor of this legislation and he just put a little tick mark and phone calls and letters against that legislation and he just noted it with a tick mark and he looked at that list and said, "Well, it looks like at about two to one, they're in favor of it." And the senator shrugged a shoulder and said, "Well, I guess I'll go vote for it then." And so writing your congressman, calling your congressman, e-mailing your congressman can have an impact if your congress representative is following the delegate model and attempting to faithfully execute their office as a delegate.

Slide 4

Text: The Politics of Congress

The Trustee model of representation

The legislator should consider the will of the people, but then should do what he or she thinks is best for the nation as a whole and in the long term

[Photo of John McCain] [Photo of Jeff Flake]

Audio: An alternate model of representation is the trustee model. In this model, the elected person doesn't see themselves as a delegate to go to Congress to do whatever their constituency would have them do. Rather, they see their job is to use their judgment and make the best decision possible given the information they have. From the constituency point of view, his constituents might prefer to have a trustee there rather than a delegate because they recognize that. The information that we have here at home, the insights that we have at our own parochial bias for how does this affect me may lead us to have a preference that isn't in the national interest
or is incorrect because we don't have full information where our representatives in Congress can have that wider information pool as well as more of a national perspective on things, and might take votes that we actually disagree with but are good for our state or country in the long run. So that is a very different way of thinking about the job of a legislature than a trustee. Now, on this side, I have pictures of our--some of our local elected representatives because they are two figures, Senator McCain and Representative Flake who embodied this notion of a trustee model, they have a national reputation of being someone who doesn't do what their constituency wants them to do if they feel it's not the best interest. We can contrast Senator Kyl with Senator McCain. McCain sees himself as a trustee. He ran for president on the maverick notion. Kyl sees himself as a delegate and takes great effort to find out what the people of Arizona want before he votes. One is not essentially better than the other, they're just two very different approaches to representation. We can contrast Representative Flake with Representative Raul Grijalva, for example. Flake sees himself as a trustee, Grijalva sees himself as a delegate and he attempts to make decisions based on what is good for his constituency in his district where Flake tends to make decisions based on what in his judgment is best for the state or the country.

Slide 5

Text: Reapportionment and Redistricting

Reapportionment: The assigning by Congress of each congressional seat after each census. State legislatures reapportion state legislative districts

Redistricting: the redrawing of congressional and other legislative district lines following the census, to accommodate population shifts and keep districts as equal as possible in population

Audio: So that's how members of Congress might see their job. Let's now look at the politics of how we decide who actually goes to Congress. Now, the constitution provides that the seats of Congress will be determined by a process of reapportionment and redistricting that is pegged to the national census that occurs every decade. Now, reapportionment is where after the census, we calculate where everybody lives and we re-decide how many representatives of Congress come from each state and as states gain in population relative to other states, they will gain representation. Whereas if states lose in population, they will lose in representation. In the 2000 census, Arizona gained a congressional seat. We now have eight members of Congress. It is anticipated because of our population growth over the past decade that the 2010 census will result in Arizona gaining another congressional seat possibly two depending on the results of the census. That means that we would then send nine or ten members to Congress rather than the eight that we are when this presentation was recorder in the summer of 2010. Now, redistricting is a different issue. Once it has been determined that the number of members from a state that's going to Congress increases or decreases, the lines for where those congressional districts are have to be redrawn. So again in Arizona, we will likely gain one or two members of Congress. That means that the existing 8 boundaries lines are going to be redrawn so that there are 10 boundaries that equally number-wise equally represent the state.

Slide 6
Text: Apportionment

[Map of United States apportionment]

Audio: If we look at this map of apportionment which again was published at the end of 2000 census, it shows us how many representatives each state has and how many states gained or lost from the decade of the 1990s to the decade of the 2000s. In 2011, a new map will be produced based on the 2010 census that will have the new mix of numbers. There are 435 representatives in Congress and that number does not increase and so which states those representatives are drawn from will vary. Now again, as it's expected, Arizona will gain one, maybe two seats which means that other states will likely lose a seat or two as their populations have declined in relation to the population in Arizona.

Slide 7

Text: Redistricting

[Graph of Green Party Plan and Blue Party Plan]

Audio: When the reapportionment maps are drawn and the census tally is finished and all the new lines have to be drawn from states that either gained or lost representatives, then reveal political battle it sues over how to redraw the lines and how to redistrict each state. The stakes are very high in this battle and it happens once a decade after each reapportionment. The illustrations on this slide demonstrate how two different plans depending on where you draw the lines can radically alter the representation even if the population stays the same. So here in this example, we have a hypothetical group to be nonpartisan about it. We'll call it the blues and the greens. And in this congressional district, two-thirds of the people who lived there are loyal fans of blue, whereas a third of them are die hard greens. Now, the green party would prefer that the district lines be drawn horizontally. The blue and green represent where these people live. Now, if it's the green party has its way and lines are drawn horizontally, district one and district two will elect the blues which is to be understood because two-thirds of the state are blue in loyalty, whereas district 3 will guarantee that a green will be elected because it's boundaries correspond to where the greens live. It's a way to guarantee green representation in Congress. Blue--the blue party has a very different plan though for redistricting. They want to draw the lines vertically. So district one, district two and district three each represent the composition of the entire state which is two-thirds blue, one-third green and the lines are not drawn to protect a green representative rather the greens end up with no representative because each one of the districts have a blue majority in them. So if the lines are drawn vertically, the blues end up with an extra seat in Congress than if the lines are drawn horizontally. Well, you can imagine the political battle between these two parties over how those lines could be drawn and this is the battle that occurs in state houses across the country in the year after an election. As the majority party in each state battles to draw the lines in a way that favors their party and locks in their party's electoral success for the next decade until the next census when the lines will be redrawn and they do it all over again.
Slide 8

Text: AZ Redistricting Commission

[Map of Arizona Congressional Districts]

Audio: This is one policy area that Arizona is very different from the rest of the country. Arizona has a unique and fairly innovative system for redistricting. The system was voted in by a ballot proposition in the late 1990s and it created a redistricting commission and this commission is composed of two republicans, two democrats and one independent, and the independent chairs the commission. Now, this commission was also given guidelines to specify how they draw the lines. They're required to take into account things like interstate highways, natural boundaries. It was an attempt to prevent the gerrymandering which is where you draw a bizarre line. Like if we look at congressional district number 2 here, you see there's an island of two in the middle of one with a squiggly tail connecting the two with them so that the district can be contiguous. And that's called gerrymandering and that's normal in most states for most districts. But you see in Arizona, we only have one district that is configured that way. And those boundaries correlate to native tribe that needed to be part of congressional district 2. So this commission is required to come up with a nonpartisan solution that maximizes representation as opposed to maximizing the electoral outcome of a particular political party. In Arizona, it would be the Republican Party because the republicans had a majority in the legislature for decades. And so the lines would be drawn in a way that would favor the Republican Party, instead the redistricting commission does it in a nonpartisan way. And no other state does this. Every other state, it is still the majority political party gets to draw the lines in a way that favors the majority political party.

Slide 9

Text: The 2002 Texas Redistricting Battle

- House Majority Leader Tom Delay worked with Republican state legislative leaders to increase the number of Republican congressional districts in Texas from fifteen to twenty-two
- Supreme Court ruled that the plan was, for the most part, constitutional
- Indicted on Criminal charges of conspiracy to violate elections laws in 2002
- Resigned from office June, 2006

Audio: Let's look at another state to give an illustration of the intensity of the partisan battles that are fought around the country over this issue of redistricting. In Texas, the Republican Party holds a majority but it is not a dominant majority. The democrats have considerable representation. The Republican Party as if that a [inaudible] state union drew boundaries to favor republican candidates. Now, Tom DeLay was the whip for the Republican Party in Congress and he's from Texas. And he wanted the Texas legislature to draw the lines in such a way as to guarantee an additional two or three republicans would be elected to the legislature simply by
drawing the lines. Now, they then did that. The democrats in Texas refused to sign off on that clearly. It was not good for democrats. But they knew, they couldn't change it because they are the minority party in Texas. And so what the democrats did was leave the state to prevent a quorum from being present. The Republican majority couldn't vote on the redistricting plan unless there was a super majority of people present in the room, that's called having a quorum. If only half of the legislature is there, that's not enough people to call a vote and so the democrats essentially boycotted the legislature and refused to show up so that this vote could be called. The republicans then ordered the Texas rangers to go hunt down the democrats and dragged them by force if necessary to the state legislature so they could call this vote. But they were unable to find enough of the democrats to make that happen. They had disappeared and the rangers could not locate them. So Tom DeLay then called the director of the FAA, the Federal Aviation Administration, and said, "I want you to give me the flight lists and tell me where these Democrats went," something which is a fairly clear violation of ethical conduct as well as federal privacy statutes. But the FAA complied for reasons that we'll discuss when we talk about bureaucracies and gave him that flight list. Tom DeLay then handed that flight list over to the Texas rangers and discovered that these democrats were hold up in a city in New Mexico. So they then went to New Mexico and found them in a hotel and essentially kidnapped them, threw them in their car even though they weren't Texas, they do not have the authority to arrest them in New Mexico. So they just grabbed them, drove them across the state line, they then arrested them, took them to the state legislature and handcuffed them to their desk so that there was enough people in the room to call a vote. The vote is called and the republicans got their redistricting plan in Texas and elected an extra two or three republicans to the national legislature. Now, Tom DeLay paid a price for that intervention. He was indicted because the attorney-general in Texas is a democrat so he was indicted for violating election laws and in the face of that indictment resigned his seat in 2006. Tom DeLay eventually was able to fight off those charges but his political career essentially ended when that happened. So it's a colorful, dramatic tale but it's an illustration of stakes that are present in these redistricting battles.

Slide 10

Text: How a Bill becomes a law

- Introduction
  - Have to be a member of the body
  - President can submit to both chambers
  - A bill is typically introduced in one chamber, goes through the process, then starts over in the second chamber

Audio: So now we talked about some of the politics of Congress and how they view themselves and how they represent their constituencies and how states decide who goes to Congress to represent them. So now let's look at the actual legislative process itself. And I want to do this fairly briefly because it's basic civics and hopefully you've had this before in high school but I do
want to uncover some of the details that perhaps you're not aware of or have forgotten. So when a bill is introduced, it has to be a member of the body that introduces it. If I have a law that I want to make and I say, "There ought to be law," and I can write down a legislation. I can't give it to Congress and have them vote on it. It has to be a member of Congress who introduces the bill. And so I'll call up my good buddy member of Congress, I give that person the bill and then she submits it to Congress. Now the exception to that is the president. The president can submit a bill to both chambers and so you can have a law coming from the White House to the House or Senate. But that's typically not the way it happens. Usually if there's a law the White House wants done, they will call a congressional ally to the White House, draft it together and have that congressional ally be the one who introduces the bill. Now, it is possible for a bill to be introduced into both sessions simultaneously or both houses, I mean, simultaneously. That also is fairly rare. Typically the house will consider its proposals, the senate will consider each proposals and then once it passes, it goes to the other house, the other chamber to be considered. It's fairly rare that the same piece of legislation begins the process at the same time in both chambers.

**Slide 11**

**Text:** How a Bill becomes a law

- Committee assignment
  - Organization of the House
  - Content experts v. generalists
  - Strategic placement of bills by the Speaker

[Chart of How a Bill becomes a Law]

**Audio:** Once a bill has been introduced, it's then assigned to a committee. So let me talk a bit about why Congress is divided into committees. Back in the day when Daniel Boone was sitting in Congress, there was a handful of bills that they considered in their legislative session. And when the government was small, we were a small country with only on the eastern sea board, they were able to consider all of the bills before the floor. And they would sit and debate the bills and what we might romantically think of as a congressional process actually occurred in that early legislature. But the country has changed considerably since then where a continental-sized country with the largest economy in the world and over 300 million people being governed. And so the details, the minutia, that the sheer volume of legislation that comes through Congress makes it impossible for any one member of Congress to know the details of all of the bills that are being considered. And so Congress has set itself up in two committee structures and these committees have functional expertise so that, let's say, if I was going to Congress, I would be very interested in foreign affairs just because that is an interest of mine since I have some expertise in that but also representing Arizona, I would definitely want to be on the committee that has oversight over the department of the interior. That would be remiss as a representative if I didn't do that. And so I would pick committee assignments that reflect my constituency or my expertise. Now, Congress is also going to be considering bills on what the shrimp catch limits
ought to be in the Gulf of Mexico. As a representative from Arizona, I have zero expertise on that issue and not a whole lot of interest for my constituents. And so I don't really want to be on that committee that's going to consider that bill. I don't need to know the details. So members of Congress fight for placement in committees. It is the leadership of each chamber that decides who gets to sit on what committee but it allows them to have some expertise in their content area. And we can think of representatives who are experts in the field of the laws that they're considering in their committee. Now, the committee then has to determine whether or not that bill should pass from the committee out from there. If leadership has a bill that they don't particularly like and they want it to die without having their fingerprints on it, one strategy to do that is to assign a bill to six or seven different committees. And I pretty much guarantee is that bill will not make it because to be schedule for a floor vote, the bill has to make it out of every one in the committees that's assigned. So as you're tracking legislation has a citizen, and you're trying to decide how likely is it that that bill is going to become a law, one thing to look at is how many committees it's assigned to. Some bills are assigned to a lot of committees as a way to kill the bill. Others bills are assigned to a lots of committees because lots of representatives want to have their fingerprints on it and they want to have a say in the details of it. Well, whatever the motive, the odds of a piece of legislation surviving multiple committee assignments is low.

**Slide 12**

**Text:** How a Bill becomes a law

- Committee Action
  - Hearings
  - Mark up
  - Chair can not schedule a vote
  - If the vote is yes, bill goes to full committee
  - If marked up, the bill goes to the Rules committee

[Chart of How a Bill becomes a Law]

**Audio:** Once the committee has been assigned a bill, the chair of that committee schedules a hearing for it. And here again, if a bill needs to die, one thing the leader of that chamber can do is give the bill to the committee and say, "I don't ever want to see this." That chair of that committee can just simply not schedule a hearing in which case the bill will languish until that session of Congress is over and it will die. But if the hearing is scheduled, the way a congressional hearing works is the interest groups and experts who have a stake in that piece of legislation are invited by the members of Congress who are foreign against the law to come and testify to the committee. Those in favor of the law will come in and talk about how essential it is and what the consequences of it will be and how any rational person would be in favor of it. Those who were against the bill bring in their experts who talk about how terrible the bill is and the unintended consequences and how could you possibly be thinking of doing this. And all of that testimony is compiled in a hearing document. And here's one of the great things about living in a democracy is that all of those hearings are available to you as a citizen. And one thing you
might want to do is next time you have a research paper that is due--let's see you need to write a paper on the level of Arsenic in drinking water, where you can go to a Congressional Hearing and there you'll find experts arguing about the level of arsenic in drinking water and what the safe level is, how much can we tolerate, should we decrease that to stay within safe levels and you have experts on both sides of that issue testifying for what is and is not safe level of arsenic. So, these congressional hearings are great places for sort of one stop shopping for your research paper, and these hearings are available through libraries that are deposits of record. ASU is one such library, UFA is a depository library. I don't know about NAU actually, but anyway you can access those records. So again, it's a great part of living in a democracy is being able to see the process and all the testimony that goes into a piece of legislation. Now, after the hearing, a vote is scheduled again by the Chair of the committee if they don't want a piece of legislation to survive, they simply don't schedule a vote and it dies, but once the vote is scheduled, the committee members then vote on it. Now, if it's a subcommittee and the subcommittee votes to approve it, it then goes to the overall committee. The overall committee can schedule another round of hearings if they want. They typically do not though and then the overall committee schedules the vote. And if the full committee votes to pass the bill, it then is passed on to the leadership of the chamber. In the Senate, there'll be the Senate President, in the house it would be the Speaker of the House, and the mechanism that the speaker of the house uses to handle all of these bills that come in is the Rules Committee. And so let's talk in more detail about how that Rules Committee operates.

**Slide 13**

**Text:** How a Bill becomes a law

- Rules Committee
  - Decides debate time
  - Decides amendment rules
  - Killer amendment
  - Poison pill amendment
  - Rider amendment
  - “Pork Barrel” spending

- Floor vote

[Chart of How a Bill becomes a Law]

**Audio:** The Rules Committee determines what the rules are by which that bill will be considered on the floor of the House of Representatives. They determine how much time will be allotted for debate, they determine when the vote will be scheduled. They determine whether or not amendments are allowed, and so let's talk a little bit about Amendment Rules and some of the strategies surrounding amendments. One issue that the Rules Committee has to decide is whether or not an amendment has to be considered to germane to the topic, and the germaneness rule means that you can't attached an amendment to a bill that's got nothing to do with the bill, so if--
again these are example--it's a bill on the level of arsenic in drinking water that is allowable and someone sticks on an attachment to that bill as an amendment that would allocate research money for the life expectancy of pigs in captivity, that's got nothing to do with arsenic in drinking water, and so that amendment would not be germane to the bill. Now, the rules committee can take away a germaneness rule, and so that allows people to attach amendments to the legislation. There's couple of reason people do that. One of them is, let's call the killer amendment. A killer amendment is where you use an amendment to destroy a piece of legislation that you couldn't otherwise defeat. So, an example would be--let's say there's a bill going back to the arsenic bill, and this arsenic bill is about to pass, there's a clear majority in favor of increasing the allowable levels of arsenic in drinking water. And, you think that's a terrible idea, but you don't have a majority, so what you could do, is you can attach an amendment to that bill that maybe makes federal funding of abortion as possible, and that's a highly controversial, highly polarizing amendment, and all of the sudden half of the people who were going to vote for the bill will now vote against the bill because of this amendment that is been attached to it. The amendment makes it a deal breaker for that bill, so let's call it Killer Amendment. And the leadership will allow such an amendment to kill a bill that they couldn't otherwise kill. Now, another type of amendment is the Poison Pill Amendment, and this is where a piece of legislation needs to go through, but nobody really wants to vote for it, but they are recognized and needs to happen. A tax increase might be an example here, and so what they'll do is they'll put a bill that everybody is going to vote for, it's a God Bless America Bill, nobody is going to vote against the God Bless America Bill. And so they then attach this tax increase to the God Bless America Bill, and this way members of the congress can vote for the bill and go back to their constituents and say "Look, I'm really sorry about this tax increase, but I have to vote for the God Bless America Bill and it killed me to have to vote for it, but overall it needed to happen." So, it's a way to take this pill, sort of a spoonful of sugar makes the medicine go down, sort of notion here. Now, another amendment is a Rider Amendment, and these are where you stick something that's not germane on to a bill that's going to pass, so again, you have the God Bless America Bill. And so, you attach on that bill, your amendment to fund a bill study in the life expectancy of pigs. If you were to pass, if you were to have your bill be a separate bill, odds are it would be defeated, because it'll be difficult to get a majority of congress to vote for your little pip project on pigs, so instead you take that project, turn it into amendment and stick it on a bill that everybody is going to vote for, and that amendment then rides along to success on that popular bill. So, that's called a Rider Amendment, and it's--that process is used to pass legislation that otherwise would get passed and most ear marks in congress are passed through this process. Ear marks are bills that benefit a particular district or constituency, and so the money is allocated to a specific cause, critics in such legislation called Pork Barrel spending, but this is the process by which those types of things can be passed in the law is using rider amendments. So, it's the rules committee that decides how many amendments, what kind of amendments and what the voting procedure is going to be on a particular piece of legislation.

**Slide 14**

**Text:** How a Bill becomes a law
If passed, bill goes to other chamber

Differences between the House and Senate

Audio: Once the rules committee sets the rules out, it goes to the floor where is voted upon. Now, if it's passed, then it has successfully cleared that chamber and it then goes on to the other chamber, so if it started in the House, and the house passes it, it is then introduced to the Senate as a new bill for their consideration. It then goes through the entire process again, committee which assigned to have a subcommittee, subcommittee hold hearings, the subcommittee votes and the committee votes then the whole senate votes. If it begins in the senate and is voted upon and passes, it then goes to the house and goes through that whole process. Now, there is some difference between the house and the senate that I want to highlight. The most important being that the senate does not have a Rules Committee, the Rules Committee are whereas we just said, it's a place where the Speaker of the House can have a tremendous influence on the legislation that comes out. In fact the Senate in general does not have as many rules as the house does. This is due because of the nature of the two are different. Now, if you went to a high school for example that was small, odds are you knew everybody there. You may not have been friends with everybody, but you knew who they were, you knew their story, you knew how to interact with them. On the other hand, if you went to a school that was very large, then odds are you didn't really know everybody, you might know their names, but you didn't really know much about them, maybe you kept to your clique and not their clique. But the dynamics are very different for a large group than it is for a smaller group. Well, that same dynamic applies to the two chambers of legislature. The house has 435 members; they're each elected every two years. This makes it difficult to build relationships across party lines and they persist overtime, people tend to stick to their own party, they tend to develop functional expertise on a narrow subject and they vote along party lines. Dan Quail for example, when he was in the House of Representatives, went golfing every day, because he was in the minority party and, you know, the Speaker of the House runs the house with total authority. And if you're a minority member, you just don't get a whole lot done throughout the '90s and 2000s when the Republicans run the House of Representatives. Democrats got very little done, now that the Democrats are controlling the House of Representatives, republicans not that effective. That is just the way it works in the house. Now, the Senate on the other hand has 100 members, not 435, and they're there for six yeast which means, it's much more likely that the people in the Senate actually know each other, they interact with each other on a sustained basis overtime. They developed a functional expertise on their committee, but they also have the time to develop expertise on more issues as well, they're not as narrowly focused as the house members are. So, there's a quite a bit more cross isle by partisanship in the Senate and the rules reflect that it's more cordial. There are--there's more respect accorded to members of the opposite party and the rank in file members where in the house, it's very rigid, very structured, tightly controlled. So those two differences help explain a lot of the political outcomes in our legislature.
Text: How a Bill becomes a law

- Two versions must be reconciled
- Conference Committee convenes
- Revised bill must go back for affirmative vote before both chambers
- If both vote yes, bill goes to president

[Chart of How a Bill becomes a Law]

Audio: Now, when a bill successfully passes through the second chamber, a conference committee is necessary, and this is because very rarely will a bill originate one chamber and then go through the whole process of the committees and the amendments and the votes in a second chamber and come out looking identical to when it went into that second chamber with. And so what that means, is you have two versions of the bill. Well, the President can't sign two versions, and so they have to come to some kind of an arrangement to bring those two versions into agreement so that there's one bill, and this takes place at a conference committee. Now, the conference committee is composed of representatives from each of the two chambers, typically the leadership of each chamber decides who sits on the conference committee and it's often the chairs of the committees that the bill originated in and others that might be interested or affected by that bill, might ask to be on that committee. But there they hash out the details of the conference committee. Now, it's quite a bit a politics that goes on at this stage as well. When I was working in the Senate, I have the Senate leader who has spoken with, he said that the opponent was the other party, but the real enemy was the House of Representatives. I know that captured the dynamic of that conference committee. The Republicans and Democrats who had been fighting each other over the details of the bill in their chambers unified to defend their version of it against the version in the other chamber, and this conference committee that I participated in went on and on and on, in fact I have been a lowly intern got to go home and came back the next morning and they were still in the room having negotiated and argued all night long with nothing happening. So I went in and out doing my duties and came back at the end of the day and they still hadn't made an agreement, the disagreements, it was a transportation bill and the house version had ear marks going to each district--member's district, where the Senate version were block grants going to the states figuring--the states can spend the money, however, they want to spend it, where the House of Representatives wanted to spend in every single district so that they could claim credit for that when they had to face reelection. And those two sides just would not budge on that issue and so at the second day, I said, "Look, I'm the intern, I got to go" and my boss said, "All right, see you." And I came back the next morning to this flurry of activity, they're writing legislation, they're drafting everything and I said, "Wow, what happened?" And the guy on the Senate side who has working for said, "Well, about three in the morning the house negotiator collapsed and was taken home in an ambulance and his doctor told him not to come back." And when he was out of the room, we were finally able to come to an agreement. And, what they agreed to do is give block grants to the counties not the state, in that way they still got block grants, but the members of the house could still claim credit, because that money would be spent in their district on a county basis. So, the conference, you
know politics can be as much of an endurance sport as it is anything else, but the point is that, the conference committee has to come to some mutually agreed upon outcome before it will get out of that committee. Now, once the conference committee finishes working on their compromised draft, it's now a third version of the bill. And so that has to go back to each house to be voted upon, and if both chambers vote yes, then it's a bill that can move on for the President's signature. Now, we won't talk about vetoes and all of that. Now, we'll talk about that one, we're discussing the presidency, but that is the--on paper any ways, the legislative process. Now, the reality of any given piece of legislation is going to look quite different from this model written down on paper, and that's because short cuts and bypasses and delays and extensions are normal. Tactics used by members of congress to their partisan or regional advantage but knowing the basic process helps track and follow and understand the outcome of any given piece of legislation.

**Slide 16**

**Text:** Incumbency Advantage

[Photo of congressional session]

**Audio:** One thing about American politics that never seems to change and comes across in opinion poll after opinion poll after opinion poll is that Americans hate congress, they don't like the way it operates, they don't like the outcome, they don't like the personalities, they don't like the leadership, they don't like pretty much anything about congress. At the time that I'm making this presentation, congress has a record low approval rating, I think it's at 11 percent of the country, things that congress is moving on the direction, but this is not unique to the current congress that low approval rating--not that low, but low is always the case in every single opinion poll I've ever seen about congress, people hate congress and always have. And yet, if you look at the reelection rates for congress, it's typically around 90 percent, 90 to 95 percent of members of congress and the house of the Senate are reelected year in, year out. And so the composition of congress seldom changes even though it's an elected body and everybody appears to hate congress, so why is that? How is it that Americans can hate congress but love their congressman?

**Slide 17**

**Text:** Incumbency Advantage

Franking

[Image of signature and mail ink stamp]

**Audio:** The answer is that incumbents have a tremendous advantage that is just really difficult for a challenger to overcome and only to find that term an incumbent is a person who's currently in office and they are running for reelection. The challenger is a person who doesn't currently sit
in that office and is running for election. And so in a given race if someone is running for a re-election they're the incumbent and then there's the challenger. So what we're discussing here are the advantages that incumbents enjoy that challenger has to overcome if they want to unseat that sitting member of congress. Now, the first such advantage is the Franking Privilege. Now, this is a pretty sweet deal for members of congress. What is says is that if a member of congress is writing their constituency to let them know what's going on in Washington or what the member of congress has been up to, then they're allowed to send that piece of news letter or propaganda or whatever you want to call it through the mail without paying any thing. All they have to do is sign their name in the place where a stamp would otherwise go and that signature is called a Frank and so the franking privilege is that if they send an envelope with their signature on it they don't have to pay postage. Now, there are some rules on this, they're not allowed to send campaign literature through the mail but most members of congress figure out ways around that decades ago. And what they do is they'll send a newsletter describing the great battle that they're fighting against the forces of evil and they'll talk about their various victories and hand the threats that they're facing that they sure would like an opportunity to continue to fight for their constituents and then they'll send that sort of thinly veiled promotional piece of literature their newsletter to their constituents and it'll just happen to be a month or two before an election when they'll send it there. And so they can communicate with everybody in their congressional district and it doesn't cost them anything. Now, if a challenger wants to send a piece of campaign literature through the mail to try to explain what they would do if they were elected and what their vision is and give the reasons why you should vote for them, they're going to have to put stamp on every single one of those letters and if it's a congressional district we're talking thousands of homes that would need to be mailed to. And so an incumbent can communicate using the post office with all of their constituents where a challenger will have to spend thousands of dollars to accomplish the same task.

Slide 18

Text: Incumbency Advantage

- Franking
- Media Coverage

[Photo of President Barack Obama speaking at a podium]

Audio: Another strong advantage that incumbents have is with media coverage. Now, if the challenger wants to communicate with their constituency or with their--the voter of a particular district and they want to use the media to do that, the radio or television they're going to have to pay quite a bit of money particularly if they want their message to go out during the prime-time when the largest audience is watching TV or if it's radio when they're driving to and from work is the largest audience. They have to pay for that airtime and it cost fairly expensive. Now, one strategy is to try to do something news worthy so that the media will cover you on their dime and they'll quote you on speeches and they'll discuss your campaign in their news program and you don't have to pay for any of that. Now, the problem if you're a challenger is you have to do
something that is news worthy. Some challengers will ride their bicycle across the state just to do something a little bit different 'cause the media loves different. Or maybe you'll dress up in a chicken outfit and show up at a hearing in some place and they have to do something unique or special to be considered news worthy and that's hard to do to stage an event that's going to attract media to give you that free air coverage. Lots of challengers will do that, it's kind of fun to watch political campaigns to look at the staging of events in this desperate effort to get media to cover them on their dime. Now incumbents don't--they have the same problem of using the media to communicate with the voters but is much, much easier for them because they're already elected officials. They already hold an office that enables them to make public policy. When they speak out on public policy what they say is sort of by definition news worthy which means it's much easier for an incumbent to coax or engage the media in a conversation that will result in airtime, will result in a picture of them and a quote from them being published during those prime-time hours or rush hour for radio or in the evening for television. And in fact, the leadership of both political parties in both chambers of the legislature have studios in their offices and members of congress can go to their party leadership to their studio and actually pitch a public service announcement where they will pretend to be in a news conference or they'll give us speech when there's nobody in the room but a television camera and they will then take clips from that speech or clips from that public service announcement and send it out to the broadcast media in an effort to get them to run that story as news. Again, challengers don't have any of those resources, well they do but they all cost money and so this is another tremendous obstacle for a challenger.

**Slide 19**

**Text:** Incumbency Advantage

- Franking
- Media Coverage
- Constituency Service

[Photo of people in waiting room of government services office]

**Audio:** Another advantage that incumbents have is with constituency service. Now, this is a service that elected officials perform for their constituents, regardless of whether they voted for them or not. For example, when a person whose grandfather gets a letter in the mail and the social security administration says, "Our records indicate that you have died and your social security benefits will seize effective immediately." The people get this letters all the time and some terrible mistakes have been made in the bureaucracy and so grandpa calls up to social security administration to try to let them know, "Hey I am alive" and he's confused by the phone treaty, you know, it's almost impossible to get to a human being. And if you do get to human being they say, "Well, we'll take that in consideration, there's this eight forms you have to fill out to open up a case that's going to take a few years." And grandpa says, "I need my social security to pay my rent this month." What's grandpa to do? Well, one thing grandpa can do is call the senator or call his representative and say I have a problem with the federal government and the members of the congressional office who work either locally or in Washington will take down
grandpa's information, his name, his date, fact that he's alive then the problem it's there and they'll start working on it and create what they call a case and a case worker will take that and pick up the phone and the members of congress have a phone number to the social security administration that actually goes to a human being and they'll call that person up and that person answers the phone and they'll say, "This is senator so and so's office." And the social security person sits upright and says, "What would you like sir?" And they say, "Well, we have problem here, so and so has erroneously been declared dead." And the bureaucrat on the other end says, "We'll look right into that sir." All right, so incumbents who are elected officials are able to get the wheels of bureaucracy moving much more quickly or smoothly than everyday citizen might be able to. And so all elected officials have staff who do that and it's called constituency service. And again they will do that for people whether or not they're voted for, they do it for all of their constituents but what it does is it builds bank of good will for them. So if grandpa gets his social security, we instated in two weeks instead of the four months that if otherwise would've taken. That entire extended family is now going to be quite loyal to that elected representative who made that happen. And so it builds tremendous good will on the part of the constituents for elected officials to do this. Contrast that with the challenger who has no record of public service to run on and perhaps they did something in their life before they run for that office, but they can't compete with the marked record of constituent service that the person who has been in office can trot out during election time. So this is yet another advantage that incumbents enjoyed.

**Slide 20**

**Text:** Incumbency Advantage

- Franking
- Media Coverage
- Constituency Service
- Appropriations Power

[Photo of Apache helicopter] [Photo of fighter jet]

**Audio:** The final advantage to mention is the appropriations power that elected officials have. And what that means is that they pass laws, pass bills move legislation through the process that allocates money or appropriates money to be spent at home in their congressional district or their state, if they are senator. That federal spending creates jobs and creates services that are appreciated. So a freeway might have a new off round built that revitalizes a part of town that previously been bypassed by the freeway or that the picture indicated is an Apache helicopter. The defense department is ordered by congress to buy 15 more Apache attack helicopters. Then the Pentagon had really planned on buying or even really wanted and those extra 50 helicopters translate into jobs in all the places that build the parts that go into making an Apache attack helicopter. Now, the reason I use the Apache is because a key component of the Apache is assembled in Mesa Arizona, and the congressman who represents that district where that plant is located is Jeff Flake and that has caused considerable amount of controversy for Flake because Flake has refused to play the appropriations earmarking game. And he votes no on every piece of
legislation that contains earmark spending proposals as a matter of principle. Well that includes bills that do things like increase the number of Apache helicopters that the defense industries supposed to buy which means there is a direct loss of jobs in Mesa. As a result of his principle stand that devote against all earmarks. And that causes some tension, causes some problems for Representative Flake. That makes him vulnerable to a challenger whereas member of congress who would be voting in favor of those extra 50 helicopters might have a stronger position when they're running because they can say, "Look, I brought home the bacon," to use a cliche. Now I have a picture also of the new F35 strike aircraft that the Pentagon has announced will probably be headquartered in Luke Air Force Base. Now this is something that both of the senators in Arizona and all of the representatives from Arizona have been fighting for and trying to get to have happened to have the Pentagon choose the Luke Air Force Base versus another air force base in say, Missouri, because all of those jobs surrounding the equipment and housing and training and basic life maintenance of those pilots, their trainers and their families are all going to go wherever that air craft is based. So having it based in Luke Air Force Base is a huge boost to the reelection campaigns of the senators and representatives who fought to get those planes based here. So again that's it something that a challenger just can't touch. A challenger can make promises when elected, “I will do this and this”, but in incumbent can point to a record and say, "I brought home this project that created this many jobs, I brought home this project that created that many jobs and if you reelect me I'll go back and do the same." And so all of this advantages added up together explain why 90-95 percent of members of congress are reelected every single election, even though everybody hates congress as an institution?

Slide 21

Text: Incumbency Advantage

- Franking
- Media Coverage
- Constituency Service
- Appropriations Power
- Logrolling and “Pork”

[Photo of two men logrolling] [Photo of a highway-caption: WV Highway to nowhere]

Audio: One last comment on the appropriations power of members of congress I mentioned to representative Flake and his battle against earmarks these need to be able to point to a specific project or jobs program is what drives members of congress to pass earmark legislation. To refer to his pork barrel politics it mean it harkens back to the old days when people kept their pork and grind in barrels and you would, you know, seemingly endless supply of meat coming out of this barrel that never went bad. And so that mental image of a pork barrel is the criticism. Now, the process where pork barrel happens over and over again is called log rolling which is you scratch my back I'll scratch yours way of doing things, now the log rolling metaphor harkens back to the frontier days when America was chopping down all of its forest and you would cut down the trees and put them in a river to float them down stream to the saw mill to process the lumber. But
every time the stream occurs, the logs all get caught up and that's where the word log jam comes from. And so lumber jacks would ride these logs down with big pikes pull axes to move those around and break up the jams. And for entertainment, they would have contest where they would try to knock each other of the log to see whose was most skilled that's staying on. And the thing about a log rolling is if the two of them are running in the same direction and the log spins underneath them. The centrifugal force will actually keep both of them on top of the log and neither them fall in, but as soon as one of those two lumber jacks jams his spiked heel into the log to stop the log, the other one--the other lumbar jack ends up running of the log and falls into the water. That's the image with log rolling legislation is I have my piece of pet legislation. My pig longevity study that I mentioned earlier and I really want to that to past, but I know if it's straight up or down vote, it's going to lose. And so what I do is I go to the representative from Louisiana and say, "Hey, I know you want to a pass a bill increasing the shrimp harvest. I from Arizona, I could care less about the shrimp harvest, but I really need this pig longevity study passed. And so I'll vote for your shrimp project if you vote for my pig project. And we shake on it and then we go on and then we make a deal with the guy from Minnesota and the guy from Nevada and the guy from West Virginia." And all of those earmark packages get put together into a bundle of package that almost everybody supports because they've all got something inside that package and that package then passes. So that what log rolling is referring to. And we end with things like the picture underneath the log rollers is a highway in West Virginia that goes to nowhere. A highway is cost a little over a million dollars a mile to put down. And so what's happen here in West Virginia is they built this multimillion dollar highway and ended it when the project ran out, but there is nothing on the other into the highway, it's not connecting anything, but they was built any ways because those millions of dollars were spent in West Virginia hiring out to local West Virginia firms and it was the jobs from that highway more important than the actual highway itself. It didn't matter that the highway went nowhere to the West Virginian representative. So that's one of the consequences of this effort to put a record out to get reelected on is lots and lots of wasteful government spending which is why everybody hates congress. But again, they just reelect their congressman because they brought jobs home.

Slide 22

Text: Conclusion

[Photo of congressional floor]

Audio: So that's the process by which members of congress get there. The process by which legislation is passed through and some of the explanations for why wants people go to congress they seem to stay there for such a long period of time. They continually reelected again and again. Now, the beginning of this presentation I mentioned that the founders felt that the legislature was the most important of the three branches and for most of our country's history then in fact was true. If you were a real ambitious politician, you didn't want to be president because the presidency was not that important. What you want it to be was the speaker of the House of Representatives because that was the real power in the country. Now, that has changed over time though. And so to understand how that has change and the relative balance between the legislation and the presidency has shifted will need to look at how the office of the
presidency has changed. And that will be the subject of the next presentation. Why the presidency began as the weaker branch and--but even though the legislature is now weaker than presidency it is still vital in creating public policy. Reelect president's, we don't elect dictators. And so the legislature still passes the legislation and all the laws that we live by.

**Slide 23**

**Text:** This presentation is Courtesy of Brian Dille, Professor of Political Science at Mesa Community College.

[Photo of Brian Dille]

**Audio:** This presentation is Courtesy of Brian Dille. I am the speaker and I'm a professor of Political Science at Mesa Community College, a College of the Maricopa Community College District in Mesa, Arizona. I hope you've enjoyed this presentation.