

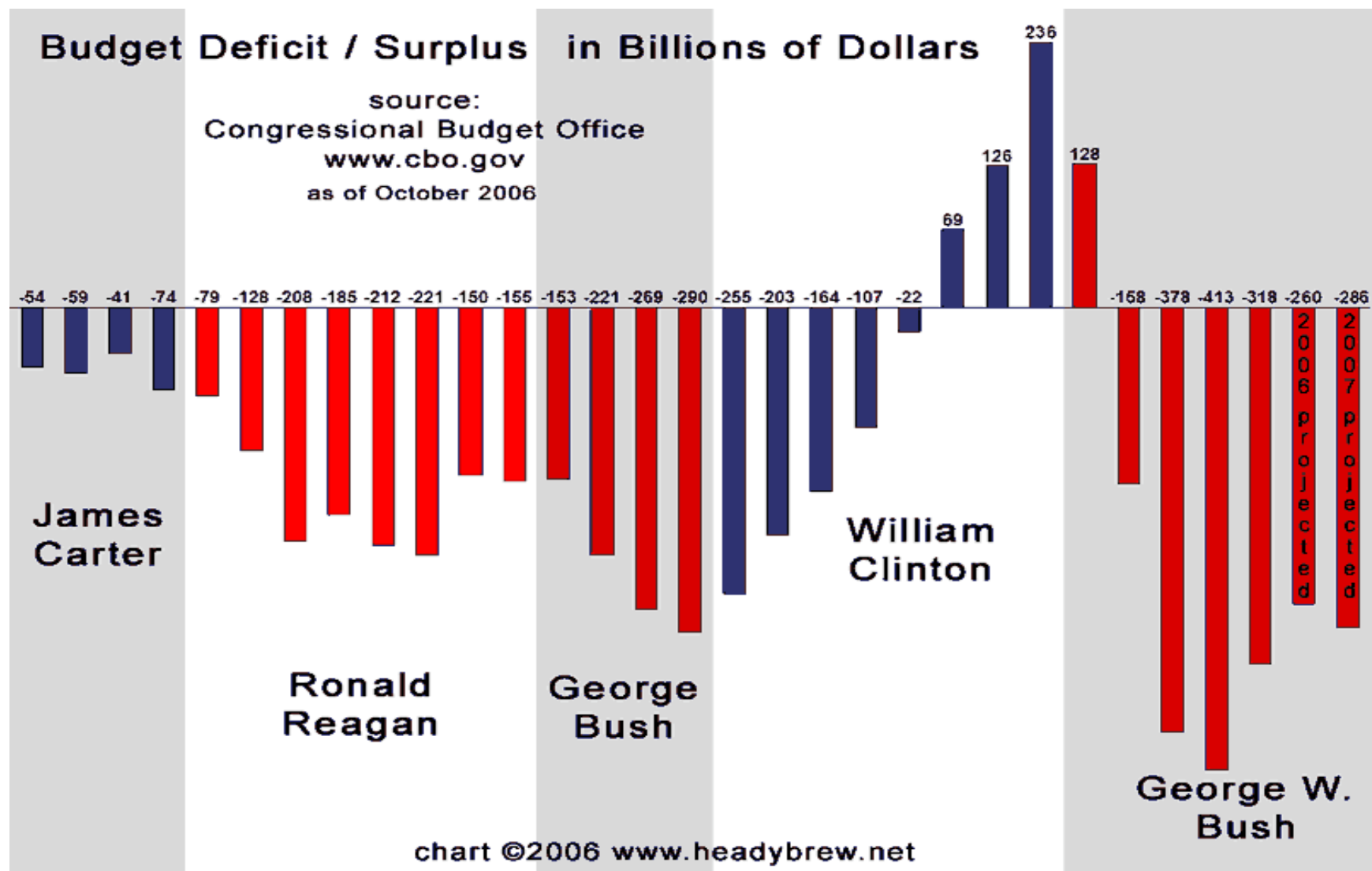
8.12 – Abuse and reform

- Policymaking
 - How does anything get done?
- Abuse and reform
 - What sorts of practices are most problematic?
- Course wrap

Closing question

What evidence is there that the president is a key player in controlling Congress' impulse to spend more and tax less? What tools does he have to reduce the deficit?

Federal Budget Deficit, 1977-2007



President's tools

- Veto
 - Used relatively rarely on appropriations
 - Clinton's 1995 veto was to protect spending, not cut it
 - Veto threats & negotiations
 - Usually done privately
- Proposes initial budget
 - Can (but doesn't always) establish basic parameters
- Public pressure / the bully pulpit
- Administrative tools (e.g. rescission)

How does “anything” get done?

- Why ask the question?
 - Isn't it obvious that Congress does something?
- Historical background/constitutional design
 - Tyranny of King George
 - è efforts to insure federal gov't relatively weak
 - v. states
 - v. itself
- Institutional evolution
 - Members' incentives è structural design & rules
 - Individual prerogatives
- Bottom line: system weighted toward inaction
 - Polsby: “Congress wasn't built for speed on its 1,070 feet”

So how does anything get done?

- Often by avoiding Congress
 - Presidents & foreign policy
 - Presidents & executive powers
 - Slow development with size of government
 - Courts
 - *Brown v. Board of Education*, etc.
 - Even states
 - “Laboratories of democracy”

Defining “anything”

- Types of legislation
 - Size
 - Bigness
 - Size of impact on citizens
 - # of citizens affected
 - Cost
 - Cheap v. expensive
 - Giving v. taking
 - Existing v. new

Some things are easier to do than are others

- Small v. large
- Cheap v. costly
- Giving benefits v. taking benefits away
- Existing v. new
- Question is why
 - Mobilization of opposition
 - Proposals that attract little attention, hurt no one, help a few people, cost little less likely to attract opposition
 - Not always easy...Magnuson example
 - Plus, politics...
 - Same factors hold
 - What about mobilizing supporters?

Some examples

- Reasonably easy
 - Targeted tax breaks
 - Existing spending programs
 - Especially since bills must pass for gov't to function
 - Earmarks
 - Especially since everybody gets some
- Medium
 - (existing) Civil rights = now not earlier
 - No one wants to be against
- Hard
 - Overhauling farm policy
 - Usually comes with big incentives for farmers
- Insanely difficult
 - Social security, gun control, campaign finance reform, health care
 - Each has important constituencies opposed to (or suspicious of) change
 - Some are hugely important

So how things get done depends on the thing in question

- Easy – requires no great explanation
 - Although this is where influence likeliest to be felt
 - Lobbyists
 - Other legislators
 - Even president
- Medium
 - Version of the same answer...

But what about hard or insanely difficult issues?

- Scenario 1: the times
 - Role of public opinion
- Scenario 2: interest groups/outsideers
 - The conspiratorial view of American politics
 - Better description of why things don't happen than why they do
- Scenario 3: presidential leadership
 - Importance of popularity / public opinion
- Scenario 4: (cong) committee leadership
 - The old model / senators like Magnuson
 - Control of important resources
 - But highly dispersed control, making big projects extremely difficult
- Scenario 5: (cong) party leadership

Party leaders

- Control committee assignments
 - Still useful for (Mayhew's) political goals
 - Still largely autonomous
 - Combination gives great leverage (esp. over committee chairs)
- Control flow of legislation
- Influence ability to attract allies
- Ultimately, members follow parties because they are part of a team
 - Probably join the team because they agree with it
 - Reinforced by electorate

Segue to abuse & reform

- Note two aspects to Mann & Ornstein's story
 - Rise of parties
 - Attempt to do something
 - Worst abuses in service of making policy
 - Effort to mold procedures to fit political goals
- Basic theme: loyalty to party (mainly) v. loyalty to institution

Loyalty to institution?

- Mann & Ornstein
 - Pride in being senator or representative
 - Belief that Congress has its own interests
 - In fair procedures
 - In fulfilling constitutional role
 - Overseeing / confronting executive branch
 - Willingness to weigh institutional interests against political interests
- Ex: “Nuclear Option” & “Gang of 14”

Examples of abuse

- Roll calls
 - Medicare drug coverage example
- Closed rules (in the House)
- Conference committees
- Dilatory tactics
 - Filibusters
 - Holds
- Fundraising
 - Abramoff scandal (“K St. Project”)
- Ethics Committee

Examples of reform?

- Structural
 - ?
 - ?
- Construction of norms
 - ?
 - ?
- Creating bipartisanship
 - ?
 - ?

Course wrap

What did you learn?

Theme 1: electoral uncertainty

- Members want to be reelected, but
 - They're not certain they will be
 - They're not certain what will help them most
- So they...
 - Do everything that is easy for them to do to help themselves
 - From structuring their institution
 - To structuring their jobs
 - To raising lots of money
 - Ultimately none of this probably help them as much as the pure difficulty of running for office
 - I.e. elections are often uncompetitive because no one competes (or others discount their chances)
- Remember, though, reelection may be members' first goal, but it's probably not their only one

Theme 2: flexibility

- Constitution offers little guidance to how Congress should function
 - Emphasis on powers, not structure or procedures
- So, Congress gets to make its own rules
- Those rules change (or gradually evolve) as circumstances dictate
 - Response to governmental circumstances
 - Congress & the budget
 - Response to political circumstances
 - Members favor new goals
 - The influx of liberal Democrats in 1958/1964/1974 v. southern conservatives
- Bottom line: Congress is constantly evolving

Theme 3: Structure, procedure & policy-making

- How Congress is organized affects who controls important resources
 - Obvious example: parties v. committees
- Procedural rules affect members (individuals & groups) ability to act
 - Obvious example: House v. Senate
- So, we can get a reasonable expectation of how things will work in either body by considering structure & procedure
 - Waxman example

Theme 4: complexity

- This one's obvious: many moving parts to consider
- Complexity suggests
 - Slow speed
 - Many hurdles to clear (e.g. legislative flow chart)
 - Coordination difficulties
 - Many cats to herd
 - Main reason why passing bills is so difficult, stopping them is so much easier
 - Perceptual difficulties
 - No wonder people don't
 - Like Congress
 - Know much about it or about their senators and representative

Closing question (due via email by 5 pm Monday)

(Imagination required.) How would you reform Congress to combat the sort of abuses that Mann & Ornstein write about? Or, are such abuses so deeply ingrained in current politics that they cannot be fixed, or so trivial that there is no reason to try?