

Government 30

Lecture 14

Congress #1:
Bicameralism and Elections

April 3, 2006

ANNOUNCEMENTS

1. Midterms, 2nd papers handed back later this week

2. Colin Moore stuck in Denver airport.

Paraphrase Dave Barry: It would be nice if the Denver airport were located in the same state as Denver itself.

Newark airport should be renovated with nuclear weapons.

I. Congress as the Article I Branch

Congress is given the most power in the Constitution relative to the other branches. The other branches can check the power of Congress, but everything gets started in the legislature.

Powers (Article I, Section 8):

- power of taxation: revenue-raising.
- power of the purse
- Levy troops
- declare war
- regulate supply of money

The Senate: Democracy of States or Rule of the Elite?

A. Democracy of the States – part of the Great Compromise.

B. Rule of the Elite: Appointed and Select.

Fenno: In some respects, compromise not the issue.
Bicameral legislatures common in all sorts of political
systems, incl many non-federal systems (UK, states).

SUM: Another way of limiting govt (Fenno, 246-50).

WHY A SENATE?

Madison, *Federalist* #63:

1. A senate is desirable b/c of the “want of a due sense of national character.” -- RESPECT

Look at other nations: “An attention to the judgment of other nations is important...” & “...history informs us of no long-lived republic which had not a senate.”

Indeed, most of the constitutions of the ratifying states provided for bicameral legislatures (Fenno).

WHY A SENATE?

2. A “sense of national character,” and “due responsibility in government” would not be found in the House of Representatives.

(a) too numerous: “It is sufficiently difficult...to preserve a personal responsibility in the members of a numerous body....”

Was Madison right? Maybe...



(b) too frequent elections



Firebrands and Fisticuffs in Congress (from Nelson Polsby)

“Upon resuming his seat, after having replied to a severe personal arraignment of Henry Clay, former Speaker White, without the slightest warning, received a blow in the face. In the fight that followed a pistol was discharged wounding an officer of the police.”

“On February 6, 1845, Edward J. Black, of Georgia, ‘crossed over from his seat, and, coming within the bar behind Joshua R. Giddings as he was speaking, made a pass at the back of his head with a cane. William H. Hammett, of Mississippi, threw his arms round Black and bore him off as he would a woman from a fire...”

Firebrands and Fisticuffs in Congress (from Nelson Polsby)

PACKING HEAT: “When Reuben M. Whitney was before a committee of investigation in 1837, Bailie Peyton, of Tennessee, taking offense at one of his answers, threatened him fiercely, and when he rose to claim the committee’s protection, Mr. Peyton, with due and appropriate profanity, shouted: ‘You shan’t say one word while you are in this room; if you do I will put you to death.’ The chairman, Henry A. Wise, added: ‘Yes; this violence is insufferable.’ As both these gentlemen were armed with deadly weapons, the witness could hardly be blamed for not wanting to testify before the committee again.”

Firebrands and Fisticuffs in Congress (from Nelson Polsby)

May 22, 1851: Rep. Preston Brooks of South Carolina entered the U.S. Senate and beat Senator Charles Sumner senseless with a cane.

“When Matthew Lyon, of Kentucky, spat in his face, [Roger] Griswold [of Connecticut, a member 1795-1805] stiffened his arm to strike, but remembering where he was, he coolly wiped his cheek. But after the house by its vote failed to expel Lyon, he ‘beat him with great violence,’ says a contemporary chronicle, ‘using a strong walking stick.’”

SUM: “These were not pleasant days,” writes Thomas Reed. “Men were not nice in their treatment of one another.”



Madison, *Federalist* #63, on the Senate (cont.)

3. Need a “select and stable member of the government.”

Madison #63: “As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn.”

The Madisonian Senate: Senate as Constraint

Senate is force of stability in American politics, a force for conservatism (not ideological, but in pace of change).

E.g.: (1) 1993, Dole and Republican leaders slow down Clinton

(2) 1995 (Dems and Rep moderates slow down Newt Gingrich).

(3) GW Bush has had mixed experience: Senate Dems in 2001 were very unwilling to slow down Bush’s agenda, but since then have obstructed much more (e.g., further tax cuts, Arctic drilling)

(4) Can be counterproductive -- Southern filibusters slowed Civil Rights and Voting Rights Acts

Congressional Elections

A. Incumbency advantage

1. Larger in House than in Senate



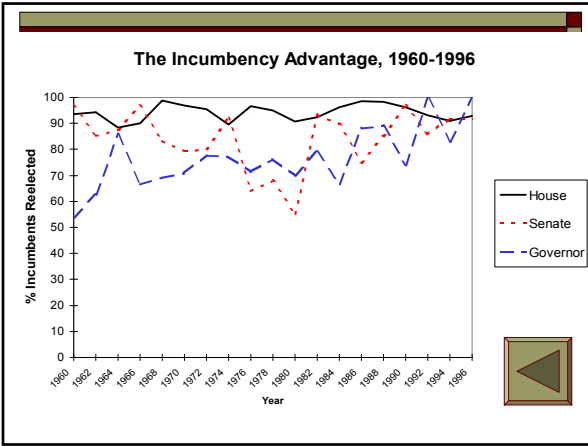
2. Lots of culprits, but increased federal spending and importance of media is the best.

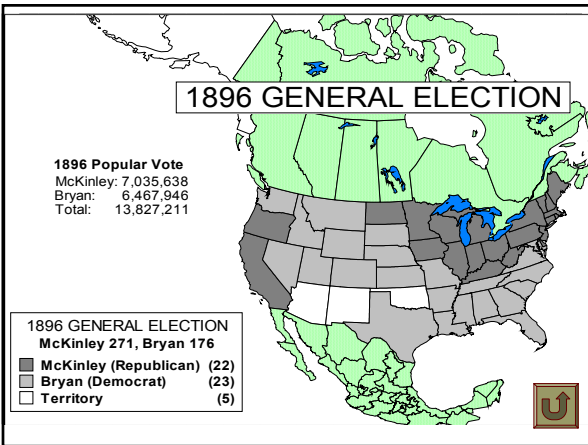
3. Regional-local entrenchment? But we’ve had that before...



4. good indicator: *sophomore surge*







Districting & Redistricting

1. done by *state legislatures* [e.g., MI, VA, CA, TX in recent election cycles]
2. Gerrymandering -- some evidence (Cox and Katz) that it helps incumbents win
3. majority-minority districts
 - advantage:* minorities do get elected.
 - disadvantage:* dilute minority voting power by lumping it all into one district.
 - "Racial gerrymandering" now unconstitutional: *Shaw v. Reno* (1993): 113 S. Ct. 2816.
