

LEGISLATIVE PROCESS

50:790:323 Spring 2010

Instructor: Dr. Richard A. Harris
Office: Room 202, 401 Cooper St.
Hours: M-W-F 10:00am –11:00am
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This course examines the United States Congress from both an historical and a theoretical perspective. In terms of history, we begin with the Constitution itself and the Federalist Papers to explore Founders' understanding of a legislature as the central institution of national government. After establishing that historical and philosophical baseline, we will study the evolution of Congress and the underlying causes for the marked changes that have occurred in its internal operations, its external relationships, and its place in the policy process. We will focus on two important contemporary legislative efforts, the Clean Air Act and Health Care Reform to understand how the Congress functions.

In terms of theory, we will compare two social scientific models for explaining legislative behavior. The first, an economic model, focus on individual legislators (Representatives and Senators) as rational actors seeking to maximize their margin of victory to the point where another dollar spent does not yield any additional votes. In this model, all behavior (policy advocacy, constituent service, votes on bills, etc.) is understood in terms of its contribution to an individual legislator's electoral interest. The alternative view, a sociological model, approaches legislative behavior from the point of view that Congress, as an organization, may be characterized by structures (e.g., committees and subcommittees), rules, and culture, all of which serve to constrain the behavior of legislators and explain legislative outcomes.

Your research project for this course will be the preparation of a legislative history of a particular law and an analysis of which model, economic or sociological, best explains the enactment process. A separate, detailed description of this project is available on the sakai website for this class [<https://sakai.rutgers.edu/portal/site/7f753437-778f-4651-bf94-90b2b54ade5b>] under the "Resources" button in the left-hand menu.

Texts:

Roger Davidson, et.al. Congress and its Members

Morris Fiorina Congress: Keystone of the Washington Establishment

Barbara Sinclair Unorthodox Lawmaking

Course Requirements and Grading:

Because this class combines lecture and discussion, all reading should be completed prior to the week in which it is assigned. Students are expected to contribute in class both in response to questions posed and by asking their own questions (if you do not understand something from the lecture or reading, the chance are good that others may need clarification as well). Class participation (see below) does figure in your grade both in terms of frequency and quality.

All exams must be taken on the date they are scheduled unless you receive prior approval at least two school days in advance. There will be a penalty assessed for submitting your term paper late or missing an exam. If there is an emergency that prevents your receiving prior approval, you must have a note from the Dean of Students verifying the emergency in order to avoid a penalty. Exams will be returned with comments one week after the exam date.

While there is no attendance requirement, attendance will be taken each class and excessive absences (more than five) will affect your performance. If there is a family or medical situation that necessitates your absence, please let me know and I will work with you to accommodate your needs.

There is a major term paper for this class that is described in detail a separate handout. In brief, it you will prepare a history of a piece of landmark legislation and evaluate the explanatory power of two theories of legislative behavior we will develop.

Midterm Exams

There will be two worth 100 points each (see below for dates).

Final Exam

The final is worth 125 points and is scheduled from 9:00am – 12:00pm on May 6th

Term Paper

Your term paper will count for 150 points and is due on the last day of class, May 3rd

Class Participation

This will count for 25 points

Final Grade

Your final grade will be calculated by dividing your accumulated points from all exams, your paper and class participation by the total points available (500) and multiplying by 100. As a general guide, you should think of the following letter grade equivalents: an A (4.0) will be 93 – 100; a B+ (3.5) will be 89 – 92; a B (3.0) will be 81 – 88; a C+ (2.5) will be 75 – 80; a C (2.0) will be 68 – 74; a D (1.0) will be 60 – 67; and an F (0.0) will be any grade below 60.

Learning Objectives:

For this class there are four learning objectives.

1. Students will acquire an understanding of the political development of Congress as an institution in its own right and in relation to the other branches of government.
2. Students will acquire an understanding of the role Congress plays in the policymaking process, including not only enactment of laws, but also the federal budget and oversight of programs and agencies.
3. Students will acquire an understanding of the electoral challenges faced by individual legislators and the conflicting motives that explain their behavior in Washington, D.C. and in their home states or districts.
4. Students will acquire an understanding of economic and sociological theories that can explain legislative outcomes and the applicability of those theories under differing political circumstances.

Course Outline

I. Introduction & Organization

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| A. | Course Overview | January 20 |
| B. | Legislative Research | January 22 |

II. Foundations and Political Development

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| A. | Film: An Act of Congress
Davidson, et. al. – Chapter 1 | January 27 |
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- B. Film: An Act of Congress January 28
- C. The Constitution January 25
Federalists - #10, #51, #52, #62
- D. Early Congress February 1
Davidson, et.al – Chapter 2
- E. Professionalization February 3
Koger “The Era of Congressional Dominance
Harris “The Making of the Modern Congress”
- F. Rise of Modern Liberalism February 5
FDR – “The Commonwealth Club Address”

1ST MIDTERM EXAM - FEBRUARY 8 AND 10

FINAL APPROVAL OF TERM PAPER TOPICS - February 12

III. Economic Theories of Legislative Behavior

- A. Rationality & Economic Theory February 15
Mayhew – Congress
- B. Working the “Electoral Connection” February 17
- C. Guest Lecture February 19
- D. Election Recruitment February 22
Davidson, et.al. – Chapter 3
- E. Congressional Campaigns February 24
Davidson, et. al. – Chapter 4
- F. Hill and Home Styles February 26
Davidson, et. al. Chapter 5

IV. Sociological Theories of Legislative Behavior

- A. Party & Leadership March 1
Davidson, et. al. – Chapter 6
- B. Committees in Congress March 3
Davidson, et. al. – Chapter 7
- C. Rules and Procedures March 5
Davidson, et. al. – Chapter 8
- D. Making Sausage March 8

2nd MIDTERM EXAM – MARCH 10 & 12

SPRING BREAK – MARCH 15, 17, 19

V. Policymaking

- A. Congress and the Executive March 22
Davidson, et.al. – Chapters 10 & 11
- B. Congress and the Courts March 24
Davidson, et.al. - Chapter 12
- C. Congress and the Lobbies March 26
Davidson, et.al. – Chapter 13

VI. What We've Got

- A. Congress is the Culprit March 29 & 31, April 2
Fiorina – Congress: Keystone of the Washington Establishment

- B. The Pogo Principle April 5
Sinclair – Chapter 1
- C. The New Legislative Process April 7
Sinclair – Chapters 2 & 3
- D. The New Legislative Process Cont' April 9
Sinclair – Chapters 4 & 5

VII. How We Got Here

- A. Devolution Run Amok April 12
Sinclair – Chapter 6
- B. Case Studies
 - 1. An Energy Bill: SOP April 19
Sinclair – Chapter 7
 - 2. Prescription Drugs April 21
Sinclair – Chapter 8

No Class April 23

- 3. Medical Malpractice April 26
Sinclair – Chapter 9
- 4. The Budget Process April 28 & 30
Davidson – Chapter 14
Sinclair – Chapter 10

- VIII. Conclusion May 5
Sinclair – Chapter 13

FINAL EXAM THURSDAY MAY 6 9:00 – 12:00