

Political Science 426, Fall, 2010
The Legislative Process
Professor David Canon
T+Th., 9:30-10:45 Humanities 1111
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Course Description

This class is designed to provide you with an understanding of the place of the United States Congress within the American political system. The central questions are: what motivates the behavior of members of Congress, what influences why they run for office and how they get elected, how do they structure institutions to meet their goals, how do structures affect outcomes, what is the role of parties and party leadership in shaping the policy process, how do members of Congress interact with the President, the courts, interest groups and the public, and how can Congress be reformed to work better? Ultimately, how important is Congress for the making of public policy and why? We will only be able to cover a small fraction of the work on Congress, but I will attempt to introduce you to the central questions and theoretical approaches in the field. We will begin the semester with a few weeks on normative and positive approaches to studying Congress. Normative approaches focus on questions of representation – who does Congress represent: their district or the nation as a whole? Racial minorities or whites? Narrow economic interests or broader general interests? Positive theory, which is the dominant theoretical approach to studying Congress, is rooted in assumptions about rational behavior and the importance of institutions, such as the committee system. We also examine how Congress is dealing with the challenges our nation faces in the fall of 2010, especially how they are working (or not) with President Obama. We will conclude with a section on reforming Congress. How should the institution be structured and how can its performance be improved?

Course Format

This course will be primarily a lecture class given its size. Yet, I encourage class participation. I often will begin class with a discussion of current events, especially as they relate to what is going on in Congress. I encourage you to bring questions to class and to respond to issues I may raise. The goals of this class are both theoretical and practical: I aim to give you a theoretical basis for understanding the U.S. Congress and a greater awareness of the events to which theory can be applied.

Readings for the Course

The following books are required for the course and are available for purchase at the University of Wisconsin Bookstore. There also is a set of readings that is available for purchase at the Bob's Copy Shop (1401 University Ave – the purple building near where Campus drive joins University Ave). These readings are required and will be important in the course. I also will email you a few articles throughout the semester on important, fast-evolving issues:

Steven S. Smith, Jason M. Roberts, and Ryan J. Vander Wielen, *The American Congress*, 6th ed., New York: Cambridge University Press, 2009.

David T. Canon, *Race, Redistricting, and Representation: The Unintended Consequences of Black Majority Districts*, Chicago: University of Chicago Press, 1999.

Henry Waxman, with Joshua Green. *The Waxman Report: How Congress Really Works*, New York: Twelve, 2009.

In addition to the assigned readings, I also encourage you (and this should be a life-time habit rather than a course assignment) to read a good daily newspaper, or a least a news weekly. The *New York Times* is available at 60% off the cover price to all UW students. I encourage you to subscribe if you do not already have access to high quality national news. This will enhance your understanding of the material presented in class and will make you better able to participate in class discussion. There are also two “insider” newspapers that cover the politics of Congress: *Roll Call Online: The Newspaper of Capitol Hill Since 1955* and *The Hill: The Newspaper for and about the U.S. Congress*. They may be found online at <http://www.rollcall.com> and <http://www.thehill.com>. You have to subscribe to *Roll Call* to get the full text of articles, but *The Hill* is still available for free. You may also find it entertaining and informative to tune into CSPAN’s coverage of Congress. You will learn a lot about the legislative process by watching it unfold in real time. Other good resources are nationaljournal.com (free) and *Congressional Quarterly Weekly Report* (you have to subscribe to get on-line access, but there are hard copies in the libraries).

Student Responsibilities

This will not be new advice, but it is essential to read the assigned readings each week before coming to class and section. It is not possible to put off the reading until just before the exams and expect to do well in the class. Some of the reading will be discussed in class, but others will be points of departure for discussion sections and material that I will present in lecture. I expect a critical reading of the material. Do not accept everything you read – you certainly will not agree with everything you are presented with in this class. You will gain much more from class meetings and discussion sections if you come prepared. The course outline will be followed as closely as possible; major departures from the schedule will be noted. One final word of warning: there is a fair amount of formal and statistical material in this course. You do not have to be a math or statistics whiz to take this course, but if you have serious “number phobia” you may want to consider taking another course.

Course Evaluation

There will be a midterm that counts for 25% of your grade, a research paper that is 30%, a final exam will be 35%, and attendance and participation in discussion section will be 10%. The format of the exams will be a combination of multiple choice, identification, and essay. The final exam will only be partially comprehensive (75% will be on material since the midterm and 25% will be comprehensive). All reading material and lectures will be fair game on the exams. In calculating the final grade, number grades rather than letter grades will be averaged. I will give you more details about the paper assignment in a few weeks.

Course Outline: (lecture outlines will be posted on my web site, <http://users.polisci.wisc.edu/dcanon/>)

I. Introduction: Normative and Positive Theories of Congress and Overview

A. Overview of Congress and Introduction to the course: September 2

American Congress, Chapter 1, pp. 1-25.

Remarks of House Republican Leader John Boehner and Nancy Pelosi during the opening proceedings of the 111th Congress, January 6, 2009, readings packet.

Darrell M. West and William Antholis, "How we're doing ahead of the November elections?" *Washington Post*, August 22, 2010 A13, readings packet.

Ronald Brownstein, "A New Form Of Check and Balance," *National Journal*, July 16, 2010, readings packet.

B. Representation: Descriptive and Substantive, Responsiveness and Responsibility (normative theory): September 7-9

American Congress, first part of Chapter 2, pp. 27-32.

David Canon, *Race, Redistricting and Representation*, Preface -Chapter 1, xi-59.

Ramano Mazzoli, Elizabeth Holtzman, and Robert Garcia, in *Inside the House: Former Members Reveal How Congress Really Works*, edited by Lou Frey Jr. And Michael T. Hayes, Lanham, MD: University Press of America, pp. 1-26, readings packet.

C. The spatial analysis of Congress (positive theory): September 14

American Congress, Appendix, pp. 389-400.

Jonathan Cohn, "Irrational Exuberance: When Did Political Science Forget About Politics?" *The New Republic*, October 25, 1999, readings packet.

Christopher Beam, "The Only Politics Article You'll Ever Have To Read. What if political scientists covered the news?", *Slate Magazine*, June 4, 2010, readings packet.

D. Member Goals, Resources, and Strategy: September 16

American Congress, Chapter 4, pp. 87-119.

Robert Draper, "This Year's Maverick," *New York Times Magazine*; July 4, 2010, pp. 22, readings packet.

II. History and Evolution of Congress

A. Constitutional Foundations: September 21

American Congress, second part of Chapter 2, pp. 32-42.

Charles Stewart, "Congress and the Constitutional System," readings packet.

B. Evolution of Congress: September 23-28

American Congress, last part of Chapter 2, pp. 42-51.

Eugene McCarthy, "Congress – It Used to Work," in *Inside the House: Former Members Reveal How Congress Really Works*, edited by Lou Frey Jr. And Michael T. Hayes, Lanham,

MD: University Press of America, pp. 300-305, readings packet.

III. Getting Elected

A. The Rules of the Game – September 30 - October 5

American Congress, first part of Chapter 3, pp. 53-67.

Canon, Chapter 2, “A Legal Primer on Race and Redistricting,” 60-92.

“Thank You for Your Contribution,” *Harper’s Magazine*, June, 1997, readings packet.

“In the Money: A Congressman’s Story,” *Harper’s Magazine*, July, 1997, readings packet.

Matthew Rothschild, “Corporations Aren’t Persons: Amend the Constitution,” *The Progressive*; April 2010, readings packet.

Bradley A Smith, “Citizens United We Stand,” *The American Spectator*; May 2010, readings packet.

B. The Candidates’ Side of the Story: Strategic Politicians and the Supply Side Theory, October 7

Canon, Chapter 3, “The Supply-Side Theory of Racial Redistricting,” 93-142.

Michael Sokolove, “The 60th Democrat,” *New York Times Magazine*; August 22, 2010, pp. 22, readings packet.

Henry Waxman, *The Waxman Report*, Chapter 1, 1-12.

C. The Voters’ Side of the Story – October 7-12

American Congress, last part of Chapter 3, pp. 67-85.

Bruce Oppenheimer, “Deep Red and Blue Congressional Districts: The Causes and Consequences of Declining Party Competitiveness,” in *Congress Reconsidered*, edited by Lawrence Dodd and Bruce Oppenheimer, Washington, D.C.: CQ Press, 2005, pp. 135-57, readings packet.

Drew Westin, “Gut Instincts,” *American Prospect*, December 2006, pp.29-33, readings packet.

W. James Antle III, Dick Armey, Fred Barnes, Michael Barone, et al., “Have the Republicans Learned Their Lesson? A pre-election symposium.” *The American Spectator*. Bloomington: Jul/Aug 2010, readings packet.

Drew Westen, “What Created the Populist Explosion and How Democrats Can Avoid the Shrapnel in November,” *Huffington Post*, August 31, 2010, readings packet.

***** In Class Midterm Exam on Thursday, October 14th *****
(exam will cover readings through October 12th)

IV. Inside Congress: Institutions of Congress

A. Committees – October 19-21

American Congress, Chapter 6, pp. 165-205.

Henry Waxman, *The Waxman Report*, Chapters 2-3, 15-51.

B. Parties and Party Leadership – October 26-28

American Congress, Chapter 5, pp. 121-163.

Jonathan Chait, “Means of Consent: What’s so Great about Bipartisanship?,” *The New Republic*, January 15, 2001, readings packet.

Michael Crowley, “The Misery of Being a House Democrat,” *The New Republic* June 23, 2003.

Rep. Tom DeLay’s Farewell Address, House floor, June 8, 2006, readings packet.

Peter Baker, “Tom Davis Gives Up,” *The New York Times*, October 5, 2008, readings packet.

Henry Waxman, *The Waxman Report*, Chapter 7, 127-42.

V. Inside the Institution: Congressional Behavior and Legislative Process – November 2-4

American Congress, Chapters 7 and 8, pp. 207-65.

Canon, Chapter 4, “Race and Representation in the U.S. House of Representatives,” 143-200.

Sarah A. Binder, Thomas E. Mann, Norman J. Ornstein and Molly Reynolds, “Mending the Broken Branch: Assessing the 110th Congress, Anticipating the 111th,” Washington, D.C.: Brookings Institution, January, 2009, 1-13 (up through the section on “Checks and Balances”), readings packet.

Anthony King, “Running Scared,” *The Atlantic Monthly*, January 1997, readings packet.

Henry Waxman, *The Waxman Report*, Chapters 4-6, 53-126.

VI. Budget Politics and Oversight – November 9-11

American Congress, Chapter 12, pp. 363-88.

Henry Waxman, *The Waxman Report*, Chapters 8-10, 145-216.

VII. Links to the Constituency – November 16-18

Canon, Chapter 5, “Links to the Constituency,” 200-242.

American Congress, Chapter 11, pp. 335-59.

Jennifer Bradley, “Capitol Flight: Why Congressmen are Never in Washington,” *The New Republic*, April 7, 1997, readings packet.

Sean Paige, “Rolling Out the Pork Barrel,” *Insight on the News*, January 4, 1999, readings packet.

Jonathan Cohn, “Roll Out the Barrel: The Case Against the Case Against Pork,” *The New Republic*, April 20, 1998, readings packet.

Eliza Newlin Carney, “The War On Earmarks Moves To The Obama Era: McCain, Feingold and Other Soldiers In The Battle Against Pork Look To Renew Their Efforts,” *National Journal*, Dec. 29, 2008, readings packet.

VIII. Congress and the Courts – November 23

American Congress, Chapter 10, pp. 307-32.

Janet Malcolm, “The Art of Testifying: The confirmation hearings as theatre,,” *The New Yorker*, March 13, 2006, readings packet.

Edward Kennedy, “The Supreme Court’s Wrong Turn and How To Correct It,” *American Prospect*, December, 2007, pp. 14-18, readings packet.

Ronald Peters, Keith Whittington, Mitchell Pickerill, and Louis Fisher, “The Constitution and the Courts,” *Extensions*, Fall 2008, 2–19, readings packet.

Radley Balko, “Confirmation Theater,” *Reason*; October, 2010, readings packet.

Justin Driver, “Can Elena Kagan save the legal left?” *New Republic* July 8, 2010, pp.10-12, readings packet.

*** Thanksgiving Break – No Class on November 25 ***

IX. Congress, the President, and Policy – November 30 - December 7

American Congress, Chapter 9, pp. 267-305.

“Barack Obama and the 111th Congress,” Ronald Peters, John Owens, Bruce Oppenheimer, Burdett Loomis, and Barbara Sinclair, *Extensions*, Spring, 2009, readings packet.

Sarah A. Binder, Thomas E. Mann, Norman J. Ornstein and Molly Reynolds, “Mending the Broken Branch: Assessing the 110th Congress, Anticipating the 111th,” Washington, D.C.: Brookings Institution, January, 2009, 13-35, readings packet (see Nov 2-4).

Will Englund, “What Obama Can't Do,” *National Journal*, August 6, 2010, reading packet.

Jonathan, Cohn, “The inside account of health care reform's triumph,” *New Republic*, June 10, 2010, pp. 14-25, reading packet.

*** Paper due in class on December 7th ***

X. Congressional Legitimacy, the Future, and Reform – December 9-14

Canon, Chapter 6, “Black Majority Districts,” 243-64.

Sarah A. Binder, Thomas E. Mann, Norman J. Ornstein and Molly Reynolds, “Mending the Broken Branch: Assessing the 110th Congress, Anticipating the 111th,” Washington, D.C.: Brookings Institution, January, 2009, 35-38, readings packet (see Nov 2-4).

Gregory A Hession, “Term Limits – Still a Bad Idea,” *The New American*. June 7, 2010. pp. 22-24, readings packet.

Henry Waxman, *The Waxman Report*, Conclusion, 217-24.

Paul Quirk and Sarah Binder, “Congress and American Democracy, Assessing Institutional Performance,” readings packet.

Also review the last section of the “Running Scared” article from a couple of weeks ago in the readings packet.

**** Final Exam on Friday, December 16th 7:45 a.m. - 9:45 p.m., location to be announced ****