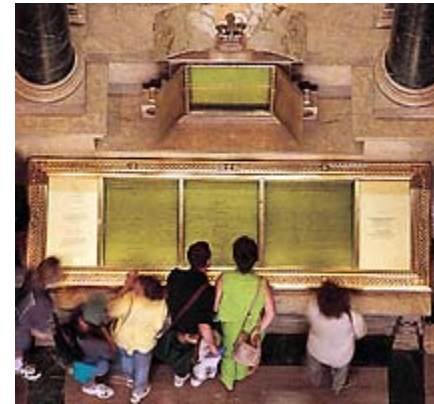


The Constitution and Congress

17.251/17.252
Fall 2008



Road map

- Pre-constitution
- Politics of the constitutional convention
- Key features of the Constitution pertaining to Congress

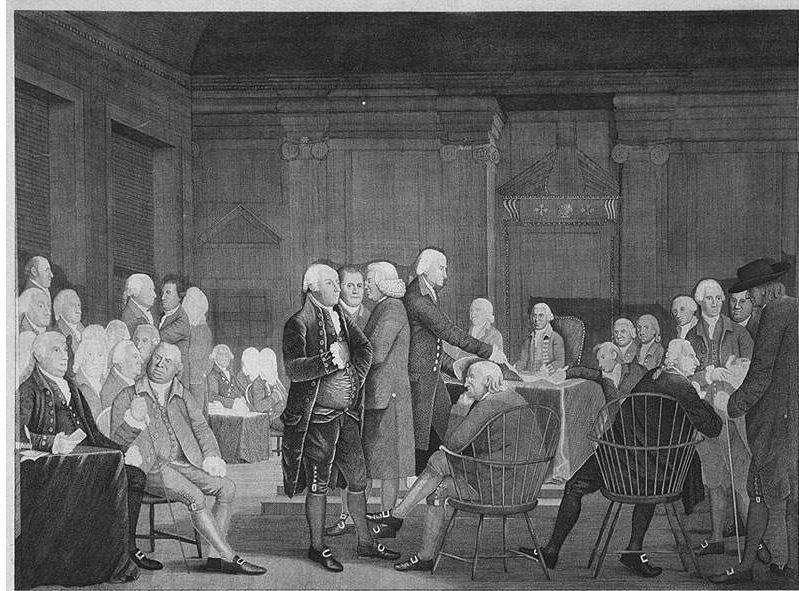
Pre-Constitution

- Self-governance came over to American from East Anglia
- Colonies had legislatures
 - SJC
 - House of Burgesses



The First Congress

- Continental Congresses, 1774-1781
 - Council of independent state governments
 - Coordinate state action
 - Attempted to provide national services
 - Post Office
 - Foreign Affairs
 - Etc.



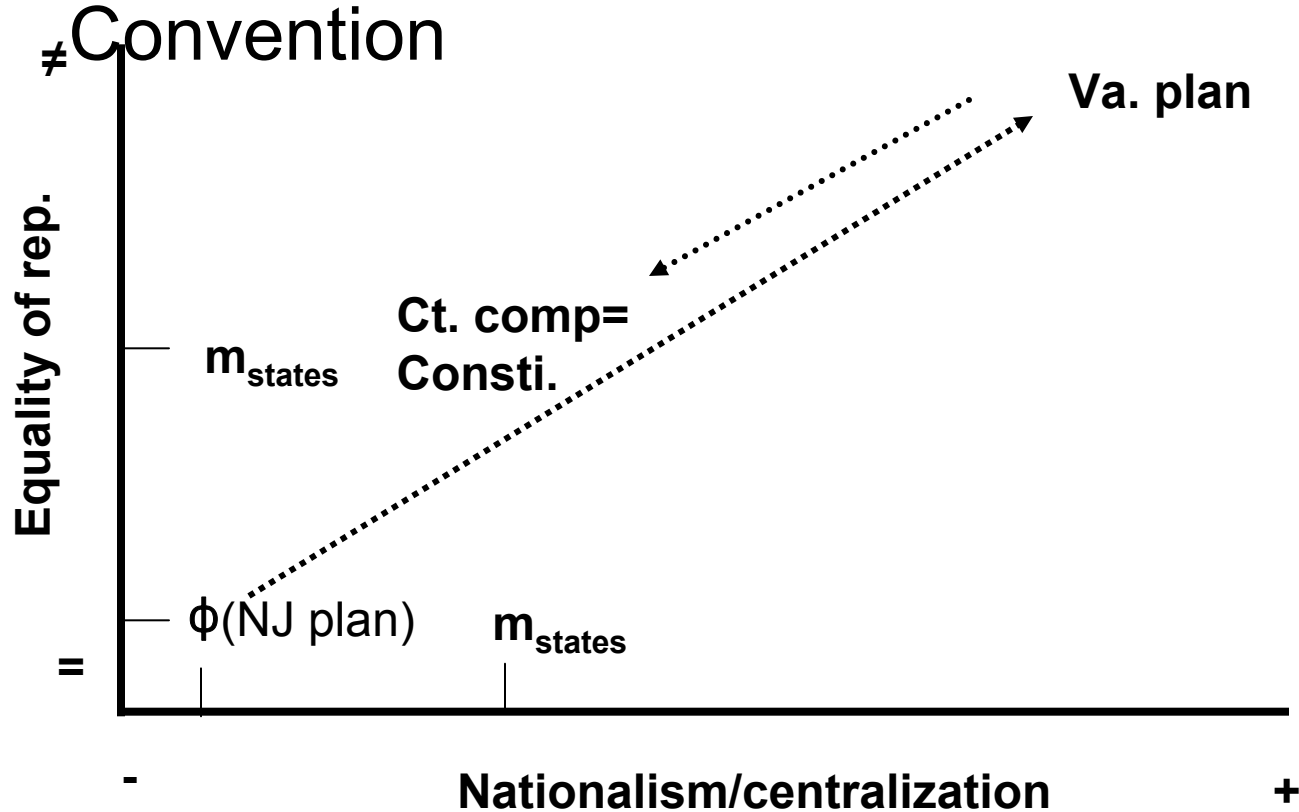
The Second Congress

- Congress of the Confederation, 1781-1789
 - Authorized under the *Articles of Confederation*
 - Basic structure
 - Equality of states
 - Congress was the “united states in Congress assembled”
 - Weaknesses
 - Lack of popular moorings
 - Lack of compulsion on states or individuals
 - Weak floor rules
 - Committees given no special standing



The Politics of the Constitutional Convention

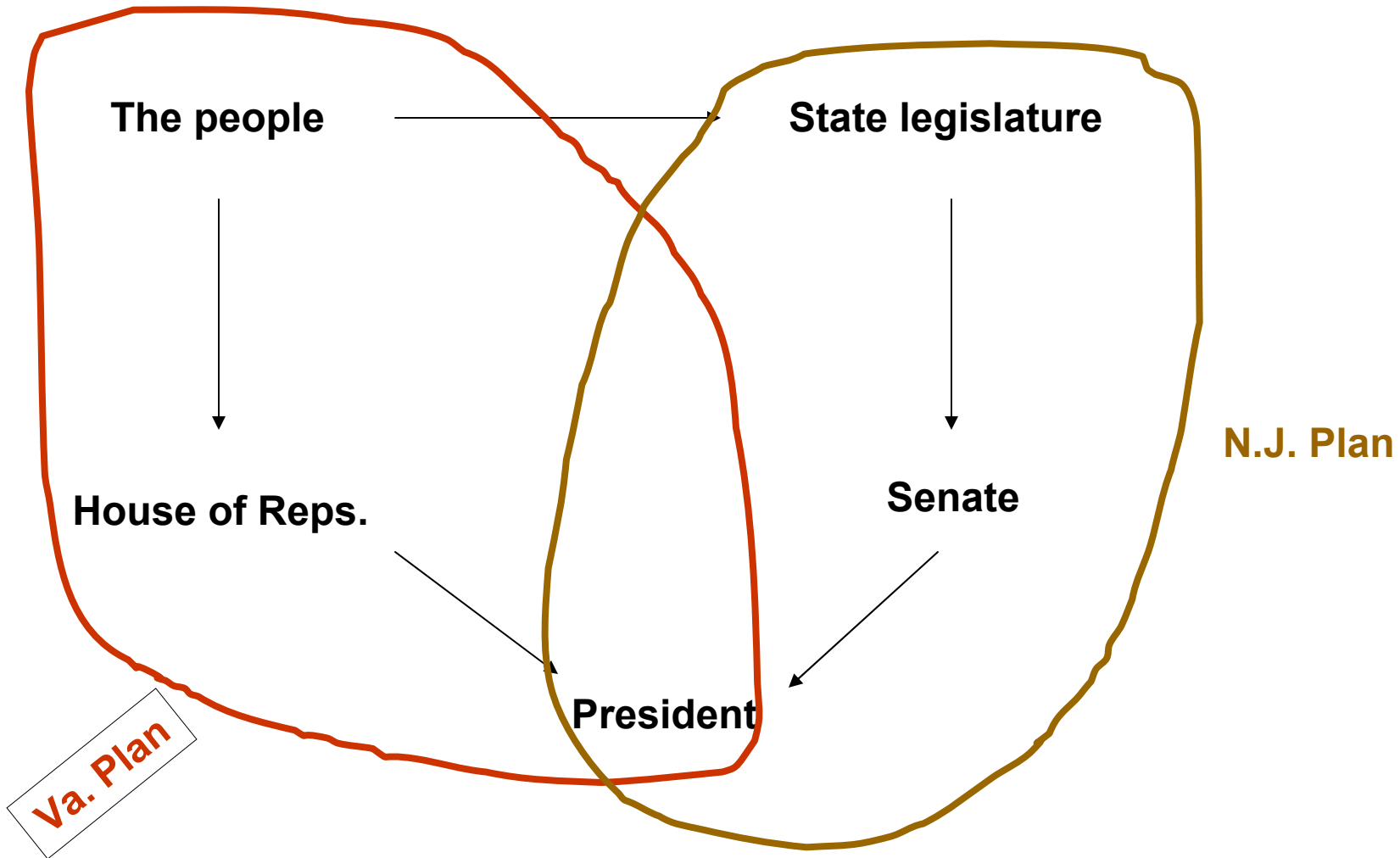
- 1787
- General flow of the Convention



What the Compromise Gave Us

- Virginia
 - **Population-weighted representation**
 - *Unicameral legislature*
 - *National nullification* → **Strong national government**
 - *Congress elects Senate & President*
- N.J. (Status quo)
 - **Equal representation of states**
 - *Coalition, not nation*
 - *Congress elects President (no Senate)*
 - *State sovereignty* → **Shared sovereignty**

The Constitution: The Schematic



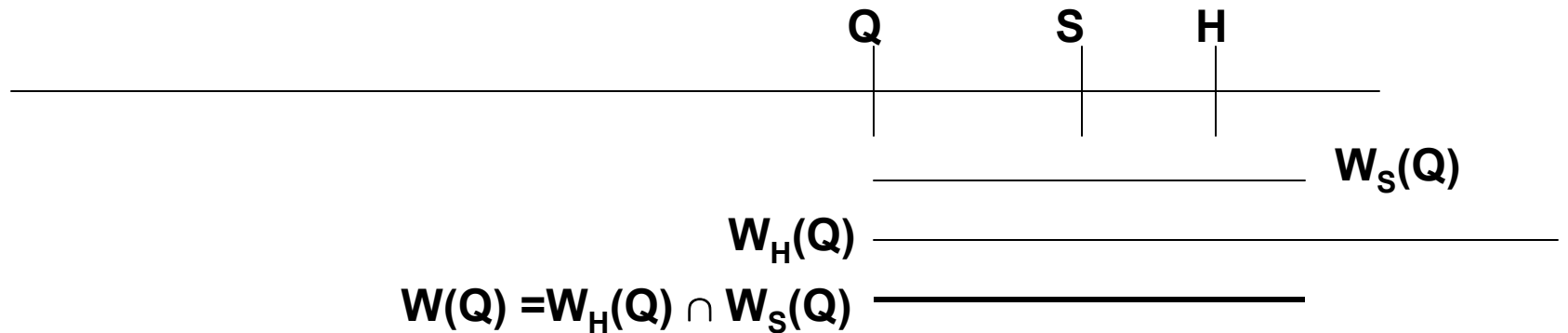
Key Features of the Constitution for Congress

- Membership
- Powers
 - Free trade and one foreign policy
 - Congress and the president sovereign
 - House and Senate autonomous as institutions
- Walk through constitutional features

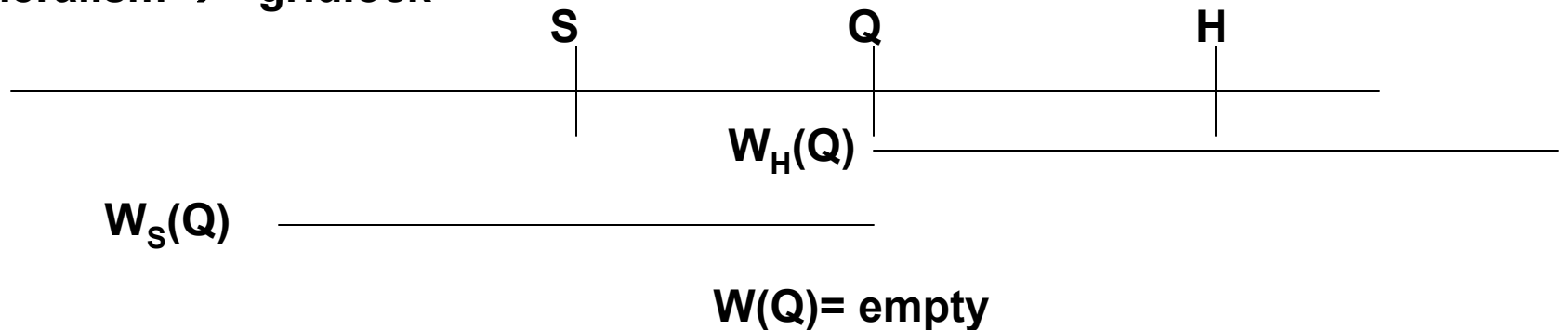
Walk through Article I

Formal analysis of bicameralism

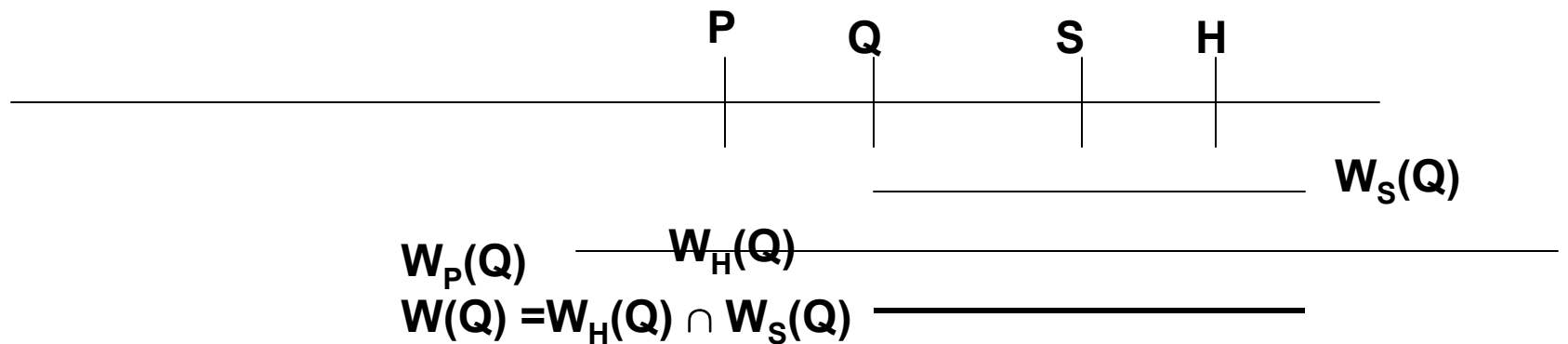
Bicameralism → greater “power” to more “conservative” body



Bicameralism → “gridlock”

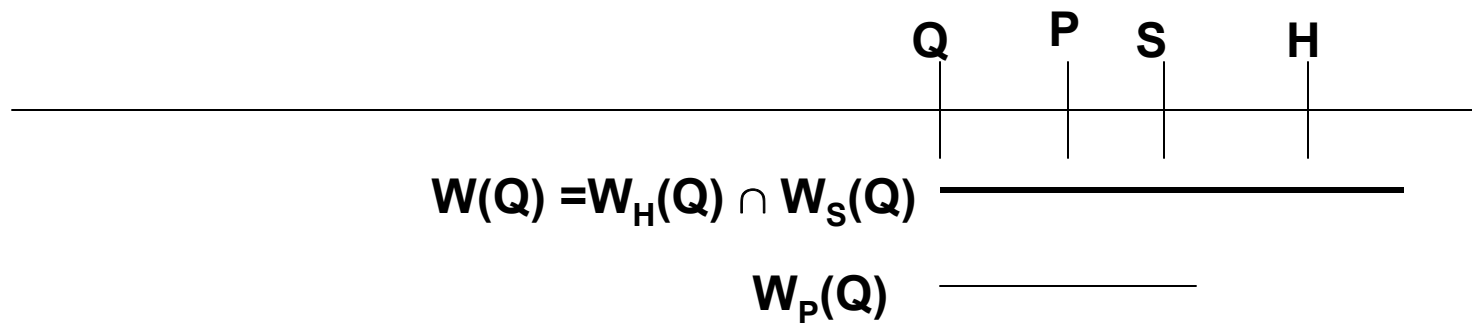


Presidential veto: “Tricameralism”



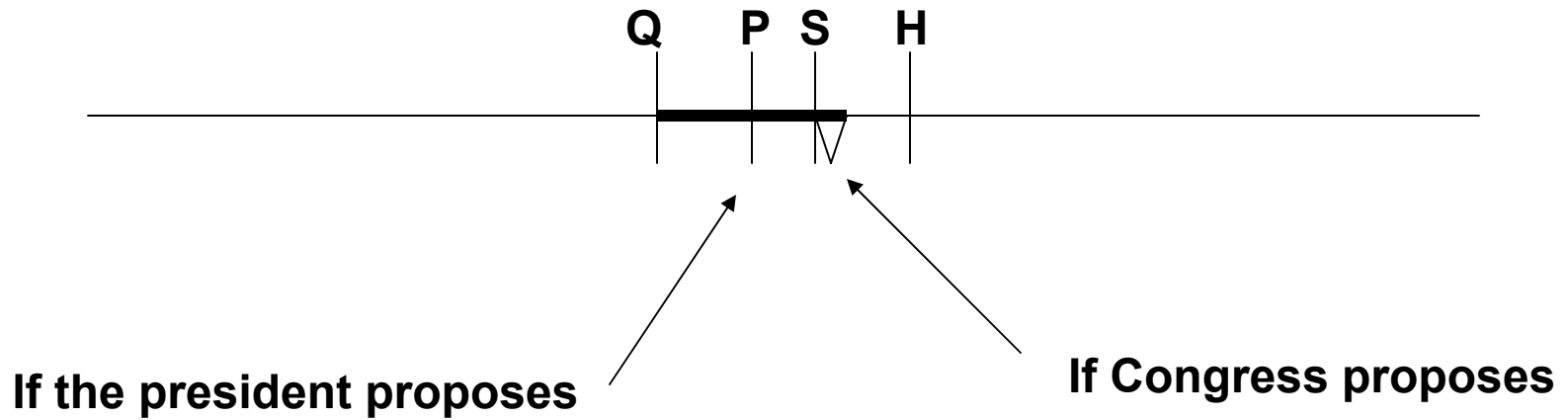
If president is on one side of the status quo and both chambers are on the other side, tricameralism induces gridlock

Presidential veto: Tricameralism



If the president is within the win set of the two chambers, the president is a “conservative” force

The effect of the “presentation clause”

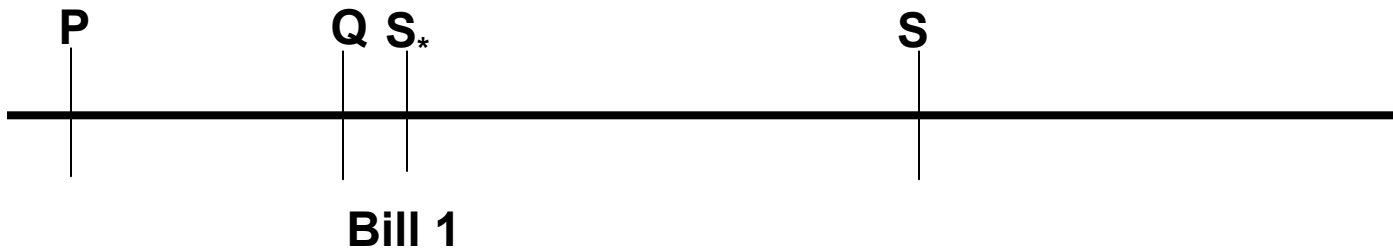


Adding the veto pivot

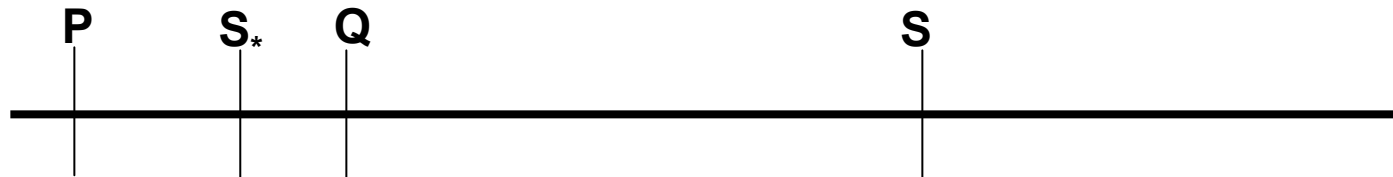
No bill with $\frac{1}{2}$ requirement



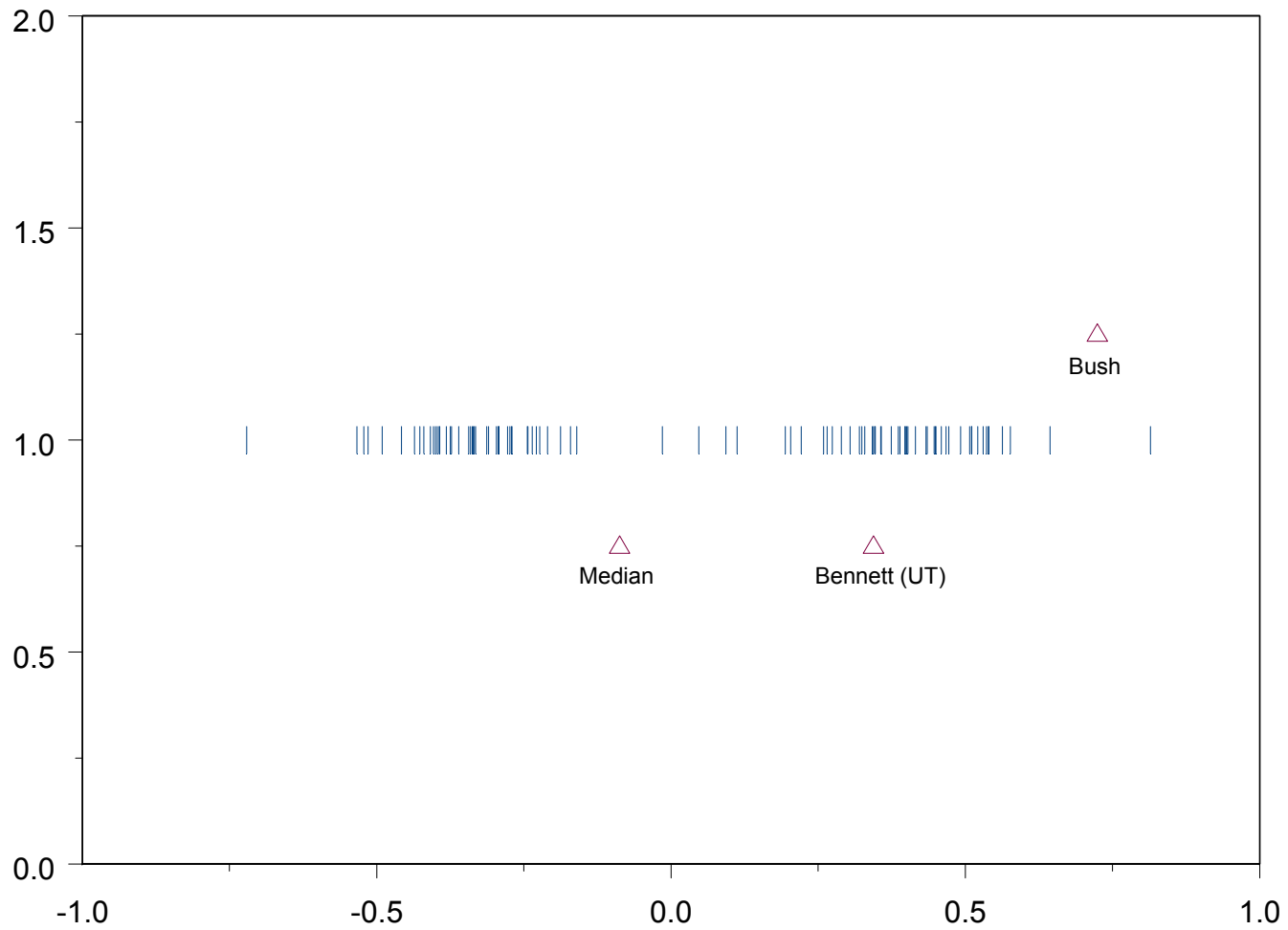
Strategic bill 1 with $\frac{2}{3}$ requirement



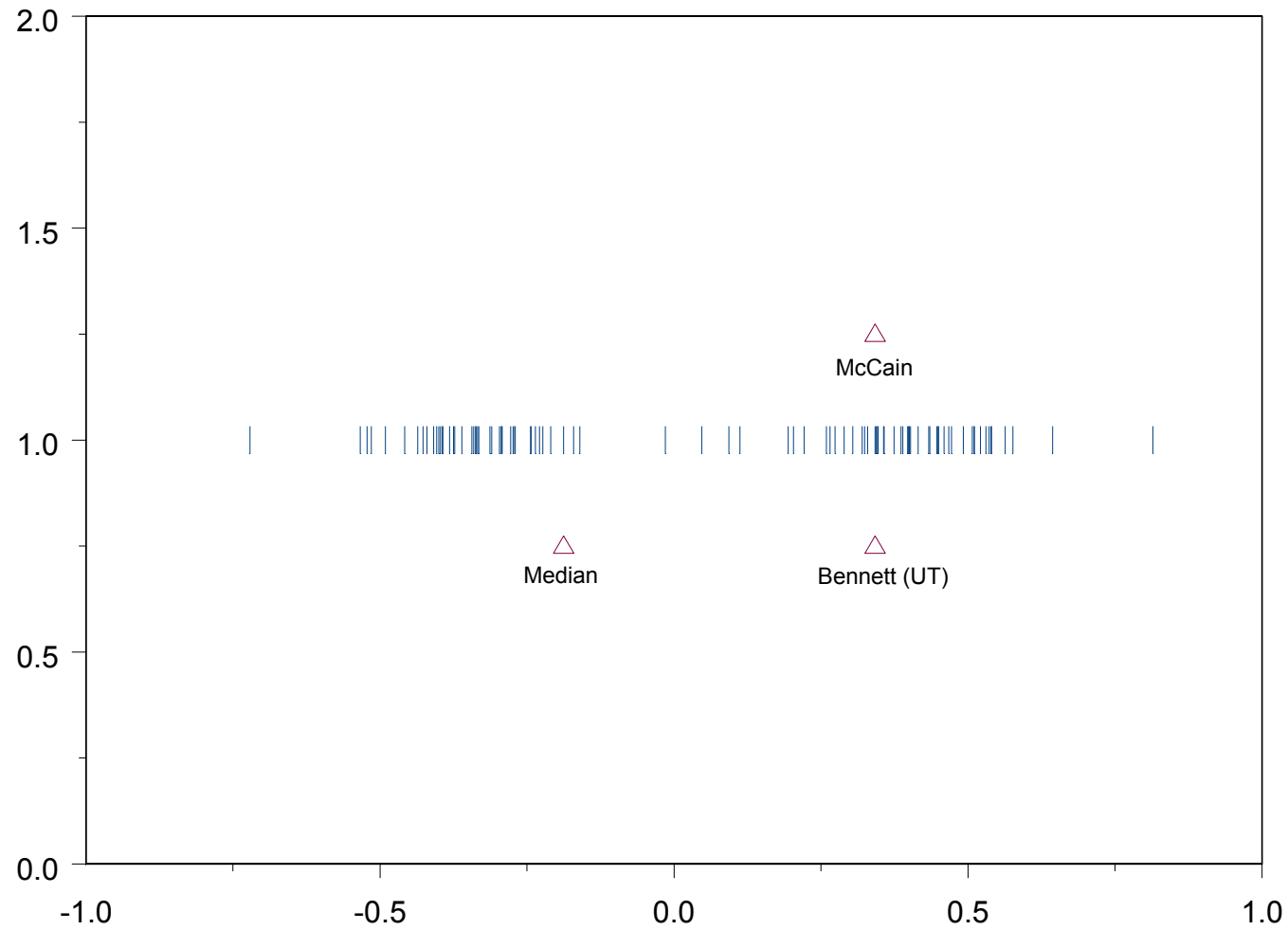
No bill 1 with $\frac{2}{3}$ requirement



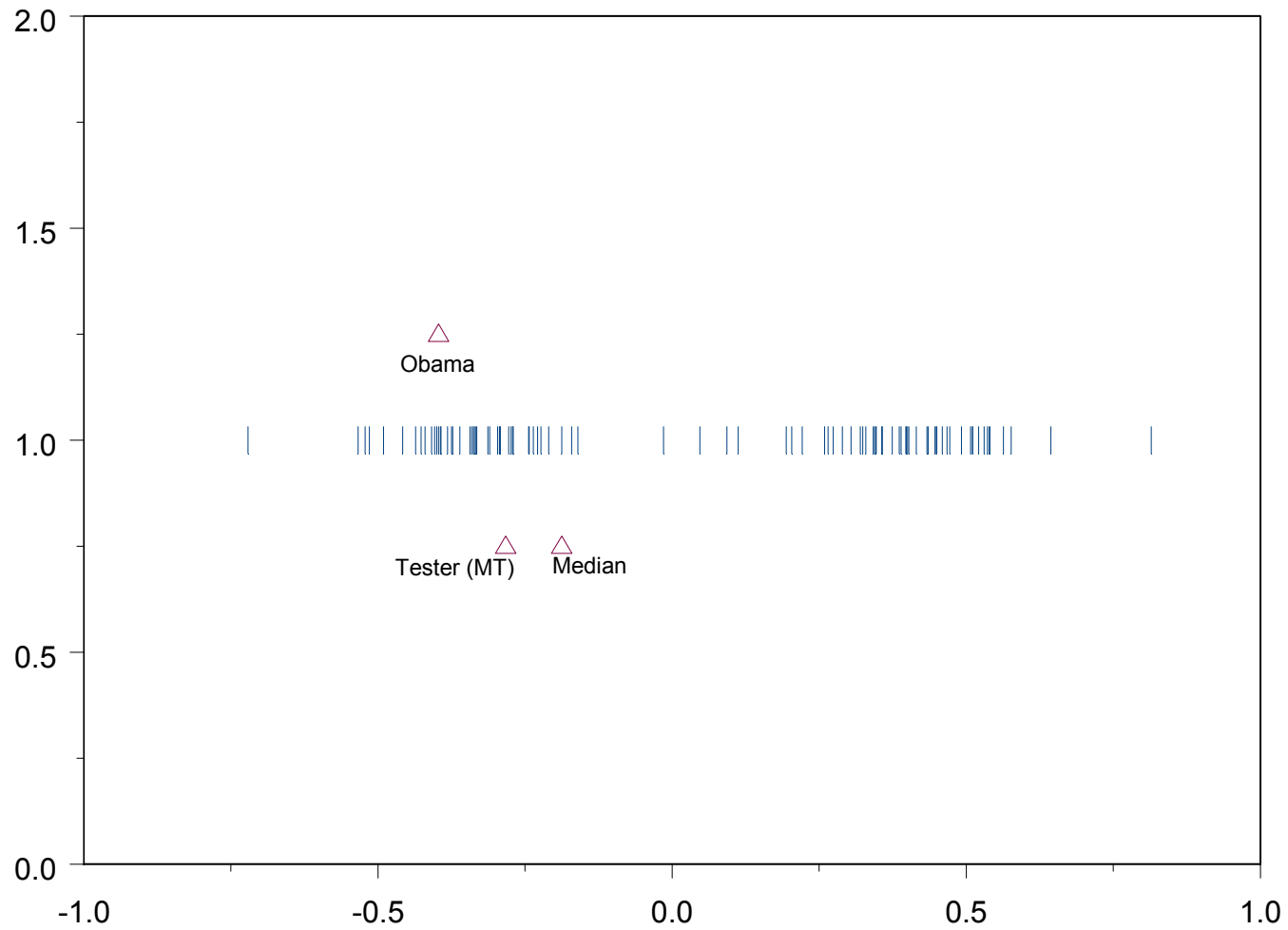
What difference it makes: Bush



What difference it might make: McCain



What difference it might make: Obama



12th Amendment in 2008

- Process:
 - Electoral College canvassed Jan. 6 (per federal law)
 - If tie
 - President: states vote in HoR; majority required to win
 - V.P.: senators vote; majority required to win

Tie scenarios

- Baseline: Obama wins Gore \cap Kerry (Pacific – AK; Great Lakes – IN – OH; Northeast from ME to DC – NH)
- Obama also wins IA, CO, and NM;
- Obama also wins IA, CO, and NV;
- Obama also wins NH, IA, NM, and NV.

Voting by State

- 1. **NY** +17
- 2. **CA**+15
- 3. **MA**+10
- 4. **MD**+4
- 5-9. **WA, CT, IL, PA, OR**+3
- 10-17. **ME, WI, MS, HI, RI, AR, MN, NH**+2
- 18-27. **IA, VT, NC, TN, WV, NJ, ND, CO, SD, IN**+1
- 28-29. **KS, AZ** 0
- 30-39. **MO, GA, LA, AK, WY, NV, NM, MT, UT, DE** -1
- 40-42. **SC, ID, KY** -2
- 43-46. **MI, NE, AL, OK** -3
- 47. **OH** -4
- 48. **VA** -5
- 49. **TX** -6
- 50. **FL** -7