The Constitution and Congress

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Road map

• Pre-constitution
• Politics of the constitutional convention
• Key features of the Constitution pertaining to Congress
• Stewart’s take on “Congress and the Constitutional System”
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  – The Founders were masterful reformers
  – The Founders were lousy prognosticators
Pre-Constitution

- Self-governance came over to American from East Anglia
- Colonies had legislatures
  - Great and General Court
  - 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

![Diagram showing the relationship between Equality of representation and Nationalism/centralization.](image)
What the Compromise Gave Us

• Virginia
  – Population-weighted representation
  – National nullification $\rightarrow$ 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 $\rightarrow$ Shared sovereignty
The Constitution: The Schematic

- The people
- House of Reps.
- President
- State legislature
- Senate
- N.J. Plan

Va. Plan
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 $\rightarrow$ greater “power” to more “centrist” body

$W(Q) = W_H(Q) \cap W_S(Q)$

Bicameralism $\rightarrow$ “gridlock”

$W(Q) = \text{empty}$
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.

\[ W(Q) = W_H(Q) \cap W_S(Q) \]

\[ W_P(Q) \]
The effect of the “presentation clause”

If the president proposes

If Congress proposes
Adding the veto pivot

No bill with ½ requirement

Strategic bill 1 with 2/3 requirement

No bill 1 with 2/3 requirement

Bill 1
What difference it makes: Obama