

LegSim: Strategy Tips for Students

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We developed this memo in response to seeing students--especially students on the losing side of legislative debates--failing to take advantage of some of the resources at their disposal. When we talked to these students, they rightly observed that things that we assumed were fairly obvious had not occurred to them (such as requesting a quorum call to delay a decision). By offering these tips we hope to both inform and empower student legislators.

Strategy and Tactics

Legislative strategy begins with the assumption that the success of a policy proposal depends on more than its merits. There are always plenty of meritorious ideas. However, there is also always a shortage of legislative resources, including time and money, and there can also be strong disagreements about policy priorities.

For these reasons, the wily political entrepreneur recognizes that strategy is central to whether a good idea survives the legislative process. Here we distinguish between strategies, or general methods, and tactics, or specific applications of general strategies.

Strategies and tactics can be used to build support, or increase opposition to a proposal. For example, an amendment can bring new supporters to a bill, but it can also turn off legislators who favored the original version of the bill. Below are some of the better known tactics, along with a few examples. The important thing to remember is that the same tools are available to other legislators as well! This is why knowing the rules and anticipating the opposition are such valuable attributes of effective legislators.

1. Bargaining

Bargaining can be explicit or implicit. An explicit bargain is where two or more legislators agree to trade support or to modify specific features of a bill to gain support. Implicit bargaining is where a legislator offers her support without the expectation of any specific benefit, but with the expectation of some future unspecified benefit. The three main forms of bargaining are compromise, logrolling, and vote trading.

Compromise – Alter the language of a proposal to make it more or less attractive to potential supporters

- A defense authorization bill is too expensive. The committee proposes an amendment that strikes one of the more expensive programs from the bill. The objectionable provision is removed, increasing support for the bill.
- A defense authorization bill lacks majority support. A member proposes a floor amendment to expand the scope of the bill to include

increased funding for veterans' hospitals. The popular amendment passes, increasing support for the bill.

Logrolling – Combine policy proposals that have the support of intense minorities to produce a bill that has majority support.

- ☑ To attract urban legislator support, legislators representing dairy states include subsidies for school lunch programs in their agricultural subsidy bill.

Vote trading – Negotiate agreements that a legislator's support for a current proposal will benefit her in some future situation.

- ☑ Two committee chairs agree to treat the other's bill favorably in exchange for favorable treatment of their own bills.
- ☑ The Speaker asks a safe legislator to vote in favor of a congressional pay raise with the understanding that he will not be asked to support some other controversial policy in the future.
- ☑ The House majority leader asks for a legislator's support in exchange for a promise to campaign for the member in the next election

2. Argumentation – Influence legislators' perceptions of a proposal's policy and political consequences.

- ☑ A supporter of preserving Social Security benefits warns that voting in favor of private accounts is equivalent to political suicide.
- ☑ An opponent of the Endangered Species Act offers an amendment to list loggers as 'endangered' to make a point about the high costs of the program for the timber industry
- ☑ An opponent of the 'no child left behind act' points out that the program forces states to improve standards without adequately funding those efforts
- ☑ An opponent of an executive branch decision to locate a nuclear waste repository in his home state argues that the Congress should reverse the decision because it is not the President's to make.

3. Policy Traceability – Alter the visibility of a decision to highlight or downplay electoral considerations

- ☑ A congressional ethics bill is narrowly defeated on a voice vote. Some of the bill's supporters request a recorded vote. Knowing that their votes will now be a part of the public record, several original opponents change their votes and the bill passes.
- ☑ A member of the minority party offers a floor amendment to expand Medicare to include long term care coverage. Majority party leaders want to kill the amendment without forcing members to go on record as opposed to the popular concept. The majority leader offers a procedural motion to "table the amendment," thus avoiding a direct up or down vote on its merits.

4. Participation – Change who is participating in a decision

- ☑ Schedule important decisions at times when supporters are available. Round up supporters in advance.
- ☑ Schedule a vote for a time when likely opponents are not present (or when members who want to avoid voting on it can claim that they were cheated out of the opportunity to vote)
- ☑ If a substantial number of members are not present, move that "a quorum is not present to do business" to buy time or prevent a final decision
- ☑ During a quorum call, arrange for enough members to leave the chamber so that there is not a quorum, but not so many that no one is present to point out the absence of a quorum!
- ☑ Request that a vote be recorded to encourage participation (in the case of LegSim, request that a vote be conducted on-line to buy time)

5. Agenda control – manipulate the available alternatives to promote desired outcomes

Negative agenda setting – prevent popular proposals from being considered

- ☑ A committee that opposes changes to the Endangered Species Act moves slowly on a reform bill that is expected to have considerable floor support
- ☑ A minority of legislators engages in a de facto filibuster by offering floor amendments and procedural motions with the intention of limiting how many bills the legislature is able to consider in the closing days of the session.

Positive agenda setting – structure choices to advantage some alternatives over others.

- ☑ The Rules Committee proposes a restrictive rule for a bill that limits amending opportunities on the floor
- ☑ A committee reports a bill quickly so that it is higher up on the Union Calendar and therefore more likely to receive floor consideration
- ☑ Congressional leaders want to defeat a proposal to limit congressional terms to 12 years but they know that legislators will have a hard time explaining their opposition. They offer several variations of term limits as amendments before bringing up 12 year limits. As a result, legislators are able to explain their opposition to 12 year limits as support one of the other versions offered (but also defeated).

The Bottom Line: Legislative outcomes are not decided solely on the merits. In an environment of scarce resources, high stakes, and decentralized power, nearly anything is possible!

References

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