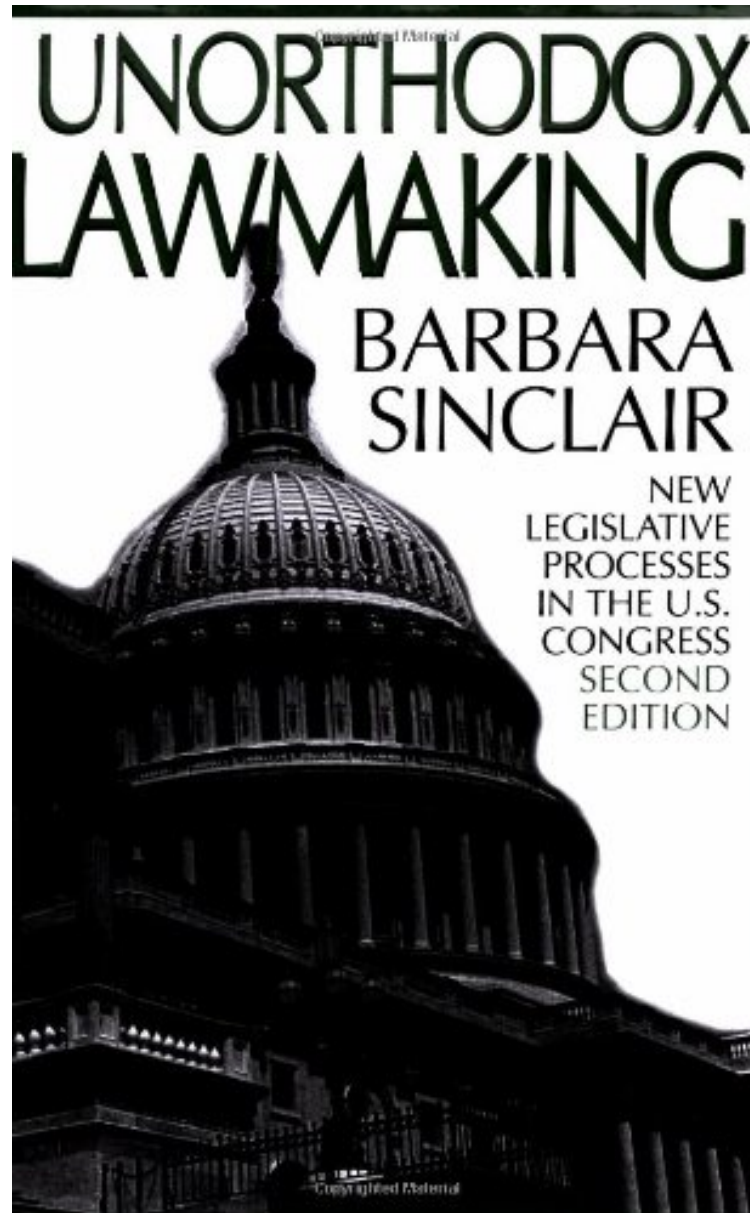


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Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress

Barbara Sinclair

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Barbara Sinclair : Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress before purchasing it in order to gage whether or not it would be worth my time, and all praised Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress:

0 of 0 people found the following review helpful. textbookBy justineI got this for my American Legislative Process class. This version is older than the one my professor required. Oops. It's THE authority on lawmaking, but rather boring. Even my professor tended to find news articles for our class to try to make it more engaging.11 of 12 people found the following review helpful. The Ugly Reality of LawmakingBy Christy KThere exists a profound difference between the legislative process observed on Capitol Hill and the legislative process described in most U.S. Gov't textbooks and Sinclair's work presents a fluid and well written testament to that fact!In her preface, she explains that this work was written to help the most nascent student of Congress understand the legislative process, but I would say those without a working knowledge of Congress will not appreciate the nuances in this work.Sinclair compares historical and even for their time, controversial legislation (Clean Air Act) with the more modern examples of legislation that proved out significantly more problematic than their earlier counterparts. Moving back and forth between the House and the Senate, she begins to paint the picture of the divisiveness that is partisan politics today.That Sinclair would write such an ambitious work, is a tribute to her understanding of this body. This book is sophisticated and insightful and should be on the shelves of EVERY student in political science, but particularly those who study Congress.I would add this disclaimer however, that this book is not for the faint of heart. If one has already developed an abiding mistrust in Congress, this book may only serve to reinforce it. The simple fact is, if more people were exposed to the true nature of "doing the business of the people," they would appreciate the "ugliness of democracy" and embrace it for that! Three cheers to Barbara!16 of 18 people found the following review helpful. A Few HolesBy Benjamin J. LocherIn her book, Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress, Barbara Sinclair successfully argues that legislation no longer follows the common "textbook method." Representatives and senators alike have adapted new methods, sending each bill through a different custom-tailored process. Though she leaves a few questions unanswered, Sinclair uses multiple forms of research to paint a clear picture of how legislation is now passed.Sinclair divides the book into three sections - first analyzing the path bills take, then exploring how and why these processes developed, and finally making an in-depth analysis of these changes through several case studies.The House, she argues, has grown more efficient through this developmental process. The leadership has seized power through a variety of rules and other manipulations. By shipping bills to what committee it wants (or, in some cases, committees), the leadership can put bills in friendly hands. Post-committee changes make bills passable, and finally the leadership can use rules to craft debate exactly how it wants.In the Senate, the opposite has happened. Senators have used new methods to gain individual power. Most importantly, Senators have often use filibusters, both covertly and overtly, to prevent the majority from getting its way. The need for a 60 person majority gives a minority senator incredible power.After this analysis, Sinclair then turns to examine how these changes came about. She suggests that opportunity and necessity drove the changes. As parties became more polarized and constituents demanded more efficient legislation, the Senators looked for ways to outsmart and out manipulate the other side. Ultimately, Sinclair argues that these processes have made passing legislation more efficient. Significant legislation has passed more often when such measures have been applied.Proving any thesis, including this one is a difficult task. Some books, including the Jacobs/Shapiro book and the Fenno book, lack a strong backbone because they rely on only one method of research that each have obvious shortcomings. Sinclair avoids this mistake, opting for a variety of research methods that paint a broad and tightly constructed picture.The first method Sinclair turns to is statistical data. Multiple charts confirm Sinclair's argument that the legislative process is becoming more complex. Figure 5.1 notes a distinct and obvious trend towards the use of more special maneuvers. Later figures confirm these trends (at least to a degree) in the Senate.As evidenced in Jacobs and Shapiro, statistical evidence does, however, have its limit. Sinclair successfully researches history and changing political dynamics to explain the statistics, not leaving them to stand on their own ground. Of course, this method has its drawbacks. The reader is forced to accept Sinclair's interpretation and conclusions. Nonetheless, there is no better method to interpret the data, and Sinclair seems to have done her homework, presenting a thoughtful and well researched chapter.Finally, Sinclair uses another method to bring her point together. Standing alone, case studies do not pass muster; they are simply too narrow to make broad generalizations. When taken in the context of statistical data and interpretations, however, they effectively bring the numbers to life. Sinclair starts by examining the National Service Bill. She highlights a more or less traditional process. The reader does, however, see several uses of non-traditional methods, particularly in the Senate, where a filibuster threat and a non-germane amendment give the minority quite a voice. By the time the Omnibus Health Bill was passed, Sinclair describes a process that was completely different. The bill is sculpted and directed at every turn. The reader sees a clear difference from the first case study to the last.Using these methods, Sinclair does paint a convincing picture. However, she leaves some notable holes. The first concerns the role of the President in the legislative process. In her initial analysis (chapters 1 through 5), she considers the president only briefly, mentioning his veto power and the occasional need for a summit. Surely, the president's role is not limited to a brief meeting. From reading the case studies, it becomes obvious the president is often influential, even a driving force in legislation. Why is the president's role essentially ignored in her descriptive analysis?Sinclair's ultimate conclusion is that "unorthodox lawmaking" makes legislating more efficient, but she seems to recklessly add that legislation will now "reflect the will of the people." Through examination of this book, I have encountered scant evidence that would suggest this to be

true. The new tools are used to overcome the power of the opposing party; how this reflects public opinion is not seriously addressed. In fact, Sinclair offers little proof that new legislative processes have significantly increased responsiveness to the general public. By making this statement, Sinclair opens a whole new set of inquiry about the dynamics of public opinion and the influence of outside interests. Unfortunately, she can not substantiate any claims in this area. An interesting addendum to this book might include an analysis of how closely legislation's relation to public preference has changed as these processes developed. Another addendum might include an inquiry into how the public sees these processes. Does it further the view that the Congress is simply power driven and unresponsive? Despite these minor shortcomings, Sinclair nonetheless proves her point. Congress today is a different body than it used to be several decades ago. Legislation no longer follows the textbook method on its way to becoming law. Instead, it takes many different paths and contours, contours that help promote its passage. *Unorthodox Lawmaking* is a piece of sound research that describes an evolving process.

Open a textbook on American politics and you're likely to find the process by which a bill becomes a law described much as it was in texts of decades ago. But, lawmaking has changed dramatically in recent years, and the traditional how-a-bill-becomes-a-law diagram describes few of the major measures considered in the contemporary Congress. Bills follow a number of routes through Congress today: -- they may be considered by several committees -- or none -- omnibus measures may be shaped by special task forces, or in formal executive-congressional summits -- floor consideration in the House may be governed by rules tailored to facilitate or slow a bill's progress -- bills are regularly subject to non-germane amendments or are filibustered on the Senate floor. In a timely revision of her successful book, *Unorthodox Lawmaking*, noted political scientist Barbara Sinclair describes the contemporary legislative process as it really operates and treats this subject in a highly readable manner. Sinclair leads students step-by-step through the lawmaking process in each chamber, as she explores the range of special procedures and practices, the factors that have contributed to their emergence, and their consequences on both the lawmaking process and the legislation produced. Sinclair provides five case studies to illustrate how the legislative process varies from bill to bill, and to show how procedure and politics are interrelated. Following a non-technical description of the current budget process in Chapter 5, case studies in Chapters 10 and 11 trace the budget process from 1993 to 1999, including the balanced budget deal between the President and Congress in 1997 and subsequent budget politics. Three other case studies -- focusing on managed care regulation (new in this edition), national service legislation, and the Omnibus Drug Bill -- offer concrete and interesting examples of the variety in the present-day lawmaking process. Does the use of new procedures and practices enhance or inhibit the likelihood of a bill becoming law? What other effects does unorthodox lawmaking have on how Congress functions? The second edition of *Unorthodox Lawmaking* gives your students the tools to better assess the relative successes and limitations of the contemporary legislative process.

About the Author Barbara Sinclair is Marvin Hoffenberg Professor of American Politics at the University of California at Los Angeles. She served as chair of the Legislative Studies Section of the American Political Science Association from 1993 to 1995. She is the author of several books, including *Legislators, Leaders, and Lawmaking: The U.S. House of Representatives in the Postreform Era*, (1995) and *Transformation of the U.S. Senate* (1989), which won the Richard F. Fenno Prize and the D. B. Hardeman Prize.