

**HOUSE OF REPRESENTATIVES: AN  
EDUCATIONAL SIMULATION  
INSTRUCTOR'S MANUAL\***

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### ***Introduction***

This is an instructor's manual for the educational simulation known as *House of Representatives*, the student materials for which appear elsewhere in this Journal.<sup>1</sup> An essay describing the objectives, general characteristics, and educational concepts of this simulation, as well as student reactions to it, also appears elsewhere in this Journal.<sup>2</sup> This manual is organized chronologically so that instructors using the simulation know what should be done at each stage of the exercise. Innovation and improvement in administration of the exercise are certainly possible, but parts of the exercise interact with each other in a complex way. It is therefore suggested that an instructor who is using the materials for the first time give at least serious consideration to the following suggestions.

### ***Advance Preparation***

Two arrangements need to be made well in advance by those planning to use the simulation. First, an instructor must make available the necessary two and one-half days, both on her own calendar and on the schedules of the students. This may require negotiating and trading classroom time with other instructors in one's own institution, to ensure that a block of time is reserved in which students will not have to leave during important stages of the simulation to attend other classes. While interruptions of legislative business are common in Congress, they would have an adverse effect on the simulation by forcing students to alternate between the role of legislator or advocate and the role of student.

Second, the instructor must secure adequate space, either at her own institution or another facility in the community. The simulation is structured for students to operate in groups of about 29 or slightly fewer. Each group operates as a self-contained legislature which has no contact with any other group except during a short announcement period on the second day and a two-hour review class on the third day. Each group needs a room large enough to accommodate all of its members and the instructor, and at least one additional room, perhaps half as large, that can be used for caucusing or conferences while the committee or legislature is meeting in the prin-

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<sup>1</sup> See Schrag & Talisman, *House of Representatives: An Educational Simulation*, *infra* pp. 37-116.

<sup>2</sup> See Schrag, *Teaching Legislation Through an Intensive Simulation*, *infra* pp. 19-35.

cipal room. One of the rooms, or a separate room, should be large enough to accommodate all of the participants during the announcement and classroom periods. An office containing writing desks, electric typewriters,<sup>3</sup> and copying machines<sup>4</sup> is also necessary.<sup>5</sup>

It would be desirable, though not absolutely essential, to obtain more space than this description suggests. The sixteen or so legislators should sit at a long or U-shaped committee table along one side of the room. A room large enough to include such a table will have to be larger than a room that could ordinarily accommodate 30 people in classroom fashion. The students will occupy the room for entire days at a time; a little extra space will yield a great deal of comfort. Since many small conferences or caucuses may occur simultaneously, even within the membership of a group of 30, a few extra caucus rooms would be useful. These rooms could be made available to all groups on an as-needed basis.

Access to food is also necessary, because the simulation continues through lunches and two dinners. Food need not be available in the building in which the simulation takes place, but if not, students should not have to go more than a few blocks to purchase it. If food and drink are not available in the building, it is helpful to give students a map of restaurants and bars in the vicinity so that they do not lose time searching.<sup>6</sup>

A few weeks before the simulation takes place, the instructor will need to review the materials in the student kit,<sup>7</sup> and develop any supplemental or alternative documentation that she wishes to use. The supplemental materials to be developed at this stage may include (1) the case materials, whether they be those suggested by this

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<sup>3</sup> At least one typewriter should be available for each group of 29 students, although their use could be pooled. Typewriters can usually be borrowed from students.

<sup>4</sup> At least one copying machine should be available on a pooled basis for each two groups of 29 students. A minimum of two machines is necessary to provide protection against breakdown. Most copier companies are willing to make short-term rentals for conferences and will deliver and pick up the machines. Students can do their own collating since most of the documents are short. We recommend providing at least five reams of copy paper, which can also be used as typing paper, per group.

<sup>5</sup> In the Washington, D.C., area we have been able to conduct the simulation for four groups (over 100 students) for less than \$1,000, including rental of rooms at a church, rental of two copying machines, and purchase of supplies.

<sup>6</sup> The map should include a listing of the operating hours of the relevant commercial establishments.

<sup>7</sup> Schrag and Talisman, *supra* note 1.

manual<sup>8</sup> or others;<sup>9</sup> (2) amended subject matter problems;<sup>10</sup> (3) additional or amended role assignments;<sup>11</sup> and (4) any additional or amended rules of the simulation or of the legislature.

### A. *The Case Materials*

On the first morning of the simulation, all of the participants will need to receive enough information about the substance of the problem with which they are dealing to facilitate intelligent discussion. This material need not be extensive, because the objective of the simulation is learning about the legislative process, not the substance of the particular problem that the simulated legislature deals with. A few pages of reading, however, is recommended.<sup>12</sup>

Since the case materials relate directly to the problem given to the legislative committee, it is suggested that the case materials be stapled to the problem. Sample problems which we have used with success are included as Appendix A to this Manual. Case materials that we suggest in connection with these two problems are as follows:<sup>13</sup>

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<sup>8</sup> See *infra* pp. 120-21.

<sup>9</sup> The publishers' permission will be needed to reproduce the materials suggested in this manual, and will also be needed for reproduction of most other secondary source material. These permissions are often granted without charge for classroom use, but may take several weeks to obtain. Alternatively, an instructor might want to prepare her own material.

<sup>10</sup> We provide, as Appendix A to this Manual, problems dealing with mass transportation and revenue sharing. Almost any legislative problem could be developed, but we have had significant success with problems which involve conflict among members whose districts are rural, suburban, and urban, and whose philosophies are liberal, moderate and conservative.

<sup>11</sup> If the case problems are changed, the instructor might want to add somewhat more information to a few of the roles. Changes in the legislators' roles might not be necessary in view of how broadly the role descriptions are drafted.

<sup>12</sup> In principle, it might be possible to give the various participants different information at the outset, so that committee members could get the information they need only by informal or formal contacts with administration and other witnesses. It seems more realistic, however, to assume that everyone in the legislature would have a certain minimal amount of information (represented by these case materials) about the problem. It also appears to be more educationally useful to encourage legislators to focus on learning the advocates' political views rather than on extracting elementary empirical information.

<sup>13</sup> New, up to date articles on these problems may be published at any time. An instructor may elect to use such materials as an alternative to those cited here. The *National Journal* is a particularly good source for capsule articles on national legislative issues.

*PROBLEM ON FEDERAL AID FOR MASS  
TRANSPORTATION*

- Background Note, included as Appendix B to this Manual.
- Stanfield, *A New Plan to Target Transit Aid—But Will It Get You From Here to There?*, National Journal, August 2, 1980, at 1277-81.
- Peirce & Steinbach, *Cuts in Transit Aid May Hurt But Could Have a Silver Lining*, National Journal, April 4, 1981, at 568-70.
- Feaver, *Reagan Policies Could Throttle Mass Transit*, Washington Post, May 28, 1981.
- Holsendolph, *Lag in Readership Hampers Mass Transit Around U.S.*, New York Times, July 2, 1981.

*PROBLEM ON REVENUE SHARING*

- Stanfield, *Revenue Sharing Survived This Year But 1980 May Be a Different Story*, National Journal, August 11, 1979, at 1331-35.
- Peirce & Hagstrom, *The Cities, Not the States, May Bear the Brunt of Revenue Sharing Cutbacks*, National Journal, April 19, 1980, at 636-39.

*B. Amended Subject Matter Problems*

In Appendix A, we provide sample problems on Mass Transportation and Revenue Sharing.<sup>14</sup> If an instructor would rather create new problems using other subject matters, she can still nevertheless use the format suggested by the sample. This format identifies the main issue and several sub-issues which the committee, and subsequently, the House, may need to address, or for which advocates may lobby. It avoids pointing the participants toward particular outcomes with respect to any of the issues.

*C. Additional or Amended Role Assignments*

The student kit contains roles for 28 participants for the Mass Transportation problem and 29 participants for the Revenue Sharing problem. If a *smaller* group of participants is involved, some of

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<sup>14</sup> Only one such problem should be assigned to any given group of 30. One problem is more than enough work for 48 hours. If two or more groups are participating, we recommend using different problems for each group, because it makes the exercise easier to follow for the observing instructor. With a total of four groups and two observers, we have had no problem with two groups working on the same problem. We have taken care, however, to caution the participants not to talk with those in other groups, and we have assigned each observer to groups with two different problems.

the roles of advocates and legislators can be eliminated.<sup>15</sup> If a *larger* number of participants is involved, but not a number sufficiently large to create another group of 28 or more, the instructor will have to develop some additional roles. This task will not be difficult, particularly if the following guidelines are observed. First, keep the roles quite general, so that creativity and improvisation are not stifled. In particular, it is best not to provide the legislators with specific information about their attitude toward the particular problem to be addressed. Too much information may make participants feel that they are players in a pre-scripted scenario, with a pre-determined result. Second, pay some attention to the current party alignment in the House of Representatives. The simulation will seem more realistic if it mirrors the actual House. Third, in order to avoid confusion, do not create two legislators on the Committee from the same party and state. Fourth, build some conflict (for example, among constituency groups) into most of the roles. Some of the roles are a bit caricatured, but too many one-dimensional characters will cause the simulation to become a spoof rather than a serious exercise. Finally, do not create groups with substantially more than 30 participants. If enough rooms are available, a group might be slightly larger. With more than 40 participants, however, individual members will not have enough air time, and coordination of action will be difficult. In that event, it would be better to have two groups, each consisting of 20-30 members.

In addition, an instructor may desire to replace or amend some of the roles printed in the student kit, particularly if the instructor creates a subject-matter problem very different from those set forth in Appendix A. For example, if the subject-matter problem involves foreign policy or civil liberties, an instructor may want to add some further ideological information to some of the roles.

#### D. *Additional or Amended Rules*

An instructor might want to create some additional or amended rules, either of the exercise or of the legislature, particularly if local conditions require such a change. For example, if the hours during

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<sup>15</sup> The simplest way to cut roles would be to inform the participants, when distributing the kits, that certain specified roles will not be used, and to omit those roles from the sign up sheet. See Appendix C, *infra* p. 147, for a suggested order in which to eliminate roles.

which the building is open are inconsistent with the calendar in the instructions, an amended rule would be appropriate.

One further aspect of advance planning may be desirable if more than 70 participants are expected. It is possible, but difficult, for a single instructor to observe more than two groups simultaneously. If three or four groups are going to be active, the instructor would be well-advised to enlist an assistant who will observe a group or two, intervene where necessary, and help conduct the analytic session at the end of the exercise. This assistant will have to be available for the entire period of the simulation, but will not have to spend time setting up the exercise, as that task can be handled by a single instructor.

### *A Week in Advance*

The participants should be given their kits several days before the simulation begins. This advance distribution is necessary so that the rules and roles can be read and decisions can be made as to role preferences. At this time, it may be desirable for the instructor to make a few announcements about the exercise. She might, for example, advise the participants to read the materials at least twice, and be prepared to select roles on the morning of the first day of the exercise. She might explain that the actual subject-matter problem and relevant case materials will be distributed after roles are selected. The reason for delayed distribution of these materials is that the exercise is self-contained, and library research is not only irrelevant but is deliberately discouraged. The focus is on process rather than substantive issues. Most importantly, she should request that any student who unexpectedly becomes unable to participate before the beginning of the exercise inform her immediately. An exact count of the number of participants is necessary for drafting of the role sign-up sheet or sheets.<sup>16</sup>

### *The Days Before: Assembly of Materials*

In the days before the simulation is to begin, the instructor should make sure that all of the necessary materials are procured and

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<sup>16</sup> If the sign up sheet lists more roles than participants, one or more roles would obviously go unfilled. This would not be tragic if certain roles were the ones not filled, but the simulation virtually requires that certain other roles, e.g., the Committee Chair, the three Administration roles, and the two journalist roles, be occupied.

assembled. The materials are described here, and a checklist of materials and supplies is included as Appendix D to this Manual.

The premises at which the simulation is to be conducted should be inspected shortly before the exercise is to begin. The day before the event, the rooms should be equipped with the necessary number of tables and chairs, and committee rooms should be set up as shown in the diagram included in the student kit. The office area should have equipment and materials, typewriters,<sup>17</sup> and paper in place, as well as a few small staplers and a quantity of correction tape or fluid. If the introductory briefing is going to be done at the same place the simulation will be conducted, one room should be set up initially with auditorium-style seating for all participants.

The following supplies should be obtained and placed in an area to which the instructor has easy access:

1. *Lapel Tags*: Each participant should have a lapel tag identifying his or her name and role.<sup>18</sup> The tag should be worn at all times during the simulation. Names cannot be entered onto these tags until after roles have been selected, but since so much work has to be done by the instructor in the few hours between the selection of roles and the start of the simulation, it is better to enter the roles on the tags in advance. If more than one group will be participating, each group's tags should have a separate color. This will help participants avoid communicating with those in other groups. A few blank tags of each color should be kept by the instructor, because some participants inevitably remove their tags at night and forget to replace them the next morning. Additional tags should be reserved for marking and distribution when the advocates select roles as legislators on the afternoon of the second day.

2. *Desk Plates*: Each participant should also have a folded cardboard desk plate with his or her name and role, in letters large enough to be read from afar. The names on these plates, too, can be entered only after roles are selected, but the roles can be entered in advance. The plates can be set up on the committee tables in seniority order, with Democrats and Republicans on opposite sides, as in the diagram in the student kit, reinforcing at the very outset the no-

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<sup>17</sup> For a large group of participants using several electric typewriters, extension cords may be handy. Extra ribbons may also be needed, particularly if carbon ribbons are used.

<sup>18</sup> *E.g.*, Mr. Jones (D-N.M.) or Ms. Smith (NAACP). Last names should be used as a reminder that the participants are part of a legislative system, and not merely students.



tion of the highly structured environment of Congress. Participants other than legislators and journalists will only use the desk plates if and when they testify at committee hearings. Additional desk plates should be made up after the advocates choose new roles on the afternoon of the second day.

3. *Gavels*: The Chair (or each Chair, if there is more than one group), should have a gavel, symbolizing his or her power. This also proves to be a useful instrument for keeping order. Crab mallets, costing less than a dollar each, make excellent gavels.

4. *Room Availability Charts*: If more than one group is participating, each member should have a document listing the official committee room and any other rooms available to his or her group for caucuses and conferences.

5. *Chart Materials*: Each committee room should be equipped with an artist's sketch pad and at least one ink marker. Witnesses may want or need these materials to make charts or diagrams for use in testimony. The participants may also improvise other uses.

6. *Roll Call Forms*: Each majority and minority counsel should have a stack of forms on which to record committee votes taken by roll call. A separate stack of forms for floor voting should be prepared for use on the third day. Sample tally forms, which may be copied in quantity, are included as Appendix E to this Manual. Again, the roles of legislators should be placed on these forms (from which they can be read off by counsel), but the entering of names will have to await selection of roles. Therefore, the copying and stacking of the committee and floor forms must await role selection.

7. *Rosters*: The roll call forms involve only the legislators. It is, however, very useful for all participants in a given group to have a copy of the complete roster of the roles and names of all the group participants. The roster is, essentially, a neatly typed copy of the role sign-up sheet. These rosters can be partially prepared in advance, although entry of the names of the players, copying, and distribution must await role selection. Since the roles of those playing advocates will change on the afternoon of the second day, a separate sample for a floor roster is included in Appendix F to this Manual.

8. *Folders*: The instructor will need a large folder in which she can collect a copy of all of the materials generated by the group. If she is observing more than one group, more than one folder will be necessary. Participants can place new papers in the instructor's

folder whenever the instructor is temporarily absent from the committee room.

9. *Restaurant Maps*: It is desirable, as noted above, to give each participant a guide to nearby sources of food and drink, including their hours of operation.

10. *A Bag of Numbers*: On the morning of the first day, the instructor will also need a bag of numbers in serial order. This will enable participants to select randomly the order of signing up for roles.

### ***The Night Before***

Preparation of sign-up sheets should be deferred until the night before the simulation begins, so that roles can be eliminated in the event of illness or other unforeseen contingencies. The sign-up sheet is simply a duplicate of the roster in large print on a sketch pad page, with spaces large enough for participants to enter their names.

### ***The Morning of the First Day***

A few announcements are in order before the participants select their roles. The following observations and explanations are recommended.

1. *Sign-up Procedure*: The participants will have read about the procedure, but it may be helpful to remind them not to rush for the sign-up sheet when it is posted. Numbers will be drawn from a bag to determine the order of sign-ups, and the instructor will call out the numbers in order.<sup>19</sup>

2. *A Reminder to be Creative*: After having read the role descriptions, some participants may feel that there is insufficient information to guide them in their roles. The instructor might inform them that the roles are deliberately sketchy in order to encourage creativity and invention within the constraints that the kits impose.

3. *A Reminder to Reread the Role Information*: After roles have been

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<sup>19</sup> The instructor's assignment of participants to roles would also avoid a stampede. However, this could lead the participants to believe that the instructor is manipulating them on the basis of her previous knowledge of their personalities, even though this may not be true. Much conflict arises in the simulation, and participants should learn that the conflict arises from the goals of the players, the roles, and the rules, not from the instructor's covert machinations. If the number of participants is large, the instructor may wish to include several identical series of numbers in the same bag. This will accelerate the sign-up process.

assigned, the participants will surely reread their own instructions. It may, however, be useful to remind them that information concerning their roles may be contained in the information concerning other roles. A rereading of all of the roles may help the participant identify potential allies and enemies.

4. *Advice on Role-Playing*: Most people find role-playing very difficult. There is a tendency to regard it as merely a game. It is helpful to remind participants that by not taking the simulation seriously, for example, by saying "If I were really a member of Congress, I would . . .", they will create an impossible atmosphere for more serious students.

5. *A Word About Time*: It is helpful to reiterate what the student kit says about time. It is up to the participants to allocate their time within the few constraints imposed by the schedule printed in the instructions. The instructor might remind the participants that meal recesses, if any, are a matter for them to deal with in role. The simulation can go as late into the night as the participants wish. Caucuses can be assembled at any time, subject only to the printed calendar. At the same time, attention should be drawn to the fact that the hearing, the mark-up, and the floor session must begin when they are called for by the calendar. The mark-up and floor debate, moreover, must end as scheduled.

6. *Drafting*: If the participants are law students, it might be helpful to remind them that technically perfect drafts are not called for. This announcement may not be needed with other groups.

7. *Props*: The instructor might announce the props that will be made available, e.g., gavels, rosters, roll call forms, chart materials, etc.

8. *Rules*: The instructor might note that participants are likely to see increasing possibilities for using the rules to their advantage as they gain familiarity with them, and with the legislative process in general. It will probably prove helpful for the participants to reread them from time to time.

9. *Energy*: It may be helpful to encourage the participants to throw themselves into the exercise, on the principle that the more intensive the effort, the better the results. It might also be desirable to suggest that the participants suspend evaluation, and not think about what is being learned until after the "action" portion of the

exercise is over. There will be ample time for reflection during and after a two-hour analytic session on the third day.

At the end of these announcements, the instructor should answer questions about sign-up or simulation procedure other than those which would call for an interpretation of the Rules of the House, and then pass around the bag of numbers. When numbers have been selected, she should post the sign-up sheet or sheets, and begin to call the numbers.

When participants know their roles, each of them should be given a copy of the relevant subject-matter problem and case materials. If there are to be different groups working on different problems, the participants will know, as a result of signing the appropriate sheet, which set of problem materials to take.

### *Between Selection of Roles and the Beginning of the Simulation*

The instructor will be extremely busy during the short lunch interval between role selection and the beginning of the simulation. It will be very helpful for the instructor to have arranged for secretarial assistance during these few hours. During this period, the rosters and committee roll call forms should be completed by entry of the last names of the participants, and duplicated for distribution. Lapel tags and desk plates should also be completed, again by entry of last names. The instructor should perform a final check of the rooms.

### *When the Participants Reassemble*

After the lunch break, the participants should reassemble. Even if there are several groups, they should nevertheless assemble together for this final pre-simulation briefing.<sup>20</sup> At this time, the instructor should once again emphasize that there is no right or wrong way to do the simulation, provided that the instructions are complied with, and it is therefore impossible to make a mistake. If the participants honor the roles, take the exercise seriously, and enjoy themselves, they will be doing well. Passing a bill is not a measure of success or failure.

At this time, the instructor should distribute a room availability chart, a restaurant map, and a roster for the members of each partic-

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<sup>20</sup> Each group should, however, sit in a discrete area, to facilitate the distribution of materials and to avoid confusion when the meeting ends.

ular group. Each participant should receive his or her individual lapel tag, along with a reminder not to leave it at home the next morning, and a desk plate. Stacks of committee roll call forms should be given to the majority and minority counsel and, with a dramatic gesture, gavels should be given to the Chairs of the committees within each of the various groups. The floor rosters, extra floor lapel tags, extra floor desk plates, and floor roll call forms should be reserved until the next day.

The instructor should make a few final announcements. For example, she should announce that if she spots small groups going to dinner, she may tag along as an observer. In order to avoid interfering with the role playing, however, she will not speak to anyone but the waitress. She should also announce that she will be available at any time to solve mechanical problems, such as jammed copiers or lost lapel tags; that the members of the committee should start in the officially assigned committee rooms; that others will have to decide for themselves where to start; and that the entire group will reconvene as stated in the calendar the following afternoon, after mark-up, at which time she will announce the rule for floor debate and preside over the selection of floor roles by those who will be advocates through committee mark-up. She might also take this last opportunity to remind advocates not to sit passively and merely observe the testimony of others and the mark-up; the challenge of lobbying creatively and persistently exists until the final gavel falls.<sup>21</sup> Finally, she might provide one last opportunity for questions and answers.

### *During the First Afternoon*

During the first afternoon, the instructor should simply observe the various clumps of activity and try to understand what coalitions, forces, and procedural and substantive arguments are shaping up. The committee may or may not meet; party groups may or may not have separate caucuses; coalitions may or may not cross party lines; major procedural battles may or may not be fought. Whatever happens during this time will set the stage for the next day's formal proceedings.

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<sup>21</sup> The announcement may be necessary because the advocates do have a tendency to sit back after they have testified, rather than attempt to influence legislators during mark-up. They learn something as observers, but not as much as when they advocate vigorously.

The instructor may become anxious during this phase, for it may appear that the simulation is getting off to a slow start, or that the participants do not understand the extent of preparation required for hearing and mark-up. It may seem, for example, as though no one is writing any bills. This appearance is deceptive. In our experience the simulation is always going very well by mid-morning of the second day. Non-intervention by the instructor during the first day gives the participants freedom to be creative.

If the instructor accompanies a group to dinner, she should scrupulously avoid participating in discussion. Such participation is likely to invite group members quickly to shed their roles, since the instructor has no simulation role at this point.

### *The Morning of the Second Day*

The second day will begin with the hearing followed by mark-up. We suggest that the instructor observe at least the first hour of the hearing without intervening. If the instructor is to intervene at all, the second half or two-thirds of the hearing is the best time to do so, for an intervention during the mark-up would probably be too disruptive.

Interventions must be in some role and must have some pedagogical purpose, but other than that, their nature is limited only by the instructor's imagination. Two types of surprises that have been used with great success are scandals and sudden reversals of the President's policy on the bill. Thought should be given to the vehicle for communication of an intervention. A note on an appropriately simulated letterhead (for example, White House or news media stationery) may be the best, or the instructor may wish to don a costume and appear in person. A scandal could come by way of a tip to a journalist and perhaps one or two committee members, simultaneously or before or after the journalist gets the story. A Presidential action might best be conveyed through the Office of Management and Budget. Sometimes participants will ignore the intervention in order to proceed with their necessary tasks. In this event, the instructor may persist, tipping off more and more people until the rumors are too widely spread to be ignored.<sup>22</sup> Sample materials for introduc-

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<sup>22</sup> The materials in Appendix G, *infra* p. 163, illustrate how an intervention may develop in stages, with different and perhaps conflicting information being given by the instructor to various actors in the legislative system, perhaps at different times. The

ing a scandal, typical of a surprise intervention, are included as Appendix G to this Manual.

By the afternoon of the second day, participants will be familiar with the rules of the Committee. The mark-up is likely to proceed with little or no need for intervention by the instructor. More than one bill may have been introduced. If so, a major decision for the Committee, often its first substantive decision, will be the selection of which bill or bills will be marked-up on a section-by-section basis. Once that decision has been made, the participants will consider amendments to each section of the bill or bills. As those amendments are debated, there are amendments to the amendments. Recesses, caucuses, and negotiations are likely to occur throughout this period. Toward the end of the session, the advocates will write and circulate their newsletters, including evaluations of the legislators. Eventually, one or more bills will probably be sent to the floor. If, however, the Committee has not been able to complete work on a bill before the deadline, the discharge petition is likely to be used to bring forward a bill that can be further considered on the floor.<sup>23</sup>

### *Late Afternoon on the Second Day*

After mark-up has been completed, the entire group of participants meets briefly with the instructor. If several groups have been participating, they can convene together but should sit separately.

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purpose is, of course, not to produce a particular outcome, but to demonstrate that the legislative process and those participating in it must occasionally react to the unpredictable.

In the case of the materials in Appendix G, for example, numerous responses are possible, including: 1) committee investigation of and ruling on Rep. Jones' conduct; 2) a decision to create a subcommittee to look into the matter (and action by the subcommittee); 3) a decision to refer the matter for investigation by the Ethics Committee; 4) possible consideration of precluding Jones from participating in debate on the mass transportation bill; 5) an effort to deny Jones the right to vote on the bill; or 6) no response at all. Along the way, subsidiary issues may arise, e.g., whether Jones may participate in the decision on how the Committee will respond to the allegations of his or her wrongdoing.

<sup>23</sup> Alternatively, if the instructor believes that the Committee was quite close to reporting a bill, and that with a little more time, the Committee will produce a proposal to go to the floor, she could announce that since Committee members remain in that role, the Chair has the power to convene the Committee after the mid-afternoon meeting with the instructor. A minor problem with this approach is that neither the Administration officials nor the private lobbyists will exist during this extra session, because the people who held those roles will have assumed new ones. Therefore, the Committee will have to make its decisions in their absence.

The most important business of this meeting is the selection of new roles by those who were advocates until this point. A new sign-up sheet for only those new roles should be prepared in advance. It may be desirable to let the same numbers determine the order of sign-ups. If this is done, the *highest* numbers should be given the first opportunity to sign, so that those with the fewest choices on the first sign-up sheet will have the largest number of choices this time. As soon as a participant selects a new role, he or she should be given a new lapel tag and desk plate and should enter his or her name on them at once. These participants assume their new identities immediately.

A second task of this meeting is for the instructor to announce a Rule for Floor Debate, as though she were Chair of the Rules Committee. Ordinarily, this should be an Open Rule, permitting any germane amendment to be considered. If, however, the bill that has emerged from Committee is exceedingly long or has so many areas of controversy that intelligible floor debate seems extremely unlikely, or if many bills have been approved for floor consideration, the instructor might restrict debate by issuing a Modified Closed Rule which specifies restrictions on amendments. For example, she may limit the areas of the bill to which amendments may be addressed, or types or amendments that may be introduced.

Finally, the instructor may wish to make several announcements at this time, or answer questions about the simulation. Some announcements that an instructor might consider making at this point in order to prevent confusion are the following:

1. New roles take effect at once; new rosters and roll call forms will be distributed;
2. The bill will be read section-by-section or article-by-article while on the floor;
3. Any battle lost in committee can be reopened on the floor, provided that an appropriate amendment is filed within the specified time limits;
4. New issues can be raised in the form of proposed new sections to be added at the end of the bill; provided, again, that the filing requirement has been met;
5. Action on the floor will move rapidly, so that procedural expertise will have even greater significance;
6. Deals of any kind can be made during the evening or on the floor itself;



7. The floor debate is to start at 8:30 in the morning, and if a participant's allies are not present at that hour, he or she might want to make sure, through whatever means available, that those who are present prevent their opponents from taking advantage of the temporary absence of certain members;

8. Committee counsel should be reminded that their duties include rearranging the furniture,<sup>24</sup> and preparing and copying the file of all amendments after the filing deadline;<sup>25</sup> and,

9. The instructor will appear as the Sergeant-at-Arms of the House in order to notify the participants when there are 30, 10, 5, and 2 minutes of floor time remaining.

Immediately after the end of this meeting, the instructor should type the names of those who have assumed new roles onto the floor rosters and floor roll call tally forms. The forms should be duplicated and placed in the appropriate rooms. Committee counsel have been instructed to rearrange the furniture so that it conforms to the floor configuration specifications at the end of the student kit. It may be necessary for the instructor to remind them again of this duty, or assist them in the task.

During the evening, the primary activities are likely to be the drafting of amendments and the development of coalitions to support or oppose them. Some legislators may develop procedural strategies for the following day. Journalists are likely to be reporting on the day's events and collecting material for stories for the following morning.

### *The Morning of the Third Day*

Participants may be quite tired by the morning of the third day, and despite the rule requiring the House to convene at 8:30, there may be some delay in getting started.<sup>26</sup> If so, considerable caucusing and negotiating may occur. This may also happen during floor debate recesses throughout the morning. Once debate starts in earnest,

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<sup>24</sup> Schrag & Talisman, *supra* note 1, at 43 (Rule 8 of General Instructions).

<sup>25</sup> *Id.* at 52 (Rules Applicable to Floor Debate, Rule 2). In practice, other participants may volunteer to assist counsel with this task, but it is necessary to assign responsibility so that the task is done.

<sup>26</sup> There may be considerable procedural maneuvering regarding a start for the session. For example, a group with a temporary majority present may wish to have the House convene at once, while others resist such action. Much of the outcome may depend, as in the real House, on who is present when key votes occur.

however, the Rules Applicable to Floor Debate will propel the exercise through the various following stages:

1. Resolution of the House into the Committee of the Whole;
2. General debate on the bill;
3. Consideration of amendments to the various articles in order;
4. The vote to rise into to the House;
5. The Report by the Chair of the Committee of the Whole; and,
6. The motion to recommit, and, in the event the motion fails, final passage of the bill.

Generally speaking, the instructor need only observe the floor activity, although she should also personally appear as the Sergeant-at-Arms to remind the participants forcefully when the exercise has exactly 30, 10, 5, and 2 minutes to run. This timekeeping role is important, for opponents of the bill may well seek to exhaust the available time, and fairness requires that everyone be working on precisely the same official clock.<sup>27</sup>

### *The Period for Analysis*

The final event of the exercise is a two-hour period for analysis of what has transpired, with the instructor presiding.<sup>28</sup> It may be helpful for the instructor to distribute an agenda for this discussion, since the participants are likely to be eager to discuss many aspects of the exercise. An organized plan may enable the group to deal with a maximum number of concepts within a brief period of time. A sample agenda for discussion is included as Appendix H to this Manual. Many variations are possible, and particular experiences with the exercise will surely determine the shape of the agenda for discussion.

It may be helpful if the instructor establishes the groundwork for the discussion by giving the participants information about life in the real House of Representatives. Such information would suggest that

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<sup>27</sup> The Rules Applicable to Floor Debate include devices to prevent a minority from blocking enactment by running out the clock. *See, e.g.*, Rules 7 (limitations of time), 10 (consolidation of amendments, and voting on amendments collectively), and 17 (votes to close debate). The majority, however, may not use these devices, and a minority bent on delay may offer many amendments, demand roll calls on every vote to close debate, etc. Much may turn on the leadership abilities of the Chair of the Committee of the Whole.

<sup>28</sup> If possible, a horseshoe seating plan is advantageous in this session, so that participants can speak to each other as well as to the instructor.

while the exercise accelerated the period of time for consideration of a single bill, House members have so many other bills to consider, and so much non-legislative work to do, that there remains some real sense in which the frenetic quality of the past two days accurately mirrors the nature of a corresponding period in Congress. The instructor might remind the participants, for example, that they had dealt with only a single committee and worked only on a single bill, enabling them to arrive on the floor with a considerable amount of knowledge about that one bill. A member of Congress, on the other hand, is likely to serve on two committees and perhaps five subcommittees, often running between the conflicting meetings of these seven groups. A real member of the Congress must also spend time in his or her office to greet constituents and group delegations, make numerous telephone calls to straighten out constituent problems, and show up at least occasionally for floor debate, and for most quorum calls and roll calls. The member must also do a certain amount of office work; i.e., letter-writing, preparing memoranda, and editing bills and other documents. A real member must also be available to the lobbyists who direct the flow of campaign funds, and is also occupied most evenings with a series of meetings and receptions which often end past midnight. Furthermore, the member's day is punctuated by the constant ringing of bells requiring him or her to leave a committee or office meeting and hurry to the floor for a vote. Failure to vote, on most occasions and for most members, is a form of political suicide.

When the member arrives on the floor, he or she must often make a split-second decision on which way to vote on a subject with which he or she has had little if any time to become familiar. There are 10,000 bills and 27,000 amendments introduced every legislative term, few of which go through the member's substantive committees. The member can never be sure which voting decisions will be those which turn out, at some later time, to be critical to his or her political future.

The instructor should play a much smaller role in the discussion following her introductory remarks. She should keep the participants moving through the agenda, and encourage them to do most of the talking. To the extent that other tasks are consistent with encouraging the participants to share their experiences and to generalize from them, the instructor might think of herself as having three roles in the analysis. First, as moderator, she bears a large degree of

responsibility for encouraging broad coverage of the agenda. Second, as teacher, she should ask the general question, "What did you learn about. . .?", with respect to each of the items on that agenda. Finally, as observer of the simulation, she should bring her own personal awareness of the incidents and their causes to the attention of the participants.

At the end of the session, the instructor may desire to distribute an evaluation questionnaire. The results may help her determine whether or not to use the exercise again and, if so, the extent of modification desirable. If the exercise is part of a larger course in legislative process, further reflection on the experience might be scheduled when details of the experience are less fresh, but when participants might have further perspectives on what they derived from their two days in the House of Representatives.

***APPENDIX A***  
**Sample Problems**



***Federal Aid for Mass Transportation***  
**House Committee on Public Works and Transportation**

The next item on the Committee's agenda is consideration of legislation to replace section 5 of the Urban Mass Transportation Act, which expires at the end of the current fiscal year. Under this Act, many states and communities receive subsidies for the operation of their bus and subway systems. The aid currently totals one billion dollars per year. The Administration is known to favor the idea of phasing out all such subsidies over a five year period.

At present, each urban area, *i.e.* each city, town or regional transportation authority with at least fifty thousand residents and a bus or subway system may receive a share of the Department of Transportation's subsidy funds equal to the proportion that the urban area's population bears to the population of all urban areas receiving such aid.

There is also a federal program which subsidizes states' and cities' purchases of new capital equipment for mass transit in buses and subway equipment. In the interest of simplicity, however, it should be assumed that the capital equipment program does not expire for another two years, and that the Administration does not propose to amend it at this time.

Some of the major issues that *may* arise are:

- whether to provide any operating subsidies for mass transit for the next five years and; if so,
- the amount of federal funds to be authorized in each year;
- the formula for allocating the funds among the urban areas that might apply to the Department of Transportation;
- whether there shall be any fixed maximum limit on the percentage of available funds that any one urban area or any one state can receive under the formula, or any minimum entitlement;
- what restrictions, if any, should be imposed as a condition of receiving an operating subsidy;
- whether the Administration will be given discretion not to expend part or all of any funds that are authorized; and
- any other issues that members may raise.

Some background materials on this issue are attached.

***Revenue Sharing Case***  
**House Committee on Government Operations**

The next item on the Committee's agenda is to consider legislation to establish a general revenue sharing program. The current three-year program is expiring at the end of the year.

Under the expiring program, the federal government transfers \$6.9 billion annually to state and local governments, without any strings attached, that would require the funds to be used for particular purposes. One third of the money is earmarked for distribution to state governments.

Some of the issues that *may* arise are:

- whether to have a general revenue sharing law at all, and if so,
- the size of the authorization;
- whether the funds should go to states or local governments or both (and if both, in what proportion);
- the formula for allocating any state earmarked money among the states;
- the criteria for eligibility of local governments, if they are to be eligible at all, and the formula for allocating their share of the funds among them;
- whether a jurisdiction receiving non-earmarked funds will have to turn back other "categorical" federal assistance, such as aid to education, housing subsidies, and mass transit funds, and, if so, whether on a dollar for dollar or some lesser basis;
- whether there will be any other limitations on eligibility for funds; and,
- any other issues that members raise.

Some background materials on this issue are attached.



*APPENDIX B*

**Background Note for Use With the Problem  
on Mass Transportation**



***Federal Aid for Mass Transportation***  
**Background Note**

Attached are some newspaper and magazine clippings which include background on the mass transportation issue. The following background should also be assumed:

1. The nation's mayors support continued federal aid to mass transportation, and indeed would like to see the amount of such aid doubled, but are divided on the appropriate formula for federal grants. At their recent conference, mayors of cities with large suburban bus systems (which log many vehicle miles) favored allocating funds according to vehicle miles traveled. Mayors of the largest cities and of cities which were not planning to expand their bus fleets, however, favored the present population formula, or a change that would base the allocation of funds on the number of passengers carried. The conference voted for vehicle mile allocation by a 3-2 margin, but some of the big city mayors vocally complained about increasingly divisive stands taken by the organization. Most of the cities represented at the conference opposed permitting the Administration to have any discretion not to expend funds that had been appropriated by Congress. Such a provision might make it impossible for cities to do any long range planning, and the Administration might obtain the power to force mayors to announce fare hikes shortly before running for re-election. In general, the mayors also believe that if the federal government imposes conditions that require grantees to spend additional money, the federal government should fully fund the expenditures. For example, if the Congress is to require that all buses be air conditioned or run during the evening, increased operating subsidies should be provided to make this possible.

The Mayor of New York, while agreeing that federal aid should be augmented, dissents from the majority view on the question of the allocation formula. This Mayor is in a unique position because New York's subway system is so heavily used (86% of commuters who work in Manhattan use it daily). New York alone accounts for 33% of all mass transit ridership (bus and subway) in the nation. Yet, New York gets only 14% of the subway funds, because the population formula is less favorable to New York City than the formula that the Mayor of New York would prefer. His plan would allocate funds according to the number of riders who use the system. This formula would more than double New York's share of the funds. If a rider-

ship formula can't be obtained, sticking with the present population formula would be far better for New York than a vehicle mile formula. The latter would cause the City to lose part of its subsidy because its vehicles, though crammed with passengers, travel relatively few miles during the day. New York City officials believe that a vehicle mile formula favors suburbs that have nearly empty buses cruising high speed boulevards all day.

2. The Administration is also thought to be somewhat divided. The Director of OMB strongly believes that federal subsidies of any kind, including subsidies to transportation, are a misallocation of resources. If the taxpayers exercised an informed choice, they would prefer to have a billion dollar tax cut rather than expend a billion dollars of federal funds to aid a mere six percent of the nation's commuters. OMB believes that ending the program would free financial resources for investment in more productive activities. Since an immediate end to the program would have severely disruptive effects, OMB is willing to have it phased out over five years, with diminishing grants each year. If, however, Congress would prefer an immediate cutoff, OMB would welcome it. OMB also favors giving the Secretary of Transportation discretion in expending the amount of funds during the five year phaseout so that if OMB later desires to impose a more drastic funding cutback, it will not have to return to Congress for permission to do so.

Not all federal agencies agree with OMB. Several officials of the Department of Transportation have recently leaked word of their personal opposition to the Administration's mass transportation program, and the Department is known to be in turmoil. Members of the Department's mass transportation bureaucracy believe not only that their life's work is being belittled by the new federal policy, but that their jobs are threatened as well. Most believe that if the mass transportation grants are ended, they will be dismissed rather than retrained for other federal employment. If there is to be a phaseout, the Department would prefer to allocate the transitional funds according to population, as at present. This would reduce waste of time and money in recomputing the basis for allocation in a program that is ending. Moreover, new communities should not be permitted to become eligible, thereby further depleting the funds available to the Department's current grantees.

Meanwhile, the Assistant Secretary of HUD believes that the policy of the Director of OMB will, if endorsed by Congress, prove

ruinous to the nation's cities. It will lead to higher bus and subway fares, decreased ridership, decreased operating revenues, fewer services, more crime, increased automobile traffic congestion, increased middle class flight to the suburbs, more air pollution, and ultimately, if urban mass transportation systems go under, very severe economic burdens on those inner city residents who cannot afford to own a car. This official believes that it will undo any constructive effort that HUD can make in the area of urban development. It may also abort a proposed subway extension in the Secretary's home city of Baltimore, when that city's officials recompute the system's operating costs and projected deficits. If the program is to be continued, HUD would prefer that Congress switch to a formula allocating funds to cities in proportion to the number of miles traveled by mass transportation vehicles during the preceding year. Unlike the present population formula, this formula would enable federal subsidies to bear some relationship to the amount of mass transportation services actually provided to the public. It would aid those who had the most mass transit. HUD would oppose formulae that would allocate funds to areas that had little or no mass transit.

3. Still other interests have different concerns. Environmental organizations, for example, see the mass transportation subsidy program as one means of discouraging the use of the private automobile and reducing the air pollution caused by cars. They believe that the allocation formula should be changed to favor giving a larger proportion of funds to areas with the most serious air pollution problems, such as Los Angeles. These organizations also favor Congressionally imposed requirements that would improve air quality and energy conservation. For example, they would like to have Congress require that all areas receiving federal subsidies undertake strenuous criminal enforcement programs against bus drivers who let their engines idle while waiting for more than three minutes at the end of a route. The Executive Director of the Sierra Club may testify at the upcoming hearings, and it is known that the Club's Board has left it to this official to develop specific proposals.

The NAACP and other interest groups are also concerned about the future of this program. In addition, several groups favor cutting it back. These include the National Conservative Coalition and several governors of states which receive only small grants.



*APPENDIX C*

**Suggested Order for Eliminating Roles  
for Fewer than 28 or 29 Participants**





*A Suggested Order of Elimination of Roles to Accommodate  
Groups Smaller than 28 or 29*

**Mass Transportation Case**

<u>Number of Participants</u>	<u>Role or Roles to be Cut (cumulative list)</u>
28	None
27	Exec. Dir., Sierra Club and D-Minn.
26	R-Mo.
25	Exec. Dir., NAACP and R-Pa.
24	D-N.J.
23	Conf. of Western Republican Governors and D-N.Y.
22	R-Utah

**Revenue Sharing Case**

29	None
28	Professor, and R-Ind.
27	Governor of Mo., and D-Minn.
26	R-Mo.
25	Chair, Ass'n. of Univ. Presidents and R-Pa.
24	D-N.J.
23	Exec. Dir., NAACP and D-N.Y.
22	R-Utah



***APPENDIX D***

**Checklist of Materials and Supplies**



### ***Checklist of Materials and Supplies***

#### *Well in Advance:*

- Clear schedules of instructor(s) and participants;
- Obtain an adequate number of rooms, and suitable furniture;
- Arrange for duplicating equipment;
- Purchase a sufficient number of student kits, available from *Seton Hall Legislative Journal*; and,
- Obtain permissions to reproduce case materials.

#### *A Few Days in Advance:*

- Distribute student kits;
- Reproduce subject matter problems and supporting case materials;
- Check rooms;
- Arrange furniture;
- Check installation of duplicating equipment;
- Electric typewriters with extra ribbons and correction tape/fluid;
- Staplers;
- Five reams of copy paper per group;
- Lapel tags;
- Desk plates;
- Gavel;
- Room availability charts;
- Chart materials: artist pads and marking pens; easels or masking tape to support charts;
- Roll call forms;
- Floor roll call forms;
- Rosters;
- Floor rosters;
- Instructor's folders;
- Restaurant maps;
- Bag of numbers; and,
- Evaluation forms.

#### *The Night Before:*

- Prepare sign up sheets.

*Immediately After Role Selection:*

- Distribute problems and case materials;
- Put names on rosters, and duplicate rosters (use last names only);
- Put names on committee roll call forms and duplicate forms (use last names);
- Put names on lapel tags (use last names);
- Put names on desk plates (use last names); and,
- If desired, instruct committee counsel in the methods of refilling and operating duplicating equipment (as backup to instructor).

*Just Before Simulation Begins:*

- Distribute tags and plates;
- Give gavels to chairs;
- Distribute rosters;
- Give roll call forms to counsel;
- Put chart materials in committee rooms; and,
- Distribute restaurant maps and room availability charts.

*At the Time of Floor Role Selection on the Second Day:*

- Announce the rule from the Rules Committee;
- Put names on floor rosters and duplicate rosters;
- Put names on floor roll call forms and duplicate forms;
- Put names for new roles on lapel tags and distribute; and,
- Put names for new roles on desk plates and distribute.

*At Start of Analytic Session:*

- Distribute agenda.

*At End of Analytic Session:*

- Distribute evaluation forms.

***APPENDIX E***

**Sample Roll Call  
Vote Tally Forms**





*Committee Roll Call Tally*

Subject: \_\_\_\_\_

Bill Amendment or Motion By: \_\_\_\_\_

NAME	PARTY	STATE	AYE	NAY	NOT VOTING
	D	Md.			
	D	Mass.			
	D	N.M.			
	D	Ga.			
	D	Cal.			
	D	Mich.			
	D	N.J.			
	R	N.Y.			
	R	Wisc.			
	R	Fla.			
	R	Colo.			
	R	Va.			
	R	Utah			
	R	Mo.			
The Chair	D	Ill.			
TOTAL					

*House of Representatives and Committee of the  
Whole Roll Call Tally*

Roll Call No.: \_\_\_\_\_

Subject: \_\_\_\_\_

NAME	PARTY	STATE	AYE	NAY	NOT VOTING
	D	Ill.			
	D	Md.			
	D	Mass.			
	D	N.M.			
	D	Ga.			
	D	Cal.			
	D	Mich.			
	D	N.J.			
	D	Tex.			
	D	N.Y.			
	D	Minn.			
	R	N.Y.			
	R	Wisc.			
	R	Fla.			
	R	Colo.			
	R	Va.			
	R	Utah			
	R	Mo.			
	R	Vt.			
	R	Pa.			
	R	N.C.			
	R	Ind.			
Chair-Comm. of Whole	D	Ill.			
The Speaker	D	Ct.			
TOTAL					

***APPENDIX F***

**Sample Roster and Floor Roster**



*Roster*

**Revenue Sharing Case**

The Chair ..... \_\_\_\_\_

Ranking Democrat ..... \_\_\_\_\_

Massachusetts Democrat ..... \_\_\_\_\_

New Mexico Democrat ..... \_\_\_\_\_

Georgia Democrat ..... \_\_\_\_\_

California Democrat ..... \_\_\_\_\_

Michigan Democrat ..... \_\_\_\_\_

New Jersey Democrat ..... \_\_\_\_\_

Ranking Republican ..... \_\_\_\_\_

Wisconsin Republican ..... \_\_\_\_\_

Florida Republican ..... \_\_\_\_\_

Colorado Republican ..... \_\_\_\_\_

Virginia Republican ..... \_\_\_\_\_

Utah Republican ..... \_\_\_\_\_

Missouri Republican ..... \_\_\_\_\_

Majority Counsel ..... \_\_\_\_\_

Minority Counsel ..... \_\_\_\_\_

Investigative Reporter ..... \_\_\_\_\_

Influential Columnist & TV Commentator .. \_\_\_\_\_

Assistant Director, OMB ..... \_\_\_\_\_

Assistant Secretary, Treasury ..... \_\_\_\_\_

Assistant Secretary, Labor ..... \_\_\_\_\_

Chair, Conference of Mayors ..... \_\_\_\_\_

Professor of Political Science ..... \_\_\_\_\_

Executive Director, NAACP ..... \_\_\_\_\_

Governor, Missouri ..... \_\_\_\_\_

Chair, Nat'l Ass'n. of County Govt's ..... \_\_\_\_\_

Chair, Ass'n. of University Presidents ..... \_\_\_\_\_

Pres., Nat'l Conservative Coalition ..... \_\_\_\_\_

**Floor Roster**  
**Revenue Sharing Case**

- The Chair ..... \_\_\_\_\_
- Ranking Democrat ..... \_\_\_\_\_
- Massachusetts Democrat ..... \_\_\_\_\_
- New Mexico Democrat ..... \_\_\_\_\_
- Georgia Democrat ..... \_\_\_\_\_
- California Democrat ..... \_\_\_\_\_
- Michigan Democrat ..... \_\_\_\_\_
- New Jersey Democrat ..... \_\_\_\_\_
- Ranking Republican ..... \_\_\_\_\_
- Wisconsin Republican ..... \_\_\_\_\_
- Florida Republican ..... \_\_\_\_\_
- Colorado Republican ..... \_\_\_\_\_
- Virginia Republican ..... \_\_\_\_\_
- Utah Republican ..... \_\_\_\_\_
- Missouri Republican ..... \_\_\_\_\_
- Majority Counsel ..... \_\_\_\_\_
- Minority Counsel ..... \_\_\_\_\_
- Investigative Reporter ..... \_\_\_\_\_
- Influential Columnist & TV Commentator .. \_\_\_\_\_
- The Speaker ..... \_\_\_\_\_
- Parliamentarian ..... \_\_\_\_\_
- Chair, Committee of the Whole ..... \_\_\_\_\_
- Texas Democrat ..... \_\_\_\_\_
- New York Democrat ..... \_\_\_\_\_
- Minnesota Democrat ..... \_\_\_\_\_
- Minority Leader ..... \_\_\_\_\_
- Pennsylvania Republican ..... \_\_\_\_\_
- North Carolina Republican ..... \_\_\_\_\_
- Indiana Republican ..... \_\_\_\_\_

***APPENDIX G***

**Sample Intervention Materials**





*In the mass transportation case, this document could be handed to Jones, a middle-ranking member of the majority party.*

## HOUSE OF REPRESENTATIVES

Office of Rep. Jones  
Washington

### *Memorandum*

TO: Rep. Jones  
FROM: Your Administrative Assistant

---

I think that we may have real trouble.

This morning I received a call from the Associated Press. They have apparently heard a story alleging that your wife Mary holds 1,000 shares of the Budd Corporation, the principal U.S. manufacturer of subway cars. As you know, no such stock was listed in your annual disclosure statement that we filed with the Clerk of the House in January, or in its update.

I took the liberty of calling Mrs. Jones at home. She said that she *DOES* hold that stock and apparently other types of undisclosed stock as well. She said that this stock belonged to her before your marriage four years ago and that she "respectfully submits that her private holdings are none of your business nor that of the damn House of Representatives."

I begged her not to talk to the press, and she was only too happy not to get mixed up with them. She was about to head out the door for a long drive to visit her sister, so I don't think that you'll be able to reach her today, and neither will the press. However, they might call you at any time.

*This document could be handed to the Influential Columnist and TV Commentator about 10 or 15 minutes after Jones learns of the problem.*

N.B.C. TV-NETWORK

TO: Mr. Sullivan  
FROM: Your Editor  
SUBJ: POSSIBLE *SCOOP*

---

We have just heard a rumor, from a reliable source on the Hill, that Representative Jones is secretly holding undisclosed stock in a company that manufactures subway cars. The stock is said to be registered in his wife's name. The disclosure statements that he has filed with the Clerk of the House reveal no such holding.

Please get on this right away; we have reason to think that no one else has this story yet. If you can film a news-breaking spot, we'll break into our regular programming to run it nationwide.

*If the Influential Columnist doesn't get the scoop, or if the scoop doesn't produce a significant reaction within the Committee, this memorandum, handed perhaps 20 minutes later to the Republican from Colorado, should light a fire or two.*

## HOUSE OF REPRESENTATIVES

Office of Rep. Smith  
Washington

*Memorandum*

TO: Rep. Smith  
FROM: Your Administrative Assistant

---

I just heard a rumor to the effect that Rep. Jones has secretly been buying stock in a company that would stand to make millions of dollars if the Congress passes the bill under consideration by your Committee.

George and I think that you could take this one pretty far. Unfortunately, we don't have any further details.



***APPENDIX H***

**Sample Agenda for Analysis of the Exercise**



*Sample Agenda for Analysis of the Exercise*

- I. Introductory remarks: The Simulation and the real House.<sup>1</sup>
- II. Generalizations about the legislative process: What did you learn about the following?
  - A) The role of a legislator.<sup>2</sup>
  - B) The role of the press in the legislature.
  - C) The roles of party and of personal ideology in determining voting patterns.<sup>3</sup>
  - D) The nature of leadership roles.<sup>4</sup>
  - E) The role of the executive branch, divisions within it, and the use of Presidential power.
  - F) The role of interest groups.
  - G) The extent to which empirical information and systematic analysis played a role in decisionmaking, and the value of hearings and legislative debate as sources of information.
  - H) The impact of external events.<sup>5</sup>
  - I) The role of personal relationships in the legislative process.
  - J) How bargaining strategies influence the course of legislation.
  - K) The purposes and effects of rules of procedure and the effects of differential mastery of those rules.
  - L) How people felt they were treated by others and how this affected the process.
  - M) The effect that control over the drafting process has over the actual writing of the bills.
  - N) The role of staff in the process.
  - O) The difficulty of maintaining order.

---

<sup>1</sup> See *supra* text at 134-36.

<sup>2</sup> Participants may discuss their feelings of excessive pressure or of being unable to concentrate on details; they may talk about experiencing multiple and conflicting pressures from various advocates.

<sup>3</sup> One characteristic response to this exercise is that participants who had not had extensive previous exposure to the Congress are surprised at the extent to which cooperation extends across party lines, and conflict occurs even within the party group.

<sup>4</sup> Participants, including those who played leadership roles, often have much to say about the importance and limits of leadership, and about effective and ineffective styles of leadership.

<sup>5</sup> *E.g.*, the extent to which simulated surprises, such as an unexpected scandal or a sit-in in a member's office, affected the legislative process.

- P) Other influences on the legislative process.
- III. Legislative Intent: What new insights, if any, do you have about the process by which courts infer the intention of a Congress that has enacted ambiguous legislation?<sup>6</sup>
- IV. Differences between the simulation and the legislative process.<sup>7</sup>
- V. Any other issues.

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<sup>6</sup> Participants may have drafted deliberately ambiguous legislation, as a method of compromising on a point of great dispute. If they have “delegated” policymaking to the court in this way, skepticism may develop about assertions that Congress could easily give better guidance when it writes statutes. Participants may have passed statutes with no relevant legislative intent. As one of them once put it during the analytic meeting: “I was exhausted and I just wanted to pass a bill, any bill, and get the hell out of there.”

<sup>7</sup> Some aspects that might be brought out here are: 1) knowledge that the simulation was not real legislating, and therefore a diminished sense of responsibility; 2) the lack of continuing relationships with respect to other legislation as a brake on unrestrained combat; 3) much less pressure, in the simulation, from an electorate; 4) the relative absence of issues relating to advancement within the legislature; 5) the lack of real financial influences; 6) the ease of having the agenda set instead of having to select one’s issues; 7) the much simplified procedures in the simulation; and 8) the lack of professional staff, which to the participants is both a hindrance (because of lost opportunities for investigation) and an advantage (because staff can become one more pressure on a legislator).