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***[Virginia Prescott] I'm Virginia Prescott and this is Civics 101, the podcast refresher course on some of the basics that you may have forgotten or slept through in school.***

***Today we're looking at what happens when the government hits the off switch. Charles Tiefer is guiding us. He is law professor at the University of Baltimore. Charles Tiefer thank you for joining us.***

[Charles Tiefer] It's good to be here.

***[VP] This is not the first time the nation has faced the prospect of a government shutdown. Help us understand how this relates to the budgetary process.***

[CT] A shutdown is like a disease in the budgetary process. There's not supposed to be a shutdown. Annual spending bills are supposed to regularly follow one after the other. So as one expires the one for the spending for the next year takes over. But if you have a giant glitch in the spending process the one for a prior fiscal year expires and there's no new one in place and that means the government finds it has an empty wallet without any money in it they can spend.

***[VP] Well doesn't the government operate with an empty wallet fairly often? We've learned in previous Civics 101 that the budget doesn't always pass. They just put out a continuing resolution. How does it break down.***

[CT] Well that's exactly right. When you have a gap it's possible for Congress to say we don't have our act together to pass another full length appropriation bill that would be 100 pages or much more depending on which one it is. We don't we don't have to do that but we could pass a one paragraph statement that you just continue spending for the next 30 60 or 90 days at the rate from last year. And that's like a bandage over the sore and it works during that period the government has a wallet. There are many complaints about that situation but it is not a shutdown. The government can spend.

***[VP] So let's say the government shuts down tomorrow. What happens? Federal spending just stops?***

[CT] The government has various guides legal opinions of the past practices of the past guidelines and so forth to follow which say some activities can continue to be funded. Sort of on an emergency basis so that the armed forces are left in Afghanistan without the ability to to get ammunition. Things that must continue on an emergency basis are able to. But the government splits apart and quite a lot of its activity isn't emergency is just the continuing need of the public and that it can't spend on during a shutdown.

***[VP] So what are some examples of that, how would we as citizens be affected?***

[CT] Among the examples most of the Internal Revenue Service the IRS shuts down. Apart from the small units that are involved in collecting money the many that give out opinions to the public or that process long term forms that that need to be processed they shut down. So most of the IRS shuts down if you have a question and you didn't get an answer. You can't get an answer. You can't call up no one will answer the phone.

The park service is shut down. They're not considered to provide emergency need. So if you've been planning for a year to go to Yellowstone National Park you can't get in. There's no one at the booth to let you in. You could go down the list. A lot of the Department of Agriculture which provides on a long term basis things like soil conservation and advice on needs regulation and so forth that culture department shuts down.

***[VP] How about the FDA, how are they related? Do they stop inspecting food?***

 [CT] Food inspections are considered an emergency service and they do continue.

***[VP] How about Social Security that kind of thing people who get benefits, veterans for example?***

[CT] Benefits that are considered what are called entitlements don't need annual spending bills. So Medicare and Social Security especially the social security checks continue to go out. That doesn't stop.

I can tell you what one of the most horrible examples of what happens during a shutdown in the Health and Human Services they have what they call trials, tryouts, tests for new drugs, new treatments, and new people cannot be enrolled in a clinical trial.

New patients, desperate new patients cannot be enrolled in clinical trials during a shutdown period. And so you would see the last time that there were a shutdown. These frantic parents saying I can't get my son or daughter into a trial. They've got one of these rare types of childhood cancers that there's no good regular treatment for. I can't imagine what insanity's going on that they're not lending like child get enrolled.

***[VP] So federal employees of parks, department of agriculture, health and human services, now do these employees--They're not getting paid, correct?***

[CT] Correct. They can't there is no money for them. It used to be the custom that when the shutdown was over they would pay people retroactively. But there have been threats during recent priest shut down periods by some you might call some anti-government or small government people who who say let's we don't want to pay the civil service let's not pay them at the end of the let's not pay retroactively at the end of the shutdown non-emergency services are shut down.

***[VP] Who decides which services are important enough to keep functioning? Is that something that Congress decides, the president can decide?Who calls those shots?***

[CT] Well that has gotten more organized. Few decades ago it was pretty random supervisors at low levels would make the decisions. But now there is supervision on high from the White House. They keep a pretty elaborate tab to make sure there's some uniformity in what shut down and what's not shut down so that the different Cabinet departments have some kind of a similar read

***[VP] What about citizens? How does this affect them? You know how did they come away thinking of their Congressional and Executive leaders in the case of a government shutdown?***

[CT] Well they all think it shows gridlock in Washington and that Washington is dysfunctional. That's something pretty common that you'd see during the shutdown and they consider the extreme example that the government can't get its act together.

***[VP] I know in just a quick search on the history that the longest the government has ever shut down was in 1995. What happened during that time and what have been the long term economic effects?***

[CT] Oh that was a titanic clash in 1995. A new Republican House Republican Senate had been elected the 1994 election. So you had the first Republican Congress in ages and ages and ages that been decades since there'd been a Republican House that was led by Speaker Newt Gingrich. And he thought that this would batter down the doors of the White House and that he would make them sign bills about key spending programs, including perhaps cuts in entitlements like Medicare Medicaid.

President Clinton who had been who had lost the Congress in the 1994 election and been elected with a strong Democratic Congress in the 1992 election and then lost in the midterm election. He had laid low for a while he hadn't been fighting he'd been standing up visibly against the Republican Congress. But he stood up on shutdown he said, you want to shut me down? Go ahead and shut me down. I'm here to protect Medicare, Medicaid, the environment, and social security. And he drew the line in the sand and that was what the government closed down on that clash at the top level in the long term the country recovers pretty well. It's hard to measure the long term effects.

It's just a certain amount of planning and licensing and preparing and organizing the background activities of the federal government. I stopped for a while and resume. But if you ask people at the time they would have said oh we had a complete lapse we had to start over from scratch on this that and the other thing.

***[VP] So in that case and in 2013, political goals of shutdowns… accomplished?***

Oh I would say the opposite.

The people who shut things down were sneered at despised would be too strong a term by the public.

The public doesn't like disorderly things like shut down

***[VP] Before we go, I want to know, what do you think our listeners should take away from the idea of a budgetary government shutdown?***

You have to keep the federal government going. The country needs a functioning government. Having a shutdown is like saying let's bang our heads against the wall just for the happy feeling that it will give us. I think the public is wiser about shutdowns than the political actors or the political actors put too much enthusiasm into the idea that they'll make their point by shutting down the government when the public knows better and says whether we have our grievances or no grievances with government agencies we need them to do their job.

***[VP] Professor Charles Tiefer University of Baltimore thank you so much for speaking with us.***

[CT] My pleasure.