

# American Government and Politics Today

## Chapter 11 The Congress

# Chapter 11 Congress

www.SENATE.com

## 3 BRANCHES OF GOVERNMENT SEPARATION OF POWERS

**Legislative Branch**

- Congress (Art. 1)
- Makes the law

**Executive Branch**

- President (Art. 2)
- Carries out the law

**Judicial Branch**

- Supreme Court (Art. 3)
- Interprets the law

3 Branches are separate, have different powers, co-equal and **checks and balances** on one another to make sure one branch does not get to powerful

## 3 BRANCHES OF GOVERNMENT SEPARATION OF POWERS

**Legislative Branch**

**Executive Branch**

**Judicial Branch**

3 Branches are separate, have different powers, co-equal and **checks and balances** on one another to make sure one branch does not get to powerful

**Legislative Checks**

- On Executive**
  - Override a veto
  - Declare war
  - impeachment
- On Judicial**
  - Approve judges
  - Impeachment

**Executive Checks**

- On Legislative**
  - Veto a law
  - Ask for war
  - Propose laws
- On Judicial**
  - Appoint judges

**Judicial Checks**

- On Executive and Legislative**
  - Declare an act of President or law of Congress unconstitutional
  - Appointed for life

# Why Was Congress Created?

- Fear that power in the hands of a single individual would be abused and the people would suffer.
- The national legislative power that was vested in Congress was to be a bicameral (two-house) institution. Each house was intended to serve different constituencies. The House was to be elected by the people and would therefore represent the views of the people. The members of the Senate were selected by the state legislatures and would be at least one step removed from the people.

## CONSTITUTIONAL CONVENTION

- First major argument between the delegates was over how many **representatives** each state would have in Congress.
- What type of **Congress** should we have?



- Large states** (Massachusetts and Virginia) believed the more population, the more representatives in Congress.
- Small states** (New Jersey and Connecticut) believed each state should have equal representation.

1



Statistics From the 1790 Census						
	State Population	Percentage of Total	Slaves Population	Slaves as % of State	Percentage of Population	
New Hampshire	343,865	4%		138	0%	
Massachusetts	378,787	10%		8	0%	
Connecticut	237,946	7%		2,759	1%	
Rhode Island	148,825	2%		122	0%	
NEW ENGLAND		23%	827,443			
New Jersey	184,139	5%		11,423	6%	
New York	348,120	9%		21,324	6%	
Pennsylvania	414,373	12%		3,737	1%	
MIDDLE STATES			336,632			
NORTH OF MASON/DIXON		44%	1,786,978	Slaves (North)	39,883	6%
Delaware	59,086	2%		8,887	15%	
Maryland	316,128	8%		103,036	32%	
Virginia	747,610	20%		283,427	38%	
North Carolina	384,791	11%		208,372	54%	
South Carolina	249,073	7%		137,094	55%	
Georgia	82,548	2%		29,264	35%	
SOUTHERN STATES		31%	1,851,996	Slaves (South)	642,388	94%
TOTAL POPULATION			3,637,281	SLAVE POPULATION	681,833	19%

Source: <http://www.census.gov/hist/1790/data/states/totals.html>  
<http://www.census.gov/hist/1790/data/states/slaves.html>

VIRGINIA PLAN		new jersey plan	
	JAMES MADISON	William paterson	
BICAMERAL Legislature		unicameral legislature	
Based on POPULATION		one vote per state	
<a href="#">View Census Data</a>			

## VIRGINIA PLAN VS. NEW JERSEY PLAN

Issues of representative government would be argued at Constitutional Convention

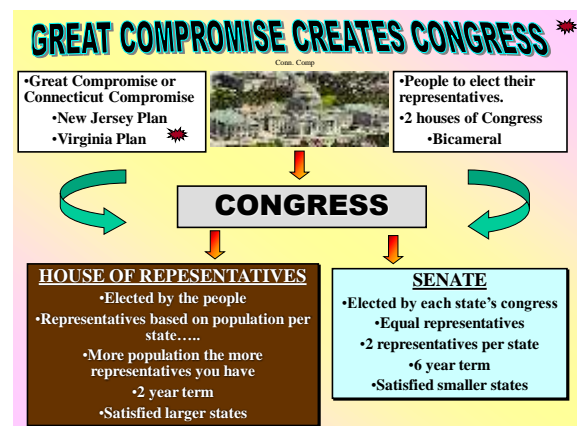
**• Virginia Plan proposed by the larger states**

- Establish a national government with 3 branches.
- Establish a bicameral Congress.
  - People elect 1 house
  - That house elects 2<sup>nd</sup> house
- Representation in both houses based on state population

**• New Jersey plan proposed by small states**

- Establish a unicameral Congress
  - Each state to have 1 vote
  - Equal representation
- States equally represented similar to the Articles of Confederation

Vir vs NJ



## The Functions of the Congress

- The lawmaking function
- The representation function
  - The trustee view of representation
  - The instructed delegate view of representation
- Service to constituents



## The Functions of the Congress (cont.)

- The oversight function: Reviewing actions of the Executive Branch
- The Public-Education Function
- The Conflict Resolution Function

## The Powers of Congress

- Enumerated Powers.  
(Article I, Section 8 of the US Con)
- The Necessary and Proper Clause.

## The Powers of Congress

- Enumerated Powers. (Article I, Section 8 of the US Con)
  - Include taxing, spending, borrowing, and coining; regulation of foreign trade and trade among states; regulation of the military (state militias, an army and navy, and to declare war); as well as the power to define the court structure.
    - Powers of the Senate
    - Constitutional Amendments
- The Necessary and Proper Clause.
  - Allows Congress to make laws that are deemed to be necessary to carry out the expressed powers

Table 7.1: What are the powers of Congress?

<p>The powers of Congress, listed in Article I, section 8, of the Constitution, include the powers to:</p> <ul style="list-style-type: none"> <li>■ Lay and collect taxes and duties.</li> <li>■ Borrow money.</li> <li>■ Regulate commerce with foreign nations and among the states.</li> <li>■ Establish rules for naturalization (the process of becoming a citizen) and bankruptcy.</li> <li>■ Coin money, set its value, and fix the standard of weights and measures.</li> <li>■ Punish counterfeiting.</li> <li>■ Establish a post office and post roads.</li> <li>■ Issue patents and copyrights.</li> <li>■ Define and punish piracy, felonies on the high seas, and crimes against the law of nations.</li> <li>■ Create courts (inferior to below) the U.S. Supreme Court.</li> <li>■ Declare war.</li> <li>■ Raise and support an army and navy and make rules for their governance.</li> <li>■ Provide for a militia (reserving to the states the right to appoint militia officers and to train militias under congressional rules).</li> <li>■ Exercise legislative powers over the seat of government (the District of Columbia) and over places purchased to be federal facilities (ports, arsenals, dockyards, and "other needful buildings").</li> <li>■ "Make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the government of the United States." (Note: This "necessary and proper" or "elastic" clause has been interpreted expansively by the Supreme Court, as explained in chapter 2 and in the Annotated Constitution.)</li> </ul>
--

## Congressional Elections

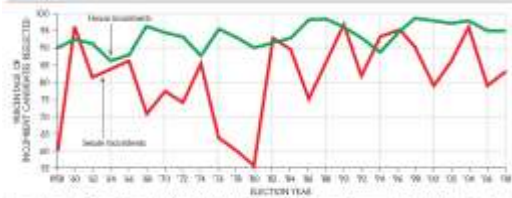
LO 12.2

### • Who Wins Elections?

- **Incumbents** – Those already holding office.
- In congressional elections, incumbents usually win.
- **House elections** – 90% of the incumbents seeking reelection win and most of them win with more than 60% of the vote.

LO 12.2

FIGURE 12.1 The Incumbency Factor in Congressional Elections



Copyright © 2011 Pearson Education, Inc. Publishing as Longman

To Learning Objectives

## Congressional Elections

LO 12.2

### • The Advantages of Incumbency

- **Advertising** – Ads in newspapers and on television.
- **Credit Claiming** – Servicing the constituency through casework and pork barrel.
- **Position Taking** – Voting and responding to constituents' questions.

Copyright © 2011 Pearson Education, Inc. Publishing as Longman

To Learning Objectives

LO 12.2



Copyright © 2011 Pearson Education, Inc. Publishing as Longman

To Learning Objectives

## Congressional Elections

LO 12.2

### • The Advantages of Incumbency (cont.)

- **Weak Opponents** – Not well known or well qualified and lack experience and organizational and financial backing.
- **Campaign Spending** – The typical incumbent outspent the typical challenger by a ratio of more than 3 to 1 in Congressional races in 2008.

Copyright © 2011 Pearson Education, Inc. Publishing as Longman

To Learning Objectives

## Congressional Elections

LO 12.2

### • Role of Party Identification

- Most Congress members represent constituencies in which their party is in the clear majority.
- Most people identify with a party, and they reliably vote for their party's candidates.
- About 90% of voters who identify with a party vote for the House candidates of their party.

Copyright © 2011 Pearson Education, Inc. Publishing as Longman

To Learning Objectives

## Congressional Elections

LO 12.2

### • Defeating Incumbents

- One tarnished by scandal or corruption becomes vulnerable to a challenger.
- Redistricting may weaken the incumbency advantage.
- Major political tidal wave may defeat incumbents.

Copyright © 2011 Pearson Education, Inc. Publishing as Longman

To Learning Objectives



## Congressional Elections

LO 12.2

### • Open Seats

- Greater likelihood of competition.
- Most turnover occurs in open seats.

Copyright © 2011 Pearson Education, Inc. Publishing as Longman

To Learning Objectives

## Congressional Elections

LO 12.2

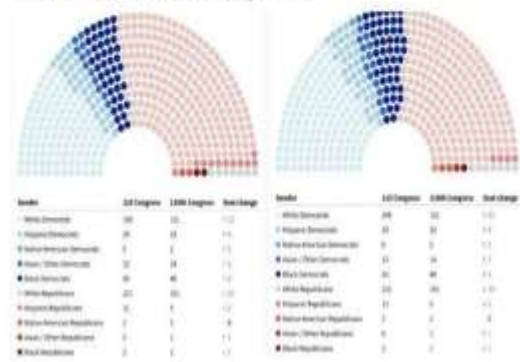
### • Stability and Change

- Incumbents provide stability in Congress.
- Change in Congress occurs less frequently through elections.

Copyright © 2011 Pearson Education, Inc. Publishing as Longman

To Learning Objectives

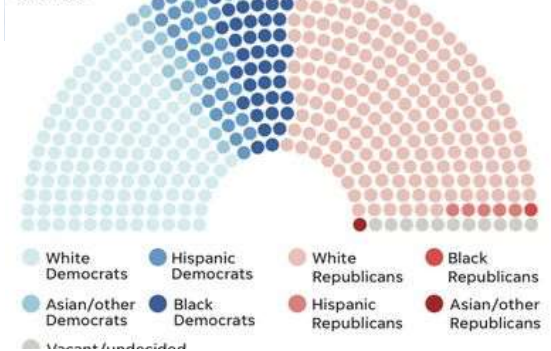
### 115th and 116th Congress.



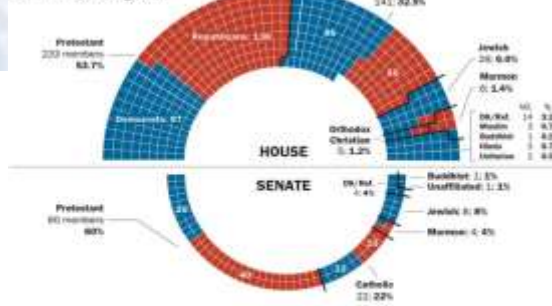
Copyright © 2011 Pearson Education, Inc. Publishing as Longman

### The most diverse Congress in U.S. history

#### 116th Congress



### The religious makeup of the 116th Congress



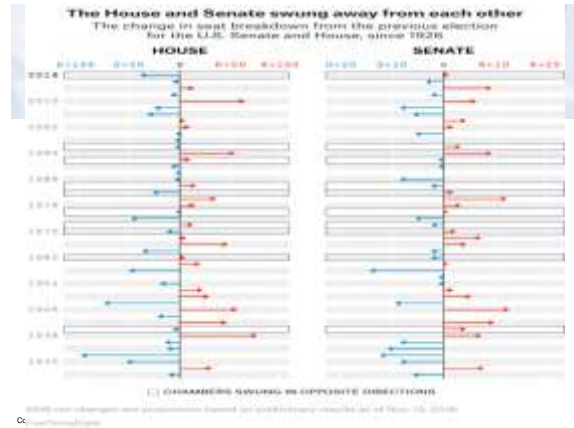
Notes: Figures are as of 2019 or the closest date to 2019. Figures for Democrats and GOP are based on the 2019 House and Senate. Source: Figures for Congress based on Pew Research Center analysis of data collected by CQ Roll Call, reflecting members of Congress to be sworn in on Jan. 3, 2023. "Roll on the Hill: The religious composition of the 116th Congress"

CC

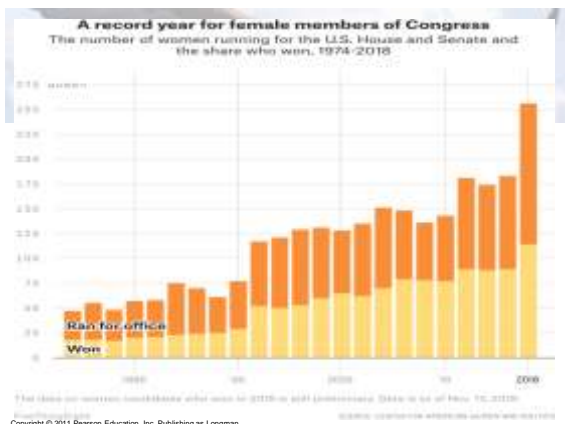
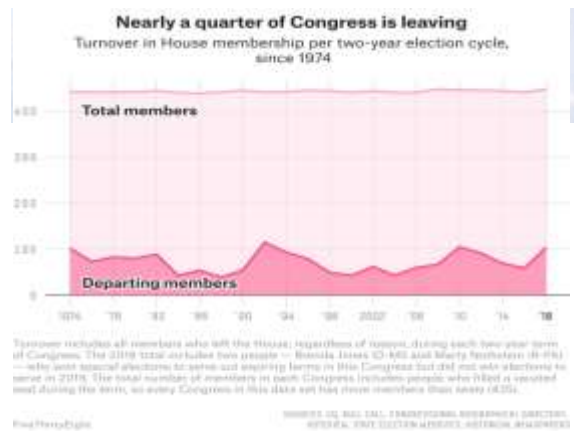
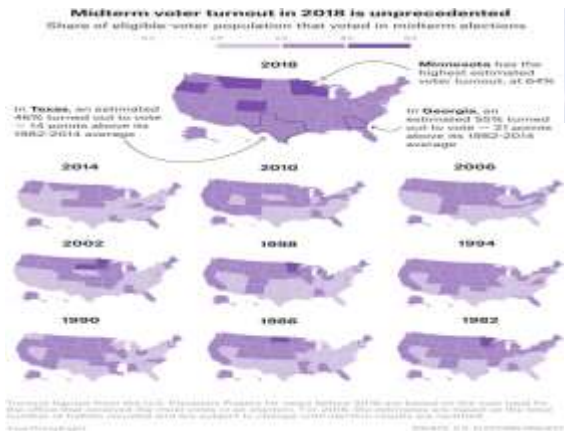


Copyright © 2011 Pearson Education, Inc. Publishing as Longman

116th Congress Member Demographics - U.S. House				
Category	Democrats		Republicans	
Party	235	54%	200	46%
Newly Elected Member	62	26%	31	16%
Took Office Since 2014	161	47%	89	54%
Split-Ticket District	31	13%	1	2%
Women	89	38%	13	7%
Black	31	22%	1	1%
Hispanic or Latino	33	14%	6	3%
Asian or Pacific Islander	14	6%	0	0%
Native American	2	1%	2	1%
White (Non-Hispanic)	136	58%	196	99%
Gay/BTQ	8	3%	0	0%
Women/Minorities/LGBTQ	150	64%	22	12%
Median Age	59		57	
			58	



Copyright © 2011 Pearson Education, Inc. Publishing as Longman



Copyright © 2011 Pearson Education, Inc. Publishing as Longman

## House-Senate Differences

- Size and rules
- Debate and filibustering
- Prestige

## Qualifications

- **HOUSE** 25 years old; citizen for 7 years; live in the state you represent



- **SENATE** 30 years old; citizen for 9 years; live in the state you represent

## American Bicameralism

- **The House**
  - 435 members, 2-year terms of office
  - Initiates all revenue bills, more influential on budget
  - House Rules Committee
  - Limited debates
- **The Senate**
  - 100 members, 6-year terms of office
  - Gives “advice & consent,” more influential on foreign affairs
  - Unlimited debates (filibuster)

## Bicameral Legislature

- Two house Congress
  - House of Reps. = 435 members
  - 5 non-voting members = Puerto Rico, Virgin Islands, Guam, Washington D.C., American Samoa
  - Senate = 100 members
- Connecticut Compromise @ the Constitutional Convention



## The Representatives and Senators

- **The Job**
  - Salary of \$168,500 with retirement benefits
  - Office space in D.C. and at home with staff
  - Travel allowances and franking privileges
  - Requires long hours, a lot of time away from family, and pressure from others to support their policies

TABLE 11-1 | DIFFERENCES BETWEEN THE HOUSE AND THE SENATE

House <sup>a</sup>	Senate <sup>a</sup>
Members chosen from local districts	Members chosen from an entire state
Two-year terms	Six-year terms
Originally elected by voters	Originally (until 1913) elected by state legislatures
May impeach (indict) federal officials	May convict federal officials of impeachable offenses
Larger (435 voting members)	Smaller (100 members)
More formal rules	Fewer rules and restrictions
Debate limited	Debate extended
Less prestige and less individual notice	More prestige and more media attention
Originates bills for raising revenues	Has power to advise the president on, and to consent to, presidential appointments and treaties
Local or narrow leadership	National leadership
More partisan	Less party loyalty

<sup>a</sup>Some of these differences, such as the term of office, are provided for in the Constitution. Others, such as national rules, are not.

## Size and Rules

Because the House is so large, it operates under stricter rules for debate.

- The Rules Committee provides special rules under which specific bills can be debated, amended, and considered in the House.

## House of Representatives



- More centralized, hierarchical, less anarchic
- Party loyalty to leadership and party-line voting more prevalent
- Leaders do more leading
- Speaker appoints committee members
- Five calendars based on kind of bill
- House can impeach officials (16 so far)

## House Rules Committee



- Most important committee in the House
- Reviews most bills coming from a house committee before they go to the full House (traffic cop)
- Gives each bill a "rule", which schedules the bill on the calendar, allots time for debate, and can even specify what kind of amendments to bill can be offered
- Initiates all revenue bills in House

## Senate

- Less disciplined, less centralized
- Ratifies treaties
- Confirms important presidential nominations
- Tries impeached officials
- Party leaders schedule bills
- Pro Tempore seniority rule



## Debate and Filibustering

- Filibuster: the Senate's use of unlimited debate as a blocking tactic.
- Members of the Senate are generally able to achieve more prestige than members of the House because of the smaller number of members.

## Congresspersons and the Citizenry: A Comparison

- In comparison to the general population the members of Congress are significantly different both demographically and economically. The members of Congress are older, wealthier, and better educated than the general public. There are relatively few women and members of minority groups in Congress. Finally, there is a disproportionate number of lawyers in both houses of Congress. The current congressional salary is \$157,000.

## Congressional Elections

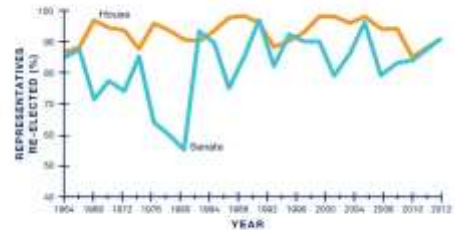
- Candidates for Congressional Elections
  - Candidates for congressional seats can be self-selected or recruited by the local political party. Usually the party attempts to select a candidate that has many of the social characteristics of the population in the district.
- Congressional campaigns and elections
  - Campaign funding
  - Effects of Presidential elections
- The Power of Incumbency



TABLE 11-3 | MIDTERM GAINS AND LOSSES BY THE PARTY OF THE PRESIDENT, 1942 TO 2006

SEATS GAINED OR LOST BY THE PARTY OF THE PRESIDENT IN THE HOUSE OF REPRESENTATIVES	
1942	-45 (D.)
1946	-55 (D.)
1950	-29 (D.)
1954	-18 (R.)
1958	-47 (R.)
1962	-4 (D.)
1966	-47 (D.)
1970	-12 (R.)
1974	-48 (R.)
1978	-15 (D.)
1982	-26 (R.)
1986	-5 (R.)
1990	-8 (R.)
1994	-52 (D.)
1998	+5 (D.)
2002	+5 (R.)
2006	XXX

## The Power of Incumbency



## Congressional Apportionment

- House seats are apportioned among the states every ten years, following the census.
  - Reapportionment*—the allocation of seats in the House of Representatives to each state after each census
  - Redistricting*—The redrawing of the boundaries of the congressional districts within each state

## Congressional Apportionment (cont.)

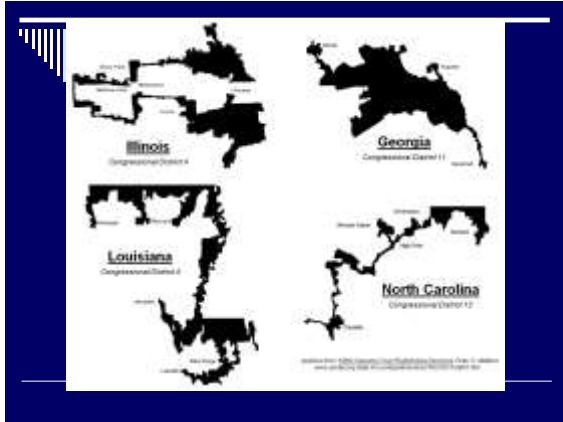
- Gerrymandering
- Redistricting after the 2000 Census
- Minority-majority districts

## The Original Gerrymander



## The Fourth Congressional District of Illinois





## Gerrymandering

Voting and Elections

### Reapportionment

- Done every 10 years
- Based on the population count (census)
- Decided by the House of Reps
- Determines the number of House seats a state gets
- Number is frozen at 435 due to Congressional Act 1929

### Redistricting

- Done every 10 years
- Done by the state legislatures, must be signed by the governor
- Determines the size and shape of the district

### Gerrymandering

- Helps political parties gain seats in the House of Reps
- Definition: to draw a district's boundaries to gain an advantage in elections
- Named for Elbridge Gerry

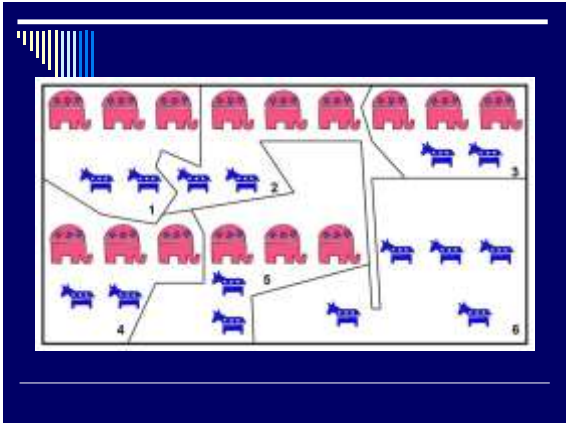
### Two Types

- Packing: Putting as many members of one party into one district to limit the amount of seats they win
- Cracking: Splitting voters of the opposing party into two different districts



## Supreme Court Cases

- Baker v Carr
- Wesberry v Sanders
- Reynolds v Sims
- Shaw v Reno
- League of United Latin American Citizens v. Perry



## Question 1

"Congressional reapportionment and redistricting are conducted every ten years. When redistricting is conducted, politicians often engage in gerrymandering"

"Congressional reapportionment and redistricting are conducted every ten years. When redistricting is conducted, politicians often engage in gerrymandering!"

Part A. Define congressional reapportionment and explain one reason why it is important to states.

-Congressional reapportionment is when the number of Representatives changes in proportion to the population change in a state. It is important to states because they would like as many seats in the house as they can receive, in order to gain more representation in the house.

## Part B: Define congressional redistricting.

-Redistricting is the act of redrawing the lines of congressional districts by the party in power, however they choose to.

## Part C: Explain two goals of politicians when they gerrymander during redistricting

-Politicians gerrymander during redistricting so they can: give minorities an advantage by making them the majority in their representational district, and so they may draw the district lines in such a way that their party has a clear advantage in elections, such as focusing on areas where a specific party reigns supreme (i.e. democrats cutting a predominately republican district in half)



<http://www.youtube.com/watch?v=8r7qJvprHXw&feature=related>

## Part D. Describe two limits that the United States Supreme Court has placed on congressional redistricting.

-Racial gerrymandering was outlawed in 1965 to keep white politicians from redistricting in such a way that would hinder the worth of an African American's vote.

-Redistricting cannot dilute the minority parties voting strength in districts. Congress redistricting is overseen by the courts.

## Perks and Privileges

- Permanent professional staffs
- Privileges and immunities under the law
- Congressional Caucuses: Another source of support

## The Committee Structure

- The Power of Committees
  - Types of Congressional committees
  - Standing Committees
  - Select Committees
  - Joint Committees
  - Conference Committees
  - House Rules Committees
- The Selection of Committee Members

TABLE 11-5 | STANDING COMMITTEES OF THE 110TH CONGRESS, 2007-2009

House Committee	Senate Committee
Agriculture	Agriculture, Nutrition, and Forestry
Appropriations	Appropriations
Armed Services	Armed Services
Budget	Banking, Housing, and Urban Affairs
Education and the Workforce	Budget
Energy and Commerce	Commerce, Science, and Transportation
Financial Services	Energy and Natural Resources
Government Reform	Environment and Public Works
Homeland Security	Finance
House Administration	Foreign Relations
International Relations	Governmental Affairs
Judiciary	Health, Education, Labor, and Pensions
Recreation	Judiciary
Rules	Rules and Administration
Science	Small Business and Entrepreneurship
Small Business	Veterans Affairs
Standards of Official Conduct	
Transportation and Infrastructure	
Veterans Affairs	
Ways and Means	

## Formal Leadership

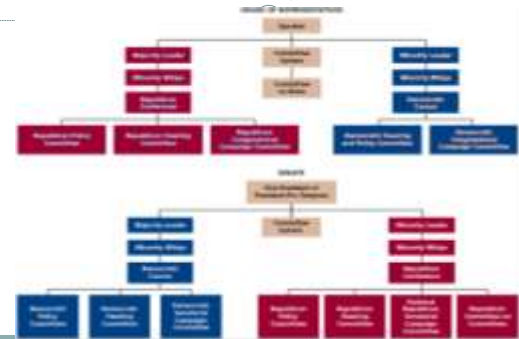
- The majority party controls the legislative process, including the selection of Congressional leaders.
- Leadership in the House
  - The Speaker
  - The Majority Leader
  - The Minority Leader
  - Whips

## Leadership in the Senate

- Vice President
- Majority Leader



Figure 7.3: How are the House of Representatives and the Senate organized?



## Congressional Decision-Making

- Party membership is a major determinant of how members vote, but it is not the only factor at work.
- The Conservative Coalition
- "Crossing over"

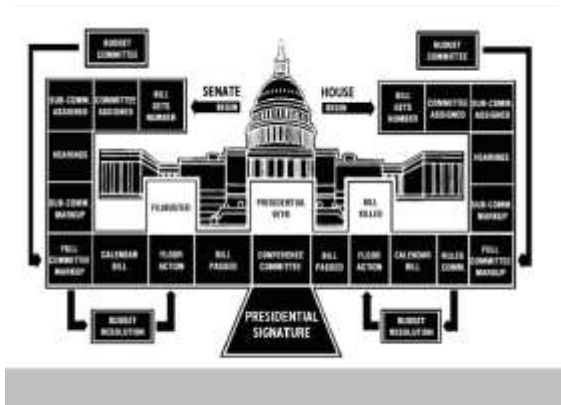
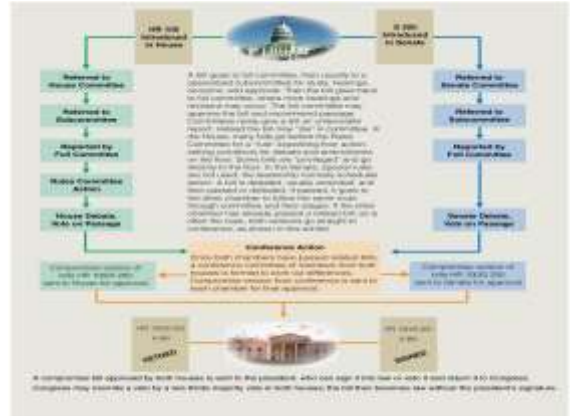
TABLE 11-6 | PARTY LEADERS IN THE 110TH CONGRESS, 2007-2009

Position	Member	Party/State	Joined 110th
<b>House</b>			
Speaker	J. Dennis Hastert	R., Ill.	Jan. 1999
Majority leader	Tom DeLay	R., Tex.	Jan. 2003
Majority whip	Ray Bonior	R., Ala.	Jan. 2003
Chair of the Republican Conference	Deborah Pryor	R., Ohio	Jan. 2003
Minority leader	Nancy Pelosi	D., Calif.	Jan. 2003
Minority whip	Steny Hoyer	D., Md.	Jan. 2003
Chair of the Democratic Caucus	Robert Menendez	D., N.J.	Jan. 2003
<b>Senate</b>			
President pro tempore	Ted Stevens	R., Alaska	Jan. 2003
Majority leader	William Frist	R., Tenn.	Jan. 2003
Majority whip	Mitch McConnell	R., Ky.	Jan. 2003
Chair of the Republican Conference	Rick Santorum	R., Pa.	Jan. 2003
Minority leader	Harry Reid	D., Nev.	Jan. 2003
Minority whip	Dick Durbin	D., Ill.	Jan. 2003
Chair of the Democratic Conference	Harry Reid	D., Nev.	Jan. 2003

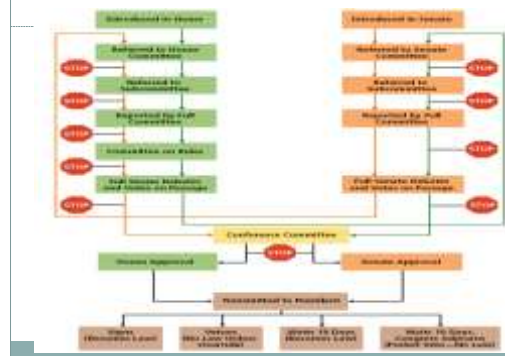


## How a Bill Becomes a Law

- For a bill to become law, it must pass through both houses of Congress. All "money bills" or spending measures must originate in the House.
- House of Representatives
  - Introduction
  - Committee Stage
  - Rules Committee
  - Floor Action
- The procedure in the Senate is similar, but there are no special rules such as those set by the House Rules Committee; the leadership schedules action.



## How does a bill become a law?



## How a Bill Becomes a Law (cont.)

- Conference committee
  - If there are differences between the House version of the bill and the Senate version of the bill, the bill will be sent to a conference committee. Members of each chamber selected by the leaders will attempt to reach a compromise on the bill.
  - The House and Senate vote on the bill as reported by the conference committee

## How Much Will the Government Spend?

- Preparing the Budget
- Congress Faces the Budget
  - *Authorization*, a formal declaration by a legislative committee that a certain amount of funding may be available to an agency. Some authorizations terminate in a year; others are renewable automatically without further congressional action.

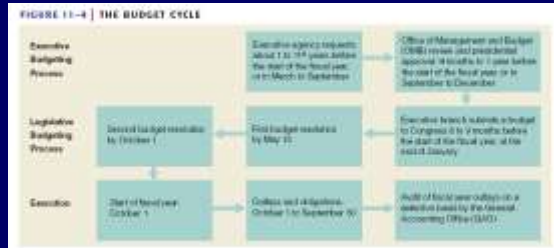


## How Much Will the Government Spend (cont.)?

- **Appropriation**, the passage, by Congress, of a spending bill specifying the amount of authorized funds that actually will be allocated for an agency's use.

### ■ Budget Resolutions

## The Budget Cycle



## JOB OF THE ELECTED

- Pork (bill creating jobs or money for district)
- Logrolling (rep. votes in favor of colleague bill in exchange for return favor)
- Serving two distinct groups:
  - Party leaders, colleagues and lobbyists
  - Constituents (voters back home)
    - 1) **Trustee**: rep who votes best judgment
    - 2) **Delegate**: votes the way constituents want
    - 3) **Politico**: votes a combination of 1 and 2

## Congressional Support Agencies

- 1. Congressional Budget Office (CBO)
- 2. Congressional Research Service (CRS)
- 3. General Accountability Office (GAO)
- More than 9000 bills are introduced each year but less than 10% of them will become law

## THE SENATE

- Hold : Allows a senator to be notified before action is taken on a bill

**Filibuster**: Unlimited debate so nothing else can be taken up

Cloture vote: 60 members can stop a filibuster

## THE SENATE CON'T

- Must approve all high level executive appointments by a majority vote
- Must approve all federal judges by a majority vote
- Must approve all foreign treaties by a 2/3 vote
- Senatorial Courtesy: Senator gets to select judge to fill a seat in his/her state when vacancy occurs (if President goes along with it)

## DECLARING WAR

- Only Congress can declare war
- War Powers Act passed to limit President's power to commit forces in foreign lands without Congressional approval
- Congress appropriates all funds and thus can also stop armed forces on foreign soil by not approving funds (not easy to do)

The War Powers Act of 1973 has been considered by many to be what?

- A. Quite powerful
- B. A success
- C. Largely ineffective
- D. Unconstitutional
- E. Both C and D

The War Powers Act of 1973 has been considered by many to be what?

- A. Quite powerful
- B. A success
- C. Largely ineffective
- D. Unconstitutional
- E. **Both C and D**

## PRESIDENTS POWER OVER A BILL

1. Sign it
2. Veto it
3. Do nothing and after 10 days it becomes law if Congress is still in session
4. Pocket Veto: Do nothing and Congress adjourns before 10 days elapse it will become a veto

The Tenure of Office Act was passed to do what?

- A. Ensure tenure of members of Congress
- B. Prevent Franklin D. Roosevelt from removing Supreme Court justices he disagreed with
- C. Prevent President Andrew Johnson from removing Lincoln cabinet appointees
- D. Prevent President Bill Clinton from firing insubordinate bureaucrats
- E. Ensure that Supreme Court justices would have their positions for life

The Tenure of Office Act was passed to do what?

- A. Ensure tenure of members of Congress
- B. Prevent Franklin D. Roosevelt from removing Supreme Court justices he disagreed with
- C. **Prevent President Andrew Johnson from removing Lincoln cabinet appointees**
- D. Prevent President Bill Clinton from firing insubordinate bureaucrats
- E. Ensure that Supreme Court justices would have their positions for life



## Questions for Critical Thinking

- Why did the framers of the Constitution create a bicameral legislature? Was part of the reason for a two-house legislature the idea that it would be more difficult to pass legislation, therefore, a check on a runaway legislature? What impact does this have today? Is it easy for Congress to agree on legislation?



## Questions for Critical Thinking

- Do different rules for each chamber, like the filibuster in the Senate, help to balance power in the two Houses?
- Although the problems have changed since 1789, have the basic ideas of representation changed? If so, in what ways?