

# 9. Congress

# 1. Why was Congress Created?

1) Most powers exercised by national gov should be in the **legislature**.

2) Both chambers should reflect different social classes

- numerous common citizens

- less numerous landowners, bankers, merchants, etc

\*Senators used to be chosen by state legislatures

- directly elected by people from 1913 (17<sup>th</sup> Amendment)

## 2. Powers of Congress

### 1) Enumerated Powers

- (1) Impose taxes + tariffs
- (2) Regulated interstate commerce + international trade
- (3) Coin (print) money + punish counterfeiters
- (4) Establish post offices
- (5) Regulate copyrights + patents
- (6) Establish federal court system
- (7) Punish pirates + others committing illegal acts on high seas
- (8) Declare war + Repel invasion
- (9) Govern Washington, DC

## **2) Necessary + Proper Clause**

- (1) Set stage for greatly expanded role for national gov relative to the states
- (2) Check on expansion of presidential powers

# **3. Function of Congress**

## **1) Lawmaking Function**

- Acts originated in executive branch, interest groups, political groups
  - Through processes of compromise + logrolling + discussion, backers of legislation try to pass Congress
- ex) Highest elected body making binding rules for Americans
- ex) Size of federal budget
- ex) Health-care reform                      ex) Gun control

## **\*Logrolling**

: Two or more Congress member agree  
before supporting each other's bills

## **2) Service to Constituents**

- Act as brokers between private citizens + federal gov

### **- Casework**

: Personal work for constituents by Congress members

ex) Tracking down missing Social Security check

ex) Explaining meaning of particular bill

ex) Promoting local business interest

## - **Ombudsperson**

- : Congressmen hears + investigates complaints by private individuals against public officials or agencies
- : Gov characterized by **confusing bureaucracy** + complex public programs
- : Legislators help many constituents

## **3) Representation Function**

- Many competing interests in society should be represented in Congress.
- Legislators maintain careful balance of power among competing interests.

## **(1) Trustee View of Representation**

- According to conscience, legislators vote against narrow interest, for broad interest of constituents
- ex) Even Republicans supporting strong laws regulating cigarettes

## **(2) Delegate View of Representation**

- Opposition to Trusted View
- Legislators have no autonomy from constituents (= boss).

→ Thus, legislators should combine both perspectives

## **4) Oversight Function**

- Congress follows up on laws to ensure that they are being enforced

ex) Committee hearing + investigation

ex) Changing size of agency budget

ex) Cross-examining high-level nominees

## **5) Public-Education Function**

ex) Public hearing

ex) Oversight over bureaucracy

ex) Engages in committee + floor debate

ex) Agenda Setting

- Decides what issues will come up or for discussion/ decision

## **6) Conflict-Resolution Function**

- Resolving conflicts within American society by passing laws  
to accommodate as many interested parties as possible

: different racial + religious + economic + ideological interest



## 4. House-Senate Differences

### 1) Size & Rules

#### - House

: 435 members + delegates from District of Columbia + Puerto Rico  
+ Guam + American Samoa + Virgin Islands

: Formal rules needed

#### : Rules Committee

[Proposes time limitations on debate for any bill]

#### - Senate

: 100 members

: Looser procedures

: Extended debate

## 2) Debate & Filibustering

### - Filibustering

: unlimited debate

ex) Kansas-Nebraska Act was filibustered (1854)

### - Cloture

: Shuts off discussion on a bill

: **Rule 22** (1975; 1979)

[Debate may be closed off on a bill if 16 senators sign a petition]

[ “ if 3/5(60) of entire members  
vote for cloture]

[After cloture has been imposed, final vote must take place  
within 100 hours of debate]

### 3) Prestige

#### - **Senators**

- : Openly express presidential ambitions
- : Gain media exposure

#### - **Representatives**

- : Could become an expert on some specialized aspect
- : tax, environment, education

## 5. Congresspersons and Citizens

### ● Senators & Representatives

- : white, male, Protestant,
- : trained in higher-status occupations
- : lawyers

: wealthier

: Millionaires (1% of Americans *v.* 1/3 of Congress members)

## 6. Congressional Elections

- **House**

- : The number of seats in state is determined by results of decennial census.

- : Each state has at least one representative.

- : Elected every 2 years

- **Senate**

- : 2 members per state

- : Senators elected every 6 years

- : 1/3 of seats chosen every 2 years.

## 1) Congressional Campaigns & Elections

- Cost of winning House campaign (\$770,000)

- : “ Senate “ (\$5 million)

### - Campaign funds

- : Hard money

- [direct contributions from voters +

- Political Action Committees(PACs)]

- : Soft money [funded through state party committees]

### - Candidates

- : Most candidates must win nomination through a direct primary

- : Direct primary

- [Intra-party election in which voters select candidates who will run on a party's ticket.]

## **- Party Identifiers**

: Voters who identify with a specific political party

## **- Presidential Effects**

: Strong presidential candidate may have affirmative effect on candidates of Senate + Representative campaign of same party.

### **: Coattail Effect**

[Sweep presidential effect]

[Lyndon Johnson's victory over Barry Goldwater in 1964]

## **2) Power of Incumbency**

- Overwhelming majority of representatives + senators are reelected

: use of mass media

: send newsletters free

: congressional casework

: bring money to the district

## - **Divided gov**

: Gov in which president + majority in Congress are from **different parties**

: When Senate is evenly divided, Vice President (Senate Chairman) can vote to break tie.

: Usually President Pro Tempore plays as Chairman

# 7. Congressional Reapportionment

## ○ **Reapportionment**

: allocation of seats in House to each state after census

## ○ **Redistricting**

: Redrawing boundaries of districts within each state

## 1) Baker v. Carr

### - Facts of Case (1962)

- : Charles Baker + Tennessee citizens alleged that Tennessee not redistricted since 1901, despite significant economic growth + population shifts within state.
- : Traditionally, rural areas had been **overrepresented** in legislatures, compared to those of urban + suburban areas.

### - Conclusion (Supreme Court)

- : Each vote should carry **equal weight** regardless of voter's place of residence.
- : Tennessee legislature had to reapportion itself based on population.



## 2) Gerrymandering

- Drawing of legislative district boundary lines to obtain partisan advantage

: Tactics used by **Elbridge Gerry** (Governor of Massachusetts, 1812)

# 8. Pay, Perks & Privileges

- Average salaries of House and Senate are \$174,000 (average citizen \$44,000 in 2011)

## 1) Special Benefits

- Free access to Capital Hill gym

: Free close-in parking at National + Dulles Airports

: 6 free parking spaces per member in Capital Hill garages + 1 free outdoor parking slot





## Gerrymandering

-First printed in March 1812, this political cartoon was drawn in reaction to the state senate electoral districts drawn by **Massachusetts legislature** to favour Democratic-Republican Party candidates of Governor **Elbridge Gerry** over Federalists.

-Caricature satirizes bizarre shape of district in **Essex County**, Massachusetts as a dragon.

- Federalist newspapers editors at the time likened the district shape to a **salamander**, and the word *gerrymander* was a blend of that word and Governor Gerry's last name.

(<http://en.wikipedia.org/wiki/Gerrymandering>)

- : No parking tickets
- : Eat in a subsidized dining room
- : Free plants from Botanical Gardens for offices
- : free medical care
- : inexpensive but generous pension plan
- : Liberal travel allowances
- : Special tax considerations
- : **Franking privileges**

## **2) Permanent Professional Staffs**

- 30,000 people are employed in Capital Hill
- : 15,000 people are personal + committee staff members
- : Senate office on Capital Hill employs **30** staff members
- : Senators from Big States employ 60 personal members
- : House office employs about half of these.

### **3) Privileges & Immunities under Law**

- Under Article I, Section 6, of Constitution,  
They shall in all cases, except treason, felony + breach of Peace,  
be **privileged from arrest** during attendance at session.

## **9. Committee Structure**

### **1) Power of Committees**

- Little legislatures
- : Final say on pieces of legislation
- : Legislators normally defer to expertise of chairperson + other members of committee

## **- Discharge Petition**

- : Bill sometimes may be forced out of a committee
- : Committee may refuse to report it for consideration by House
- : Discharge petition must be signed by absolute majority (218)
- : 20 out of 900 discharge petition bills passed House (1909-2003).

## **2) Types of Congressional Committees**

### **- Standing Committees**

: Permanent bodies

: Create sub-committees

[68 sub-committees in Senate & 88 sub-committees in House]

: Appropriations Committees (Senate + House)

: Ways & Means Committees +

Education and Workforce Committees (House)

- : Foreign Relations Committees (Senate)
- : House members serve on 2 committees.
- : Senate members sever on 2 major + 1 minor committees.

### **3) Select Committees**

- Created for a limited period of time +  
for a specific legislative purpose

### **4) Joint Committees**

- Formed by both chambers
- : Dealt with economy + taxations + Library of Congress

### **5) Conference Committees**

- To achieve agreement between House + Senate on exact wording  
when 2 chambers pass proposals in different forms

- : All bills sent to White House must be same.
- : Sometimes called **Third House of Congress**

## 6) House Rules Committees

- Sets time limit on debate & determines whether + how bill may be amended

## 7) Selection of Committees Members

### - Seniority System

- : Members with longer terms of continuous service will be given preference

### - Safe Seat

- : District where a legislator obtains 50% or more votes
- : Members with safe seat became chairpersons (until 1970s).

## 10. Formal Leadership

- When Party A wins in election, the party controls official positions of power in a chamber.

### 1) Leadership in House

#### - Speaker

- : Foremost power holder
- : Technically non-partisan, but official leader of majority party
- : Presiding over meeting of House
- : Appointing members of joint + conference committees





**John Boehner (Rep.)**

(61<sup>st</sup>)Speaker of the House

(since January 5, 2011)

([http://en.wikipedia.org/wiki/Speaker\\_of\\_the\\_United\\_States\\_House\\_of\\_Representatives](http://en.wikipedia.org/wiki/Speaker_of_the_United_States_House_of_Representatives))

## **- Majority Leader**

- : Elected by a caucus of majority party
- : Acts as a spokesperson for the party
- : Cooperates with Speaker

## **- Minority Leader**

- : Candidate nominated for Speaker by caucus of minority party
- : Maintain cohesion within party ranks
- : Speak on behalf of President if the party controls White House

## - **Whip**

- : Assistant who aids majority leader or minority leader
- : Ensures that members show up for floor debate & cast their votes on important issues

## 2) **Leadership in Senate**

- Formal, complex + centralized leadership less necessary

## - **President**

- : Presiding Officer = Vice President of United States
- : May vote in order to break a tie
- : Rare present for Senate meetings
- : Senate selects instead "President Pro Tempore" in case
- : Ceremonial position



**- Majority Floor Leader**

**- Minority Floor Leader**

**- Whips**