

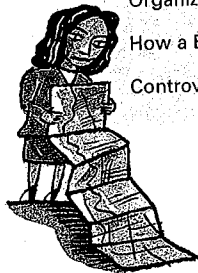
Congress and the Legislative Branch

Suppose you were to ask a sampling of Americans the question, "Which one organization, person, or group holds the most policy-making power in our government?" Some people would name the President. But almost certainly, many people would just as readily name Congress as a major center of political power in the United States. These modern perceptions reflect the intent of the Founders, who wanted congressional powers checked by the other branches but nevertheless saw Congress as the cornerstone of the government.

Over the years the executive and judicial branches have gained powers that the Founders did not anticipate, and sometimes their efforts have overshadowed those of the legislature. However, Congress still remains central in setting the government's agenda for shaping policies that address important issues in American society.

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Structure and Powers of Congress

The legislative, or lawmaking, branch of government is the first to be described in the Constitution. The Founders intended Congress—with its bicameral structure and many powers—to lead the judicial and executive branches.



Quotes

"The evils we experience flow from the excess of democracy. The people do not want [lack] virtue, but are dupes of pretended patriots."

*Elbridge Gerry, 1787
Constitutional Convention Delegate, Massachusetts*

"No government could long subsist [last] without the confidence of the people."

*James Wilson, 1787
Constitutional Convention Delegate, Pennsylvania*

STRUCTURE OF CONGRESS

The two quotations above reflect the Founders' mixed feelings about popular government. They understood that the people should be represented, but they also believed that the legislature should provide order and stability. This balance between democracy and order resulted in the creation of a two-house legislature—the single most important characteristic of the United States Congress. In this structure, America imitated its parent. Britain's Parliament has two houses: the House of Lords (for the nobles) and the House of Commons (for everyone else). The United States had no lords and adapted the two houses—the House of Representatives and the Senate—to meet its needs.

The House of Representatives

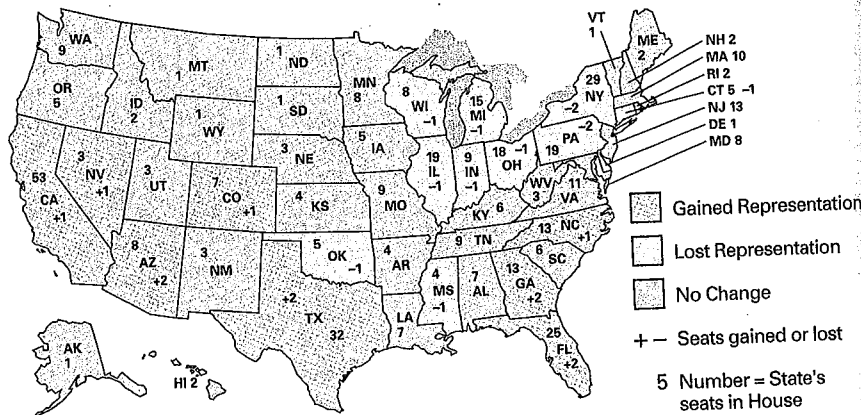
The Constitution based the membership of the House of Representatives on population. The idea was that every voter in the country should be equally represented, so states with big populations had more representatives than

states with small populations. For example, Virginia had ten representatives, and Massachusetts and Pennsylvania had eight. But little Rhode Island and Delaware had only one each. The original House of Representatives had 65 representatives, but it increased as the country's population grew. Finally, in the Reapportionment Act of 1929 the size was capped at 435, with every state being allowed at least one representative. (The District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands each send one elected nonvoting delegate to the House.) With the population of the United States estimated at more than 271 million in 1999, each of the 435 members of the House represents an average of more than 624,000 people.

The Constitution provided that a **census**, an official survey of the population, be taken every ten years to count the people and that the **apportionment** of representatives be adjusted accordingly. As a result of this **reapportionment**, states whose populations increased rapidly received larger numbers of representatives. That practice continues today. After each census in the late twentieth century, California, Texas, and Florida have gained representatives at the expense of states with slower growth, such as New York and New Jersey.

REAPPORTIONMENT OF HOUSE SEATS

This map shows the changes in state representation as a result of the reapportionment of the House after the census of 2000.



definitions

- apportionment**—the distribution of the number of members of the House of Representatives based on the population of each state.
- reapportionment**—the periodic redistribution of U.S. congressional seats according to changes in the census figures.
- census**—an official population count.

The Senate

The Constitution stated that members of the Senate would be chosen in a totally different way from those of the House. The states were to be equal represented with two senators each. Why? One very important reason is sovereignty, or the fierce sense that each state stands on its own. Within the federalist system, each state should be recognized as an equal to all other states regardless of population or geographic size. As states were added to the Union, the Senate grew until today 100 senators represent the 50 state

Another major difference the Constitution made between senators and representatives was the way they were to be selected. While representatives were to be elected directly by the people, the senators were to be selected through their state legislatures. In 1913, the 17th Amendment changed the selection of senators, so that today all voters of a state elect their senators **at-large**. But for the first 133 years under the Constitution, senators were not directly elected by the people.

Qualifications and Terms

The Constitution also sets different qualifications and terms for the House and the Senate.

CONSTITUTIONAL PROVISIONS FOR LEGISLATORS

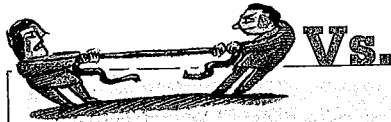
	HOUSE OF REPRESENTATIVES	SENATE
Age	25	30
Years of Citizenship	7	9
Length of Term	2 Years	6 Years
Number of Terms	No Limit	No Limit

Even though the Constitution did not say so, it is clear that the Founders intended the House of Representatives to be the lower house and the Senate the upper house. The House was directly elected, and the Senate was not. The terms of senators are three times longer than those of the representatives. Senators must be older and must be citizens longer before they can be elected. Representatives are intended to be closer to the people.

definitions

- at-large**—an election process in which the voters of a city, state, or country as a whole elect the government representatives.

As a result, the representatives were a less predictable but vital component of that new type of government—a democracy. The senators, although not lords, were thought of as elite. Their selection by the state legislatures meant they were not as vulnerable to being swept out of office by the masses. Besides making both the big and small states happy, the bicameral legislature provided the Framers with a balance between the experiment of a people's government and the stability of government with an elite group of experienced politicians.



Vs.

CHARACTERISTICS OF THE TWO HOUSES

When the first Congress was formed, the two houses had only the blueprint provided by the Constitution. Over the years, they have developed contrasting characteristics and procedures.

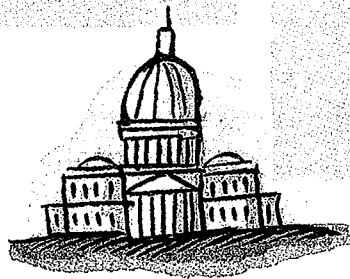


HOUSE OF REPRESENTATIVES

- membership: 435
- more formal and rigid rules
- more hierarchically organized
- acts more quickly
- power concentrated
- smaller constituencies
- less prestige
- limited debate
- one major committee assignment

SENATE

- membership: 100
- less formal and rigid rules
- less hierarchically organized
- acts more slowly
- power less concentrated
- larger constituencies
- more prestige
- unlimited debate
- two or more major committee assignments



POWERS OF CONGRESS

The Constitution gives Congress many specific powers. But its power are limited, given the separation of powers and the checks and balances that are built into the government. The powers of Congress may be grouped into three major categories: delegated (or expressed) powers, implied powers, and nonlegislative powers.

I Delegated Powers

Most of the lawmaking powers the Constitution grants to Congress are that any sovereign nation would need. Article I, Section 8 lists the major of them.

A. BORROWING POWER

Sometimes the government needs to borrow money in order to make en meet—for example, to finance a war or pay for a new government progr The Constitution allows the government to borrow against its credit, the good faith of its people.

B. POWER TO TAX

The Constitution grants Congress financial powers to raise the money needed to pay for the government. Article I of the Constitution protects citizens from oppressive taxes. It specifies that the government must use tl money it collects from “taxes, duties, imposts, and excises” to pay debt and provide for the well-being of its citizens.

C. COMMERCE POWER

The Commerce Clause allows Congress to regulate and promote trade. It keeps states from dealing individually with foreign countries and gives Congress many more powers than the states over trade within the country. Rivers, railroads, airspace, and most roads do not stop at state borders, so the national government needs a controlling influence over commerce.

duty—a governmental tax, especially on imports.

impost—a tax or duty.

excise—a tax on the production, sale, or consumption of products within the United States, such as tobacco, gas, or liquor.



D. CURRENCY POWER

Under the Articles of Confederation, the Second Continental Congress issued paper money, but since the national government had no money and no authority to raise money, the currency was almost worthless. To add to the problem, each of the states issued its own currency, so that a variety of different bills were used. The Constitution gave the right to coin money exclusively to Congress as a way to stabilize its value. It also allowed Congress to punish those who counterfeit the legal currency.

E. BANKRUPTCIES

Congress has the power to establish uniform bankruptcy laws. When a person is unable to pay his or her debts, declaring bankruptcy allows the individual's assets to be divided among the creditors.

F. WAR POWERS

The Constitution gives Congress a wide range of war powers, including the ability to declare war and "provide for the common defense and general welfare of the United States." Some of Congress's war powers are shared with the President, named as the commander in chief of the nation's armed forces. Clearly, the Founders were concerned that the new country be able to defend itself.

G. OTHER DELEGATED POWERS

The Constitution also gives Congress control over the naturalization process, the post office, the issuing of **copyrights** and **patents**, the establishment of standard weights and measures, the creation of federal courts below the Supreme Court, and the power to acquire territories and manage federal areas.

2. Implied Powers

The implied powers are those not stated specifically in the Constitution but considered as reasonable offshoots of delegated powers. The Elastic Clause (also known as the Necessary and Proper Clause) gives Congress authority to pass laws it deems "necessary and proper" to carry out its specified functions. Since the Supreme Court's decision in *McCulloch v. Maryland* (1819), Congress has exercised a wide range of implied powers. The Elastic Clause has been stretched a great deal through the years.

copyright—the legal right to publish, sell, perform, or distribute a literary or artistic work.

patent—the government's grant to inventors assuring them the rights to make, use, or sell their inventions for a specific period of time.

For example, Congress today often investigates suspected wrongdoing in the executive branch when it considers it "necessary and proper" to do so. When members of Congress accused President Clinton or Vice President Gore of illegal fund-raising during the 1996 campaign, congressional committees were formed to investigate the accusations. The implied powers are not unlimited, however; they must be based on one or more of the delegated powers.

3. Nonlegislative Powers

In addition to its lawmaking powers, Congress has nonlegislative duties and responsibilities. Some of them are outlined in the Constitution. They include such things as the power to propose constitutional amendments, to admit new states to the Union. Also included are the power to ratify key presidential appointments and treaties and the House's selection of the President if no candidate receives a majority of the electoral vote. Other duties, such as Congress's role as a watchdog over governmental activities, have developed through tradition. Two other important nonlegislative responsibilities are the power of impeachment and the powers of investigation and oversight.

A. IMPEACHMENT

The Constitution grants Congress the power to remove federal officials, such as the President, Vice President, and court justices—from office for "treason, bribery, or other high crimes and misdemeanors." The House may impeach an officer from his or her position by a simple majority vote, but the Senate must try the **impeachment** and vote on conviction before the officer actually is removed. In the case of the impeachment of the Chief Justice presides, and two-thirds of the Senate members must vote for removal. If found guilty, the former official is disqualified from ever holding a federal government job again and may be tried in court and punished like any other citizen. In the course of American history, seven federal judges have been removed from office by the Senate after being impeached by the House. Two Presidents have been impeached and one President resigned as impeachment proceedings were being conducted against him.

definitions

impeachment—the formal procedure by which a President or any federal official is charged with misconduct in office.



e.g.

PRESIDENTS AND IMPEACHMENT

THE IMPEACHMENT AND TRIAL OF ANDREW JOHNSON

Andrew Johnson, an "accidental president" who gained the presidency after the assassination of Abraham Lincoln, was impeached in 1868. The leaders of the radical Republicans who controlled Congress strongly disliked Johnson and set a trap to remove him from the presidency. Congress passed a law over his veto, the Tenure of Office Act, which severely limited the power of the President. This act required a President to get permission from the Senate before removing any of his appointees. Congressional leaders knew that Johnson did not get along with some of his cabinet members, and they also knew that Johnson would consider the act unconstitutional (which it probably was). When Johnson dismissed his secretary of war, they used it as an excuse to impeach him. The vote in the Senate trial failed to support the House decision, however, and Johnson kept the presidency—by a margin of one vote.

THE IMPEACHMENT AND TRIAL OF BILL CLINTON

A second President, Bill Clinton, was impeached by the House of Representatives 130 years later. The impeachment came after several years of investigations by Independent Counsel Kenneth Starr of various aspects of Clinton's behavior, such as real estate dealings and personal conduct. In the fall of 1998, the *Starr Report* presented evidence to Congress suggesting that Clinton had attempted to cover up sexual encounters with a White House aide, Monica Lewinsky. After hearings conducted by the House Judiciary Committee, the House voted in December 1998 to impeach Clinton for perjury and obstruction of justice. The trial in the Senate began in January 1999 and lasted about a month. The Senate did not support the House decision, with many Senators agreeing that the behavior didn't represent "impeachable offenses."

THE RESIGNATION OF RICHARD NIXON

In 1974, Richard Nixon resigned rather than risk impeachment and possible removal from office. His resignation came more than two years after five men were arrested for breaking into the Democratic party's headquarters in the Watergate office-apartment complex in Washington. The investigation of these arrests revealed some questionable campaign tactics linked to the Republican Party, including "laundering" of funds through Mexican banks, electronic surveillance of competitors, shredding of government documents, and a cover-up of the break-in. Nixon claimed no knowledge of any of it, but in a televised congressional hearing a number of his associates were implicated. The hearing uncovered the existence of White House tape recordings that revealed Nixon knew about the cover-up shortly after the break-in. At that point, the House began to organize impeachment proceedings, and Nixon resigned.

B. OVERSIGHT AND INVESTIGATION

A second significant power of Congress is its **oversight function**, a power that often involves investigating the executive branch and its administrative policy. Through committee hearings, Congress has raised public awareness issues such as the environment, crime, health care, consumer safety, and foreign trade. Ever since Congress first exercised its investigative power in 1792, it reviewed an army defeat of a Native American tribe, congressional investigations of the executive branch have occurred regularly. Congress may **subpoena** a person to an investigation. However, the Supreme Court has ruled that investigations should not be held only to expose personal affairs of private individuals and must not deprive citizens of their basic rights.

Another important oversight function deals with budgetary powers. When a law is passed setting up a government program, no money may be spent until Congress passes an **authorization** bill, stating the maximum amount of money available. Clearly, when the country's budget is set, there is only so much money to go around. Congress has to appropriate, or divide, the money among the programs and the agencies that run them. The money that has been authorized cannot be spent until an **appropriation** is made. Congress almost never appropriates as much as it has authorized. However, Congress can approve deficit spending, or the practice of spending more money than is brought in.



definitions

oversight function—the power of Congress to review the policies and programs of the executive branch.

authorization—a legislature's approval to implement or continue a governmental program or agency.

appropriation—a grant of money by Congress to be used for specific purposes.

subpoena—a legal order requiring a person to appear in court or turn over specified documents.

Organization and Membership of Congress

The two houses of Congress meet for terms of two years that begin on January 3rd of odd-numbered years. Each term is numbered. For example the 106th Congress begins in 1999 and ends in 2001. Each term is divided into two one-year sessions that include holidays and vacations. The President may also call special **sessions** of Congress in case of national emergencies. The Constitution gives each house the authority to determine the rules that its members must follow. The rules (there are far more in the House than the Senate) range from basic parliamentary procedure to restrictions on smoking, use of cell phones, and even the presence of flowers.

ORGANIZATION

Over the years, Congress has developed four important types of structures to organize its work: the party leadership, the committee system, caucuses, and the support agencies.

1 The Party Leadership

Even though most people think political parties are not as important as they used to be, the party is still very important to the organization of Congress. After each legislative election one party has the majority, and one is designated as the minority. Each house selects its own leaders by majority vote. Even though the whole house votes for its leaders—with the majority winning—the real selection is made by the majority party ahead of time and behind the scenes.

A. LEADERSHIP IN THE HOUSE OF REPRESENTATIVES

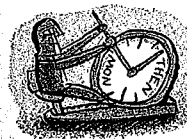
Because the membership in the House is so much larger than that in the Senate, power in the House tends to be centralized in the hands of its leaders—the **Speaker of the House**, the two **floor leaders**, and two assistant leaders.

definitions

Speaker of the House—the presiding officer of the House of Representatives, selected from the membership. The Speaker is always a leader of the majority party.

floor leader—a spokesperson for a party in Congress; one who directs party decisions and strategy.

session—the meeting of a legislative or judicial body for a specific period of time for the purpose of transacting business.



Then and Now

THE IMPORTANCE OF PERSONALITY

Even though the Speaker of the House has many powers, his influence depends on his personality and informal influence. Consider these Speakers from history

HENRY CLAY entered the House in 1811 and almost immediately (at the age of 35) was elected Speaker. He was a brilliant and powerful orator, so admired by the members that he and his "War Hawks" seized control of the chamber. Then the assured President James Madison to declare war on Britain (the War of 1812). Clay considered to have been the most powerful man in the nation from 1811 to 1820.

"CZAR" THOMAS REED, Speaker from 1889-1891 and from 1895-1899, exploited and manipulated the job to its full power. In 1890 he said, "The only way to do business inside the rules is to suspend the rules."

SAM RAYBURN, Speaker for 17 years between 1940 and 1961, invited a favored friend to join him after House sessions at the "Board of Education," a hidden office under the formal office. They socialized and plotted strategy for House business, and an informant meant that "Mister Sam" thought you were special. In 1945 Harry Truman was attending a "Board meeting" when he received a call telling him to come quickly to the House, where he learned he was to become President after Roosevelt's sudden death.

NEWT GINGRICH gained the speakership in 1994 when Republicans and their "Contract with America" (a plan advocating a balanced budget, welfare reform, a tax cut) swept so many Democrats out of office that Republicans gained majority status in the House for the first time in more than 40 years. He used his majority to centralize more power in the Speaker's position, but he offended so many members of his party that he nearly lost his job in 1996. Finally, after a disappointing Republican showing in the 1998 midterm elections, Gingrich resigned his position because of lack of support from voters and colleagues.

The Speaker of the House is always a member of the majority party and is often the single most important member of Congress. The Speaker's influence depends partly on qualities of personality and the respect of colleagues but also on several important powers. Usually a loyal party member with high in seniority, the Speaker rules on questions of parliamentary procedure, influences committee assignments, channels bills to committee, appoints party's other leaders, and presides over many House debates. If the Speaker or presiding officer doesn't call on a member, he or she can't say anything.

After the Speaker, the majority and minority leaders are the most important officers in the House. The **majority leader** is the Speaker's top assistant and helps plan the party's legislative program, making sure that the committees get important bills to the House floor and steering them through debate once they are on the floor. The **minority leader** heads and organizes the opposition to the majority party. Both leaders are assisted by party **whips**. They inform members when important bills will come up for a vote, count numbers of expected votes for the leadership, and pressure members to support the leadership in critical votes. Few, if any, votes are ever called for without the leadership knowing what the outcome will be.

B. LEADERSHIP IN THE SENATE

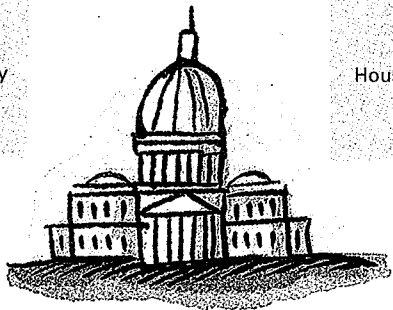
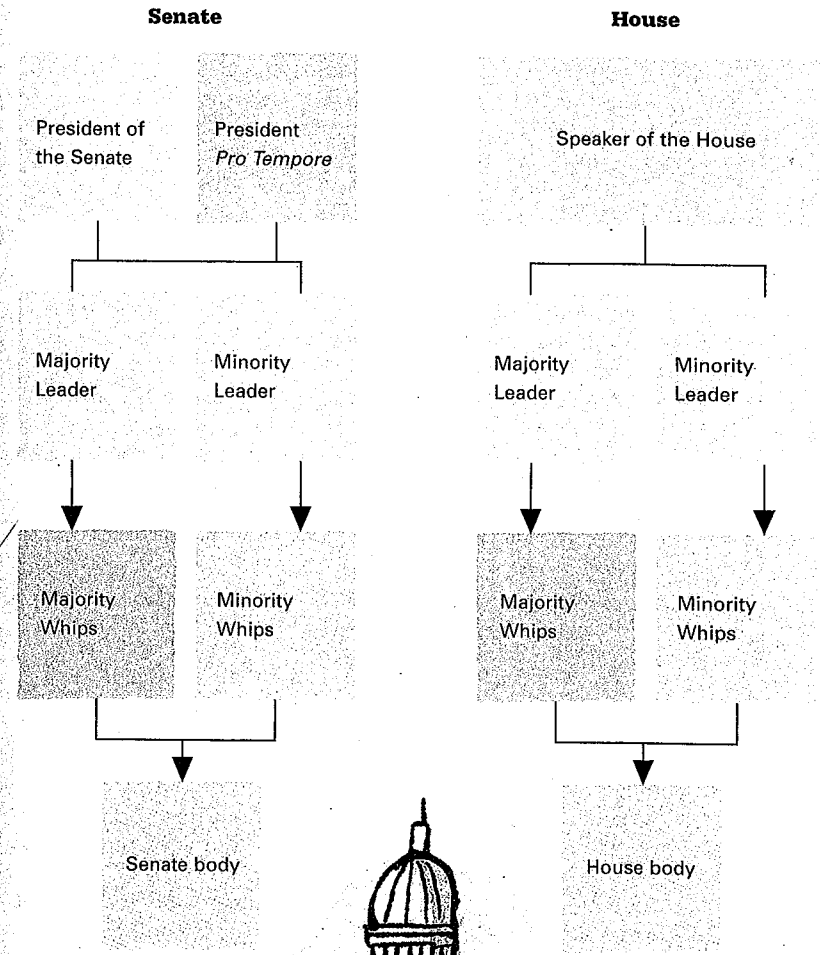
Senate leadership is similar to that of the House. According to the Constitution, the president of the Senate is the Vice President of the United States. Partly because he is from another branch of government, the Vice President has little authority. One formal duty is to vote in case of a tie. Because the Vice President does not regularly attend Senate sessions, a **president pro tempore**, a leading—often senior—member of the majority party, is selected to preside. Unlike that of Speaker of the House, however, the role of the president *pro tempore* is largely ceremonial and lacks real power. The responsibility of presiding is purely an honor, and the president *pro tempore* usually gives it to a new member of the party in power.

The floor leaders hold the real leadership power in the Senate, although their power is much less centralized than it is in the House of Representatives. The majority leader is often the most influential person in the Senate and frequently represents, or speaks for, the Senate to outsiders. He has the privilege of speaking first on the floor, and he usually has a powerful say in making committee assignments. The majority leader usually consults with the minority leader in setting the agenda. In fact, the minority leader's power often depends on how well he gets along with the majority leader. The Senate also has party whips with responsibilities similar to those in the House, but the Senate whips have a particular challenge, because the senators are less tied to party and more independent in the way they vote.

definitions

- majority leader**—the legislative leader of the party holding the majority of seats in the House or Senate. In the House, the majority leader is second to the Speaker of the House.
- minority leader**—the legislative leader and spokesperson for the party holding the minority of seats in the House or Senate.
- whip**—a senator or representative who works with party leaders to communicate views, solicit support before votes are taken, and keep track of how voting is likely to go.
- president pro tempore**—the member of the U.S. Senate chosen as leader in the absence of the Vice President.

LEADERSHIP IN CONGRESS





Quotes

"Congress in session is Congress on display. Congress in committee is Congress at work."

Woodrow Wilson, President of the United States (1913–1921)

"More is required of public officials than slogans and handshakes and press releases. More is required. We must hold ourselves strictly accountable. We must provide the people with a vision of the future. . . ."

Representative Barbara Jordan (D-TX), 1976

"Very early in my Congressional career, a senior member took me aside and said that as a representative, I could choose one of two alternatives. I could spend most of my time in my office, attending to the problems of constituents and providing service to the district, or I could spend my time on the floor of the House listening to the debate, mastering parliamentary procedures and getting to know the other members personally. I could not do both."

Gerald R. Ford, President of the United States (1974–1977)

"For limited periods, presidents can act on their own. . . . But eventually a president must come to Congress to fund his programs, approve his treaties, finance his wars, or sanction his secret diplomacy. . . ."

Hedrick Smith, The Power Game: How Washington Really Works, 1988

2. The Committee System

Congress organizes its legislative work through a system of committees. More than 11,000 bills are presented by members to Congress during one two-year session, and it would be impossible to consider each of them on the floor of either house. Committees were created to divide the work of Congress, giving bills to groups of members who specialize in a field, such as national security or labor. Dozens of committees work simultaneously on different bills, and each committee divides the work further by sending bills to subcommittees. That's how they get the work done.

A. TYPES OF COMMITTEES

There are four types of powerful legislative committees.

- ★ **STANDING COMMITTEES** are the most important type because they stand from one Congress to the next. Standing committees can be combined or discontinued, but most of them have been around for a long time. The committees handle bills in different policy areas and shape legislation at a very

critical point. For example, after a bill about tax reform is introduced in the Senate, it would be referred to the Finance Committee. Each **standing committee** has several (some have more than others) subcommittees. The Senate currently has 17 standing committees. Even though the House has far more members, it currently has only 19 standing committees. The House allows representatives to serve on only one standing committee, while senators may serve on two or more. Many of the committees in the House have similar names to those in the Senate, but they function almost completely separately. It is just another way to check and balance and get a better bill as a result.

- ★ **SELECT COMMITTEES** are more temporary, set up to study specific issues. **Select committees** are appointed separately for each house. The Speaker of the House appoints the members to House committees, and the president of the Senate appoints those in the Senate. Of the four types of legislative committees, select committees usually have the least direct input into legislation, although their investigations may lead to the consideration of specific bills. Some longstanding select committees, such as the Select Committee on Indian Affairs and the Select Committee on Aging, produce legislation just as a standing committee does. Select committees look into all sorts of issues, such as hunger, minority group status or conditions, crime, narcotics abuse and control, and suspected wrongdoing by government officials.
- ★ **JOINT COMMITTEES** are similar to select committees, except that they are made up of members from both the House and the Senate. They meet together about a specific issue and report back their findings to each house. They often handle routine matters, such as printing government publications and supervising the Library of Congress. **Joint committees** tend to be more permanent than select committees.
- ★ **CONFERENCE COMMITTEES** are created when the House and the Senate have passed different versions of the same bill. They are similar to joint committees in that they have members from both the House of Representatives and the Senate. A **conference committee** is very temporary and lasts only as long as it takes to hammer out a compromise bill that can be sent back to each house before it goes on to the President.

definitions

standing committee—a permanent committee that evaluates bills and either kills them or passes them along for further debate.

select committee—a temporary congressional committee appointed for a limited purpose.

joint committee—a legislative committee made up of members of both houses of Congress.

conference committee—a temporary House-Senate committee whose goal is to find an acceptable compromise on conflicting versions of a bill.



STANDING COMMITTEES OF CONGRESS

After a bill is introduced in either house, it's referred to the appropriate standing committee.

HOUSE COMMITTEES

- Agriculture
- Appropriations
- Armed Services
- Banking and Financial Service
- Budget
- Commerce
- Education and the Workforce
- Government Reform
- House Administration
- International Relations
- Judiciary
- Resources
- Rules
- Science
- Small Business
- Standards of Official Conduct
- Transportation and Infrastructure
- Veterans Affairs
- Ways and Means



SENATE COMMITTEES

- Agriculture, Nutrition, and Forestry
- Appropriations
- Armed Services
- Banking, Housing, and Urban Affairs
- Budget
- Commerce, Science, and Transportation
- Energy and Natural Resources
- Environment and Public Works
- Finance
- Foreign Relations
- Governmental Affairs
- Health, Education, Labor, and Pensions
- Indian Affairs
- Judiciary
- Rules and Administration
- Small Business
- Veterans Affairs

B. COMMITTEE ASSIGNMENTS

The ratio of party members on each committee mirrors the ratio of Democrat to Republicans in each house. Assignment to legislative committees is one of the most important decisions to a new member of Congress. Usually, the best committee is one that will allow the member to serve his or her district or state the most easily. However, a member from a "safe" (one likely to grant re-election) district who wants to make it big nationally may want to be named to a committee that receives much media attention, such as Foreign Relations or Judiciary, or one that holds lots of financial power. For the Republicans, the Committee on Committees (led by party leaders) makes committee assignments in the Senate and, along with the Policy Committee, makes assignments in the House. For the Democrats, the Democratic Steering Committee makes appointments in the Senate, and, in the House, the Democratic Steering and Policy Committee is responsible for committee assignments. The parties consider a member's wishes in making the appointments, but they also assess the appointee's region of the country, personality, and party connections.



e.g.

CONGRESS AND THE MOVIES

Consider how members of Congress, congressional staff, and congressional candidates have been portrayed in films.

MR. SMITH GOES TO WASHINGTON (1939)—Frank Capra classic starring James Stewart as a naive senator who fights against political corruption.

THE FARMER'S DAUGHTER (1947)—Romantic comedy about a Swedish woman and her clash with the man she loves over a congressional election.

THE CANDIDATE (1972)—Story of a political hopeful, played by Robert Redford, facing the challenges of a California Senate race against a powerful incumbent.

THE SEDUCTION OF JOE TYNAN (1979)—Story of Senator Joe Tynan, played by Alan Alda, and the behind-the-scenes deal-making and romance in his life in Washington.

BOB ROBERTS (1992)—Satiric fake documentary about a millionaire's campaign for a seat in the Senate.

BULWORTH (1998)—Dark comedy about Jay Bulworth, a desperate and cynical Senator, played by Warren Beatty, who discovers the joy of speaking the truth after hiring a hit man to kill him.



3 **Caucuses**

Congress organizes formally through party leadership and the committee system, but a growing trend is for members to join informal groups called caucuses. Like the caucuses that select party candidates for public office, the congressional caucuses' purpose is to discuss an issue or advocate a political ideology. Their members, however, are all representatives and senators, and their goal is to plan legislative strategies, not select candidates. Today there are more than 70 of these caucuses. Many include both representatives and senators. Many members of Congress belong to more than one caucus. With the growing numbers of minority and female representatives, each has its own caucus: the Congressional Black Caucus, caucuses for women, and caucuses for Hispanics. Others form around special interests, such as the Steel Caucus and even a Mushroom Caucus.

4 **The Support Agencies**

In addition to their own internal organization and formal committees, support agencies serve members of the House and the Senate. Support agencies also provide services for other branches of government and sometimes for the public. Four of the most important support agencies are described below.

- ★ **THE LIBRARY OF CONGRESS** was created in 1800 so that members of Congress would have books available for reference as they deliberated the business of legislation. From that small start, it now contains almost 97 million items, and it also administers copyright law for most published works in the United States. The Library still addresses its original purpose, through the Congressional Research Service that conducts research for legislators and congressional staff.
- ★ **THE CONGRESSIONAL BUDGET OFFICE (CBO)** was established in 1974 to help Congress study and analyze the federal budget. The CBO studies the budget proposals from the President, and employees come up with their own statistics, predictions, and arguments—another instance of checks and balances.
- ★ **THE GENERAL ACCOUNTING OFFICE (GAO)**, created in 1921, provides another way for Congress to look over the shoulder of agencies in the executive branch. The staff of the GAO audits government programs to be sure the money appropriated by the committees is spent according to congressional guidelines. The GAO staff members also provide legal opinions on bills under consideration, testify before committees, do wide-ranging research, and develop questions for committee hearings.
- ★ **THE GOVERNMENT PRINTING OFFICE (GPO)** was created to print for members of Congress a daily record of bills introduced in both houses and the speeches supporting and disagreeing with them. For years that record has been known as the *Congressional Record*. The GPO now prints almost all the publications produced by all three branches of the federal government.

MEMBERS OF CONGRESS

Recall that the Constitution requires senators to meet stricter age and citizenship requirements and to hold longer terms than representatives. The Founders were concerned that the House elected by the people be balanced by the Senate, which provided stability. But today both houses are popularly elected, and our country has changed a great deal since 1787. What similar characteristics do members of Congress share, and in what ways are the members of the two houses different?

Personal and Political Characteristics

Although the 535 members of Congress represent the people of the United States, they do not reflect a true cross section of the American population. Senators and representatives tend to be older, wealthier, and better educated than those they represent. Nearly all members of the 106th Congress are married with children, while a few are divorced. Several claim no religious affiliation, but about 60 percent are Protestants, 25 percent are Roman Catholics, and about 8 percent are Jewish. Nearly half of them are lawyers. A large number come from business, banking, and education. Some are farmers,

RECENT HOUSES

HOUSE OF REPRESENTATIVES (435 MEMBERS)	105TH CONGRESS	106TH CONGRESS
Average age	53.4	52.6
Under 40	28	32
Advanced degrees	282	277
Military service	140	136
Held prior elected office	301	311
Women	54	58
African Americans	39	39
Hispanics	21	19
Asian/Pacific Islanders	5	4
Native Americans	0	0

Source: *Congressional Quarterly*

journalists, former teachers, or public servants. Some congressional members are millionaires. Nearly all went to college, and a number of them have advanced degrees as well.

The typical profile of congressional members has been changing in recent years. (See Almanac page 530.) Particularly in the House, an increasing number of women and minorities are being elected. Among the 40 House newcomers in 1999—23 Democrats and 17 Republicans—were a man born in Taiwan, a lesbian lawyer, and a 62-year-old grandmother.

Privileges, Benefits, and Penalties

As authorized by the Constitution, Congress sets its own salaries and benefits. Congressional salaries have increased substantially since 1789, when members received \$6 per day. In 1999, President Clinton approved legislation to raise congressional salaries, which had been set for senators and representatives at \$133,600 a year (except for the Speaker of the House, who makes \$171,500 a year). Members also receive a wide array of fringe benefits—**perquisites**, or “perks.” For example, each member of Congress has an office, large expense accounts for staff and supplies, generous travel allowances and pension plans, and low-cost health coverage. One benefit, the **franking** privilege, gives representatives and senators free postal service. Another important perk is that of privileged speech, the right to speak freely about political questions without fear of being sued or prosecuted for libel or slander.

Congress has a number of ways of dealing with the misconduct of its members, including **censure** or expulsion. Each house, for example, has an Ethics Committee to investigate accusations against its members. Between 1981 and 1990, 40 members were charged with misconduct, such as misuse of funds, failing to disclose personal income, and accepting illegal gifts. Despite the adoption in 1989 of a new code of ethics, members of Congress and their scandals still generate media attention and contribute to a cynical view of an American Congress unduly concerned with money and power.

In one well-publicized case in 1993, Representative Daniel Rostenkowski, the chairman of the powerful Ways and Means Committee, was forced to resign and went to prison after abusing the franking privilege, accepting gifts from lobbyists, and misusing campaign funds.

perquisite—a benefit received in addition to a regular salary or wage; a “perk.”

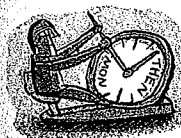
franking—free postal service for letters sent by members of Congress to their constituents.

censure—an official expression of blame or disapproval.

Congressional Staff

Members of Congress are also entitled to hire staff members to assist them in their legislative duties. Even though the 535 members hold the lawmaking powers, the thousands of workers who help the members do their jobs should not be overlooked. Some work in the members’ home state or district, and others in Washington, D.C. Staff members often communicate with constituents, plan campaign strategies, do research for committees, attend committee meetings, and draft new bills for committee members. Their extensive responsibilities make them a largely unknown power in Congress that helps to shape the legislation process.

The numbers of congressional staff have increased dramatically from about 2,000 in 1947 to almost 12,000 today, and committee staff members have increased from nearly 400 to around 3,000. This growth is caused partly by the increasing numbers and growing complexity of proposed bills and partly by the increasing number of constituents.



Then and Now

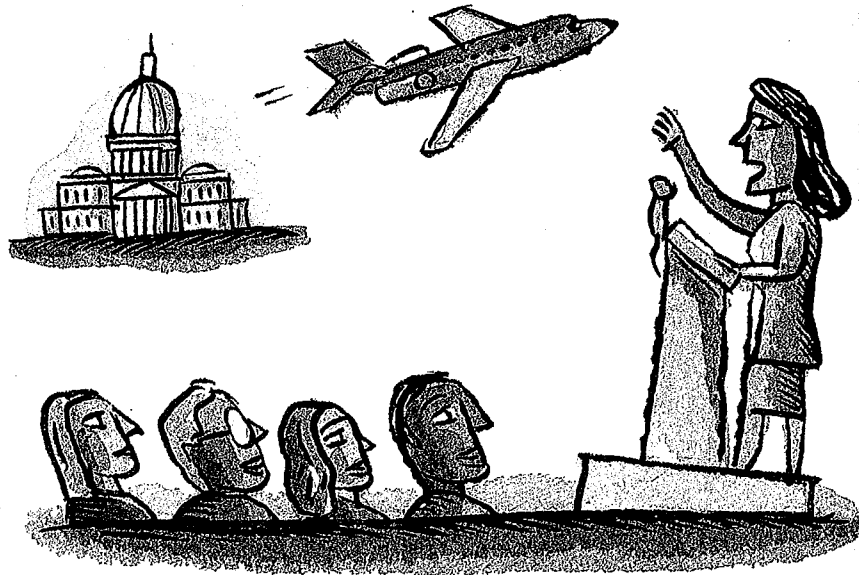
A POWERFUL STAFF MEMBER

In the early 1930s, a young man arrived in Washington to become the staff secretary for Richard Kleberg, a nondescript representative from Texas. The young man knew almost no one, had no money, and stayed in a rickety boardinghouse for the few hours when he wasn’t working. Representative Kleberg was a Democrat from a safe district where no one had voted for a Republican in years. He did not have to work too hard, so he was almost never in Washington, nor did he pay much attention to the needs of the folks back home. His new staff secretary did all his work for him. The secretary called other representatives to discuss legislation, got to know the party, and answered constituents’ mail. Before long no one asked for Richard Kleberg when they called his office. Instead they asked for his staff secretary. The young man was Lyndon Johnson. He used his position as a staff secretary to become a representative himself, and later a senator, a powerful Senate majority leader, Vice President, and eventually President of the United States.

How a Bill Becomes a Law

One way to understand what representatives and senators really do is to look at the way they spend their days. While it is important for them to be in Washington when Congress is in session, it is also essential to keep in touch with the folks back home. Members travel back and forth between Washington and their districts or states numerous times during a year. When in Washington, members of Congress must split their time in many ways—meeting with staff, making telephone calls, answering mail, and preparing legislation and speeches. They must also be in the House or Senate chambers for debate and voting. Committee meetings and hearings also consume a good bit of time.

Of course, their major responsibility is to consider bills proposed for legislation. Fewer than 10 percent become law, but Congress manages to pass several hundred during each two-year period, each having gone through a complex process. A bill must pass through both houses before it can be sent for the President's signature. Usually, but not always, similar versions of the same bills (companion bills) pass through the House and Senate at the same time, although they do not have to. Some bills go through the process relatively quickly, but many take a full year or even more. Others fail to meet the end-of-the-year deadline and are either dropped completely or reintroduced in the next session to go through the entire process again.



A BILL'S PASSAGE THROUGH THE HOUSE AND SENATE

A bill may begin in either house, except that bills of revenue must begin in the House of Representatives.



HOUSE OF REPRESENTATIVES

A bill is introduced and assigned to a committee.

The bill is usually assigned to a subcommittee. Then it goes back to the full committee for approval.

The bill usually goes to the Rules Committee where rules are set for the debate of the bill on the floor.

The bill goes to the Committee of the Whole for further discussion and revision.

The bill goes to the House floor for highly restricted debate. Amendments may be offered. The entire membership votes on the bill.

SENATE

A bill is introduced and assigned to a committee.

The bill is usually assigned to a subcommittee. Then it goes back to the full committee for approval.

(No Rules Committee)

(No Committee of the Whole)

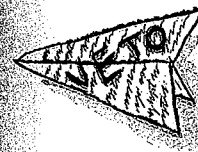
The bill goes to the Senate floor for an almost unrestricted debate. Amendments often are offered. The entire membership votes on the bill.

The bill may go to conference committee where members from both houses work out differences in House and Senate versions.

The bill goes back to the House for vote on the compromise bill.

The bill goes back to the Senate for vote on the compromise bill.

The bill goes to the President for his signature. If he vetoes it, it may be overridden by two-thirds vote of the membership of each house.



1. INTRODUCING A BILL

Although **bills** can be introduced on the House or Senate floor only by members of Congress, ideas for bills usually come from other people—private citizens, the President, other officials in the executive branch, or interest groups. There are two types of bills: public bills and private bills. Public bills apply to the entire nation, while private bills (about one-third of all bills proposed) apply only to certain persons or places. For example, a new tax law would be a public law; the awarding of a Congressional Medal of Honor to a war veteran would be a private law. Congress also considers resolutions. They differ from bills in that they deal with matters that affect only one house or the other, and they do not relate directly to the public will. Resolutions may change rules or procedures, or they may wish a member a happy birthday or a prosperous retirement. They do not go to the President for approval.

Concurrent resolutions affect both houses and are voted on by both memberships. They are used when Congress wants to make a statement without passing a law. For example, Congress may issue a concurrent resolution when it wants to make a policy statement on foreign affairs to other countries. The most serious of all are the **joint resolutions**, which require approval by the President. They have the force of law. They differ from bills in that they often address temporary matters or situations that need immediate attention.

When a bill or resolution is introduced in the House, a representative drops the bill into the hopper—a box near the clerk's desk. To introduce a bill in the Senate, the sponsor is recognized on the floor and then simply announces it or hands it to a clerk in the front of the Senate. In both houses the bill is assigned a title and a number—for example, H.R. 345 (the 345th bill presented in that term to the House of Representatives) or S. 237 (the 237th bill presented to the Senate). From there it is sent to a legislative committee.

2. BILLS IN COMMITTEE

New bills are sent to the legislative committee that deals with the same subject matter. The committee chair then may send it to subcommittee. Most bills (about 90 percent) die in committee or subcommittee. Ninety percent of those that die are **pigeonholed**, or simply forgotten and never discussed.

definitions

bill—a proposed law presented to a legislative body.

concurrent resolution—a statement of congressional opinion, without the force of law, that requires the approval of both the Senate and the House, but not the President.

joint resolution—a formal expression of opinion by both houses of Congress that has the force of law.

pigeonhole—to put aside or ignore a proposed piece of legislation.

The term comes from the old rolltop desks with little compartments called “pigeonholes” where papers were stuck and left forever.

On rare occasions and only in the House of Representatives, a bill may be forced from committee by a **discharge petition** that must be signed by a majority of the membership. In such a situation, members may force a bill to the floor after it has been in the committee for at least 30 days. This step keeps a committee chair from totally squelching a bill he or she does not like. But the discharge petition is almost never used because committees are considered to be experts in their fields, and other members generally do not question them.

Hearings

If a committee or subcommittee decides to act on a bill, the chair will set up hearings, in which people interested in the bill present their points of view to the committee members. Presenters may be experts, government officials, or interest group leaders. Hearings vary in length according to the bill's complexity, its controversial nature, or its seriousness.

After the hearings, committee members meet to “mark up” the bill, or go through it section by section, making changes as they go. Then the committee votes favorably to the full membership or reports to kill the bill. If the bill survives, it will be accompanied by a written report to all members, describing the bill and explaining why the committee thinks it should become law. Staff members usually write these reports, which are very important because many senators and representatives rely almost exclusively on them to determine their vote. A bill favorably reported out in the Senate is scheduled on one of the several calendars. However, in the House, a bill must go to the powerful House Rules Committee.

The House Rules Committee

Created originally to set the rules for debate when a bill came to the floor, the Rules Committee plays a crucial role in the legislative process. Not only does the committee limit floor debate, but it first must issue a “rule” before a bill can even reach the floor for consideration. Without grant of a rule, a bill is effectively dead. When the Rules Committee does grant a rule, time limits on debate and the process of offering amendments are also set forth. When time limits are very short and no amendments are allowed from the floor, the Rules Committee is said to have issued a “gag rule.” If no rules were set in a body as large as the House of Representatives, debates could go on forever, and floor action could be chaotic.

discharge petition—a process designed to force a bill out of committee to the floor of the House of Representatives.

3. FLOOR ACTION AND DEBATE

A very odd thing often happens when the House of Representatives and the Senate debate bills on the floor. No one comes to the chamber. You can sit in the galleries and see people speaking formally in front of empty chairs. If others are present, they may be reading, talking to each other, or even sleeping. Certainly if the bill is particularly controversial or important, the numbers present increase, but senators and representatives frequently believe they can often use their time in better ways than listening to debate. Also, members and their staff follow the debates on television from their offices.



Quote

"So little is done on the Senate floor that a senator could run naked through the chamber and no one would notice."

Senator Ernest Hollings (D-SC)

The Constitution requires that for either house to do official business, a **quorum**, or majority of its members, must be present. But it is often difficult to get a quorum, especially in the House. To meet the requirement, the House calls a Committee of the Whole, in which the House becomes one large committee of itself. Only 100 representatives need be present to begin the work of the Committee of the Whole. Debate, proposal of amendments, and voting on each section of a bill proceed until the entire bill has been considered. At that point, with its work done, the Committee of the Whole dissolves itself, and the House goes into regular session to approve or reject the Committee of the Whole action.

A. Debate

Floor debate, a crucial part of the lawmaking process, occurs under strict rules in the House. No representative may speak for more than one hour without unanimous consent. The Speaker has the power to force a member to give up the floor at any time. Any member may "move the previous question," which means that, if a majority approves, a vote must be taken within 40 minutes of the motion. If amendments are allowed on a bill, opponents sometimes propose amendments to stall or kill it. One tactic is to attach so many objectionable

definitions

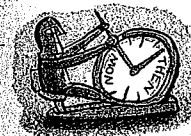
quorum—the minimum number of members of a group who must be present for the valid transaction of business.

amendments to a bill that other members decide not to support it. An amendment cannot be added unless a majority of the members present approves it.

Debates on the Senate floor are very different from those in the House. Because the Senate does not have a Committee of the Whole to work through bills before they go to the floor, a bill comes straight from committee to the full Senate for consideration. The majority and minority leaders are responsible for guiding the debate with few set rules. Senators may usually speak on any subject they wish, and they can have unlimited time, provided they are properly recognized and have the floor.

THE FILIBUSTER

A tactic called a **filibuster** allows a senator or small group of senators to talk a bill to death, extending debate to block a bill's passage. Senators may plan ahead, yielding the floor to one another to keep the discussion alive for days, even if it means simply asking for the roll call to be read repeatedly.



Then and Now

FAMOUS FILIBUSTERS

In 1808, Representative Barent Gardenier was shot and nearly killed by a Tennessee colleague who became irate as Gardenier droned on and on during floor debate. Eventually the House passed a rule forbidding the filibuster.

In 1953, Senator Wayne Morse pinned a rose on his lapel and promised to talk until the petals wilted. He talked for 22 hours and 26 minutes, and sure enough, the petals wilted.

Senator Strom Thurmond of South Carolina holds the record for the longest filibuster on record. In 1957, in an effort to stop the passage of a strong civil rights bill, Mr. Thurmond spoke on the Senate floor for more than 24 hours. He talked about civil rights for a while but also read and discussed several of his favorite food recipes and finally read names from a phone book.



definitions

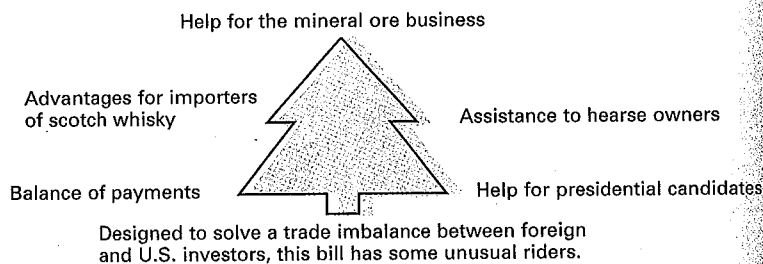
filibuster—a tactic, often a lengthy speech or debate, designed to delay the Senate's vote on a bill.

Because senators value their freedom of expression so highly, they probably will never forbid the filibuster. Despite the senatorial desire for free debate, they agreed to one type of restriction in the early part of this century. In 1917, just before the United States entered World War I, "eleven willful men" (as President Woodrow Wilson named them) filibustered a measure that would arm U.S. merchant ships in the Atlantic Ocean. Most other senators were angry enough to bring about the passage of the almost revolutionary Senate Rule 22, known as **cloture**. Under this rule, still in effect today, a motion may be made to cut off debate. If 60 senators vote for the motion (originally, the number was 67), the filibuster can be stopped.

THE "CHRISTMAS TREE" BILL

Another consequence of freedom of expression in the Senate is called a "**Christmas tree**" bill. When amendments are added to a bill in the House of Representatives, they must be **germane**, or relevant to the topic of the bill. For example, if a bill deals with gun control, the amendments must also address gun control. In the Senate, no such rule exists; senators can tack any amendment they please on to a bill. For example, in 1966 the Foreign Investors Act had amendments that helped hearse owners, importers of scotch whisky, and candidates for the presidency. Nongermane amendments are called **riders**, and they exist only in the Senate. Sometimes so many riders are attached to a bill that it looks like a Christmas tree, with everything added to make it as elaborate as possible. The goal may be to attach a rider that senators know the President wants, in hopes that he will sign the bill. Or it may be done to achieve the opposite: attach a rider that the President is opposed to so that he will not sign the bill.

THE FOREIGN INVESTOR ACT—1966



definitions

- cloture**—the decision of three-fifths of the Senate to limit or end debate on an issue and call for a vote.
- germane**—having significant relevance to the point at hand.
- rider**—an addition or amendment to a bill that may have nothing to do with the bill's subject.
- "Christmas tree" bill**—a bill to which many irrelevant riders have been attached to increase the likelihood of its passage.

B. Voting

After the floor debate, a bill is printed in its final form and presented for a vote. Both houses require a quorum, or majority, to be present, and the members are signaled in their offices or committee meetings to come to the floor. Passage of a bill requires a majority vote by the members present, and members can't afford to miss too many important votes. The four options available to Congress members are:

- ★ to pass the bill as written and send it to the other house for consideration,
- ★ to table or kill the bill,
- ★ to send the bill back to committee, or
- ★ to offer amendments.



e.g.

METHODS OF VOTING

Voting for a bill is different in the two houses. The House uses four different methods:

1. Voice votes are used for noncontroversial bills. The Speaker calls for "yeas" and "nays" and then announces the results.
2. In a standing vote, or a "division of the House," all in favor of a bill stand and are counted, followed by those who are opposed.
3. A teller vote may be called for by one-fifth of a quorum. Two tellers, one from each party, count representatives as they pass between the two tellers, first the supporters and then those opposed. Its use is rare.
4. In a roll-call vote, the names of the representatives are called, and they vote either "yea" or "nay."

Since 1973, most teller and roll-call votes have been replaced by an electronic voting system. Roll-call votes took about 45 minutes, and the House was looking for a more efficient way to count votes. Members vote with a plastic card inserted in one of 48 boxes situated around the chamber. A master board shows how each member votes. They are given 15 minutes to vote, and then the Speaker locks the electronic system and announces the results.



The Senate uses voice, standing, and roll-call votes, but it does not have an electronic voting process since a roll-call vote does not take very long.



CONFERENCE COMMITTEES

When a bill passes one house and is sent to the other, usually the members of the second house do not amend it. If they do, the changes are usually accepted by the first house, and the bill is sent to the President. But when the two houses are unable to agree on the exact terms of the bill, a conference committee is formed to merge the two versions. The members are usually chosen from the standing committee that sponsored the bill and a comparable committee in the other house. For example, if a bill were sponsored by the House Agriculture Committee, some of its members would be joined on the conference committee by members from the Senate Agriculture, Nutrition, and Forestry Committee. The new compromise version is sent back to both houses for approval by a simple majority.

4 THE PRESIDENT'S ACTIONS

In keeping with the system of checks and balances established by the Constitution, a bill that passes both houses is sent to the President for action. The President signs the large majority of bills sent from Congress, and even if he does not act within ten days of receiving it, the bill becomes a law without a signature.

The President has the right to veto, or refuse to sign, but a veto represents a real stand-off between the executive and legislative branches of government. If vetoes happen too often, the tension can create **gridlock**, a situation in which nothing gets done because the two branches can't agree with one another. Often Presidents will meet with leaders of Congress before a bill is passed so that a veto can be avoided. After the meeting, congressional leaders may return to the committee to revise the bill. Or, in a more aggressive spirit, the President may announce to the public his intent to veto a bill, thereby warning Congress of measures he opposes. Members of Congress then have time to change the bill to avoid the veto, or they may send their own signals back to the President.

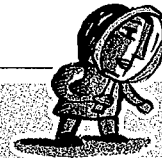
The President may also use a **pocket veto** within ten days of the end of a session of Congress. Congress tends to pass a large number of bills late in a session. To a certain extent, this makes sense because the bills need time to get to this point. If Congress gets a bill to the President within ten days of the end of a session, he does not have the full ten days to consider the bill. He can just "put it in his pocket" (ignore it), and the bill does not become law.

def-i-ni-tions

gridlock—conflict between the legislative and executive branches that commonly results in inaction.

pocket veto—a means by which a President kills a bill that Congress has sent by refusing to act on it until Congress has adjourned.

If a President vetoes a bill, it is returned to the house where it originated. The President also sends a veto message, or an explanation for his veto. Congress may then pass the bill over the veto by a two-thirds vote of the members present in both houses. If they are overridden, it is a serious indication of gridlock between the branches.



e.g.

BILLS AND VETOS

Vetoes are seldom overridden; that has happened in history only in a relatively small number of the cases. For example, in the period between 1971 and 1988, 96.7 percent of bills passed. Of the 3.3 percent that were vetoed, only 12.7 percent of the vetoes were overridden.

INFLUENCES ON VOTING

You now know what procedures members follow to vote on bills presented for their consideration, but what factors shape their decisions to vote for or against a particular bill? As members of Congress, they represent the people. But is it the people of their home district or state—their **constituents**—or the country as a whole? And how much weight do they, or should they, give to the wishes of their party, interest groups, or even their own consciences? Political scientists have researched and argued these questions over and over, and no one has a clear answer. We can identify, however, several important considerations.

CONSTITUENTS' VIEWS—Citizens vote for people they want to represent them in Congress. Does that mean that those they elect usually vote according to these citizens' views? The answer is sometimes yes, and sometimes no. Some members of Congress are heavily influenced by their constituents' wishes and make it their primary goal to follow them.

PARTY MEMBERSHIP—The organization of Congress depends heavily on political parties, and party membership is an important influence on a member's voting record. Since leaders and committee members are chosen by party membership, it should not be surprising that members of one party generally vote similarly with other members of their party about three-fourths of the time.

constituent—a person represented by a government official and, as a result, to whom the official is accountable.

PERSONAL VIEWS—Do members ever vote according to their own personal views? Of course they do. As you might expect, Democratic representatives and senators tend to cast votes that reflect liberal views, and Republicans tend to cast more conservative votes. As a result, it is difficult to know whether the member is influenced by personal or party views. Nevertheless, some members of Congress feel that their own judgment—not the influences of party or constituents—is what should count most.



e.g.

"PORK BARREL" AND "LOGROLLING"

One major criticism of members of Congress is that they too often vote for wasteful projects that are popular in their home districts. **Pork barrel** legislation happens when members—especially those who are in danger of losing the next election—"bring home the bacon" in bills that provide money for local roads, parks, mass-transit projects, or military bases that might benefit voters in specific areas but are not necessarily good for the country as a whole.

The custom of **logrolling** makes it easier for members of Congress to obtain such federal projects for their home state or district. In logrolling, lawmakers agree to support each other's bills. For example, one representative's district may be threatened with the closing of a key military base that will cost thousands of jobs, and another representative's district may be desperate for a new dam to prevent regular floods that ruin its farmland. So, the first representative will agree to vote for a bill that funds the dam in exchange for a vote to save the military base. Both districts get their pork barrel projects through logrolling, the agreement that "You scratch my back, and I'll scratch yours."



pork barrel—a government project that benefits a specific location or lawmaker's home district and constituents.

logrolling—the process of exchanging political favors for support.

Controversial Issues

Everybody has an opinion about Congress. To some, it is an effective legislative body in which ordinary Americans have their voices heard. To others, it is a slow-moving institution whose constantly bickering members are the pawns of special interest groups or rich capitalists. One window into Congress is through the controversial issues that preoccupy them. Three controversial issues that affect the public's perception of the work of Congress and its members include:

- ★ the seniority system,
- ★ incumbents and term limits, and
- ★ apportionment.

1 SENIORITY SYSTEM

One controversial congressional tradition is the **seniority system**. This refers to the practice of giving the key position of committee chair to the person from the majority party who has served on the committee the longest. It began as a reform to break the power of the Speaker, but the seniority system has itself become a problem. Critics argue that the seniority system ignores ability, discourages younger members, and can lead to a committee chair who is out of touch with current public opinion. Defenders of the system counter that the system is easy to apply, eliminates fighting within the party, ensures an experienced member is selected as chair, and protects the chair from party influence.

In the 1970s both houses decided to reform the seniority system by allowing committee chairs to be selected by secret ballots in some cases. Still, the seniority system is not dead. In most cases, when a chairmanship comes open, the senior member of the majority party on the committee becomes the chair. If the senior member is overlooked, it is usually for very serious reasons, and even if a junior member is better qualified, he or she just has to wait.

2 INCUMBENTS AND TERM LIMITS

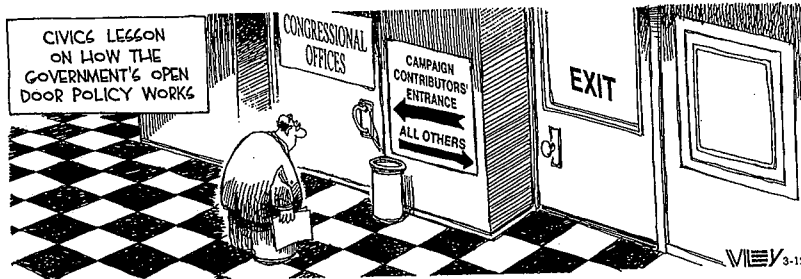
Another controversial aspect of Congress has emerged from the tendency of voters to return incumbents to office. When the houses of Congress were first created, the Founders almost certainly believed that representatives and senators

definitions

seniority system—the congressional tradition in which members with the longest continuous service on a committee are automatically given the chairmanship position.

would serve for one or two terms and then go home to their regular lives as farmers, lawyers, or merchants. Representatives were expected to have particularly short tenures in office since they are elected every two years. Indeed, that pattern held for most members of Congress throughout the nineteenth century. But today incumbency is the rule rather than the exception. Indeed, the whole system of party leadership and seniority is based on the expectation that some members will stay in Congress for long periods.

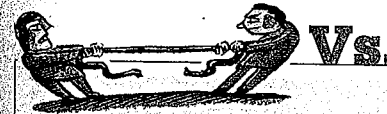
Why should incumbents be re-elected so many times? One possible reason is that fund-raising and gaining the support of political action committees (PACs) are easier for incumbents. PACs provide a large percentage of the funds used in election campaigns. In recent elections, 88 percent of the donations from corporate and trade PACs went to incumbents in the House and more than 65 percent to incumbents in the Senate. According to Federal Election Commission records for 1995–1996, of the \$159.8 million that PACs contributed to congressional campaigns, \$117.2 million went to incumbents. For Senate races, \$28.6 million of the total \$55.4 million went to incumbents. PACs prefer to give their money to incumbents because they know how incumbents have voted in the past, and they keep a close watch over which members support them and which don't. A challenger is usually a mystery.



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Another advantage for incumbents is their name recognition among voters. Members of Congress send newsletters from Washington, host families when they come to Washington, campaign with other well-known government officials, and get publicity in the local papers. All this publicity is virtually free; challengers often can't raise enough money to make themselves as well known. Incumbents can always "logroll" a little "pork" if their re-election is in trouble. If they get nice benefits for their districts, people remember them at election time. And incumbents can also remind constituents of their good works through mass mailings since they have the franking privilege.

In the early 1990s, a movement began that called for term limits—restricting the number of terms that a member of Congress can serve. After all, the President is currently limited to only one re-election or a maximum of ten years in office. In recent elections, the topic of term limits has caused heated debate.



TERM LIMITS

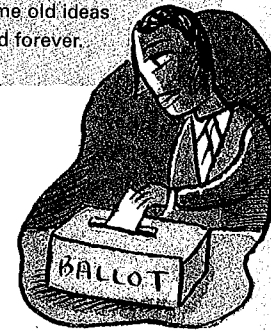
Term limits for Congress were proposed and heavily debated in 1995, but as yet, no limits have been imposed.

PRO

1. Incumbency keeps competent people from serving in Congress.
2. Democracy cannot be maintained if public offices are not rotated, allowing larger numbers of people to serve.
3. Congress would be reinvigorated by the new ideas that term limits would bring. Otherwise, Congress tends to be stale, and the same old ideas float around forever.

CON

1. Term limits would force experienced lawmakers to resign. Congress would lose the benefit of their experience.
2. Democracy is maintained as long as citizens vote. They have the ability to decide when people deserve re-election and when they do not.
3. The people can provide new ideas when they want them. Otherwise, citizens are kicking out experienced people who have much to contribute to Congress.
4. Term limits are actually unconstitutional since the Constitution does not provide for them.



3 APPORTIONMENT

Other controversial issues center around the problems in achieving a fair apportionment, or division, of representatives among the states. **Malapportionment** results from having districts of unequal size. Over the years, when the census indicated the need for redividing congressional districts, some states' legislatures created districts with greatly differing populations. The dominant political party, in an effort to maintain party control, was usually responsible for the establishment of districts of such unequal size.

Origins of Gerrymandering

Another problem with district boundaries is **gerrymandering**, a situation in which the population sizes of districts may be relatively even, but the boundary lines are drawn in odd shapes to favor a certain party or candidate or reduce the voting power of a racial or ethnic group. The term *gerrymandering* comes from a situation in 1812 when Governor Elbridge Gerry of Massachusetts redrew legislative districts to favor a prominent political party of the day, the Democratic-Republicans. Painter Gilbert Stuart made fun of Gerry's new district by adding a head, wings, and claws to make it look like the salamander below.

Governor Gerry was trying to create a district that would ensure the election of a Democratic-Republican. Many people did not think this redistricting was fair. By 1812, the practice of gerrymandering was well established, and it has continued to be a problem over the years.

Until 1964 the national government did nothing to interfere with each state's method of reapportionment. Then the Supreme Court acted on these controversial practices. In the landmark case of *Wesberry v. Sanders* (1964), also known as the "one man one vote" decision, the Court ruled that each district must represent approximately the same number of people as all others. Through its decision, the Court directly attacked malapportionment.



Gilbert Stuart's "Gerrymander"
The Granger Collection, New York

definitions

malapportionment—distribution of representatives among congressional districts in unequal proportion to the population.

gerrymandering—the process of dividing voting districts to give an unfair advantage to one candidate, party, or group.

Racial Gerrymandering

A new form of gerrymandering is much less clear-cut, and opinions around the country are widely split on it. Consider again the limited representation in Congress of minorities. Racial gerrymandering is intended to increase these numbers.

For example, the U.S. Justice Department rejected a redistricting plan submitted by the state of North Carolina after the census of 1990. North Carolina's plan included only one district with a majority of African-American voters, and the Justice Department decided that the state had a large enough African-American population that they should have at least two African-American districts. With only one majority African-American district, the number of African Americans elected might be unfairly limited. The state was ordered to go back to the drawing board in order to comply with the Federal Voting Rights Act, a law designed to protect the voting rights of African Americans and other minorities. The result was that in 1992 Democratic Representatives Melvin Watt and Eva Clayton became the first African Americans to represent North Carolina in Congress since 1901.

Other states followed the racial gerrymandering example, redesigning districts to allow for more minority representatives in the 1992 elections. For example, New York designed an X-shaped district that slithered through a dozen different school districts and several police precincts. At one point, it is only a block wide. However, a number of white voters began challenging the constitutionality of such districting, claiming that racial gerrymandering violated the white voters' right to equal protection of the laws.

The Supreme Court ruled against racial gerrymandering in *Shaw v. Reno* (1993), in a 5–4 decision. The Court reinstated a suit by five white citizens who maintained that North Carolina's redistricting violated their 14th Amendment right to "equal protection." Since then, the Supreme Court has ruled against other race-based districts in several cases, such as *Bush v. Vera* (1996). Still, many people continue to feel that given the number of districts in which whites remain the majority, racial gerrymandering is fair.



The Founders envisioned that the legislative branch, with its lawmaking power, would be the most important of the three branches of government. But they also wanted a system of checks and balances that would limit the power of Congress. It's time to look at the other two branches of government. Only then can we begin to understand how they interact and how the balance of power in the American political system shifts back and forth among them.