

4

Article I— Congress (Part 1)

The Constitution begins by establishing Congress. The methods for choosing members of Congress have changed over the years. Congress has developed its own rules and traditions by which it operates. It is helpful to understand who the members of Congress are, what Congress does, and how it does it. The committee system and political party alignments are crucial to an understanding of how Congress works—and sometimes why it doesn't work.

Lessons in This Unit

Lesson 16—Election to the House of Representatives

Lesson 17—Choosing the Senate

Lesson 18—The Operations of Congress

Lesson 19—Who They Are and What They Do

Lesson 20—Committee and Political Party Organization

Activity Idea

Here is an opportunity for you to think about something you don't like about how our government operates and to express yourself on it in a positive way. Is it the role that money plays in American politics? The petty political wrangling that paralyzes meaningful action? The power that incumbents enjoy? Write a two- to three-page speech in which you outline the problem, tell how things ought to be, and suggest a practical way in which things can change. Imagine that you are to give this speech before a civic club, homeschool debate society, or some other organization.

If you are using the optional *Quiz and Exam Book*, answer the questions for each lesson after you have completed the lesson and read any assigned readings in *We Hold These Truths*. After you have completed Lesson 20, take the quiz for Unit 4.

Lesson 16 – Election to the House of Representatives

You can not possibly have a broader basis for any government than that which includes all the people, with all their rights in their hands, and with an equal power to maintain their rights.

–William Lloyd Garrison (1889)

(As you study the various parts of the Constitution over the next several units, read in *We Hold These Truths* the section of the Constitution being discussed in a lesson before you read the lesson itself. Read Sections 1 and 2 of Article I before you study this lesson.)

Article I, the first substantive section of the Constitution after the Preamble, is the longest section of the document. The framers expected Congress, as the part of government closest to and most representative of the people, to be the most important and most powerful part of the new national government. As a result, they felt that the duties, expectations, and limitations of Congress had to be outlined in great detail.

The Bicameral Congress

The Constitution vests the legislative or law-making power of the national government in Congress, which is made up of two bodies, the House of Representatives and the Senate. A legislative branch that is made up of two bodies or houses is called bicameral, from the Latin meaning two chambers.

Congress has two houses for several reasons. The first is tradition. The British Parliament and most colonial governments set the precedent by having two houses. Second, the House and Senate reflect the political realities of the early national period. The two bodies gave representation both to the people and to the states. Third, bicameralism enables the two bodies to act as a check on each other in the consideration of legislation. It is less likely that both houses will be swayed to impulsive action in the heat of the moment the way a single legislative body might be.

Only Pennsylvania and Georgia had unicameral (one-body) legislatures before the Constitution was adopted. Both instituted the two-house approach by 1790. Today Nebraska is the only state that has one legislative house.

The House of Representatives

The more numerous of the two houses of Congress is the House of Representatives. Its members are also called Congressmen. In the original Constitution, the House was the only element of the national government that was elected directly by the people. Everyone who qualified to vote for the most numerous branch of a state's legislature can vote for members of the House. This distinction was significant in the early days of the country, when voting rights were somewhat limited; but today almost everyone who is eighteen or older can vote in the United States. Voters are called electors in the Constitution.

To be elected as a member of the House, a person must be at least 25 years old and have been a citizen for seven years. The age provision is fairly young and probably reflects the relative youthfulness of the delegates to the Constitutional Convention. In actual practice, Congressmen in their twenties have been rare. A Representative does not have to have been born in the United States. He or she can be a naturalized citizen.

A Congressman must also be a resident of the state from which he or she is elected. At first, some states elected Congressmen on an at-large basis; that is, all the Representatives were elected by all the voters in the state. Other states divided their population into districts and elected Representatives by those districts. In 1842, Congress required that all states elect Congressmen by districts and gave state legislatures the responsibility for drawing district boundaries. The Constitution does not require a Representative to live in the district he or she represents. However, it would be difficult to convince voters that someone who does not live in their district really understands their situation and their problems.



Number of Members of the United States House of Representatives by State

Apportionment

Seats in the House of Representatives are assigned or apportioned on the basis of population. States with relatively more people have more Representatives. Originally, states were to have no more than one representative for every thirty thousand people. The Constitution set out the number of representatives for the thirteen original states and provided for a census to take place every ten years to determine any changes in representation. The first census took place in 1790, and a census has been taken every ten years since then. Changes on the basis of a census take effect in the Congressional elections two years later (for example, results from the 2000 census were reflected in Congressional elections beginning in 2002).

As the population of the country grew and new states were added, the number of Representatives in the House increased. The first Congress had 65 members. The first census increased that number to 106. By 1912, the House had grown to 435 members; and effective action with such a large group was becoming difficult. Congress was faced with the dilemma of either adding even more seats after the 1920 census or reapportioning the existing 435 seats, which would have meant that some Representatives from states growing more slowly would have lost their seats. Faced with the need for political courage, Congress took no action after the 1920 census. Finally, in 1929 (just before the 1930 census), Congress passed the Reapportionment Act. This law stated that the permanent size of the House would be 435 members and that those seats would be apportioned to the states as fairly as possible following each census.

When Alaska and Hawaii became states in 1959, each new state received one House seat. This temporarily increased the membership of the House to 437, but the regular 435 seats were reapportioned among the fifty states following the 1960 census for the 1962 election.

States set their own qualifications for voting. Most states have a requirement that a person be a resident of the state for a period of time, sometimes as little as thirty days. Voters usually have to register a few weeks before the election, but in some cases voters can register on election day. Voter registration requirements are attempts to prevent people from voting several times in different places. Convicted felons are generally not allowed to vote. Some states used to have requirements that a person own a certain amount of property, pay a certain amount in taxes during a year, pay a poll or voting tax, or be able to read in order to qualify to vote. These requirements were defended as reserving the vote to those who were responsible citizens. In actual practice, the poll tax and literacy test were used to deny black people the right to vote. These practices are now outlawed.

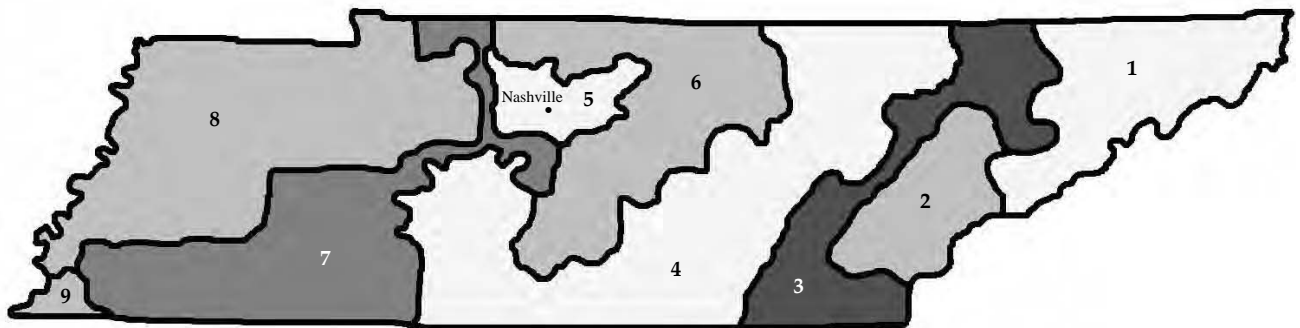


Ballot Boxes, 1927

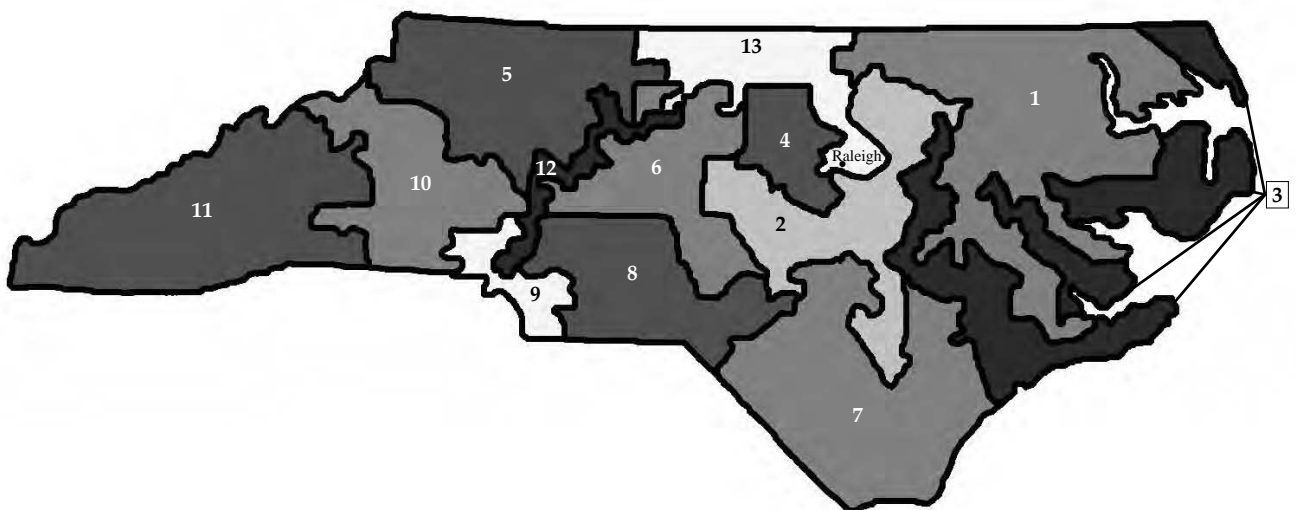
The 2000 census showed a U.S. population of 281,421,906 on April 1, 2000. This means that, ideally, each Congressman represented 646,946 people. However, each state is guaranteed one Representative, and the populations of the states do not divide out that evenly. Wyoming, the least populous state with a 2000 census of 493,782, had one Congressman. Delaware had 783,600 people, but it also had only one Representative. California had the most Congressmen with 53, meaning that the average district population there was 639,088. Michigan's Congressmen each represented an average of 662,563 people. Georgia's district average was 629,727.

The legislature of each state is where the real political battles occur over drawing congressional districts. Both Democratic and Republican parties in the states want to win majorities in the legislatures in census years, since the legislatures elected in those years oversee the redrawing of district lines for that state's Congressional seats. Reapportionment for seats in the state legislature happens at the same time. By law, Congressional districts must be contiguous (that means they cannot be separated into two or more areas that are not geographically connected); and they must have as even a population distribution as possible within the state. In theory, district lines would simply be drawn as fairly and equitably as possible; but politics is not always fair and equitable.

The majority party in the legislature wants to protect the Congressional and legislative seats held by its party. Thus, they might draw district lines in such a way that voters who might vote against their party are divided into several districts; or they might put as many friendly voters into the same district as possible. Consider the map of Tennessee’s Congressional districts, drawn by a Democrat-controlled legislature. Districts 1, 2, and 3 are considered safe Republican seats. To make the Fourth District more strongly Democratic, the legislature made the Third District a narrow band that stretches all the way from the Georgia border to the Kentucky border. The Fifth District includes Democrat-controlled Nashville and its largely rural (and Democratic) suburbs around it. The county to the south of Nashville, Williamson, has many Republican voters. By connecting suburban Williamson County to southern West Tennessee by means of a narrow strip, Nashville was kept safely Democratic. The Ninth District is urban Memphis, a traditionally Democratic seat, while the suburbs around Memphis are more Republican. Drawing the lines as they did, the legislature kept Republican voters out of the Ninth District and divided them between the Seventh and Eighth Districts, thus giving Democrats a better chance of winning in those districts.



Tennessee’s Congressional Districts



North Carolina’s Congressional Districts

In North Carolina, the Twelfth District snakes through the middle of the state to connect several urban, university-based, ethnically-mixed areas into a single district that will likely vote Democratic. This is an example of gerrymandering, or giving a Congressional district an odd shape for political purposes. The term is named for Massachusetts politician Elbridge Gerry. In 1812, with Republican Gerry as governor, the Republican Massachusetts

legislature drew an oddly-shaped state senatorial district that looked like a snake or serpent on the map. A political cartoonist added a head, wings, and claws to make it look like a dragon or salamander and called it a “Gerrymander.”

Groups of voters or representatives of the opposition party routinely challenge redistricting plans in court, but courts are generally reluctant to become embroiled in the political activities of legislatures unless an obvious violation of voting rights is involved. Even North Carolina’s Twelfth District has survived court challenges.

If the original standard of one Congressman for every thirty thousand people were still followed, the House would now have over 9,300 members!

When a vacancy occurs in a House seat through death or resignation, the governor of that state calls a special election for the voters in that district to choose a new Congressman.

*Now therefore, apportion this land for an inheritance to the nine tribes and the half-tribe of Manasseh.
Joshua 13:7*

Reading

- *Wesberry v. Sanders* (excerpt) (WHIT, p. 73)



Gerrymander Cartoon

Lesson 17 – Choosing the Senate

Although the Senate is much given to admiring in its members a superiority less obvious or quite invisible to outsiders, one Senator seldom proclaims his own inferiority to another, and still more seldom likes to be told of it.

Henry Adams, The Education of Henry Adams (1907)

(Read Section 3 of Article I and the Seventeenth Amendment of the U.S. Constitution.)

The United States Senate has sometimes been called the greatest deliberative body in the world. It is considered the upper or more prestigious house of Congress since it has fewer members than the House and since Senators serve for six years instead of two. It also is supposedly insulated from the whims of public opinion since Senators serve for six years and since only one-third of the Senate is chosen every two years. Although Senators represent individual states, they often speak as though they represent national interests and not just the interests of one state.

A person must be a little older to serve in the Senate than what is required to serve in the House. A Senator must be at least thirty years old and a citizen for nine years, as well as being a resident of the state he or she represents. Each state has two Senators, which gives less populous states the same power in the Senate as more populous states. Senators from less populous states have often been leaders in the Senate and have sometimes used their positions in that body to gain national prominence.

A Continuing Body

The Senate was established to be a continuing body, with only one-third of its members up for re-election every two years, as opposed to the House, where all 435 seats are contested every two years. This provides for greater continuity in the Senate than in the House.

When a Senate seat becomes vacant through death or resignation, the state governor appoints someone to fill the seat until the next Congressional election (except in Alaska, Massachusetts, and Oregon, where the governor no longer has this power). This appointed Senator is recognized as a full member of the Senate, but he or she is the most junior member of the body and has little power. Often the governor gives the appointment to a long-time public servant as a reward for his or her service. Usually the governor appoints someone from his or her own political party, even if the previous Senator had been from another party. It has occasionally happened that a governor has appointed himself to fill a Senate seat.

At the next Congressional election, candidates run to fill the remaining two or four years of the term. If the appointed Senator wants to run in the next election, he or she has at least some of the power and prestige of an incumbent. A state occasionally elects two Senators at the same time, if one Senator's six-year term is ending and the remainder of the other Senator's term is being filled in the same election. When a partial term is completed, the next campaign for that Senate seat is for the full six-year term.

Popular Election of Senators

In the original Constitution, Senators were chosen by state legislatures. This provision gave state governments a direct role in the formation of the national government and supposedly provided for more reasoned deliberation in the selection of Senators than if they had been chosen by popular vote. It also provided an inducement for state political leaders to support the ratification of the Constitution. As we have seen in this curriculum, state legislatures played an important role in the early national government.

However, during the nineteenth century support grew for the direct election of U.S. Senators by popular vote. Many people saw the direct election of Senators as a change that would be in keeping with the trend toward democracy. Moreover, state legislatures did not always handle well the responsibility of naming Senators. The continuation of state political battles, rather than the selection of the best person to be a U.S. Senator, sometimes became the main dynamic in a legislature. Occasionally, political wrangling in state legislatures caused Senate seats to remain unfilled for as long as two years (in Delaware around the turn of the twentieth century, a vacancy lasted four years).

One item in the Populist Movement agenda of the late nineteenth and early twentieth century was the direct election of Senators. The Populists maintained that the selection of Senators by state legislatures kept the process out of the hands of the people and left it in the hands of politicians, lobbyists, and special interest groups. State legislatures often proved themselves to be the protectors not of people's rights but of their own turf and privileges. Direct election of Senators, it was argued, would make the upper house of Congress more responsive to the people and less responsive to the intrigues of politicians.

In the years leading up to 1912, twenty-nine states adopted a form of popular election of Senators by holding primaries or referendums, the results of which were binding on state legislators. The Seventeenth Amendment to the U.S. Constitution, which provided for the direct election of Senators, was proposed many times but consistently defeated in the Senate. In 1912, however, the number of directly-elected Senators had increased to the point that the amendment was finally approved and sent to the states. The amendment was ratified in 1913 and took effect in the 1914 election.

It would be difficult to decide whether, on the whole, better Senators were chosen before or after the change. Good men as well as embarrassing men have been elected under each process. It is a certainty, however, that the direct election of Senators has lessened the influence of state legislatures in the national government.

Advice and Consent Role

According to Article II, Section 2 of the Constitution, the Senate has a special check-and-balance role with regard to certain actions of the president. The Senate must ratify by a two-thirds majority treaties that the president makes with other countries; otherwise the treaties do not apply to the United States. In addition, the Senate must give a simple majority approval to important appointments that the president makes: ambassadors, Federal judges, Supreme Court justices, heads of the executive departments (Cabinet members), and certain other appointments. This is called the advice and consent role of the Senate, after the phrase used in the Constitution.

The most controversial treaty consideration by the Senate involved the Treaty of Versailles that ended World War I. Democratic President Woodrow Wilson saw to it that the treaty included the creation of a League of Nations, a forerunner of the United Nations, as an

attempt to prevent such a terrible war from ever happening again. The Republican majority in the Senate, however, wanted to withdraw from involvement in world affairs and did not want the United States to be committed to taking part in a world organization. The Treaty of Versailles was defeated in the Senate, the United States never joined the League of Nations (which proved to be incapable of preventing World War II), and the United States concluded separate peace treaties with the nations against whom it had fought in World War I.

Generally the Senate approves those whom the president nominates, unless a nominee proves to be involved in a scandal or unless so many members of the Senate oppose a nominee for political reasons that approval is impossible. One issue that aroused a fair amount of controversy in the early years of the nation was whether the president could remove from office someone whom he had nominated and the Senate had confirmed. This issue arose during the presidency of Andrew Jackson, who fired a cabinet member that the Senate had approved. Jackson said that he had the right to get rid of those who served under him, while Jackson's political opponents said that the Senate's power to confirm also gave it the power to determine whether someone stayed on the job. The same issue was at the heart of the conflict between President Andrew Johnson and Congress over the Tenure of Office Act following the Civil War. In 1926, the Supreme Court in *Myers v. U.S.* declared the Tenure of Office Act to be unconstitutional and said that the president's right of removal was not subject to the Senate's approval.



Ballot Boxes in the Senate, 1929

The Constitution does give the president the power to make appointments during a recess of Congress (Article II, Section 2, Paragraph 3). These appointments can be made any time that Congress is in recess, even if that recess is only for a few days or weeks. The appointed person may serve until the end of the next session of Congress. During that time, the president can choose to submit that person's nomination to the Senate to hold the position permanently. This provision had more practical importance when Congress was not in session for long periods of time. Fifteen Supreme Court justices began their tenure as recess appointments. Recess appointments are politically risky for the president. They allow him to fill a post with someone he wants who might have a hard time winning confirmation by the Senate, but they tend to anger the opposition party in the Senate who might try to make confirmation more difficult.

*Upon hearing this, they entered into the temple
about daybreak and began to teach.
Now when the high priest and his associates came,
they called the Council together,
even all the Senate of the sons of Israel,
and sent orders to the prison house for them to be brought.
Acts 5:21*

Lesson 18—The Operations of Congress

A decent and manly examination of the acts of government should be not only tolerated, but encouraged.

—William Henry Harrison (1841)

(Read Sections 4, 5, and 6 of Article I and the Twentieth and Twenty-Seventh Amendments of the U.S. Constitution.)

The first three sections of Article I establish the Congress and tell who may be elected to each house. Each chamber is to organize itself, but only limited guidelines for this are given in the Constitution. We will discuss in later lessons how the House and Senate are organized as well as matters related to the process of impeachment.

Section 4: Elections and Sessions of Congress

The Constitution left the carrying out of elections in the hands of the states. The states already had a framework for conducting elections that could be expanded to include the choosing of Federal representatives; and the Congressmen and Senators were, after all, representatives from the states. The Constitution did give Congress the right to legislate on elections except on the subject of the place where Senators were chosen (namely, the state legislatures).

Congress was to meet at least once every year, with the sessions to begin on the first Monday in December. In the early years of the country, this led to a year or more passing after some elections before elected officials took office. Senators and Representatives who were elected in the fall of 1866, for instance, did not actually take office until December of 1867 (not

all states held elections at the same time; some states conducted their elections in the odd-numbered years). This passage of time was acceptable when travel and communication were slow and when state elections took place at different times.

Over time, however, travel and communication became faster and state elections came to be held at the same time of year. The Twentieth Amendment, ratified in 1933, brought both the inauguration of the president and the convening of Congress up

to date. Instead of the president waiting until March 4 after his election to take office, the inauguration was moved up to January 20. The new Congress now convenes on January 3 following the election, instead of waiting over a year after the election.



U.S. Capitol, c. 1871

Each Congress has two sessions, one for each of the two years in which it meets. The first session of the first Congress convened in 1789; the second session of the first Congress met in 1790. The first session of the 110th Congress began on January 4, 2007; the second session of the 110th Congress convened on January 3, 2008.

A session is adjourned when Congressional leaders decide that no further work can be accomplished. In the early days of the country, Congress met for only a few months out of the year and almost always was in recess during the hot days of summer in swampy, un-air-conditioned Washington. Today, Congress meets for almost the entire year but takes long breaks from time to time. In election years members of Congress try to be finished (or at least to be able to take a recess) in time for the fall campaign. Meetings of Congress that occur after an election and before the new Congress begins are called lame-duck sessions, since some of the members will be retiring or have been defeated in the elections.

The Constitution allows for the president to adjourn Congress and to call it into special session in extraordinary circumstances (Article II, Section 3). Since Congress is now almost always in session, special sessions are rare. No president has ever adjourned Congress. Presidents have sometimes called the Senate into special session to consider pending treaties or appointments.

Section 5: Proceedings

Each house of Congress is given the right to judge the fitness of its own members. The House does not sit in judgment on the Senate, nor vice versa, nor do the president or the Supreme Court have the right to question who sits in Congress. The positive side of this rule is that neither the House nor the Senate

have to bow to the wishes of any other branch of government on who its members are. The negative side is that the members of each body are extremely reluctant to question the fitness of fellow Congressmen or Senators. If the members of one party go after a member of another party and call for his expulsion, the same process might come down on one of their own at some later time. Only with a two-thirds majority can a body expel one of its members. In other words, there must be clear and convincing evidence of the need to expel a member.

Each house must have a majority of members present to conduct business. This is called a quorum, the number needed to take official action. The quorum requirement prevents a small group from meeting to do something that the majority would not want to do. However, the minority has rights too. It can compel members to come to the chamber for business to be conducted. This is known as a quorum call. The right to call a quorum enables the minority to compel at least the possibility of taking action that it sees as necessary, if the majority is trying to avoid doing so.

Neither house may adjourn for more than three days during a session without the consent of the other. This keeps one body from paralyzing the work of Congress by simply refusing to meet. In actual practice, the leaders of both houses work together to determine



U.S. House of Representatives Chamber

the length of the sessions, when Congress will recess for vacations, and when the House and Senate will adjourn to end a session. The House and Senate may not decide to meet in a location other than where both have agreed to meet. This again prevents one body from meeting secretly or pulling away to disrupt business. These provisions have prevented the shenanigans that sometimes occur in the legislatures of other countries.

Each house is to keep a journal of its proceedings and must publish the journal on a regular basis. This is the origin of the *Congressional Record*, which helps the American people keep up with the work of Congress and the speeches and debates in Congress. However, the *Congressional Record* has now ballooned to such an extent that the average citizen can hardly keep up with what Congress does. The House and the Senate allow members to revise their speeches before they appear in the *Record* and to include material in the *Record* that has never been spoken on the floor of either chamber. Members can simply insert into the *Record* what they want to have published under their names.

If you have ever watched the proceedings of Congress on C-SPAN or visited the Capitol while Congress was in session, you will have noticed that much time is spent with few members actually present on the floor of the House and Senate. Members can make speeches from the floor that will go on the public record, but the other members don't have to listen to them.

Section 6 (Part One): Salary

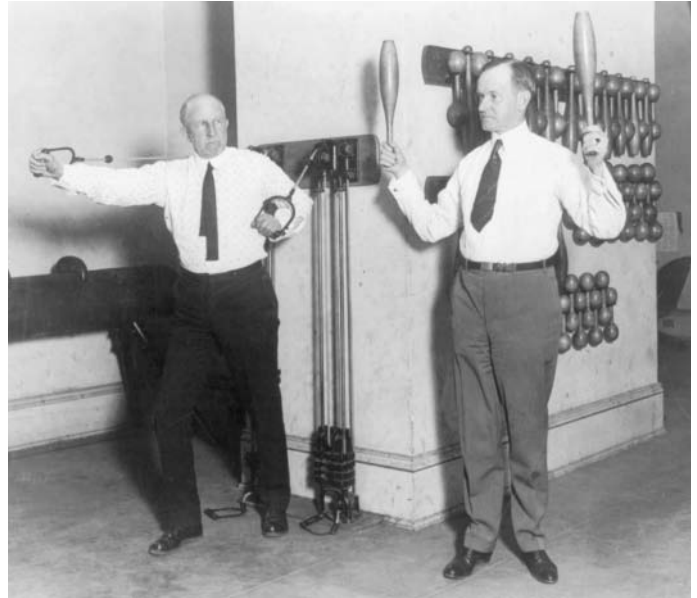
Members of Congress receive a salary and the payment of expenses from the United States Treasury. Under the Articles of Confederation, the states paid their own representatives in Congress. At first, members of Congress received \$6.00 per day while Congress was in session. In 1815, the pay was increased to \$1,500 per year. As of 2006, the salary for a member of Congress was \$158,100 per year. The majority leader and minority leader in each house was paid \$175,600, while the Speaker of the House received \$203,000. A cost of living adjustment is made each year unless Congress votes not to accept it. These are good salaries, but salary is not by any means the entire picture of the financial benefits that accrue to a member of Congress.

Each member of Congress receives an allotment of about \$1 million per year to hire staff workers, pay for office expenses in Washington and in their home district or state, and pay for other expenses related to their roles. Included in the expense account is the mail or franking privilege, which allows Congressional mail to be sent at government expense. In addition to regular correspondence and responses to constituent requests, the franking privilege allows for what are called informative mailings from members of Congress to addresses in their districts. These mailings inform residents (i.e., voters) about what a Senator or Congressman has accomplished. You might especially notice these as election time draws near; it's one of the perks of an incumbent. In all fairness, we should note that purely political campaign mailings must be paid for by campaign contributions.

Congress employs thousands of staff personnel. Members of the House have a total of over seven thousand staff members, while Senators hire over four thousand. Another twelve hundred workers are staff for the standing House committees, and about seven hundred more people work for the standing Senate committees. The political leaders (Speaker, majority and minority leaders, and so forth) in the House and Senate have even more staff available to them. These staff members do not include security and maintenance personnel, Library of Congress employees, and others whose work directly relates to Congress.

In addition, members of Congress receive health insurance coverage and participate in the Federal Employees Retirement System. If someone serves in Congress for at least five years, he or she is eligible to receive a pension. Members can receive a pension beginning at age 50 if they have twenty years of service, or at any age after twenty-five years of service, or after the age of 62 regardless of his length of service. The pension is based on years of service and the highest three years of salary. The starting pension cannot be more than 80% of the retiree's final salary. In 2004, 413 retired members of Congress were receiving government pensions based at least in part on service in Congress (some had held other positions in the Federal government as well). These pensions averaged about \$3,900 per month each.

Members of Congress may earn up to fifteen percent of their salary from outside sources, such as speaking fees and legal fees; and they have no limit on what they can make from book royalties. Senators and Congressmen also enjoy many unofficial financial benefits from contributors, lobbyists, and special interest groups that want to influence how he or she votes. Congress has passed laws that eliminate blatant bribery, but the laws also carefully allow certain benefits (such as a company or contributor paying for a vacation as long as it is disclosed). Some former members of Congress work for Washington lobbying or consulting groups after their tenure in Congress and do quite well financially.



*House Speaker Gillett and Vice President Coolidge
Exercising in the House Gym, 1923*

The 27th Amendment to the Constitution, first proposed in 1789 and finally ratified in 1992, says that a pay raise passed by Congress (a "law varying the compensation for the services of the Senators and Representatives") cannot go into effect until a Congressional election has taken place. The amendment was an attempt to prevent a sitting Congress from giving itself a pay increase. The automatic cost of living increases that Congress receives every year (enacted by Congress a few years ago) have been challenged in Federal court as a violation of this amendment, but Federal courts have held that such adjustments are not new salary laws and therefore do not violate the amendment. Of course, it should be noted that Congress sets the salaries for Federal judges; and pensions for retired Federal judges are based on the pensions for retired members of Congress.

Section 6 (Part Two): Immunity and Limitations

History tells of many times when kings had their political opponents arrested and executed. The framers wanted to protect members of Congress from this kind of political intimidation. As a result, Senators and Representatives cannot be arrested while attending a session of Congress or while going to or returning from such sessions, except if the charge is treason, felony, or breach of the peace. In addition, they cannot be made to face any criminal charges for anything they say in any speech or debate in Congress. This results in

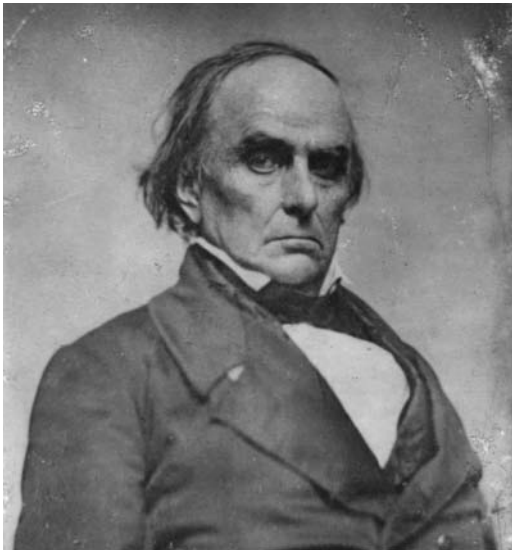
some outrageous statements, accusations, and outright lies being expressed on the floor of Congress with complete impunity.

A Senator or Representative while in office may not hold an appointed government position that was created or the pay for which was increased while he or she was in office. This prevents a member of Congress from helping to create a position or increasing the pay of a position and then filling that position. Likewise, no civil servant may serve as a Congressman or Senator. In the British Parliamentary system of government, ministers in the Cabinet are members of Parliament; but in the United States the branches of government are kept more separate.

It is not unusual, however, for a former member of Congress to be appointed by the president to a post in the executive branch. Bill Brock, for instance, was a Republican U.S. Congressman and Senator in the 1960s and 1970s. He later served as Secretary of Labor and then as

U.S. Trade Representative in the Reagan Administration. Democratic Senator Jim Sasser was named Ambassador to China by President Clinton after Sasser was defeated for re-election.

For many years, Congress exempted itself from some of the laws that it passed. For instance, members of Congress were not part of the Social Security system until 1984. They participated in the Civil Service Retirement System, which was started fifteen years before Social Security began. In addition, members of Congress were not subject to civil rights laws in the hiring of their office staff. When Republicans regained control of Congress in 1994 after forty years of one or both houses having Democratic majorities, the first law passed by the new Congress in 1995 made Congress subject to the same laws that it enacts for the American people.



Daniel Webster

These rules about what members of Congress may and may not do have been more carefully defined in recent years. In the past, the regulations were not so sharply drawn. Daniel Webster, for instance, while serving in Congress, argued cases before the Supreme Court as a private attorney. In addition, he also was for several years retained with pay as an attorney for the Bank of the United States. His role with the Bank came as the result of his support for the Bank and his national prominence. His income from the Bank (not to mention several favorable loans he received from the Bank) no doubt influenced his continued support of the Bank in Congress. Neither of these roles that Webster held actually violated the terms of this section of the Constitution, but the possibility for conflict of interest in such a situation is obvious.

*He who profits illicitly troubles his own house,
but he who hates bribes will live.*

Proverbs 15:27

Lesson 19—Who They Are and What They Do

Government is too big and too important to be left to the politicians.

—Chester Bowles (Twentieth century American diplomat & economist)

Members of Congress are not a cross-section of the American public in terms of race, gender, and wealth. Of course, the Constitution does not say that they have to be. Leaders are often the exception to the norm. By and large, Senators and Representatives are people who can afford long and expensive campaigns and who have accomplished a great deal in the legal, business, and political fields.

Statistics About the Members

The average Congressman is about 55 years old. The average Senator is about 60. Both of these averages are many years older than the minimum age requirements in the Constitution. This average age has increased in recent years, which perhaps is an indication that members of Congress are serving longer in office and that candidates are older when first elected to serve.

Of the 435 Representatives in the 109th Congress (which began in 2005), 65 were women; and of the 100 Senators, 14 were women. These numbers were the highest in history. About two-thirds of the women were Democrats, one-third Republican.

The 535 members of the House and Senate included 55 African-Americans, 25 Hispanics, five Asian-Americans, one Native American and one Asian-Indian. Just over half of the members of Congress listed their religious preference as Protestant Christian. About a third were Roman Catholic. There were 35 Jews and 15 Mormons in the 109th Congress. About half of the members of Congress were lawyers. One-third of the Senators listed their profession as businessman. In a recent Congress, about seventy Representatives and thirty Senators were millionaires, some of them multi-millionaires. It is highly unusual for a salaried or wage-earning man or woman to be elected to Congress. They usually don't have the time or money to conduct a campaign that can last for as long as a year. In a contested House race, the incumbent might spend \$2 million and the challenger \$1 million. The cost of Senate campaigns often runs into the multiple millions of dollars.



Redecorating the U.S. Senate Chamber, 1925

Most members have held elective office prior to being chosen to serve in Congress. Many Senators used to be Representatives, many Representatives used to be in state legislatures, and so forth.

Incumbency and Length of Service

Congress usually sees little turnover in its membership. The rule of thumb is that incumbents, those who are already in office and are seeking re-election, almost always win. Over the years, about 90% or more of incumbents have been re-elected. In 1996, for example, 361 of 384 House incumbents won re-election, and 19 of 21 Senators were re-elected.

Most House districts and Senate seats are considered safe for one party or the other. In a safe seat, the incumbent often has no or only token opposition because the opposition party does not want to waste its resources on what it sees as a hopeless cause. Even when an incumbent retires from a safe seat, someone from his or her party usually wins the next election. The drama that unfolds on election night concerning which party will control Congress usually centers on a relatively few races. A change in the party that holds a House or Senate seat often occurs (1) when a Congressman or Senator retires, creating what is called an open seat, (2) if a controversy has weakened the popularity of an incumbent, (3) if one political party targets a seat for defeat, or (4) if a presidential candidate enjoys a landslide victory and carries his party's Congressional candidates along on his coattails.

In the 106th Congress (1999-2001), only 41 or about ten percent of Representatives were freshmen (in their first term). Over half (236) had served between two and nine years, 104 had served between ten and nineteen years, 46 had served over twenty years, and seven

Term Limits

One issue that has received a fair amount of discussion is whether members of Congress should have term limits, a maximum number of terms or years that they can serve. The offices of President and state governors have term limits; but of course, it is the legislative bodies (not the executives) who propose term limits, usually in the form of constitutional amendments. Legislators are not likely to vote themselves out of a job.

The arguments in favor of term limits include the fact that incumbents have a great advantage over challengers in elections in terms of name recognition and in terms of what they can do and what they can promise to do for voters. This helps to make a real contest between an incumbent and a challenger quite rare. In addition, incumbents can become more concerned about taking care of themselves and their power than about doing what is best for the people. Long-term service seems to be a far cry from the citizen-representative ideal of everyday people serving only a few years, doing what they believe is genuinely best for the populace as a whole, and not building a personal power base for themselves.

Against the idea of term limits is the argument that voters should have enough sense and enough freedom to elect whom they want. If they want to re-elect the same person campaign after campaign, they should be able to do so. Previously holding an office should not be a disqualification for holding that office. In addition, representatives with long tenure have the seniority within the system to be given important positions and to get things done. All else being equal, an elected official who has been in office for a long time in the current system can do more for his home state or home district than a freshman can.

Perhaps the most convincing argument against imposing term limits is that we already have term limits. They are called elections. Every term of every elected office has a limit to it, and the person who holds that office has to run again or retire from it. The best solution to problems in the system is for the populace to stay informed and involved and to support good candidates.

had served for over thirty years. In the Senate, eight had served less than two years, 39 had been in the Senate between two and nine years, 33 had held their seats for ten to nineteen years, fourteen had served from 20 to 29 years, and six had served for over thirty years.

What Representatives and Senators Do

Senators and Congressmen represent their constituents in Congress and in the operation of the Federal government. This involves speaking and voting in official sessions, but it also means being an advocate in the Federal bureaucracy when a constituent has a need or a problem.

The most obvious work that a Senator or Congressman does involves considering and voting on legislation that comes before them on the chamber floor, but that is by far not all that they do. Much of their time is spent in committee work: attending hearings and considering research for bills that are before their committees. They also have informal discussions with their staff and with other members of their chamber (especially those of the same party) as they consider the merits of legislation and suggest changes. Members of Congress want to make sure that their districts are included when expenditures are planned in the Federal budget, so they or their staff will take time to talk with sponsors of legislation or members of the appropriations committees. They also meet with lobbyists who want to influence how he or she votes on a particular piece of legislation.



Members of the U.S. House of Representatives, c. 1920

Contact with their constituents is an important part of the work of a Senator or Representative. The offices of Representatives and Senators receive thousands of letters, phone calls, and emails every week from the folks back home. Some give praise while others offer criticism or ask questions. Often a constituent will seek help from his Congressman or Senator about a problem involving a Federal agency. Perhaps a Social Security payment has not been received, or someone needs help with an application for a loan from the Small Business Administration, for example. Congressional offices can provide passes to the visitor galleries if a constituent is planning a visit to Washington. Many times this correspondence is handled by the staff. The percentage of people who care enough about issues to write their representatives is very small; and these genuine, individualized letters do have an impact (probably even more than e-mail).

It is good to know who your Senators and Congressman are. Make a note of their names, party affiliation, phone numbers, mailing addresses, and websites.

Always in the back of a member's mind is the next election. Members of Congress have to be involved in fund-raising; making calls and sending letters to stay in touch with

party workers back home; developing publicity for newspapers, mailouts, and their websites; and meeting with visiting groups. A considerable amount of time can be spent in traveling between the home state and Washington.

Members sometimes go on international trips (called junkets) to meet with foreign political leaders, visit troops stationed at overseas bases, or engage in fact-finding work regarding trade, immigration, or other topics. These trips are regulated

as to length and cost, but Congressmen can extend their trip at their own expense. If several members travel together, it is called a congressional delegation trip. Some travel by members can be paid for by private companies. For example, if a company wants to build a factory in another country, it can pay for a trip by the relevant committee chairmen in Congress to get their support if any regulations or treaties will be needed.



Senate Page Boys at School, c. 1920

*A good name is to be more desired than great wealth,
favor is better than silver and gold.
Proverbs 22:1*

Reading

- “On a Visit to the Senate When He Was Twelve” from *The Education of Henry Adams* by Henry Adams (WHIT, p. 99)



Washington Monument

A visit to Washington, D.C. is a wonderful experience. Historic sites and historic monuments are everywhere, and you can learn a great deal about the operation of your Federal government. In addition to being able to get passes to visit the galleries of the House and Senate, you might be able to attend a committee hearing. It is best to contact the Representative's office several weeks in advance. Members want to be available to constituents who visit Washington, so you might even be able to arrange a brief visit with your Senator or Congressman.

Lesson 20—Committee and Political Party Organization

Anyone who is unfamiliar with what Congress actually does and how it does it, with all its duties and all its occupations, with all its devices of management and resources of power, is very far from a knowledge of the constitutional system under which we live.

– Woodrow Wilson, *Congressional Government* (1885)

Two realities, neither of which are mentioned in the Constitution, have a profound influence on the way Congress operates. These realities are political parties and the Congressional committee system.

The House chooses its Speaker or chairman along with its other officers. The vice president of the United States is the president or chairman of the Senate, and the Senate chooses a president pro tempore and other officers. Nothing in the Constitution suggests that these positions of leadership are to be political prizes, but that is what they quickly became and what they remain today. In fact, many of the Founding Fathers feared the influence of what they called factions, or groups that align themselves together to promote a certain candidate or agenda. Today we call those factions political parties.

The Party Spirit

Party alignment developed in the earliest days of the government. Representatives and Senators who favored a strong central government tended to combine themselves around leaders such as John Adams and Alexander Hamilton and were called Federalists. Those who favored strictly limiting the power of the central government and who promoted the power of the states gathered around Thomas Jefferson and came to be known as Republicans. The Federalists began to lose power after Thomas Jefferson became President in 1801, and the party eventually faded away. As the idea of democracy became more acceptable, the Republicans came to be called Democratic Republicans and finally, by the time of Andrew Jackson, Democrats. For a time it was the only major party, but factions within the party still allowed for plenty of political competition.

Opponents of Jackson came together as the Whig party in the 1830s. The Democrats generally favored protection of slavery in the states and wanted to have the freedom to expand slavery into the territories, while the Whigs were against the expansion of slavery outside of the states where it already existed. In the 1850s the Whig Party fell apart and a new party, the Republicans, was formed that took a harder stance against the expansion of slavery. From just before the Civil War until today, the two major political parties in the United States have been the Republicans and the Democrats. Minor parties have occasionally emerged, and



Political Cartoon Showing a Democratic Donkey and a Republican Elephant

several exist today, including the Constitution Party, Green Party, and Libertarian Party; but they have not as yet been able to challenge the power of the two main parties.



In 2007 Nancy Pelosi became the first female to serve as Speaker of the House.

The Speaker of the House

The Speaker is the most powerful member of the House. Since the Representatives generally vote along party lines, the majority party in the House is able to name the Speaker. The Speaker presides and maintains order during House sessions, but on a practical basis the Speaker often does not use his or her time this way. This role is frequently filled by a temporary chairman who is also chosen by the House. Most of the Speaker's important work is done behind the scenes. The Speaker decides which committees consider bills that are proposed, and he or she has a major influence on which bills come to the floor for a vote.

The Speaker can vote on all matters that come before the House, but to participate in debate he must appoint a temporary chairman to take his place. The Constitution makes no other provision for organization in the House.

President of the Senate

The vice president of the United States is the president of the Senate. In his absence, the president pro tempore (from the Latin meaning *for a time*) presides. Since the vice president is not a member of the Senate, he cannot vote except to break a tie.

In practical terms, the vice president rarely presides over meetings of the Senate. John Adams regularly served as chairman of meetings in the first Senate while he was Vice President, but today the vice president has many more pressing (and many more politically valuable) obligations to perform. The routine sessions of the Senate, like those in the House, are usually not that electrifying or pivotal. The vice president will preside if a close vote is expected or in other extraordinary circumstances.

The Role of Parties in Congress

Party alignment has come to be the way the House and Senate are organized and how legislation is considered. The Speaker is the leading member of the majority party in the House. In addition, each party has a leader (called the majority leader and the minority leader) and assistant leaders (called majority and minority whips) in both the House and in the Senate. These leaders determine what bills will come to the floor for consideration, and then they try to influence the members of their respective parties to vote in a particular way when those bills come up.

The party's plans are discussed at a meeting of the party's members in a given chamber, which is called a caucus (House Democratic Caucus, Senate Republican Caucus, and so forth).

To encourage members to vote the party line, party leaders might appeal to party principles (or to the dire consequences of the opposition's success), or they might offer to see about funding a program for a Congressman's district, or they could agree to appoint a Senator or Representative to a particular committee in exchange for his vote. If a member decides not to vote the way that the majority of his party votes, he or she might be overlooked when funding for programs is planned or when a committee position becomes vacant.

The Committee System

Much of the work of the Senate and the House takes place in committees. Committees study bills that are introduced, conduct investigations that might lead to new legislation, and hear testimony from Administration officials and other experts regarding matters of interest. Each standing or permanent committee and its subcommittees has a subject area on which it works, such as trade, immigration, crime, or homeland security. Sometimes a bill might be examined by more than one committee.

<p style="text-align: center;">Standing Committees of the Senate</p> <p>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 Health, Education, Labor, and Pensions Homeland Security and Government Affairs Judiciary Rules and Administration Small Business and Entrepreneurship Veterans Affairs</p> <p style="text-align: center;">Special, Select, and Other Senate Committees</p> <p>Indian Affairs Select Committee on Ethics Select Committee on Intelligence Select Committee on Aging</p>	<p style="text-align: center;">Standing Committees of the House of Representatives</p> <p>Agriculture Appropriations Armed Services Budget Education and the Workforce Energy and Commerce Financial Services Government Reform Homeland Security House Administration International Relations Judiciary Resources (Natural Resources and Environment) Rules Science Small Business Standards of Official Conduct Transportation and Infrastructure Veterans Affairs Ways and Means Permanent Select Committee on Intelligence</p>
<p>Joint Committees (with members from both the House and Senate)</p> <p>Joint Committee on Printing Joint Committee on Taxation</p> <p>Joint Committee on the Library of Congress Joint Economic Committee</p>	

Members of Congress want to be appointed to committees that have special relevance to their home districts and states. Many Midwestern Congressmen, for instance, want to serve on the Agricultural Committees. Representatives from Florida, Texas, and California might want to be named to committees that deal with immigration policy.

A few committees are considered the most prestigious. The Armed Services Committees in both houses work on military policy. The Senate Judiciary Committee, among other tasks, considers nominations for Federal judgeships. The House Ways and Means Committee handles revenue and spending legislation and serves as a steering committee for much of the legislation that comes before the House. The role of chairman of a committee usually goes to the member of the majority party who has served the longest on that committee.



House Judiciary Subcommittee Hearing, 1974

The committee system is one way in which the majority party exercises great power in the House and Senate. The majority party chooses all of the committee chairmen and a majority of committee members. Obviously, legislation that the majority party supports will be what is actively considered. Each committee also has what is called a ranking member, who is the committee's longest-serving member from the minority party.

In the next unit we will see how bills that are introduced in Congress make their way through a set process in order to become law. We will also see the role that committees and political parties play in passing and defeating proposed legislation.

*And there occurred a great uproar;
and some of the scribes of the Pharisaic party stood up
and began to argue heatedly, saying,
“We find nothing wrong with this man;
suppose a spirit or an angel has spoken to him?”
Acts 23:9*

Reading

- “The House of Representatives” from *Congressional Government* by Woodrow Wilson (WHTT, p. 101)