

Chapter 10: The Congress

Section 1: The National Legislature

Key Terms: term, session, adjourn, prorogue, special session

A. Bicameralism

1. Congress consists of two houses, the House of Representatives and the Senate. It is at the heart of the most basic governmental functions of our democratic systems because Congress makes the nation's laws.
2. Congress has its roots in British and colonial history. Parliament was bicameral, as were most of the colonial assemblies.
3. The bicameral legislature is a reflection of federalism and was a compromise between the Virginia and New Jersey plans of 1787. The Constitution could not have been completed without this compromise.
4. Theoretically, the Framers favored a bicameral Congress in order that one house might act as a check and balance on the other. It prevented the Congress from becoming more powerful than the other branches.
5. British Parliament and most colonial assemblies were bicameral, so the Framers tended to create a system that they were already familiar with.
6. A bicameral system created a legislative body in which States with a small population would be represented as coequal members and partners in the Union.

B. Terms and Session of Congress

1. A **term** is the length of time between elections in Congress (two years).
2. Each term of Congress consists of two sessions, one during each year of a term. A **session** is the regular period of time during which a legislative body conducts business.
 - a. Neither house of Congress can adjourn *sine die* - that is, finally, ending a session - without the consent of the other. *See Article I, Section 5, Clause 4.*
 - b. The date for the start of each new term was changed by the 20th Amendment in 1933. It is now "noon on the 3rd day of January" of every odd-numbered year.
3. The President may call a **special session**, an extraordinary meeting of a legislative body to deal with a pressing issue. Recalling Congress from recess was a real threat when they met for only 4 or 5 months out of each year. Special sessions are rarely called today because Congress now meets nearly year-round anyway.
4. Neither house of Congress may adjourn if the other does not agree. If the two houses of Congress cannot agree on an adjournment date, the President has the power to **prorogue**, or adjourn, Congress. He has never used this power.

Chapter 10: The Congress

Section 2: The House of Representatives

Key Terms: apportion, reapportion, off-year election, single-member district, at-large, gerrymander

A. Size and Terms

1. The size of the House is not fixed by the Constitution. Today there are 435 members (seats) of the House of Representatives.
2. The total number of seats are **apportioned** (distributed) among the States on the basis of their respective populations.

Each State is guaranteed at least one seat in the House. 7 states have just one seat: AK, DE, MT, ND, SD, VT, WY. DC & the territories have a delegate in the House, but they are not members of the House.
3. Representatives hold office for two-years. Their term was deliberately kept short by the Framers so that they would be responsive to the electorate.
4. No limit exists on the number of terms representatives may serve.

B. Reapportionment

1. **Reapportionment** is a redistribution of the seats in the House as a result of the decennial census.
2. The Reapportionment Act of 1929 set the number of seats in the House at 435, to be redistributed every 10 years according to the census. Following each census, the Census Bureau is responsible for redistributing the seats in the House.

C. Congressional Elections

1. Date - Congressional elections are held on the Tuesday following the first Monday in November of each even-numbered year. Alaska, due to its winter weather, is allowed by law to hold its elections in October, but they never have used this provision.
2. Off-Year Elections - Congressional elections occurring in non-presidential election years are called **off-year elections**. The party holding the Presidency has lost seats in Congress in the off-year election for the last 40 years. The sole exception was Bill Clinton during his 2nd term, when the Democrats gained seats in the off-year election.
3. Districts
 - a. There is no mention of Congressional Districts in the Constitution. Originally, states were allowed to determine the manner of election. Some states elected their representatives in a statewide election, while others used districts.
 - b. In states that have more than one representative, the state is divided into a number of districts to match the number of representatives. The voters in each district vote for the representative that will serve them. Such districts are called **single-member districts**, meaning each district is represented by one House member. Congressional districts within each states are drawn districts are drawn by the State legislature.
 - c. All seats in the House are filled from single-member districts, in which the voters in each district are able t elect one of the State's representatives from among a field of candidates running in that district.

- d. In states that have only one House member, the Representative is elected by the entire state. Under this system, the seat is filled **at-large**, or elected by the voters "at-large".
4. Gerrymandering - Congressional districts are sometimes **gerrymandered**, or drawn to the advantage of the faction that controls the State legislature. There are 2 ways to do this:
 - Congressional district lines are drawn to concentrate the opposition's voters in 1 or 2 districts, or
 - Spread the opposition thinly in each district so they cannot win in any district.

D. *Wesberry v. Sanders*, 1964

1. For many years, rural congressional districts with few people were overrepresented in the House, at the expense of urban and suburban districts.
2. The Supreme Court in the 1964 case, *Wesberry v. Sanders*, held that sections of States may not be over- or underrepresented in Congress, upholding the principle that one person's vote should be worth as much as another's, i.e., "one person, one vote".
3. In theory, this should have eliminated gerrymandering. The Supreme Court continues to hear cases over gerrymandering, the most recent in 2006 in which a Texas redistricting was found to be gerrymandered.

E. Qualifications for House Members

1. Members of the House must be at least 25 years of age, have been a citizen for at least seven years, and must be an inhabitant of the State he or she represents. By custom, the Representative must be a resident of the district they will represent.
2. The House judges the acceptability of individual members and may vote to censure or remove members.
3. In the past, the House would judge members on the formal and many informal qualifications. The Supreme Court, in *Powell v. McCormack* (1969), ruled that the House may not exclude any member-elect who meets the Constitution's requirements.

Chapter 10: The Congress

Section 3: The United States Senate

Key Terms: continuous body, constituency, colleague

A. Election and Terms

1. The United States Senate consists of 100 members, two from each State.

Prior to the adoption of the 17th Amendment in 1913, United States senators were chosen by state legislatures. Since the 17th Amendment in 1913, members of the Senate have been chosen by the people at regular November elections.
3. Senators serve six-year terms that are staggered so that only a third of the members are up for election every two years. The Senate then, can be called a **continuous body**, i.e., all of its seats are never up for election at the same time.

- Because senators serve longer terms than House members and because they represent the views of their entire State, senators are expected to focus less on the interests of small localities and more on the "big picture" of government and of their entire State.
- Senators tend to be more well known because the Senate is much smaller than the House, they serve a longer term, and they have larger staffs.

B. Qualifications

- A senator must meet higher requirements for office than a member of the House. Senators must be at least 30 years of age, must have been a citizen for at least nine years, and must be an inhabitant of the state that he or she represents.

- The Senate judges the qualifications of its members and may exclude a member-elect by a majority vote. The Senate may punish members with a majority vote or expel them with a two-thirds vote.

Chapter 10: The Congress

Section 4: The Members of Congress

Key Terms: trustee, partisan, politico, oversight function, franking privilege

A. Personal and Political Backgrounds

- Congress is not a representative cross section of the American people.
- The average member of Congress is a white male in his mid-50s. The House has the highest percent of women, minorities, and tends to be younger than the Senate.
- Most members are married, have children, and are members of a Christian church.
- Most members are lawyers, though many have backgrounds in business, education, agriculture, journalism, or professional politics.

B. Duties of the Job

- Members of Congress must act as legislators, committee members, representatives of their constituents, servants of their constituents, and politicians. The **oversight function** of a member of Congress is to check to see if agencies in the executive branch are working efficiently and according to law. Congressmen fulfill the obligations of their job based on how they see their role: trustee, delegate, partisan, or politico.
- Trustees - Many members see themselves as holders of the public trust who must decide issues based on merit alone, and not based on the opinions of constituents or any other groups. **Constituents** are people in a Congressman's State or district.
- Delegates - Many members see themselves as agents of those who elected them and believe they should suppress their own views in favor of those of the electorate.
- Partisans - Many members see themselves as bound to vote on issues according to the party platform and the wishes of party leaders.
- Politicos - The role of a member of Congress as a balancer of conflicting factors.

6. Other Roles - All members of Congress also must act as servants of their constituents, providing the people back home with a wide range of services, from making appointments to military academies to helping companies in their districts obtain government contracts.

C. Compensation

1. Senators and representatives receive salaries of \$145,100 per year.
2. Nonsalary Compensation - Members of Congress receive a wide range of fringe benefits, from free parking, low-cost medical care, generous pension plans, to free printing and distribution of speeches, newsletters, and other materials. Also included is the **franking privilege**, or the ability to send job-related mail for free.
3. The Politics of Pay
 - a. Congress sets its own pay and benefits.
 - b. Reasons for high salaries include making public service appealing to qualified people; allowing people to move away from their home states; and as a guarantee that the most able people will run for Congress.

Although Congress sets its own pay, there are two checks that prevent them from

- c. going overboard. First, the President may veto their pay-raise, and second, the fear of voter backlash.

D. Membership Privileges

1. Members may not be arrested for misdemeanors while Congress is in session.
2. Members are immune from court action because of any speech they may make in Congress. Freedom of speech is vital to legislative debate.