

AMERICAN GOVERNMENT

Institutions and Policies

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Thirteenth Edition

Chapter 13 Congress

■ WHO GOVERNS?

1. Are members of Congress representative of the American people?
2. Does Congress normally do what most citizens want it to do?

■ TO WHAT ENDS?

1. Should Congress run under strong leadership?
2. Should Congress act more quickly?



Congress Versus Parliament

■ Congress

- Independent representatives of their districts or states
- Principal work is representation and action

■ Parliament

- Loyal to national party leadership
- Principal work is debate



How Things Work

The Powers of Congress

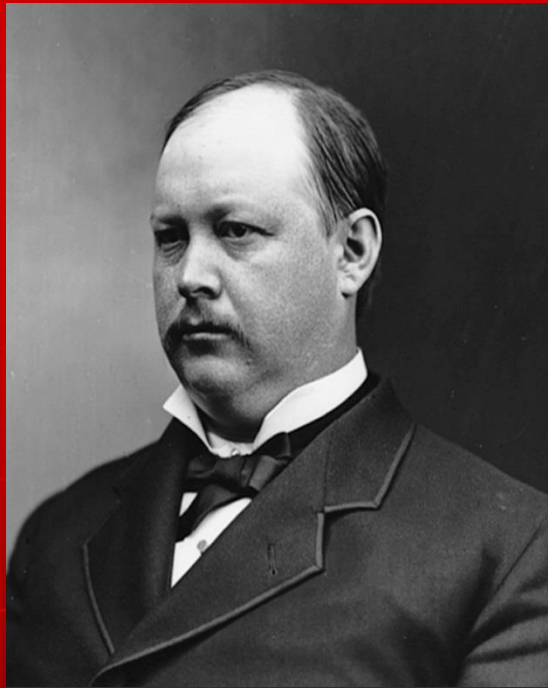
The powers of Congress are found in Article I, section 8, of the Constitution.

- To lay and collect taxes, duties, imposts, and excises
- To borrow money
- To regulate commerce with foreign nations and among the states
- To establish rules for naturalization (that is, becoming a citizen) and bankruptcy
- To coin money, set its value, and punish counterfeiting
- To fix the standard of weights and measures
- To establish a post office and post roads
- To issue patents and copyrights to inventors and authors
- To create courts inferior to (below) the Supreme Court
- To define and punish piracies, felonies on the high seas, and crimes against the law of nations
- To declare war
- To raise and support an army and navy and make rules for their governance
- To provide for a militia (reserving to the states the right to appoint militia officers and to train the militia under congressional rules)
- To exercise exclusive legislative powers over the seat of government (the District of Columbia) and other places purchased to be federal facilities (forts, arsenals, dockyards, and “other needful buildings”)
- To “make all laws which shall be necessary and proper for carrying into execution the fore-going powers, and all other powers vested by this Constitution in the government of the United States.” (*Note: This “necessary and proper,” or “elastic,” clause has been generously interpreted by the Supreme Court, as explained in Chapter 16.*)

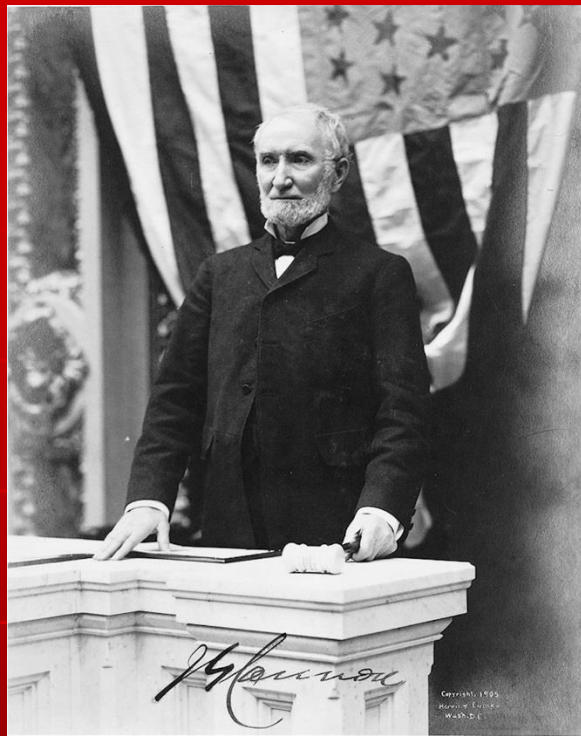


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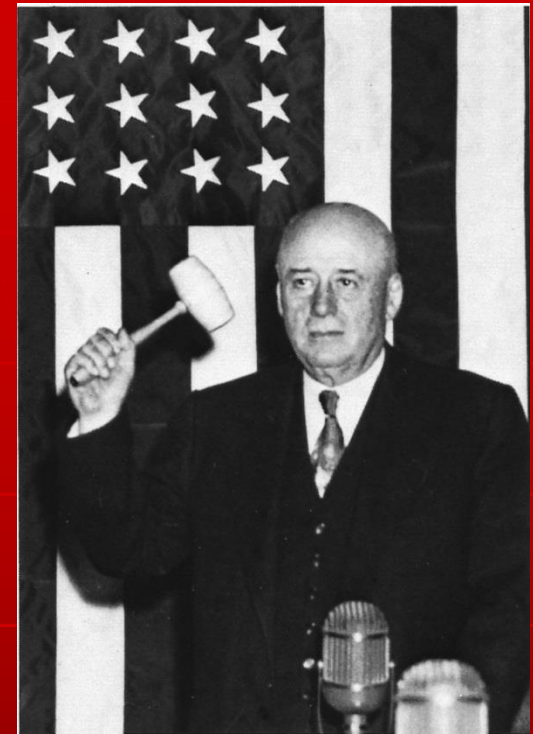
In January 2011, Democratic Speaker Nancy Pelosi turned over her gavel to Republican John Boehner who became speaker after the large Republican victory in the 2010 election.



Library of Congress



Library of Congress

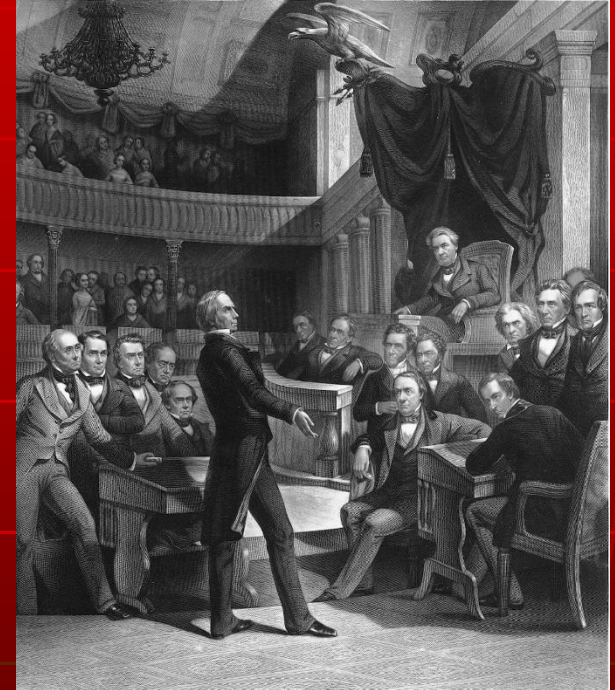


AP/Wide World Photos

Three powerful Speakers of the House: Thomas B. Reed (1889–1891, 1895–1899) (left), Joseph G. Cannon (1903–1911) (center), and Sam Rayburn (1941–1947, 1949–1953, 1955–1961) (right). Reed put an end to a filibuster in the House by refusing to allow dilatory motions and by counting as “present”—for purposes of a quorum—members in the House even though they were not voting. Cannon further enlarged the Speaker’s power by refusing to recognize members who wished to speak without Cannon’s approval and by increasing the power of the Rules Committee, over which he presided. Cannon was stripped of much of his power in 1910. Rayburn’s influence rested more on his ability to persuade than on his formal powers.

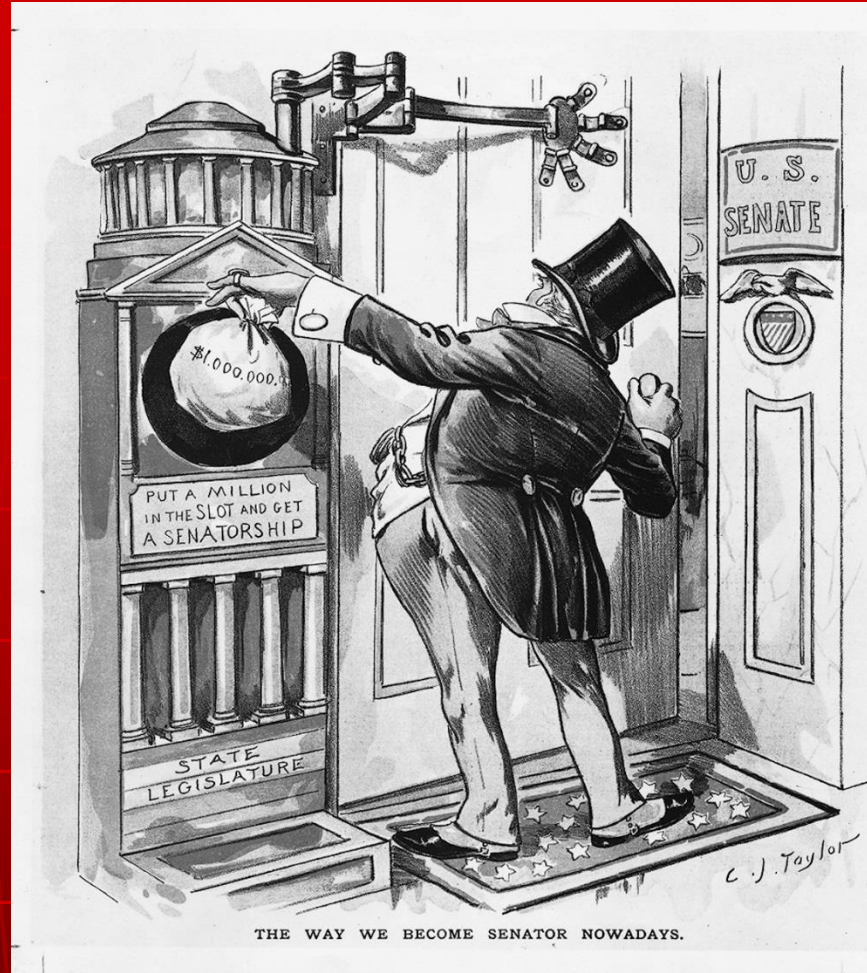
The Evolution of Congress

- Bicameral (two chamber) legislature
- House of Representatives
- Senate
- Centralization vs. decentralization



Library of Congress

One of the most powerful Speakers of the House, Henry Clay, is shown here addressing the U. S. Senate around 1850.



New York Public Library

A cartoon from Puck in 1890 expressed popular resentment over the “Millionaires Club,” as the Senate had become known.

Who is in Congress?

- Sex and Race
- Incumbency
 - Marginal districts
 - Safe districts
- Party

Table 13.1 Blacks, Hispanics, and Women in Congress, 1971–2011

Congress	Blacks	Senate Hispanics	Women	Blacks	House Hispanics	Women
112th (2011–2012)	0	2	17	42	30	75
111th	1	3	17	42	25	77
110th	1	3	16	38	23	74
109th	1	0	14	37	23	59
108th	0	0	13	39	23	62
107th	0	0	13	36	19	59
106th	0	0	9	39	19	58
105th	1	1	9	37	18	51
104th	1	0	8	38	18	48
103rd	1	0	6	38	17	47
102nd	0	0	2	26	10	29
101st	0	0	2	24	11	25
100th	0	0	2	23	11	23
99th	0	0	2	20	11	22
98th	0	0	2	21	10	22
97th	0	0	2	17	6	19
96th	0	0	1	16	6	16
95th	1	0	2	16	5	18
94th	1	1	0	15	5	19
93rd	1	1	0	15	5	14
92nd (1971–1972)	1	1	2	12	5	13

Source: *Congressional Quarterly*, various years



Rep. Paul Ryan (R-WI) in 2011 became the new chair of the House Budget Committee where he oversaw the preparation of a response to Pres. Obama's budget plan.

ROD LAMKEY JR./The Washington Times/Landov

Rep. Gabrielle Giffords (D-AZ) recovering from being shot in the head by a homicidal maniac.

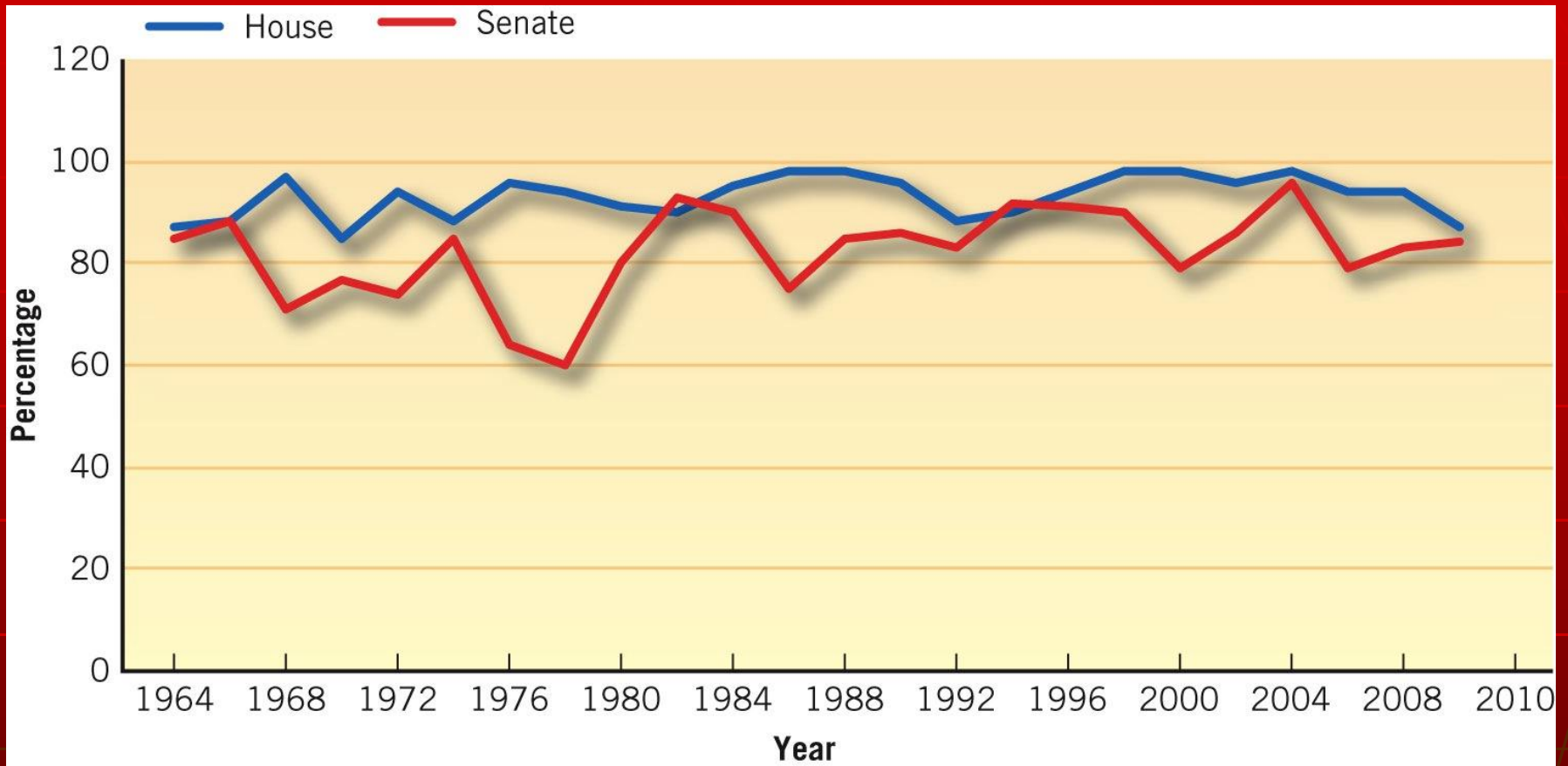


Rex Features via AP Images

Table 13.2 Who's in Congress, 1991–1992
Versus 2011–2012

	102nd Congress (1991–1992)	112th Congress (2011–2012)
Average Age		
House	53	57
Senate	57	62
Occupation		
Law	244	200
Business	189	209
Military		
Had served	277	118
Incumbency		
In first term	44	103

Source: Adapted from chart based on Congressional Research Service and Military Officers Association data in John Harwood, “For New Congress, Data Shows Why Polarization Abounds,” *New York Times*, March 6, 2011.



Source: For 1964-2008 data, The Center For Responsive Politics; 2010 data compiled by the author.

Do Members Represent Their Voters?

- *Representational View*—members vote to please their constituents
- *Organizational View*—members vote to please fellow members of Congress
- *Attitudinal View*—members vote on the basis of their own beliefs



Craig Lassig/EPA/Corbis

Keith Ellison (D., MN), the first Muslim elected to Congress.

A Polarized Congress

- A more ideological perspective has been brought to Congress.
- Congress' most liberal members are Democrats.
- Congress' most conservative members are Republicans.
- Are voters closer to the center of the political spectrum?

The Organization of Congress: Parties and Caucuses

- Party Organization of the Senate
- Party Structure in the House
- The Strength of Party Structures
- Party Unity
- Caucuses



How Things Work

Key Facts About Congress

Qualifications

Representative

- Must be 25 years of age (when seated, not when elected).
- Must have been a citizen of the United States for seven years.
- Must be an inhabitant of the state from which elected. (*Note:* Custom, but *not* the Constitution, requires that a representative live in the district he or she represents.)

Senator

- Must be 30 years of age (when seated, not when elected).
- Must have been a citizen of the United States for nine years.
- Must be an inhabitant of the state from which elected.

Judging Qualifications

Each house is the judge of the “elections, returns, and qualifications” of its members. Thus, Congress alone decides disputed congressional elections. On occasion it has excluded a person from taking a seat on the grounds that the election was improper.

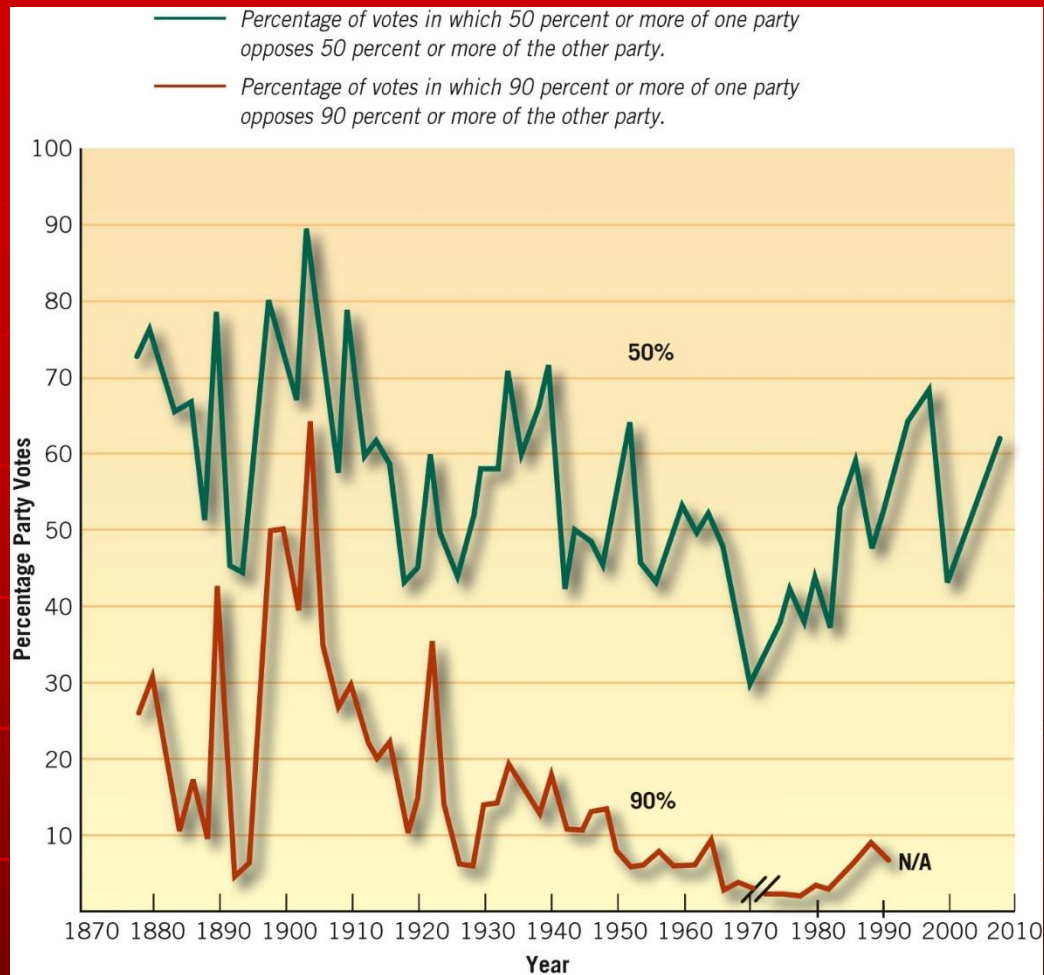
Privileges

Members of Congress have certain privileges, the most important of which, conferred by the Constitution, is that “for any speech or debate in either house they shall not be questioned in any other place.” This doctrine of “privileged speech” has been interpreted by the Supreme Court to mean that members of Congress cannot be sued or prosecuted for anything they say or write in connection with their legislative duties.

When Senator Mike Gravel read the Pentagon Papers—some then-secret government documents about the Vietnam War—into the *Congressional Record* in defiance of a court order restraining their publication, the Court held this was “privileged speech” and beyond challenge (*Gravel v. United States*, 408 U.S. 606, 1972). But when Senator William Proxmire issued a press release critical of a scientist doing research on monkeys, the Court decided the scientist could sue him for libel because a press release was not part of the legislative process (*Hutchinson v. Proxmire*, 443 U.S. 111, 1979).

The Size of Congress

Congress decides the size of the House of Representatives. The House began with 65 members in 1790 and has had 435 members since 1912. Each state must have at least one representative. Regardless of its population, each state has two senators. Equal suffrage for states in the Senate is enshrined in Article I of the Constitution, the only provision that cannot be amended (see Article V).



Note: A party vote occurs when the specified percentage (or more) of one party votes against the specified percentage (or more) of the other party.

Sources: Updated through 2008 by Zach Courser; NES data as reported in 2001–2002; Harold W. Stanley and Richard G. Niemi, *Vital Statistics on American Politics* (CQ Press, 2001), 211. Reprinted by permission of Congressional Quarterly, Inc.

The Organization of Congress: Committees

- Standing Committees
- Select Committees
- Joint Committees
- Conference Committees
- House
- Senate



How Things Work

Standing Committees of the Senate

Major Committees

*No senator is supposed to serve on more than two.**

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 Governmental Affairs

Judiciary

Minor Committees

No senator is supposed to serve on more than one.

Rules and Administration

Small Business and Entrepreneurship

Veterans' Affairs

Select Committees

Aging

Ethics

Indian Affairs

Intelligence

**Despite the rules, some senators serve on more than two major committees.*



How Things Work

Standing Committees of the House

Exclusive Committees

Member may not serve on any other committee, except Budget.

Appropriations

Rules

Ways and Means

Major Committees

Member may serve on only one major committee.

Agriculture

Armed Services

Education and Labor

Energy and Commerce

Financial Services

Foreign Affairs

Homeland Security

Judiciary

Transportation and Infrastructure

Nonmajor Committees

Member may serve on one major and one nonmajor or two nonmajor committees.

Budget

House Administration

Natural Resources

Oversight and Government Reform

Science and Technology

Small Business

Standards of Official Conduct

Veterans' Affairs

Select Committees

Energy Independence and Global Warming

Intelligence

Note: In 1995, the House Republican majority abolished three committees—District of Columbia, Post Office and Civil Service, and Merchant Marine and Fisheries—and gave their duties to other standing committees.



AP Photo/Haraz N. Ghanbari

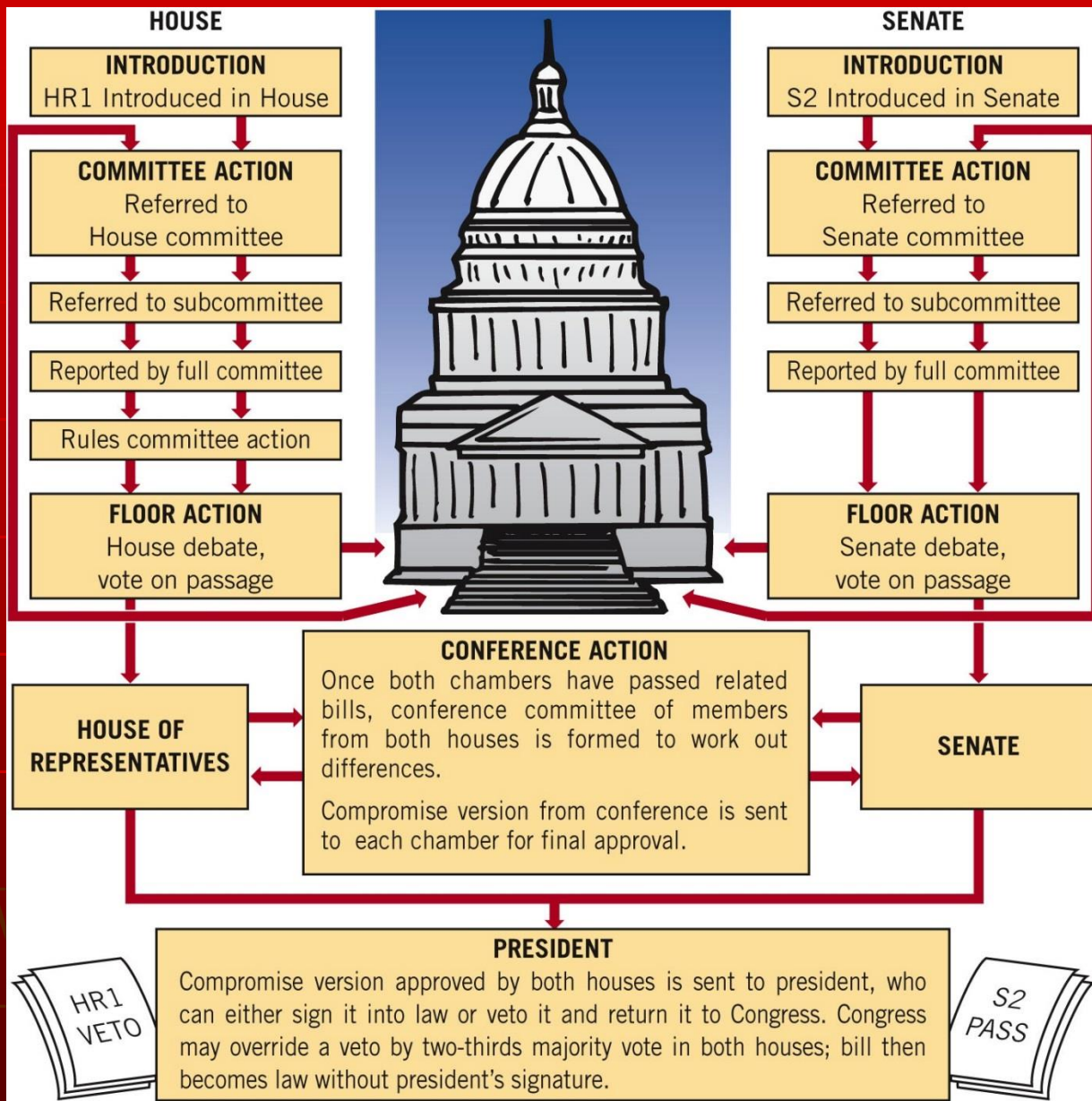
Rep. Steve Scalise, R-La., holds a photo of an oil covered pelican as he questions BP CEO Tony Hayward on Capitol Hill in Washington, June 17, 2010, during the House Oversight and Investigations subcommittee hearing on the role of BP in the Deepwater Horizon explosion and oil spill.

The Organization of Congress: Staff and Specialized Offices

- Tasks of Staff Members
- Staff Agencies
 - Congressional Research Service (CRS)
 - General Accounting Office (GAO)
 - Office of Technology Assessment (OTA)
 - Congressional Budget Office (CBO)

How a Bill Becomes a Law

- Introducing a Bill
- Legislative Productivity
- Study by Committee
- Floor Debate – The House
- Floor Debate – The Senate
- Methods of Voting



How a Bill Becomes a Law



How Things Work

House and Senate Differences: A Summary

House

435 members serving two-year terms

House members have only one major committee assignment, and thus tend to be policy specialists

Speaker referral of bills to committee is hard to challenge

Committees almost always consider legislation first

Scheduling and rules controlled by majority party

Rules Committee powerful; controls time of debate, admissibility of amendments

Debate usually limited to one hour

Nongermane amendments may not be introduced from floor

Senate

100 members serving six-year terms

Senators have two or more major committee assignments, and thus tend to be policy generalists

Referral decisions easy to challenge

Committee consideration easily bypassed

Scheduling and rules generally agreed to by majority and minority leaders

Rules Committee weak; few limits on debate or amendments

Unlimited debate unless shortened by unanimous consent or by invoking cloture

Nongermane amendments may be introduced

Reducing Power and Perks

- Term Limits?
- New Ethics Laws
- Organizational Changes
- Pork-Barrel Legislation
- Franking Privilege



Photo courtesy of the Office of the Clerk of the House

The electronic voting system in the House of Representatives displays each member's name on the wall of the chamber. By inserting a plastic card in a box fastened to the chairs, a member can vote "Yea," "Nay," or "Present," and the result is shown opposite his or her name.



How Things Work

Rules on Congressional Ethics

Senate

Gifts: No gifts (in money, meals, or things) totaling \$100 or more from anyone except a spouse or personal friend.

Lobbyists may not pay for gifts, official travel, legal defense funds, or charitable contributions to groups controlled by senators.

Fees: No fees for lectures or writing (“honoraria”), except that fees of up to \$2,000 may go to a senator-designated charity.

Outside earned income may not exceed 15 percent of a senator’s salary.

Ex-senators may not try to influence members of Congress for one year after leaving the Senate.

Mass mailings: No senator may receive more than \$50,000 from the Senate to send out a mailing to constituents.

House

Gifts: No gifts (in money, meals, or things) totaling \$100 or more from anyone except a spouse or personal friend.

Lobbyists may not offer gifts or pay for travel, even if a lobbyist is a spouse or personal friend.

Travel: House members may travel at the expense of others if travel is for officially connected meetings.

Fees: No honoraria for House members.

Ex-House members may not lobby Congress for one year after leaving office.



How Things Work

How Congress Raises Its Pay

For more than 200 years, Congress has tried to find a politically painless way to raise its own pay. It has managed to vote itself a pay increase 23 times in those two centuries, but usually at the price of a hostile public reaction. Twice during the 19th century, a pay raise led to a massacre of incumbents in the next election.

Knowing this, Congress has invented various ways to get a raise without actually appearing to vote for it. These have included the following:

- Voting for a tax deduction for expenses incurred as a result of living in Washington
- Creating a citizens' commission that could recommend a pay increase that would take effect automatically, provided Congress did not vote against it
- Linking increases in pay to decreases in honoraria (that is, speaking fees)

In 1989, a commission recommended a congressional pay raise of over 50 percent (from \$89,500 to \$135,000) and a ban on honoraria. The House planned to let it take effect automatically. But the public wouldn't have it, demanding that Congress vote on the raise—and vote it down. It did.

Embarrassed by its maneuvering, Congress retreated. At the end of 1989, it voted itself (as well as most top executive and judicial branch members) a small pay increase (7.9 percent for representatives, 9.9 percent for senators) that also provided for automatic cost-of-living adjustments (up to 5 percent a year) in the future. But the automatic adjustments in congressional pay have been rejected every year in recorded roll-call votes. Apparently nobody in Congress wants to be accused of “getting rich” at the taxpayers' expense.

WHAT WOULD YOU DO?

MEMORANDUM

To: *Representative Peter Skerry*

From: *Martha Bayles, legislative aide*

Subject: *The size of the House of Representatives*

The House can decide how big it wishes to be. When it was created, there was one representative for every 30,000 people. Now there is one for every 600,000. In most other democracies, each member of parliament represents far fewer than 600,000 people. Doubling the size of the House may be a way of avoiding term limits.

WHAT WOULD YOU DO?

Arguments for:

1. Doubling the size of the House would reduce the huge demand for constituent services each member now faces.
2. A bigger House would represent more shades of opinion more fairly.
3. Each member could raise less campaign money because his or her campaign would be smaller.

WHAT WOULD YOU DO?

Arguments against:

1. A bigger House would be twice as hard to manage, and it would take even longer to pass legislation.
2. Campaigns in districts of 300,000 people would cost as much as ones in districts with 600,000 people.
3. Interest groups do a better job of representing public opinion than would a House with more members.

WHAT WOULD YOU DO?

Your decision:

Increase size of House?

Do not increase size of House?