

*History 7:*

# **AMERICAN POLITICS & GOVERNMENT**

**RIVERDALE COUNTRY SCHOOL  
Fall 2021**

## SECTION 2

# The Powers of Congress

### SECTION PREVIEW

#### Objectives

- Describe how Congress uses its powers to meet the goals stated in the Preamble to the Constitution.
- Explain how limits on the power of Congress protect the rights of citizens.

#### Building Civics Vocabulary

- A plan for raising and spending money is a budget.

#### ★ Focus

Each year, our cities, states, and nation face many problems. Congress has the power to try to solve some of these problems. Others are left to local and state governments or to individuals and groups. For example, fixing the potholes in a street is the responsibility of a city. However, repairing the interstate highway, which runs between states, must be done by the national government.

Which problems Congress can try to solve is determined in part by the powers given it in the Constitution. As you will see, these powers are broad, but they have their limits.

### Powers Given to Congress

In Chapter 5 you learned that the powers given to Congress are known as delegated powers. Most of these powers are listed in the Constitution, in Article 1, Section 8. In deciding which powers to give to Congress, the framers had the goals of the Preamble in mind. These goals are “to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense,

promote the general welfare, and secure the blessings of liberty.” Each power reflects one or more of these goals.

**Promoting the General Welfare** The term *general welfare* refers to the needs of all the people of a nation. Congress promotes the general welfare by making laws that help people live better.

Many of these laws are based on the power of Congress to regulate commerce, or business, with foreign nations and between states. For example, a law sets up an agency which controls air traffic in the nation and writes and enforces rules for air safety. Another agency approves or disapproves increases in interstate telephone rates.

Congress can limit commerce in order to promote the general welfare. In 1808, Congress passed a law forbidding traders to bring African slaves into the United States. Today, a law says that companies that do



Many think that in its responsibility to promote the general welfare, Congress should provide more funds for nursery schools and day care.

not pay all their workers minimum wages may not ship their goods to other states.

Congress also has the power to collect taxes and to borrow money. Without money the government could not function. Any bill that has to do with raising money must begin in the House of Representatives. After a money bill has been introduced in the House, the Senate may then act on it by proposing amendments.

In addition, Congress has the power to decide how the money it collects will be spent. In this difficult task, Congress determines how much money will go to education, space programs, medical research, law enforcement and so on.

Congress is said to have the "power of the purse" because it has final approval of the government's budget, or plan for raising and spending money. With this power, Congress has the ability to act as a check on the executive branch. The President can do very little unless Congress provides the money.

**Providing for Defense** Congress has the power to establish and maintain an army and a navy to defend the nation. Congress also has the sole power to declare war. The last time Congress used this power was during World War II, when the United States declared war on Japan in 1941.

In the 1960s and early 1970s, Presidents Lyndon B. Johnson and Richard M. Nixon sent American troops into battle in the Vietnam War even though Congress did not declare war. In 1973, Congress passed a law called the War Powers Resolution, commonly known as the War Powers Act. That law limits the President's power to send troops into combat without approval by Congress. In the years since, however, Presidents and Congress have continued to debate the question of when congressional approval is needed to send American troops into battle.

**Establishing Justice** Congress has the power to create federal courts below the level of the Supreme Court. In addition, the appointment of judges to these courts and to the Supreme Court must be approved by the Senate.

Another power of Congress that helps to establish justice is the power to impeach, or accuse an official, such as the President or a federal judge, of serious wrongdoing. Only the House can impeach. The Senate, however, has the power to put the impeached official on trial. If found guilty, the official is removed from office. In our history, two Presidents have been impeached by the House—Andrew Johnson in 1868 and Bill Clinton in 1998. In both cases, the Senate voted not to convict the President.

**Unlisted Powers** Not all powers of Congress are specifically listed. A clause in the Constitution, often called the elastic clause, allows Congress to make all laws that are "necessary and proper" for carrying out the listed powers. For example, in order to coin money, Congress must set up a mint. The mint has power to design coins and bills, buy metal and paper, hire workers, and distribute the money to banks. None of these powers are listed in the Constitution. The elastic clause gives Congress room to stretch its powers. It makes the government flexible enough to carry out its work and change with the times.

**Nonlegislative Powers** Fulfilling the goals of the Preamble involves more than making laws. The Constitution grants Congress several important nonlegislative powers. You have already learned about the power to impeach, the power to approve treaties and appointments of federal judges, and the power to propose amendments to the Constitution. Congress also has the power to conduct investigations. It can gather information to help it make laws,

**POWERS OF CONGRESS** The Constitution gives Congress a wide range of powers. **Government** What are two nonlegislative powers granted specifically to the Senate?

Legislative Powers	Nonlegislative Powers
<ul style="list-style-type: none"> <li>• Collect taxes</li> <li>• Borrow money</li> <li>• Regulate trade with foreign nations and among the states</li> <li>• Make laws about naturalization</li> <li>• Coin money and set a standard of weights and measures</li> <li>• Establish post offices and highways</li> <li>• Issue patents and copyrights</li> <li>• Declare war</li> <li>• Create, maintain, and make rules for armed forces</li> <li>• Make laws for the District of Columbia</li> </ul>	<ul style="list-style-type: none"> <li>• Elect a President (House) and a Vice President (Senate) if no candidate gets a majority in the electoral college</li> <li>• Confirm appointments and treaties made by the President (Senate)</li> <li>• Propose amendments to the Constitution</li> <li>• Call conventions to propose amendments if demanded by states</li> <li>• Admit new states to the Union</li> <li>• Bring impeachment charges (House)</li> <li>• Try impeachment cases (Senate)</li> </ul>

and it can find out how the executive branch is enforcing laws.

## Limits on the Powers of Congress

There are both general and specific limits to the powers of Congress. The general limits come from the system of checks and

balances you read about in Chapter 5. The executive branch is able to veto proposed laws, and the judicial branch can declare laws unconstitutional.

The specific limits are listed in Article 1, Section 9 of the Constitution. The most important of these limits protect the rights of citizens.

In some countries, a person can be held in jail without having been charged with a crime and given a trial. In the United States, if you are held in jail without a charge, a lawyer or friend can get a writ of *habeas corpus* (HAY bee uhs KOR pus). This paper orders the police to bring you into court. The court then decides if the police have enough evidence to keep you in jail. If not, you must be released. The Constitution says that Congress cannot take away a citizen's right to a writ of *habeas corpus* except in times of invasion or civil war.

The Constitution also prevents Congress from passing bills of attainder. A bill of attainder is a law that convicts a person of a crime without a trial. In addition, Congress cannot pass *ex post facto* laws. Such a law makes a particular act a crime and then punishes people who committed the act before the law was passed. For example, you cannot be punished for something you do in April if a law against the act was not established until May.

These specific limits to the power of Congress were originally looked on as a kind of bill of rights. Together, they help to protect the rights of citizens in dealing with the police and the courts.

## Section 2 Assessment

1. **Define** budget
2. Describe two powers that help Congress "promote the general welfare."
3. For what purposes does Congress conduct investigations?
4. Why are bills of attainder and *ex post facto* laws unfair?
5. **Evaluate** Do you think the framers were right in giving the power of the purse to Congress rather than to the President? Explain.

# STRUCTURE OF CONGRESS

## Representatives

You read in Chapter 5 that the House of Representatives is elected on the basis of population. The Constitution requires a census, an official count of the population made every ten years to find out how many representatives each state should have. Then Congress gives each state a fair proportion of the 435 seats in the House of Representatives. For example, the 2000 census determined that California, with the biggest population, should have 53 representatives. Vermont and Wyoming, with very small populations, have only one

representative each. States can gain or lose representatives after each census, but each state must have at least one representative.

The area that a member of the House represents is called a congressional district. Each state is divided into as many congressional districts as it has representatives in the House. By law, all congressional districts must have about the same number of people. Today, districts contain an average of 647,000 people.

The process of drawing district boundaries, which is controlled by state governments, can lead to controversy. Sometimes certain areas in a state have greater percentages of voters from one political party. Then districts can be created to favor one party over another. For example, if the Democratic party controls a state's legislature, it can draw boundaries in such a way that Democrats will be in the majority in most of the state's districts. This



Like other senators, Olympia Snowe of Maine attends meetings in her home state to keep in touch with constituents.

From: Davis, James, & Phyllis Fernlund.  
Civics: Participating in Government  
Prentice Hall, 2003.

is a strategy that might be used to make sure that a majority of representatives from the state will be Democrats.

**Term of Office** Representatives serve for two years. All 435 representatives end their terms of office on January 3rd, every two years. They must run for re-election or retire. There is no limit to the number of times a representative can be re-elected.

If they wish to stay in office for more than two years, representatives must constantly work to earn the approval of the people in their districts. For this reason, a typical representative spends more than one fourth of his or her time working for constituents—writing letters, receiving visitors, and doing casework.

## Senators

In the Senate, each state is represented by two senators. Thus, a senator pays attention to the interests of the state as a whole, not just one district. For example, a representative from a congressional district in central Illinois will be very interested in farm policies because most of the constituents grow crops and raise livestock. A senator from Illinois, in contrast, is concerned not only with farming, but also with all other parts of the state's economy, including manufacturing, banking, mining, and shipping.

**Term of Office** Senators are elected for terms of six years. One third of the senators are elected every two years. Unlike the terms of representatives, the terms of senators overlap. As a result, at any one time, there are a number of experienced senators in the Senate.

The framers of the Constitution hoped that longer, overlapping terms would make senators less sensitive to the shifting moods of the people than representatives, who face re-election every two years. As a more stable body, the Senate was expected to prevent quick, unwise changes in the law.

## Requirements, Salary, and Benefits

The requirements for being a senator or a representative are similar. Senators and representatives must live in the states in which they are elected. Representatives must be at least 25 years old, and senators must be at least 30 years old. A representative must have been a citizen of the United States for at least seven years, but a senator must have been a citizen for at least nine years.

A member of Congress received an annual salary of \$145,100 in 2001. In addition, a member receives benefits to help him or her do the job. For example, a member can have two offices, one in Washington, D.C., and one in his or her congressional district or state. A member receives allowances for running both offices and paying staff salaries, as well as money to travel home to meet with constituents. Members also have free use of the postal service to send mail, such as newsletters, to constituents.

## Section 1 Assessment

1. **Define** policy, constituents, bill, interest groups, lobbyists, census, congressional district
2. How do interest groups try to influence members of Congress?
3. How do home offices help keep members of Congress in touch with their constituents?
4. What are some major differences between the jobs of senators and representatives?
5. What are some of the benefits received by members of Congress?
6. **Evaluate** Based on what you know about the area you live in, what do you think are some local needs your representative should take into account?

## Leadership in Congress

The Constitution gives only a few directions about congressional leadership. First, it states that the House of Representatives must choose a presiding officer called the Speaker of the House. Second, it says that the Vice President of the United States is to serve as the presiding officer, or president, of the Senate. Finally, it directs the Senate to choose an officer called the president pro tempore (pro TEM puh REE), who will preside over the Senate when the Vice President is absent. This officer is also called president pro tem, for short.

The Constitution does not describe how the Speaker of the House or the president pro tem should be chosen. Early in the history of Congress, however, political parties gained control over who was elected to these positions.

Today the Democratic and Republican parties make the decisions about leadership in Congress. In both the House and the Senate, the party with more members is called the majority party. The one with fewer members is called the minority party. In the first months of the 107th Congress, the Senate was split 50–50. Because the Vice President was a Republican, the Senate was considered to have a Republican majority. During the spring of 2001, Vermont Republican Senator James Jeffords switched parties to become an Independent, thus tipping the balance of power towards the Democrats.

Before a new Congress begins, members of each party hold meetings to select congressional leaders. The majority party in the House chooses the Speaker of the House. Likewise, the majority party in the Senate chooses the president pro tem.

**Speaker of the House** The Speaker is the most powerful member of the House. The Speaker presides over sessions, deciding the order of business and who may speak. The Speaker also appoints members of committees and refers bills to committees. These powers give the Speaker great influence over which bills pass or fail in the House.

**President of the Senate** As presiding officer of the Senate, the Vice President is in charge of sessions but cannot take part in debates and can vote only in case of a tie. Because the Vice President often is busy with executive duties, the president pro tem usually acts as the Senate's presiding officer.

**Floor Leaders** The chief officers of the majority and minority parties in each house are the floor leaders. They are responsible for guiding bills through Congress. Floor leaders work closely with committee leaders and party members to persuade them to accept compromises or trade-offs in order to win votes on bills.

Assistant floor leaders, called whips, aid floor leaders in each house. Whips try to persuade members to support the party's position on key issues and to be present when it is time to vote. On important issues, when close votes are expected, much depends on the skill of a party's floor leader and whip.

## Facts & Quotes

### The Growth of Congress

The United States Congress celebrated its 212th anniversary in April 2001.

The members of the 1st Congress would probably be amazed by the size and budget of our modern Congress.

	1st Congress	107th Congress
Members of House	65	435
Members of Senate	26	100
Standing Committees	0	36
Budget	\$374,000	\$3.1 billion



# CREATING LAWS: *How an idea becomes a bill and then a law*



Creating laws is the most important job of the legislative branch. All laws in the United States begin as bills, either in the House or in the Senate. The one exception to this is that laws that set taxes or budget must begin in the House. Let's follow a bill's journey to become law (in this case, we'll imagine it is starting in the House, not the Senate.)

## **1. The Bill Begins**

Laws begin as ideas. These ideas may come from a representative, a lobbyist, —or from a citizen like you. Citizens who have ideas for laws can contact their Representatives to discuss their ideas. If the representatives agree, they research the ideas and write them into bills.

## **2. The Bill Is Proposed**

When a representative has written a bill, the bill needs a sponsor. The representative talks with other representatives about the bill in hopes of getting their support for it. Once a bill has a sponsor and the support of some of the representatives, it is ready to be introduced.

## **3. The Bill Is Introduced**

In the U.S. House of Representatives, a bill is introduced when it is placed in the hopper—a special box on the side of the clerk's desk. Only representatives can introduce bills in the U.S. House of Representatives.

When a bill is introduced in the U.S. House of Representatives, a bill clerk assigns it a number that begins with H.R. A reading clerk then reads the bill to

all the representatives, and the Speaker of the House sends the bill to one of the House standing committees.

#### **4. The Bill Goes to Committee**

When the bill reaches committee, the committee members—groups of representatives who are experts on topics such as agriculture, education, or international relations—review, research, and revise the bill before voting on whether or not to send the bill back to the House floor.

If the committee members would like more information before deciding if the bill should be sent to the House floor, the bill is sent to a subcommittee. While in subcommittee, the bill is closely examined and expert opinions are gathered before it is sent back to the committee for approval.

#### **5. The Bill Is Reported**

When the committee has approved a bill, it is sent—or reported—to the House floor. Once reported, a bill is ready to be debated by the U.S. House of representatives.

#### **6. The Bill Is Debated**

When a bill is debated, representatives discuss the bill and explain why they agree or disagree with it. Then, a reading clerk reads the bill section by section and the representatives recommend changes. When all changes have been made, the bill is ready to be voted on.

#### **7. The Bill Is Voted On**

There are three methods for voting on a bill in the U.S. House of Representatives:

1. Viva Voce (voice vote): The Speaker of the House asks the representatives who support the bill to say “aye” and those that oppose it say “no.”
2. Division: The Speaker of the House asks those representatives who support the bill to stand up and be counted, and then those who oppose the bill to stand up and be counted.

3. Recorded: representatives record their vote using the electronic voting system. representatives can vote yes, no, or present (if they don't want to vote on the bill).

If a majority of the representatives say or select yes, the bill passes in the U.S. House of Representatives. The bill is then certified by the Clerk of the House and delivered to the U.S. Senate.

## **8. The Bill Is Referred to the Senate**

When a bill reaches the U.S. Senate, it goes through many of the same steps it went through in the U.S. House of Representatives. The bill is discussed in a Senate committee and then reported to the Senate floor to be voted on.

Senators vote by voice. Those who support the bill say “yea,” and those who oppose it say “nay.” If a majority of the senators say “yea,” the bill passes in the U.S. Senate and is ready to go to the president.

## **9. The Bill Is Sent to the president**

When a bill reaches the president, he has three choices. He can:

1. Sign and pass the bill—the bill becomes a law.
2. Refuse to sign, or veto, the bill—the bill is sent back to the U.S. House of Representatives, along with the president's reasons for the veto. If the U.S. House of Representatives and the U.S. Senate still believe the bill should become a law, they can hold another vote on the bill. If two-thirds of the representatives and senators support the bill, the president's veto is overridden and the bill becomes a law.
3. Do nothing (pocket veto)—if Congress is in session, the bill automatically becomes law after 10 days. If Congress is not in session, the bill does not become a law.

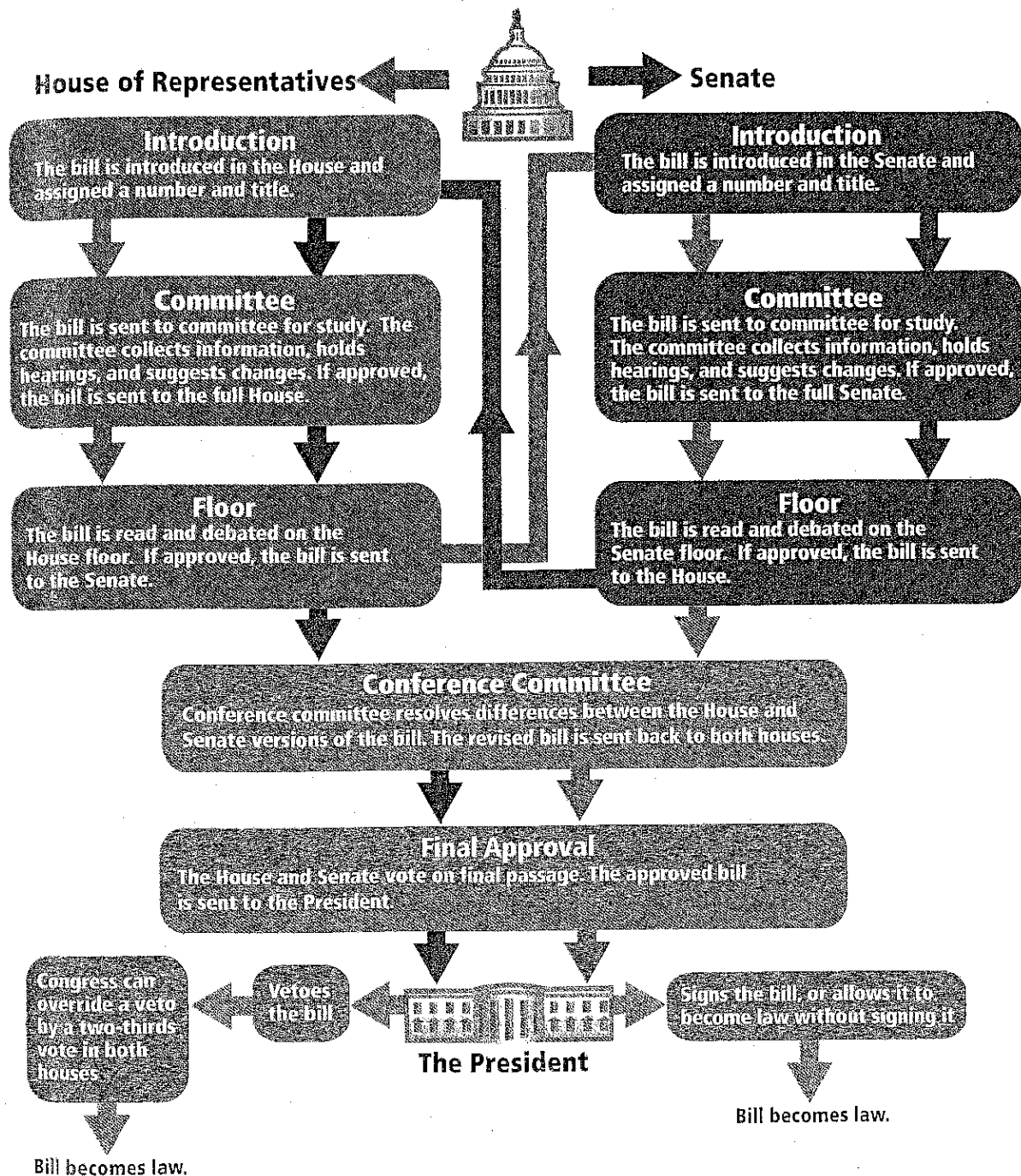
## **10. The Bill Is a Law**

If a bill has passed in both the U.S. House of Representatives and the U.S. Senate and has been approved by the president, or if a presidential veto has been overridden, the bill becomes a law and is enforced by the government.

*Adapted from “How Laws Are Made” Kids in the House, Office of the Clerk, US House of Representatives.  
<<http://kids.clerk.house.gov>>*



**HOW A BILL BECOMES A LAW** A bill must pass through each house of Congress before reaching the President. **Government** Describe the purpose of the conference committee.



## 2 Committees in Congress

### Section Preview

#### OBJECTIVES

1. **Explain** how the standing committees function.
2. **Describe** the duties and responsibilities of the House Rules Committee.
3. **Compare** the functions of joint and conference committees.

#### WHY IT MATTERS

The lawmaking process in both houses is built around committees, and these bodies play a major role in shaping the public policies of the United States.

#### POLITICAL DICTIONARY

- ★ **standing committee**
- ★ **select committee**
- ★ **joint committee**
- ★ **conference committee**

**D**o you know the phrase “a division of labor”? Roughly explained, it means dividing the work to be done, assigning the several parts of the overall task to various members of the group.

The House and the Senate are both so large, and the business they each face is so great, that both chambers must rely on a division of labor. That is to say, much of the work that Congress does is in fact done by committees. Indeed, Representative Clem Miller (D., Calif.) once described Congress as “a collection of committees that comes together periodically to approve one another’s actions.”

### Standing Committees

In 1789 the House and Senate each adopted the practice of naming a special committee to consider each bill as it was introduced. By 1794 there were more than 300 committees in each chamber. Each house then began to set up permanent panels, known as **standing committees**, to which all similar bills could be sent.

### Committee Assignments

The number of these committees has varied over the years. The graphic on page 330 lists the 19 standing committees in the House and the 17 in the Senate today. Each House committee has from 10 to as many as 75 members, and each Senate committee has from 14 to 28. Representatives are normally assigned to one or two standing committees and senators to three

or four. The pivotal role these committees play in the lawmaking process cannot be overstated. Most bills receive their most thorough consideration in these bodies. Members of both houses regularly respect the decisions and follow the recommendations they make. Thus, the fate of most bills is decided in the various standing committees, not on the floor of either house. More than a century ago, Woodrow Wilson described “Congress in its committee rooms” as “Congress at work,” and that remains the fact of the matter today.

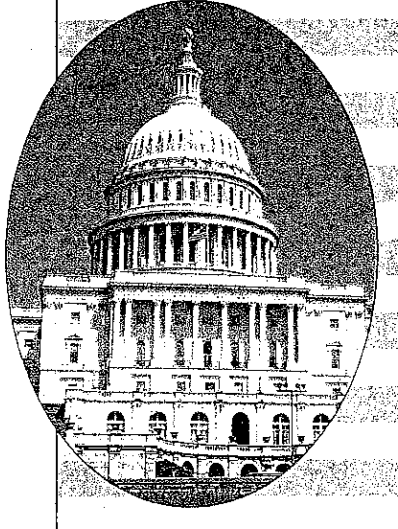
Some panels are more prominent and more influential than others. As you would expect, most members try to win assignments to these important panels. The leading committees in the House are the Rules, Ways and Means, Appropriations, Armed Services, Judiciary, International Relations, and Agriculture committees. In the Senate, senators usually compete for places on the Foreign Relations, Appropriations, Finance, Judiciary, Armed Services, and Banking, Housing, and Urban Affairs committees. Of course, some of the other committees are particularly attractive to some members. Thus, a representative whose district lies wholly within a major city might want to sit on the

► The House Committee on Banking and Financial Services considers bills that affect finance, including the proposal that led to the golden dollar coin.



## Permanent Committees of Congress

HOUSE STANDING COMMITTEES	JOINT COMMITTEES OF CONGRESS	SENATE STANDING COMMITTEES
Agriculture Appropriations Armed Services Budget Education and the Workforce Energy and Commerce Financial Services Government Reform House Administration International Relations Judiciary Resources Rules Science Small Business Standards of Official Conduct Transportation and Infrastructure Veterans Affairs Ways and Means	Economic The Library Printing Taxation	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 Homeland Security and Governmental Affairs Indian Affairs Judiciary Health, Education, Labor and Pensions Rules and Administration Small Business and Entrepreneurship Veterans Affairs



**Interpreting Tables** Most legislation is considered in standing committees, and party politics can shape those panels. *What considerations might lead a member of Congress to want to serve on a particular committee?*

House Committee on Education and the Workforce. A senator from one of the western States might angle for assignment to the Senate's Committee on Energy and Natural Resources.

Most of the standing committees handle bills dealing with particular policy matters, such as veterans' affairs or foreign relations. There are three standing committees that do not operate as subject-matter bodies, however: in the House the Rules Committee and the Committee on Standards of Official Conduct, and in the Senate the Committee on Rules and Administration.

When a bill is introduced in either house, the Speaker or the president of the Senate refers the measure to the appropriate standing committee. Thus, the Speaker sends all tax measures to the House Ways and Means Committee; in the Senate tax measures go to the Finance Committee. A bill dealing with, say, enlistments in the armed forces goes to the Armed Services Committee in the House *and* to the Armed Services Committee in the Senate.

Recall that the chairman of each of the standing committees is chosen according to the seniority rule. To see the point, look at the tables on pages 331 and 332. Notice that most committee chairmen have served in Congress for at least 12 years and some much longer. The seniority rule is also applied closely in each house when it elects the other members of each of its committees.

The members of each standing committee are formally elected by a floor vote at the beginning of each term of Congress. In fact, each party has already drawn up its own committee roster before the vote, and the floor vote merely ratifies those party choices.

The majority party always holds a majority of the seats on each standing committee.<sup>8</sup> The other party is well represented, however.

<sup>8</sup>The only exception is the House Committee on Standards of Official Conduct, with five Democrats and five Republicans. Often called the House Ethics Committee, it investigates allegations of misconduct by House members. In the Senate, a six-member bipartisan Select Committee on Ethics plays a similar role.

Most standing committees are divided into subcommittees, and each subcommittee is responsible for a particular slice of the committee's overall workload. There are now some 150 subcommittees in the two houses; nearly 70 in the Senate and 80 in the House.

To illustrate, the Senate's 25-member Committee on Armed Services does much of its work in six subcommittees. Each member serves on at least two of them, and the subcommittee titles generally describe their focus: the Subcommittee on Emerging Threats and Capabilities; the Subcommittee on Airland Forces; the Subcommittee on Personnel; the Subcommittee on Readiness and Management Support; the Subcommittee on Seapower; and the Subcommittee on Strategic Forces.

### The House Rules Committee

The House Committee on Rules is sometimes called the "traffic cop" in the lower house. So many measures are introduced in the House each term that some sort of screening is necessary.

Most bills die in the committees to which they are referred. Still, several hundred are reported out every year. So, before most of these bills can reach the floor of the House, they must also clear the Rules Committee.

Normally, a bill gets to the floor only if it has been granted a rule—been scheduled for floor consideration—by the Rules Committee. The committee decides whether and under what conditions the full House will consider a measure. As you will see, this means that the potent 13-member Rules Committee can speed, delay, or even prevent House action on a measure.

In the Senate, where the process is not so closely regulated, the majority floor leader controls the appearance of bills on the floor.

### Select Committees

At times, each house finds need for a **select committee**. These groups are sometimes called special committees; they are panels set up for some specific purpose and, most often, for a

**House Committee Chairs, 2005**

Committee	Name	Age*	Year Elected to House	Party Affiliation and State
Agriculture	Bob Goodlatte	59	1992	R, Virginia
Appropriations	Ralph Regula	81	1972	R, Ohio
Armed Services	Duncan Hunter	57	1980	R, California
Budget	Jim Nussle	45	1990	R, Iowa
Education and the Workforce	John Boehner	56	1990	R, Ohio
Energy and Commerce	Joe Barton	56	1984	R, Texas
Financial Services	Michael G. Oxley	61	1981	R, Ohio
Government Reform	Tom Davis	56	1994	R, Virginia
House Administration	Robert W. Ney	51	1994	R, Ohio
International Relations	Henry J. Hyde	81	1974	R, Illinois
Judiciary	F. James Sensenbrenner, Jr.	62	1978	R, Wisconsin
Resources	Richard Pombo	44	1992	R, California
Rules	David Dreier	53	1980	R, California
Science	Sherwood L. Boehlert	69	1982	R, New York
Small Business	Donald A. Manzullo	61	1992	R, Illinois
Standards of Official Conduct	Joel Hefley	70	1986	R, Colorado
Transportation and Infrastructure	Don Young	72	1973	R, Alaska
Veterans Affairs	Christopher H. Smith	52	1980	R, New Jersey
Ways and Means	Bill Thomas	64	1978	R, California

SOURCES: *Congressional Directory* and the Clerk of the House

\*As of birth date in 2005.



**Interpreting Tables** Committee chairmen have the power to schedule meetings, decide which bills to address, arrange public hearings, and decide which witnesses are to be called. *What do their ages, years in the House, and party affiliation tell you about the post each of these members holds?*

limited time. The Speaker of the House or the president of the Senate appoints the members of these special committees, with the advice of the majority and minority leaders.

Most select committees are formed to investigate a current matter. The congressional power to investigate is an essential part of the lawmaking function. Congress must decide on the need for new laws and gauge the adequacy of those already on the books. It also must exercise its vital oversight function, to ensure that federal agencies are following the laws it has already passed. At times, too, a committee may conduct an investigation of an issue—for example, the threat of domestic terrorism—in order to focus public attention on that matter.

Most investigations are conducted by standing committees or by their subcommittees. Select committees occasionally do that work, however. Thus, the Senate's Select Committee on Aging conducts an ongoing study of the elderly. It holds hearings in Washington and around the country, issues reports and press releases, and otherwise tries to bring greater public and governmental attention to the problems facing older Americans.

At times, a select committee becomes a spectacularly important body. This happened, for example, with the Senate's Select Committee on Presidential Campaign Activities, popularly known as the Senate Watergate Committee. As the Watergate scandal began to unfold in 1973, the Senate created that committee. Chaired by Senator Sam Ervin (D., North Carolina), its job was to investigate "the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons . . . in the presidential election of 1972." Its sensational hearings riveted the nation for months. Eventually, they formed a key link in the chain of events that led to President Richard Nixon's resignation from office in 1974.

Since then, the most notable instance came in 1987, with the work of two panels: the Senate's Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and the House Select Committee to Investigate Covert Arms Transactions with Iran. These twin committees, often referred to as the Iran-Contra Committee, probed the Reagan administration's conduct of two highly secret projects abroad:

### Senate Committee Chairs, 2005

Committee	Name	Age*	Year Elected to Senate†	Party Affiliation and State
Agriculture, Nutrition, and Forestry	Saxby Chambliss	62	2002 (4)	R., Georgia
Appropriations	Thad Cochran	68	1978 (3)	R., Mississippi
Armed Services	John Warner	78	1978	R., Virginia
Banking, Housing, and Urban Affairs	Richard C. Shelby, Jr.	71	1986 (4)	R., Alabama
Budget	Judd Gregg	58	1992 (4)	R., New Hampshire
Commerce, Science, and Transportation	Ted Stevens	83	1968	R., Alaska
Energy and Natural Resources	Pete Domenici	73	1972	R., New Mexico
Environment and Public Works	James M. Inhofe	71	1994 (4)	R., Oklahoma
Finance	Charles E. Grassley	72	1980 (3)	R., Iowa
Foreign Relations	Richard G. Lugar	73	1976	R., Indiana
Governmental Affairs	Susan Collins	53	1996	R., Maine
Health, Education, Labor, and Pensions	Mike Enzi	61	1996	R., Wyoming
Indian Affairs	John McCain	69	1986 (3)	R., Arizona
Judiciary	Arlen Specter	75	1980	R., Pennsylvania
Rules and Administration	Trent Lott	64	1988 (8)	R., Mississippi
Small Business and Entrepreneurship	Olympia Snowe	58	1994 (8)	R., Maine
Veterans Affairs	Larry Craig	60	1990 (5)	R., Idaho

SOURCES: *Congressional Directory* and Secretary of the Senate

\* As of birth date in 2005

† Number in parentheses indicates terms served in House.



**Interpreting Tables** Critics complain that the seniority system discourages younger members of Congress. *How does this table demonstrate the importance of seniority in the United States Senate?*



the covert sale of arms to Iran and clandestine efforts to give military aid to the Contra rebels in Nicaragua. The operation in Iran was intended, at least in part, as an arms-for-hostages deal, and it failed. The aid to the Contras was funded in part with money from the Iranian arms sales, despite an act of Congress that expressly prohibited such aid by the United States.

Most congressional investigations are not nearly so visible, nor so historic. Their more usual shape can be seen when, for example, the House Committee on Agriculture looks at the spruce budworm problem, an infestation affecting trees in the Pacific Northwest.

## Joint and Conference Committees

A **joint committee** is one composed of members of both houses. You may recall them from the chart on page 330. Some are select committees set up to serve some temporary purpose. Most are permanent groups that serve on a regular basis. Because the standing committees of the two houses often duplicate one another's work, many have long urged that Congress make much greater use of the joint committee device.

Some joint committees are investigative in nature and issue periodic reports to the House and Senate—for example, the Joint Economic Committee. Most often they perform more routine duties, however—for example, the Joint Committee on Printing and the Joint Committee on the Library of Congress.

Before a bill may be sent to the President, each house must pass it in identical form. Sometimes, the two houses pass differing versions, and the first house will not agree to the changes the other has made. When this happens, a **conference committee**—a temporary, joint body—is created to iron out the differences in the bill. Its job is to produce a compromise bill that both houses will accept—as you will see shortly.

## Section 2 Assessment

### Key Terms and Main Ideas

1. What is a **standing committee** and why are such committees called "subject-matter" committees?
2. What is the usual role of **select committees** in the House and Senate?
3. How do **joint committees** differ from **conference committees**?

### Critical Thinking

4. **Testing Conclusions** Explain why you agree or disagree with the following statement: The Committee on Rules is the most powerful committee in the House.
5. **Drawing Conclusions** Woodrow Wilson once noted that Congress in its committee rooms is Congress at work. Explain the meaning of this statement in your own words.
6. **Recognizing Cause and Effect** How does the majority party manage to control all the committees in its house, and why does it do so?

# Party Leadership in Congress

## Party Officers

The Founding Fathers wrote the Constitution thinking representatives would be influenced by the desires of the people who voted them into office, their **constituents**. They did not foresee that political parties would form in order to effectively create majorities and win votes. Through unifying their members, political parties quickly dominated the legislative system, and party leaders became the true forces that shape the way Congress works.

House party standings <small>(as of 8/18/21)</small>
<b>Democrats: 220</b>
<b>Republicans: 212</b>
<b>Vacancy: 3</b>

Senate party standings <small>(as of 8/18/21)</small>
<b>Democrats: 48</b>
<b>Republicans: 50</b>
<b>Independents: 2</b> <small>(caucus with Dems.)</small>

## The Party Caucus

The **party caucus** is a meeting of the members of each party in each house. It meets just before Congress convenes in January and occasionally during a session. In recent years, the Republicans and Democrats have begun to refer to their caucuses as the party conference.

At the party caucus, members select the party's floor leaders and address questions of committee membership. The party will sometimes take a stand on a particular bill, but neither party will go too far to force its members to follow a certain decision. Still, the party will often vote nearly unanimously on the same side of a bill.

## The Floor Leaders

The role of President of the Senate, held by the vice president, is a curious one because it violates the spirit of Separation of Powers by having a member of the Executive Branch preside over the Legislative. Frequently, the vice president is from the opposite party as the Senate majority. In fact, during the very first session, the Senate limited the vice president's ability to take part in debate. As a result, most vice presidents have left the duty of presiding over the chamber to its own members.

Despite the lofty title, the Senate pro tempore is mostly a ceremonial position. Since 1890, the title has been given to the most senior member of the majority party, but not much power goes along with it.

Real power in the Senate is in the hands of the majority and minority **floor leaders**. Elected by the party members, they take the lead on determining the party's agenda, pushing bills to the floor of the Senate, and determining which Senators will receive which committee

appointments. The Senate Majority Leader is particularly important, as they represent the majority of votes; it is very difficult for a bill to make it on the calendar without their consent.

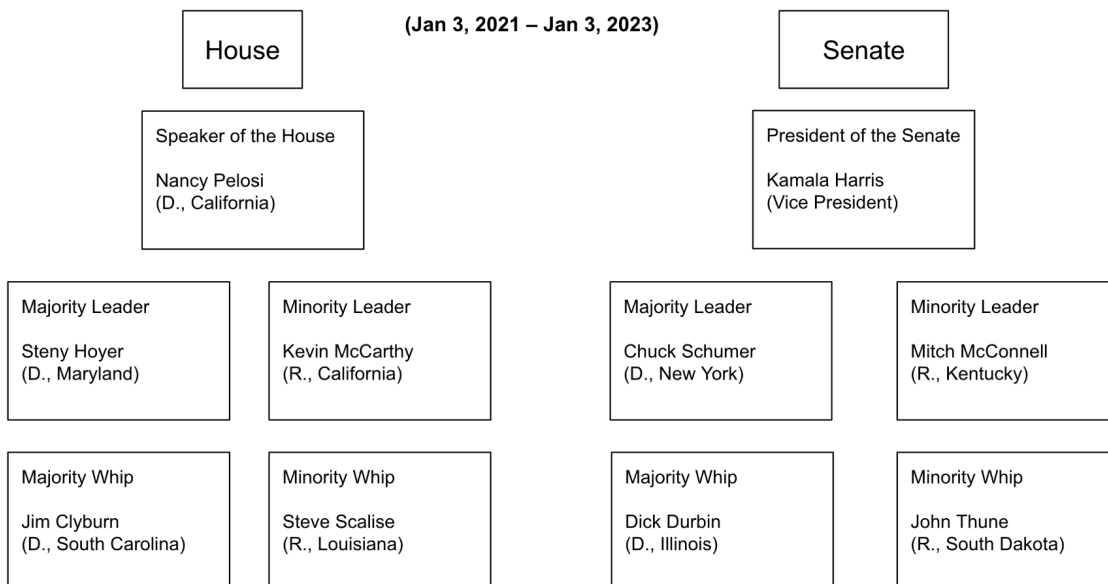
The House also has floor leaders, but the position of the Speaker of the House goes to the most powerful member of the majority. Ironically, the position of House Majority Leader actually goes to the second most powerful party member.

## The Whips

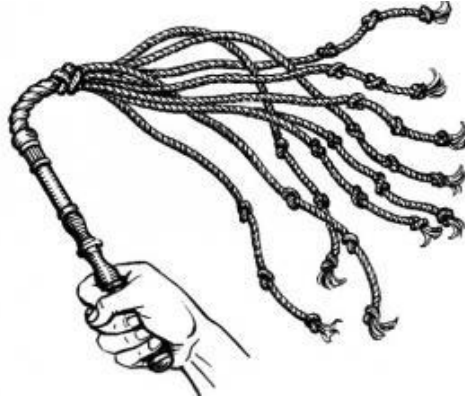
After the floor leaders, the next most powerful members of both houses are the party **whips**. Each of them are chosen by their party's caucus. Their job is to serve as a link between the party leadership and the individual representatives. Like a cattle whip keeps cows in line on a long drive, the job of the party whip is to encourage the party members to vote the same way. Their biggest job is to be aware of how many votes the party has on any given vote. When a member plans on voting a different way, the whip needs to determine if there is any way, either through pressure or encouragement, to get the member to change their mind. They are also responsible for making sure that all members are present for those votes.

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## Congressional Leadership, 117th Congress



# THE WHIP IN CONGRESS



You may have heard that the majority and minority parties in the House and Senate each give someone the job of being “the whip.” But what does that mean? What do these party whips actually do?

They count votes. The principle task of a party whip, formally known as “assistant party leader,” is to keep track of the number of votes for and against a piece of legislation. They’re also responsible, along with the party’s leader, for “whipping up” support for a particular position. Not every vote gets whipped. If the party leadership knows that a bill is going to pass easily, they won’t go to the trouble of counting every last vote. But when the vote is close—say the Senate leadership has 45 guaranteed “yes” votes and 10 “maybes”—whipping is necessary to get a more accurate head count.

There are three stages of whipping. The most basic one is a simple head count. That’s when the whip’s staffers call those of every other party member and ask how they’re going to vote. The information is then entered into a spreadsheet or onto a paper list of members called a voting sheet.

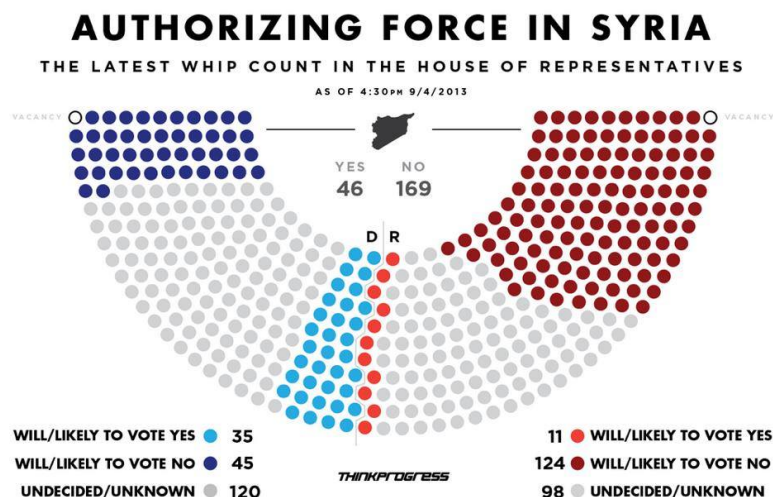
If the vote is close, the whip moves to the second stage, in which members of the “whip team”—there are nine deputy whips in the House and 11 in the Senate—approach the fence-sitters and hear out their concerns. If a concern can be easily addressed, it gets fixed. If not, the deputy whip (or a committee chairman, or the party leader herself) can offer to help an ambivalent lawmaker on another bill in exchange for his or her vote on the bill at hand.

The third and final whip usually occurs the day before a vote, when whip team members approach their designated members—in the Senate, for example, each team member is assigned two or three senators they know well—and report the final tally.

Whipping can be a delicate business. Whip team members want to get an honest sense of how their colleagues will vote, but they don't want to be ham-handed about it. That means approaching senators in an informal way—either on the Senate floor or in their offices—and gauging their support level. Whipping a "no" vote is especially difficult, since senators don't like to admit that they're not going to vote with the leadership. But honesty is expected. If a senator says he's going to vote a particular way and then doesn't, his colleagues tend to remember. Timing matters, too. Whip a vote too early, and members may change their mind before the actual vote. (That leaves time for their constituents to get riled up.) Whip too late, and there may not be time to change their mind.

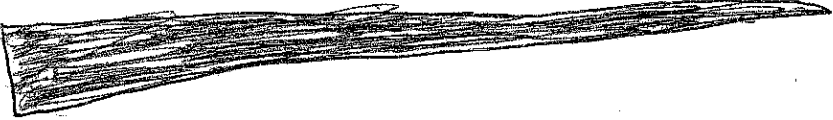
Whips also serve as liaisons between the members and the party leadership. That means helping mold legislation in such a way that members will support it, as well as persuading members to vote a particular way once the legislation is complete. The whip must also make sure members actually show up to the floor. He sends out a daily schedule of votes and information on how long a given legislative session will last. He may also stand by the chamber door, reminding members how the party wants them to vote by giving a thumbs-up or thumbs-down.

Party whips were first used in the British House of Commons in the 1700s, named after the "whipper in"—the person on a foxhunt responsible for keeping the dogs focused. They weren't used in the United States until 1897, when the Republican speaker of the House appointed the first whip. Democrats followed suit in 1901. Senate Democrats named their first official whip in 1913, and Senate Republicans in 1915.



*adapted from Beam, Christopher. "What does a congressional "whip" actually do?" Slate Magazine, 3 March 2010.  
<[www.slate.com/articles/news\\_and\\_politics/explainer/2010/03/cool\\_whip.html](http://www.slate.com/articles/news_and_politics/explainer/2010/03/cool_whip.html)>*

# CONGRESSIONAL REDISTRICTING



## Districts

The 435 members of the House are chosen by the voters in 435 separate congressional districts across the country. Recall that seven States now each have only one seat in the House of Representatives. There are, then, 428 congressional districts within the other 43 States.

The Constitution makes no mention of congressional districts. For more than half a century, Congress allowed each State to decide whether to elect its members by a general ticket system or on a single-member district basis. Under the **single-member district** arrangement, the voters in each district elect one of the State's representatives from among a field of candidates running for a seat in the House from that district.

Most States quickly set up single-member districts. Several States used the general ticket system, however. Under that arrangement, all of the State's seats were filled **at-large**—that is, elected from the State as a whole, rather than from a particular district. Every voter could vote for a candidate for each one of the State's seats in the House.

At-large elections proved grossly unfair. A party with even a very small plurality of voters Statewide could win all of a State's seats in the House. Congress finally did away with the general ticket system in 1842. Thereafter, all of

the seats in the House were to be filled from single-member districts in each State. Since the seven States with the fewest residents each have only one representative in the House, these representatives are said to be elected "at-large." Although each representative represents a single-member district; that district covers the entire State.

The 1842 law made each State legislature responsible for drawing any congressional districts within its own State. It also required that each congressional district be made up of "contiguous territory," meaning that it must be all one piece. In 1872 Congress added the command that the districts within each State have "as nearly as practicable an equal number of inhabitants." In 1901 it further directed that all the districts be of "compact territory"—in other words, a comparatively small area.

These requirements of contiguity, population equality, and compactness were often disregarded by State legislatures, and Congress made no real effort to enforce them. The requirements were left out of the Reapportionment Act of 1929. In 1932 the Supreme Court held (in *Wood v. Broom*) that they had therefore been repealed. Over time, then, and most notably since 1929, the State legislatures have drawn many districts

FROM: MACLENAGHAN, WILLIAM A. AMERICAN GOVERNMENT  
PRENTICE HALL; 2005.

with very peculiar geographic shapes. Moreover, until fairly recently, many districts were also of widely varying populations.

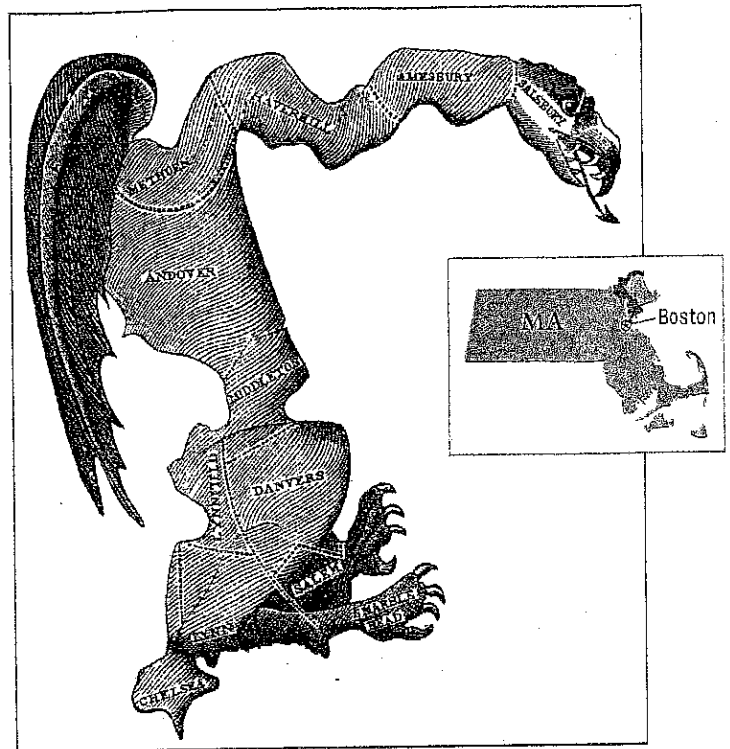
## Gerrymandering

Congressional district maps in several States show one and sometimes several districts of very odd shapes. Some look like the letters S or Y, some bear a resemblance to a dumbbell or a squiggly piece of spaghetti, and some defy description. Those districts have usually been **gerrymandered**. That is, they have been drawn to the advantage of the political party that controls the State's legislature.

Gerrymandering is widespread today—and not just at the congressional district level. Districts for the election of State legislators are regularly drawn for partisan advantage. In fact, gerrymandering can be found in most places where lines are drawn for the election of public officeholders—in cities, counties, school districts, and elsewhere.

Most often gerrymandering takes one of two forms. The lines are drawn either (1) to concentrate the opposition's voters in one or a few districts, thus leaving the other districts comfortably safe for the dominant party; or (2) to spread the opposition as thinly as possible among several districts, limiting the opposition's ability to win anywhere in the region. Gerrymandering's main goal is to create as many "safe" districts as possible—districts almost certain to be won by the party in control of the line-drawing process. And the computer-driven map-making techniques of today make the practice more effective than ever in its storied past.

For decades, gerrymandering produced congressional districts that differed widely in the number of people they included. State legislatures were responsible for this situation. A number of them regularly drew district lines on a partisan basis—with the Republicans gouging the Democrats in those States where the GOP controls the legislature, and the



▲ **The original Gerrymander** Gerrymandering takes its name from Governor Elbridge Gerry of Massachusetts, who in 1812 drew the State's legislative districts to favor the Democratic-Republicans. It is said that the painter Gilbert Stuart added a head, wings, and claws on a district map hanging over the desk of a Federalist newspaper editor. "That," he said, "will do for a salamander." "Better say Gerrymander," growled the editor.

Democrats doing the same thing to the Republicans where they hold sway. In fact, that circumstance exists in several States today. Historically, most State legislatures were carved up on a rural versus urban as well as a partisan basis—because, through much of history, the typical State legislature was dominated by the less-populated (and over-represented) rural areas of the State.<sup>11</sup>

## ***Wesberry v. Sanders, 1964***

Suddenly, and quite dramatically, these long-standing patterns of wide population variations among House districts and of rural over-representation in the chamber came to an end in the mid- to late 1960s. These abrupt changes were the direct result of a historic decision by the Supreme Court in 1964. In *Wesberry v. Sanders*, the Court held that the population differences among Georgia's congressional districts were so great as to violate the Constitution.

In reaching its landmark decision, the Supreme Court noted that Article I, Section 2 declares that

<sup>11</sup>The pattern of rural over-representation in the State legislatures has now all but disappeared as a consequence of the Supreme Court's several "one-person, one-vote" decisions of the 1960s and 1970s. In the leading case, *Reynolds v. Sims*, 1964, the Court held that the 14th Amendment's Equal Protection Clause commands that the seats in both houses of a State's legislature must be apportioned on the basis of population equality.

representatives shall be chosen “by the People of the several States” and shall be “apportioned among the several States . . . according to their respective Numbers. . . .” These words, the Court held, mean that “as nearly as practicable one man’s vote in a congressional election is to be worth as much as another’s.”

The Court added that

**PRIMARY Sources** “While it may not be possible to draw congressional districts with mathematical precision, that is no excuse for ignoring our Constitution’s plain objective of making equal representation for equal numbers of people the fundamental goal of the House of Representatives. That is the high standard of justice and common sense which the Founders set for us.”

—Justice Black, *Opinion of the Court*

The importance of *Wesberry* and the Court’s later “one person, one vote” decisions cannot be overstated. They had an extraordinary impact on the makeup of the House, on the content of public policy, and on electoral politics in general. The nation’s cities and suburbs now speak with a much larger voice in Congress than ever before. Notice, however, that it is quite possible

to draw congressional (or any other) district lines in accord with the “one person, one vote” rule and, at the same time, to gerrymander them.

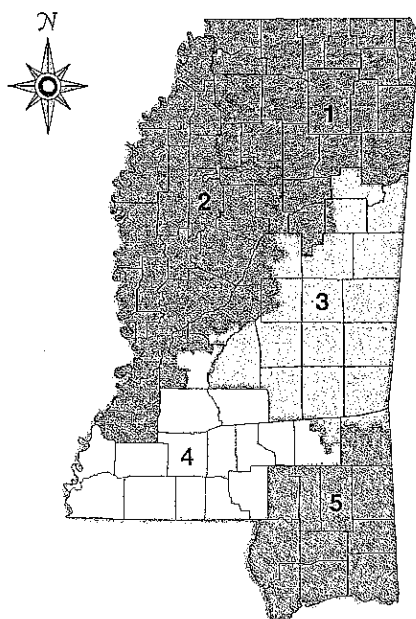
Gerrymandering based solely on race, however, is a violation of the 15th Amendment. *Gomillion v. Lightfoot*, 1960. So-called “majority-minority districts” were drawn in some States following the census in 1990 and again in 2000—districts crafted to include a majority of African Americans and/or Latinos and so likely to send African Americans and Latinos to Congress. The Supreme Court struck down those race-based districts in several cases—most notably, in a case from Texas, *Bush v. Vera*, 1996. But, most recently, the Court has held this: while race cannot be the controlling factor in drawing district lines, race can be one of the mix of factors that shape that process. It did so in a case from North Carolina, *Hunt v. Cromartie*, in 2001.



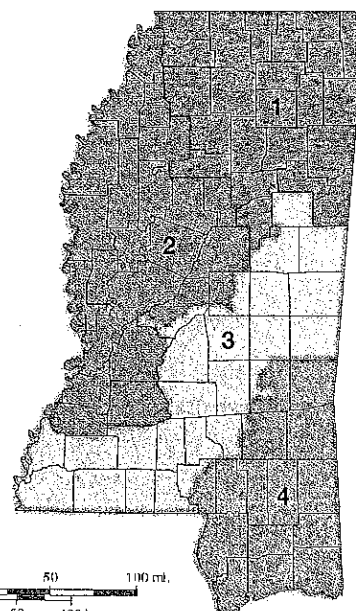
#### Interpreting Maps

Mississippi lost one seat in the House after the 2000 census. The State legislature was unable to resolve the difficulties involved in reducing five districts to four, however, and Mississippi’s current congressional district map was drawn by a three-judge panel of the federal district court there in 2002. **Why does the redrawing of district lines regularly produce sharp political conflicts in a State?**

1991 Mississippi Congressional Districts



Mississippi Congressional Districts Today



SOURCE: 2003 Congressional Staff Directory



# USING THE FILIBUSTER IN THE SENATE

The filibuster — or, to be technical, Senate Rule XXII — permits a senator or group of senators to stall the chamber's business until stopped by 60 of their colleagues. Man.

The rule is not a part of the Constitution, but it grew out of a long tradition of allowing for lengthy debate in the Senate, which the founding fathers planned to be the more “deliberative” of the two houses of Congress. The filibuster is also built on the principle that the minority party should have some meaningful ways of affecting the laws, even if they do not have the votes to defeat them.

The most famous form of the filibuster is when a Senator attempts to “talk a bill to death” by refusing to stop speaking as a way of preventing a vote. Many Americans first heard of the filibuster through the movie *Mr. Smith goes to Washington*, in which Jimmy Stewart heroically uses the tactic to save his small town from a corrupt political deal to build an enormous dam that would destroy his beloved boy scout camp.

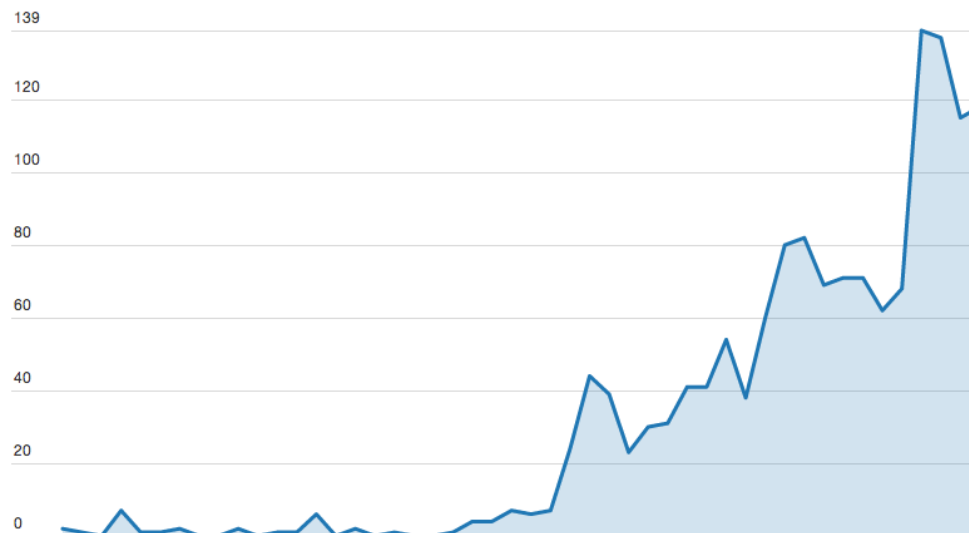
In real life, the filibuster has not always been used for such worthy causes. The longest filibuster occurred in 1957, when segregationist Senator Strom Thurmond of South Carolina spoke for 24 hours and 18 minutes in opposition to a Civil Rights Act. With the help of other Southern Senators, they were able to prevent the Senate from taking a final vote for 57 days before it finally passed.

Today, the marathon speech type of filibuster is rare. Most filibusters use procedural delays, like asking the Senate to repeatedly check who is present. And many filibusters are so-called silent filibusters: they're privately communicated to the office of the Senate Majority leader, and if the Majority Leader decides he can't break the filibuster and doesn't want to waste time on it, the bill simply isn't brought to the floor.

The filibuster doesn't appear in the Constitution and scholars aren't precisely sure how it was created. The reigning theory is that it dates back to a rules overhaul pushed by Vice President Aaron Burr. He encouraged the Senate to delete the motion to return to the previous question (the House retains this rule, and it's what stops filibuster there). Only later did anyone realize the Senate had just deleted the only rule that permitted it to shut off debate.

Even so, filibusters were exceedingly rare for most of the Senate's history. It wasn't until 1917 that the Senate felt the need to adopt a rule letting a supermajority of two-thirds end the filibuster. It wasn't until 1975 that the Senate lowered that threshold to today's three-fifths supermajority. But in recent years filibuster use has skyrocketed. There were more filibusters — as measured by votes to end a filibuster — between 2009 and 2010 than there were in the 1950s, 1960s, and 1970s combined.

Filibusters, 1917-2014



The rise of routine filibusters is related to the rise of party polarization: the tactic, which was once used primarily by individual senators or small groups of senators on issues they were particularly passionate about, has become a tool that the minority party uses to routinely block the majority party. That wasn't possible when many in the minority party agreed with the ideas of the majority party. But it's possible now that they don't.

The rise of the filibuster has utterly changed the way the US Senate conducts business. What was once an institution where a majority ruled has become an institution where only a supermajority can enact its agenda.

"Over the last 50 years, we have added a new veto point in American politics," said Gregory Koger, a University of Miami political scientist who researches the filibuster. "It used to be the House, the Senate and the president, and now it's the House, the president, the Senate majority and the Senate minority. Now you need to get past four veto points to pass legislation. That's a huge change of constitutional priorities. But it's been done, almost unintentionally, through procedural strategies of party leaders."

The Constitution does state that each Senate can make its own rules for debate. In 2014, Senate Majority Leader Harry Reid led Democrats in a successful bid to make executive-branch nominations and non-Supreme Court judicial nominations immune from the filibuster. It passed 52-48. Republicans argued that this was a tyrannical act by the majority, which would silence debate and prevent the minority from having real input on presidential nominations. Some Democrats argued that it would be better to get rid of the filibuster altogether, and to make the Senate more like the House, where a majority of representatives is enough to pass most legislation. Others feared what would happen when they are no longer in the majority.

*Adapted from "What is the filibuster?" by Ezra Klein, Vox Media*  
<<http://www.vox.com/cards/congressional-dysfunction/what-is-the-filibuster>>