

Notes — Week 13

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Period 3

- *Hernandez v. Texas* (1954) — People of color could now be on juries
 - Easiest way to keep a race off of a jury was to forbid voting registration
- The Constitution set up a bicameral legislature. Two influences on that decision were:
 - Historical: British Parliament
 - Practical: The “Great Compromise”
- The two Houses of Congress are:
 - House of Representatives (Lower House, based on population)
 - Senate (Upper House, two from each state creating equality)
- Congressional Terms
 - Lasts 2 years, starts each odd numbered year
 - 1st Congress was in 3/4/1789, today’s Congress is the 117th
 - Sessions, which are one year of a term, begin on January 3rd (used to begin in March, but changed by the 20th amendment)
 - Reps/Senators are in session until the Congress decides to adjourn
 - Special sessions
 - * The President can call a special session (has not been done since 1948)
- House of Representatives
 1. Size
 - Determined by Congress (435 since 1911)
 - Elected by districts

- Population of state determines the # of Reps (increase in Sun Belts, decrease in Frost Belt)
- 2. Fixed Terms
 - Two years/entire body up for re-election
 - Term limits ruled unconstitutional in *US Term Limits v. Thornton* (added a qualification)
- 3. Qualifications
 - 25 years old
 - Citizen for 7 years
 - Residency in state
- Senate
 - 1. Size
 - 100 members (2 per state)
 - 2. Term
 - 6 years — one-third of the senate is up for reelection every two years
 - 3. Qualifications
 - 30 years old
 - Citizen for 9 years
 - Resident of state
- Congressional Elections
 - Every member of the House of Representatives seat is up for reelection, while a third of the Senate seats are also up every two years (33 or 34)
 - About 90% of incumbents in the House and 85% in the Senate are usually reelected
- Congressional Statistics
 - The average age is 56 years
 - The average member is white, male, protestant, and a lawyer
 - The average term length is 9.3 years
- Incumbent Advantages
 - Name Recognition
 - Franking Privilege (Free Mail)
 - Full staffs 22 Senate/17 House
 - Committees in each house for each party that raise money for their members

- 90% of all Political Action Committee money is given to incumbents
- Constituent Services
- Federal campaign finance laws favorite incumbents over challengers
- Political Action Committee (PAC) — A popular term for a political committee organized for the purpose of raising and spending money to elect and defeat candidates
 - Anyone, including members of Congress, can start a political action committee
 - PACs started by politicians are often referred to as Leadership PACs
 - SuperPACs do not contribute to candidates or parties; they may make independent expenditures in federal races, such as running ads, sending mail, or communicating in other ways (independent expenditure groups)
 - Roughly 2900 SuperPACs and 8000 PACs exist
- The Federal Election Campaign Act of 1971
 - The original campaign financing act
 - Created the Federal Election Commission (FEC)
 - Created dollar limits that individuals could donate to candidates
 - Any money given directly to a single candidate is known as a hard dollar
- Carey Committees
 - Known as Hybrid PACs
 - One account acts as a political committee, another acts as an account for independent expenditures
- 527 Organization
 - Nonprofit groups
 - Have to disclose donors
 - * Shield identities through loopholes
- Redistribution
 - Congress has to redistribute the seats after each decennial census
 - States win or lose seats based on their population gains or losses (CA has 52)
 - California Population 2000 = 33,871,648
 - California Population 2019 = 39,539,223
 - One seat represents roughly 730,000 people per the 2020 US Census
 - California lost a seat after the last census (used to be 53)

- Constituent — A person who makes up a congressional district
- Gerrymandering — The redrawing of district boundaries to favor the party in power (mostly legal)
- Foreign policy lies under responsibilities of the Senate
- Senators represent an entire state
 - When a person represents the entire state as their Congressional district, this is called an “At-Large” seat
- Reapportionment
 - After the seats are redistributed, state legislatures divide their states into the allotted number of districts
 - Each district must be a compact, contiguous territory and have relatively the same number of people in each one
 - *Baker v. Carr* (1962) — Supreme Court decided it could hear cases regarding the drawing of boundary lines
 - *Wesberry v. Sanders* (1964) — The US Supreme Court ruled that congressional districts should be close to equal in population, which would mean one man equals one vote
- Two Methods of Gerrymandering:
 1. Concentrate opposing voters in one or few districts to protect seats (“packing”)
 2. Spread the opposition thin to limit the ability for a party to carry any district (“cracking”)
- “Open seat” when there is no incumbent (most competitive)
- “Safe seat” when a district is developed through cracking (least competitive)
- In midterm elections, the party in power in the House and Senate normally loses seats
- From 1954 to 1994, Democrats controlled the House
- Majority-Minority districts were created by a few states to increase the likelihood of minority representation
- *Shaw v. Reno* 1993 — Supreme Court ruled that, while race could not be the controlling factor in drawing districts, it could be in a mix of factors in the process
- Senate
 - Often called the upper house

- The US Constitution grants each state two senators
- The framers hoped that a smaller and more exclusive Senate would be more enlightened and responsible than the House
- The first Congress had 22 members, now there are 100