

6.1: Congress

Objectives

1. Characterize the backgrounds of members of Congress and assess their impact on the ability of members of Congress to represent average Americans.
2. Identify the principal factors influencing the outcomes in congressional elections.
3. Compare and contrast the House and Senate, and describe the roles of congressional leaders, committees, caucuses, and staff.
4. Outline the path of bills to passage and explain the influences on congressional decision making.
5. Assess Congress's role as a representative body and the impact of representation on the scope of government.

An interactive or media element has been excluded from this version of the text. You can view it online here: <http://pb.libretexts.org/sf/?p=70>

Read

- [American Government Chapter 11](#)
- Supplemental Reading: [Review the Constitution of the State of Arizona, Article IV](#)

Chapter Summary

The framers of the Constitution conceived of Congress as the center of policymaking in America. Although the prominence of Congress has fluctuated over time, in recent years Congress has been the true center of power in Washington. In addition to its central role in policymaking, Congress also performs important roles of representation.

Congressional tasks become more difficult each year. At the same time, critics charge Congress with being responsible for enlarging the scope of government, and public opinion is critical of the institution. Why would individuals want to serve in Congress? And are the critics' claims correct?

The Representatives and Senators

Despite public perceptions to the contrary, *hard work* is perhaps the most prominent characteristic of a member of Congress' job. The typical representative is a member of about six committees and subcommittees; a senator is a member of about 10. There are also attractions to the job. Most important is *power*: members of Congress make key decisions about important matters of public policy. They also receive a substantial salary and "perks."

The Constitution specifies only that members of the House must be at least 25 years old, American citizens for seven years, and must be residents of the states from which they are elected. Senators must be at least 30 years old, American citizens for nine years, and must be residents of the states from which they are elected.

Members come mostly from occupations with high status and usually have substantial incomes. Law is the dominant prior occupation, with other elite occupations also well represented. Women and other minorities are substantially underrepresented. Although members of Congress obviously cannot claim **descriptive representation** (representing their constituents by mirroring their personal, politically relevant characteristics), they may engage in **substantive representation** (representing the interests of groups).

Although women have proven themselves able to compete with men for seats in Congress, women are underrepresented. Fewer women than men become major party nominees for office as women report they are less ambitious to run for office and more sensitive than men to their perceptions of the odds of winning.

Congressional Elections

The most important fact about congressional elections is that **incumbents** usually win. Not only do more than 90 percent of the incumbents seeking reelection to the House of Representatives win, but most of them win with more than 60 percent of the vote. Even when challengers' positions on the issues are closer to the voters' positions, incumbents still tend to win. Voters are not very aware of how their senators and representatives actually vote.

Even though senators have a better-than-equal chance of reelection, senators typically win by narrower margins than House members. One reason for the *greater competition in the Senate* is that an entire state is almost always more diverse than a congressional district and thus provides more of a base for opposition to an incumbent.

Despite their success at reelection, incumbents have a strong feeling of vulnerability. They have been raising and spending more campaign funds, sending more mail to their constituents, traveling more to their states and districts, and staffing more local offices than ever before.

Members of Congress engage in three primary activities that increase the probability of their reelections: advertising, credit claiming, and position taking. Most congressional **advertising** takes place between elections and takes the form of *contact with constituents*. New technologies are supplementing traditional contacts with sophisticated database management, emails, automated phone calls, and so on. **Credit claiming** involves *personal and district service*, notably through **casework** and **pork barrel** spending. Members of Congress must also engage in **position taking** on matters of public policy when they vote on issues and when they respond to constituents' questions about where they stand on issues.

When incumbents do face challengers, they are likely to be *weak opponents*. Seeing the advantages of incumbency, potentially effective opponents often do not want to risk challenging members of the House.

Candidates spend enormous sums on campaigns for Congress. In the 2011–2012 election cycle, congressional candidates spent nearly \$2 billion dollars to win the election. In the House races in 2012, the typical incumbent outspent the typical challenger by a ratio of 2 to 1. Spending is greatest when there is no incumbent and each party feels it has a chance to win. In open seats, the candidate who spends the most usually wins.

Although most of the money spent in congressional elections comes from individuals, about one-fourth of the funds raised by candidates for Congress come from **Political Action Committees (PACs)**. PACs seek *access* to policymakers. Thus, they give most of their money to incumbents, who are already heavily favored to win. Critics of PACs are convinced that PACs are not trying to elect but to buy influence.

Prolific spending in a campaign is no guarantee of success. Money is important for challengers, however. The more they spend, the more votes they receive. Money buys them name recognition and a chance to be heard.

At the base of every electoral coalition are the members of the candidate's party in the constituency. Most members of Congress represent constituencies in which their party is in the majority. It is reasonable to ask why anyone challenges incumbents at all. An incumbent tarnished by scandal or corruption becomes instantly vulnerable. Incumbents may also be redistricted out of their familiar turfs.

However, an incumbent tarnished by scandal or corruption becomes vulnerable. Voters *do* take out their anger at the polls. Redistricting can also have an impact. Congressional membership is reapportioned after each federal census, and incumbents may be redistricted out of their familiar base of support. When an incumbent is not running for reelection and the seat is **open**, there is greater likelihood of competition. Most of the turnover of the membership of Congress is the result of vacated seats, particularly in the House.

Finally, major political tidal waves occasionally roll across the country, leaving defeated incumbents in their wake. This is especially likely when national issues dominate the elections, as occurred in 1994 and 2006.

The high reelection rate of incumbents brings stability and policy expertise to Congress. At the same time, it also may insulate them from the winds of political change.

How Congress is Organized to Make Policy

A bicameral legislature is a legislature divided into two houses. The U.S. Congress is bicameral, as is every American state legislature except Nebraska's, which has one house (unicameral).

Making policy is the toughest of all the legislative roles. Congress is *a collection of generalists trying to make policy on specialized topics*. The complexity of today's issues requires more specialization. Congress tries to cope with these demands through its elaborate committee system.

The House and Senate each *set their own agenda*. Both use committees to narrow down the thousands of bills introduced. The House is *much larger* and *more institutionalized* than the Senate. Party loyalty to leadership and party-line voting are more common than in the Senate. One institution unique to the House is the **House Rules Committee**, which reviews most bills coming from a House committee before they go to the full House. Each bill is given a "rule," which schedules the bill on the calendar, allots time for debate, and sometimes even specifies what kind of amendments may be offered. The Senate is *less disciplined* and *less centralized* than the House. Today's senators are more equal in power than representatives are. Party leaders do for Senate

scheduling what the Rules Committee does in the House. One activity unique to the Senate is the **filibuster**. This is a tactic by which opponents of a bill use their right to unlimited debate as a way to prevent the Senate from ever voting on a bill.

Much of the leadership in Congress is really *party leadership*. Those who have the real power in the congressional hierarchy are those whose party put them there. Power is no longer in the hands of a few key members of Congress who are insulated from the public. Instead, power is widely dispersed, requiring leaders to appeal broadly for support.

Chief among leadership positions in the House of Representatives is the **Speaker of the House**. This is the only legislative office mandated by the Constitution. Today the Speaker presides over the House when it is in session; plays a major role in making committee assignments, which are coveted by all members to ensure their electoral advantage; appoints or plays a key role in appointing the party's legislative leaders and the party leadership staff; and exercises substantial control over which bills get assigned to which committees. The Speaker's principal partisan ally is the **majority leader**—a job that has been the main stepping stone to the Speaker's role. The majority leader is responsible for scheduling bills in the House. Working with the majority leader are the party's **whips**, who carry the word to party troops, counting votes before they are cast and leaning on waverers whose votes are crucial to a bill. The Constitution makes the vice president of the United States the president of the Senate; this is the vice president's only constitutionally defined job. The Senate majority leader, aided by the majority whips, is the party's workhorse, corralling votes, scheduling the floor action, and influencing committee assignments. The majority leader's counterpart in the opposition, the minority leader, has similar responsibilities.

The minority party, led by the minority leader, is also organized, poised to take over the Speakership and other key posts if it should win a majority in the House.

The structure of Congress is so complex that it seems remarkable that legislation gets passed at all. Its bicameral division means that bills have two sets of committee hurdles to clear. Recent reforms have decentralized power, and so the job of leading Congress is more difficult than ever. Congressional leaders are not in the strong positions they occupied in the past. Leaders are elected by their fellow party members and must remain responsive to them.

Most of the real work of Congress goes on in committees and subcommittees. **Committees dominate congressional policymaking** at all stages. They regularly hold hearings to investigate problems and possible wrongdoing, and to investigate the executive branch. Committees can be grouped into four types: **standing committees** (by far the most important), **joint committees**, **conference committees**, and **select committees**.

More than 11,000 bills are submitted by members every two years, all of which must be sifted through and narrowed down by the committee process. Every bill goes to a standing committee; usually only bills receiving a favorable committee report are considered by the whole House or Senate. New bills sent to a committee typically go directly to **subcommittee**, which can hold **hearings** on the bill. The most important output of committees and subcommittees is the **"marked-up"** (revised and rewritten) bill, submitted to the full House or Senate for consideration. Members of the committee will usually serve as *"floor managers"* of the bill when the bill leaves committee, helping party leaders secure votes for the legislation. They will also be *cue-givers* to whom other members turn for advice. When the two chambers pass different versions of the same bill, some committee members will be appointed to the conference committee.

Legislative oversight—the process of *monitoring the bureaucracy and its administration of policy*—is one of the checks Congress can exercise on the executive branch. Oversight is handled primarily through hearings. Members of committees constantly monitor how a bill is implemented.

Although every committee includes members from both parties, a majority of each committee's members—as well as its chair—comes from the majority party. **Committee chairs** are the most important influence on the committee agenda. They play dominant—though no longer monopolistic—roles in scheduling hearings, hiring staff, appointing subcommittees, and managing committee bills when they are brought before the full House. Until the 1970s, committee chairs were always selected through the **seniority system**; under this system, the member of the majority party with the longest tenure on the committee would automatically be selected. In the 1970s, Congress faced a revolt of its younger members, and both parties in each house permitted members to *vote* on committee chairs. Today, seniority remains the *general rule* for selecting chairs, but there have been notable exceptions.

The explosion of *informal groups* in Congress has made the representation of interests in Congress a more direct process (cutting out the middleman, the lobbyist). In recent years, a growing number of **caucuses** have dominated these informal groups. Also increasing in recent years is the size of, and reliance of members of Congress on, their personal and committee staffs, along with staff agencies such as the *Congressional Research Service*, the *General Accounting Office*, and the *Congressional Budget Office*.

The Congressional Process

Approximately 11,000 **bills** are introduced in each two-year session of Congress. Most bills are quietly killed off early in the legislative process. In both chambers, party leaders involve themselves in the legislative process on major legislation earlier and more deeply, using special procedures to aid the passage of legislation. In the House, special rules from the Rules Committee have become powerful tools for controlling floor consideration of bills and sometimes for shaping the outcomes of votes. Often party leaders from each chamber negotiate among themselves instead of creating conference committees. Party leaders also use *omnibus* legislation that addresses numerous and perhaps unrelated subjects, issues, and programs to create winning coalitions. In the Senate, leaders have less leverage and *individual* senators have retained great opportunities for influence. As a result, it is often more difficult to pass legislation in the Senate.

Presidents are partners with Congress in the legislative process, but all presidents are also Congress' adversaries in the struggle to control legislative outcomes. Presidents have their own *legislative agenda*, based in part on their party's platform and their electoral coalition. The president's task is to persuade Congress that his agenda should also be Congress' agenda.

Presidential success rates for influencing congressional votes vary widely among presidents and within a president's tenure in office. Presidents are usually most successful early in their tenures and when their party has a majority in one or both houses of Congress. Regardless, in almost any year, the president will lose on many issues.

Parties are most cohesive when Congress is electing its official leaders. For example, a vote for the Speaker of the House is a straight party-line vote. On other issues, the party coalition may not stick together. Votes on issues like civil rights have shown deep divisions within each party. Differences between the parties are sharpest on questions of social welfare and economic policy.

In the last few decades, Congress has become more ideologically polarized and more likely to vote according to the two party lines. As the parties pulled apart ideologically, they also became more homogeneous internally. This has resulted in an increased difficulty in reaching a compromise. The increased ideological distance between the parties is primarily due to the increasingly divergent electoral coalitions. As supporters of each party have matched their partisan and ideological views, they made the difference between the parties more distinctive.

There are a variety of views concerning how members of Congress should fulfill their function of *representation*. The eighteenth-century English legislator Sir Edmund Burke favored the concept of legislators as *trustees*, using their best judgment to make policy in the interests of the people. The concept of representatives as *instructed delegates* calls for representatives to mirror the preferences of their constituents. Members of Congress are actually *politicos*, combining the trustee and instructed delegate roles as they attempt to be both representatives and policymakers.

The most effective way for constituents to influence congressional voting is to elect candidates who match their policy positions, since winners of congressional elections tend to vote on roll calls pretty much as they said they would. On some controversial issues, it is perilous for a legislator to ignore constituent opinion.

Lobbyists—some of them former members of Congress—represent the interests of their organizations. They also can provide legislators with crucial information, and often can give assurances of financial aid in the next campaign. There are more than 12,000 individuals in Washington, representing 12,000 organizations. The bigger the issue, the more lobbyists are involved in it. A 1995 law passed by Congress requires anyone hired to lobby members of Congress, congressional staff members, White House officials, and federal agencies to report what issues they were seeking to influence, how much they were spending on the effort, and the identities of their clients. Congress also placed severe restrictions on the gifts, meals, and expense-paid travel that public officials may accept from lobbyists.

Understanding Congress

The central legislative dilemma for Congress is combining the faithful *representation of constituents* with the making of *effective public policy*. Supporters see Congress as a forum in which many interests compete for a spot on the policy agenda and over the form of a particular policy. Critics wonder if Congress is so responsive to so many interests that policy is too uncoordinated, fragmented, and decentralized. Some observers feel that Congress is so representative that it is incapable of taking decisive action to deal with difficult problems.

In a large democracy, the success of democratic government depends on the quality of representation. Congress clearly has some undemocratic and unrepresentative features: its members are an American elite; its leadership is chosen by its own members; voters have little direct influence over the people who chair key committees or lead congressional parties. There is also evidence to

support the view that Congress is representative: Congress does try to listen to the American people; the election does make a difference in how votes turn out; which party is in power affects policies; linkage institutions do link voters to policymakers.

The legislative branch of government provides some of the same aspects of function we see in the US Congress, however, there are distinct differences. Please review AZ Constitution Article IV, Sec 1 and you will quickly see the power to create laws and debate are divided between the techniques noted above and also by public initiative and referendum. This creates three different paths for laws to be created. First, the traditional framework of committee and debate in a bicameral legislative system. The second is a system of debate in the legislature with a referral for a vote of the people to (referendum). Third, there is an initiative that is brought to law by first petition then voted on by the citizens of Arizona at large. In addition, laws that are brought by petition and referendum do not need the signature of the Governor, nor are they subject to a veto. They are subject to judicial review. Another notable feature of the Arizona Legislature is having only one session per year unless brought to special session by the Governor. As such, members of the legislature are more part-time employees. That and the geographic realities of Arizona being a state as opposed to the whole country enables members to be more tied to their communities.

Assignments

Discussion

Some argue that Congress is too responsive to constituents and especially to organized interests, while others argue that Congress is too insulated from ordinary citizens. Evaluate the evidence for each view from throughout your readings.

Select the **Module 6 Discussion** link to post your response to the topic.

Quiz

At the end of Chapter 11, select the **Module 6 Quiz** link.

Written Assignments

- The Constitutional Design Assignment is due. For the exact date, see the **Schedule of Work**.
- Continue working on Research Paper Assignment

See **Course Information** in the Syllabus module or the Assignments tool for descriptions and requirements of these assignments.

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