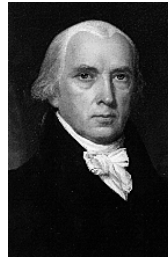




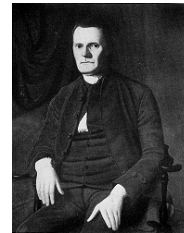
The Legislative Branch

Legislative Branch: Inception

- The Virginia Plan and the New Jersey Plan
- The “Great Compromise”
 - Bicameral legislature: the House of Representatives and the Senate
 - House representation based on population
 - Senate—each state allowed two votes
 - Length of terms for representatives, senators



James Madison



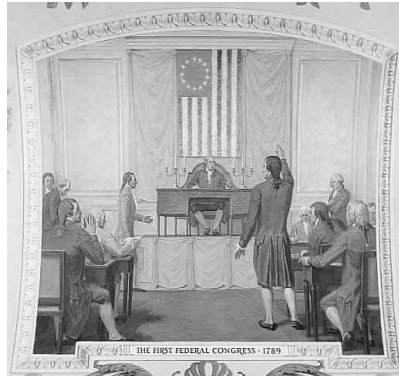
Roger Sherman

When delegates to the Constitutional Convention convened in Philadelphia in May of 1787, their original goal was to amend the Articles of Confederation, a loose plan of government devised by Richard Henry Lee in 1777 to form a “firm league of friendship” among independent states. Although they were only supposed to fix the Articles’ defects, the delegates soon adopted a motion by Edmund Randolph of Virginia to create an entirely new government.

One of the first issues facing the delegates was that of representation. James Madison proposed what became known as the “Virginia Plan,” which gave more power to the large states by providing them with more delegates to the Congress. Voters would be given some political power in as much as they would elect the lower house. The upper house, however, would be selected by the lower house. The alternative was the “New Jersey Plan,” proposed by delegate William Paterson. In this plan, small states’ interests would be protected by a unicameral, or one-house legislature, with each state having an equal number of votes. An impasse developed over the issue of representation, and it seemed for a while that the delegates wouldn’t be able to come to an agreement. Connecticut delegate Roger Sherman offered a plan to break the deadlock. The so-called “Great Compromise” included a bicameral (two-house) legislature composed of a “House of Representatives” and a “Senate.” Sherman’s plan would protect the rights of both large and small states: representation in the House would be based on population (which favored the larger states), and each state would have two representatives in the Senate (which favored the smaller states). In addition, by allowing only a two-year term for House members in comparison to a six-year term for Senators, the framers afforded some measure of “aristocracy” for members of the “upper house.”

The First Congress

The first Congress
met in New York City
in 1789



On March 4, 1789, Congress met for the first time in New York City in the Federal Hall on Wall Street. In December of 1790 they moved to Philadelphia, and on November 17, 1800 they made their final move to a permanent spot in Washington, D.C.

The House of Representatives

- Seats are distributed based on population
- Reapportionment takes place every ten years
- Gerrymandering

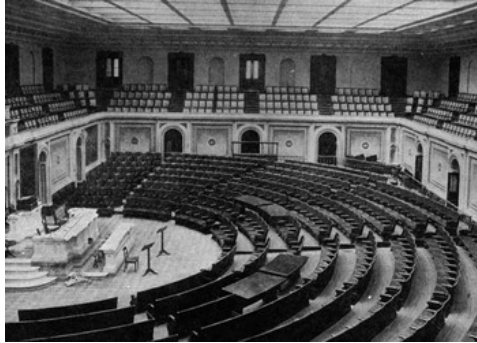


The district created by members of Governor Elbridge Gerry's party closely resembled a salamander—hence the term “gerrymander”

How many seats an individual state has in the lower house of the legislature, the House of Representatives, is based directly on that state's population relative to the other states in the Union. Every ten years, after a new census has been taken, a process known as reapportionment occurs: to reflect changing populations, the number of representatives an individual state has may change as well. No matter how small its population, every state is guaranteed at least one representative. There are 435 members of the House of Representatives.

Each House member represents a single district in his or her home state. Though in theory districts should follow lines of geography and appear as simple geometric shapes on a political map, some districts have odd, twisted, or contorted shapes that seem to defy logic. This occurs because district lines are often redrawn to favor the political party in power, a practice known as gerrymandering. The term was coined in 1812, when painter Gilbert Stuart noticed that Massachusetts Governor Elbridge Gerry's district, drawn by members of his party, resembled a salamander. He then attached claws, wings, and a head to the creature and gave birth to the new phrase. Gerrymandering sometimes puts at risk the votes of party minorities within each district.

Qualifications for House Membership



The hall of the House of Representatives

- Must be at least 25 years old
- Must live in the state he or she represents
- Must have been a U.S. citizen for at least seven years

Members of the House of Representatives must be at least 25 years old, must live in the state he or she represents (some states have additional requirements that representatives also live within the district they represent), and must have been a U.S. citizen for at least seven years.

House Officers

- Speaker of the House
- Majority Floor Leader
- Majority Whip
- Minority Floor Leader
- Minority Whip



President Carter meets with House Speaker Tip O'Neill, 1978

Representatives choose officers from among their ranks to direct and oversee House functions and legislative agenda. Since the U.S. has a two-party system, the House is organized along party lines. The most powerful officer is the Speaker of the House. Chosen by floor vote, the speaker comes from the majority party and presides over the House's proceedings. Each party also has a floor leader, who works to push his or her party's legislative agenda and keep party members voting in line with that agenda, and a whip, who serves as an assistant to the floor leader. The term "whip" comes from fox hunting, where a "whipper-in" was a hunter's assistant in charge of keeping the hounds together in a pack.

House Committees

- Standing committees: permanent committees that debate proposed bills
- Select committees: temporary panels created to address a specific issue or situation
- Committee chairmen

Agriculture	International Relations
Appropriation	The Judiciary
Armed Services	Resources
The Budget	Rules
Education and the Work Force	Science
Energy and Commerce	Small Business
Financial Services	Standards of Official Conduct
Government Reform	Transportation and Infrastructure
Homeland Security	Veterans' Affairs
House Administration	Ways and Means

Standing committees in the House of Representatives are permanent committees that debate proposed bills then make recommendations to the House as a whole. The first standing committee was the Committee on Ways and Means, created in 1789. In addition, the House also sometimes calls select committees, which are temporary panels created to address a specific issue or situation. House committees cover a range of topics, as seen in the chart on this slide.

Committee chairmen are members of the majority party who have the most seniority (i.e., who have served the longest in the House). Chairmen exercise a significant amount of power, deciding when the committee will meet, which bills the committee will consider, how a bill gets presented to the entire House, and more.

The Senate



In the Senate, representation is equal: each state has two senators. Senators were originally elected by state legislatures until the passage of the 17th Amendment in 1913. The amendment gave voters the right to directly elect senators, and also allowed a governor to appoint a replacement senator should a sudden vacancy occur.

The Senate: Facts



The Senate in 1939

- A “continuous body”
- One-third of the Senate comes up for reelection every two years
- Senators can run for reelection as often as they desire

The Senate is a “continuous body,” which means that unlike the House it does not reorganize from time to time due to changes in population. In addition, to minimize upheaval elections for senators are structured so that only one-third of the Senate comes up for reelection every two years. The framers of the Constitution set up the Senate as a continuous body because they envisioned it as the upper house of the legislature, with more responsibilities in the checks and balances system. Senators can run for reelection as often as they desire.

Qualifications for Senate Membership

- Must be at least 30 years old
- Must live in the state he or she represents
- Must have been a U.S. citizen for at least nine years



The chamber of the U.S. Senate

Members of the House of Representatives must be at least 30 years old, must live in the state he or she represents, and must have been a U.S. citizen for at least nine years.

Senate Officers

- President of the Senate
- President Pro Tempore
- Majority Floor Leader
- Majority Whip
- Minority Floor Leader
- Minority Whip



James Hamilton Lewis became the first Senate Party Whip in 1913

Unlike in the House, Senate members do not choose their presiding officer. Instead, the Constitution assigns the role of president of the Senate to the Vice-President of the United States. However, unlike the House's presiding officer (the speaker of the House), the Senate's presiding officer is not a member of the Senate and consequently has little formal power over Senate proceedings. In fact, the only time the Vice President can even participate in a Senate vote is to break a tie.

The Senate also has a second presiding officer, known as the president *pro tempore*. This position usually goes to the senator in the majority party who has the most seniority. The post of Senate president *pro tempore* is important mainly because it falls third in the line of presidential succession, after the Vice-President and the speaker of the House.

As in the House, each party in the Senate also has a floor leader and whip. In the Senate, the majority leader—rather than the Vice-President or the president *pro tempore*—exercises the most power and sets the body's legislative agenda.

President of the Senate—Is the Vice President of the United States

President Pro Tempore—Is elected by the majority party and is usually the Senator with the most years seniority.

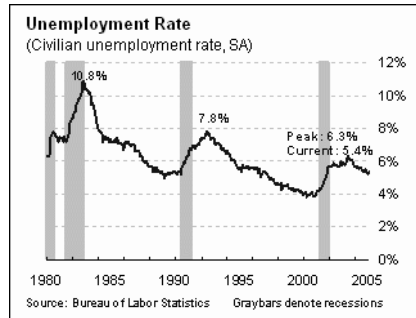
Senate Committees

Agriculture, Nutrition and Forestry	Finance
Appropriations	Foreign Relations
Armed Services	Health, Education, Labor and Pensions
Banking, Housing and Urban Affairs	Homeland Security and Government Affairs
Budget	Judiciary
Committee, Science and Transportation	Rules and Administration
Energy and Natural Resources	Small Businesses and Entrepreneurship
Environment and Public Works	Veteran Affairs

Like the House, the Senate also has a number of standing committees. Senate committee chairmen also come from the majority party and are selected based on seniority.

Joint Committees and Conference Committees

- **Joint committees:** Deal with issues of concern to both houses of Congress
- **Conference committees:** Created to reach a compromise on the wording of a bill that has passed both the House and the Senate



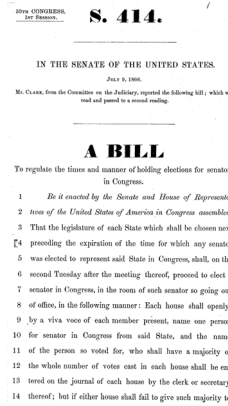
Joint committees, such as the Joint Committee on Economics, research issues that affect both houses, such as unemployment

Joint committees contain both Representatives and Senators and deal with matters of interest or concern for both houses of Congress. Many joint committees are temporary and deal with pressing issues that need to be settled in the near future. Permanent joint committees deal with ongoing issues; examples include the Joint Economic Committee, the Joint committee on the Library of Congress, the Joint Committee on Printing committee and the Joint Committee on Taxation.

Sometimes the House and the Senate pass the same bill, but with different wording. Conference committees are then created to come up with a compromise version of the bill. Members of conference committees are usually are the most trusted members of both houses and also tend to have seniority.

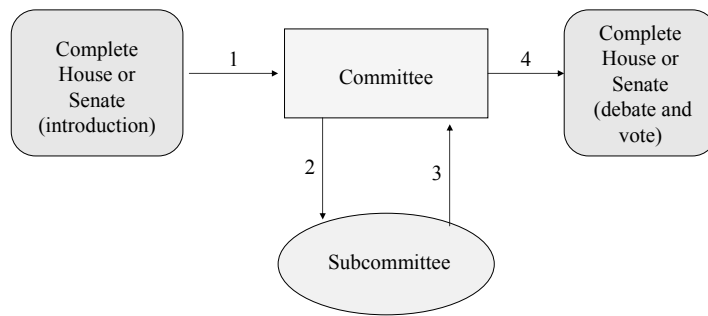
Congressional Bills

Bills are named according to whether they originated in the House (HR), the Senate (SR), or the White House (WHR). They then receive a number.



Bills introduced in the House are given a number beginning with HR, which stands for “House Resolution.” All revenue-raising or tax bills must originate in the House of Representatives. Bills introduced in the Senate are given a number beginning with SR, which stands for “Senate Resolution.” Bills sent to Congress from the White House are given a number beginning with WHR, which stands for “White House Resolution.”

How a Bill Becomes a Law: Introduction to Committee



The bill is introduced in one house at a time, and in the same manner regardless of whether it's a Senate bill or a House bill. First, the bill is read aloud and given a number; next, the Speaker or President sends it to the appropriate committee. The committees then send the bill to the appropriate subcommittee, which investigates it, debates it, and sends it back to the main committee with recommendations. The subcommittee can either:

- Report the bill favorably with a “do pass” recommendation
- “Pigeonhole” the bill by refusing to report it; this essentially spells the end of the bill
- Recommend an amended form of the bill
- Give the bill an unfavorable recommendation

How a Bill Becomes a Law: Committee to Floor Debate

- Calendar
- Rules Committee
- Debate
 - House vs. Senate
 - Filibusters
 - cloture



The late Strom Thurmond holds the record for the longest filibuster in Senate history—24 hours and 18 minutes against the Civil Rights Act of 1957

If the committee recommends the bill, it then gets scheduled on a calendar. In the House, the Rules Committee must then give the bill a “rule,” which means approving it for floor debate and setting up a time for that debate. In the Senate, the majority leader decides when the bill will come to the floor for debate. In both the House and the Senate, the majority and minority floor leaders meet in advance to decide how much time to spend debating the bill.

The House and the Senate have very different rules regarding how bills get debated. The House restricts any representative from holding the floor in a debate for over one hour without unanimous consent. Also, if someone holding floor begins to discuss at length a topic other than the bill under consideration, the speaker of the House has the power to force them to give up the floor. In the Senate, however, members can speak for as long as they want on any topic they choose. Sometimes senators abuse this privilege, attempting to “talk a bill to death” by refusing to give up the floor to their opposition. This tactic is known as a “filibuster,” a term which became popular in the 1850s and comes from the Dutch word meaning “pirate.” In order to break a filibuster, at least 60 senators must vote to invoke cloture, a rule established in 1917 which limits each senator’s debate time.

How a Bill Becomes a Law: Voting



- Quorum

Types of votes

- Voice vote
- Standing vote
- Roll-call vote
- Electronic voting
(House only)

The House requires a quorum for a vote to take place; this means that a majority of the full House membership must be present. To determine if enough members are present, the House clerk may be instructed to undertake a “quorum call.”

Congressional voting can take place in several different ways:

Voice vote—Representatives respond with “aye” or “no” when their name is called. This is the most common type of vote.

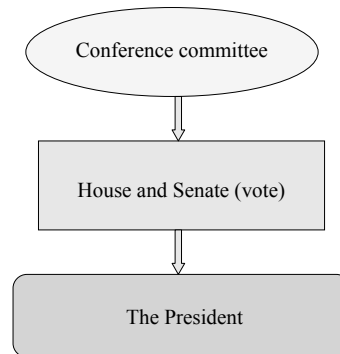
Standing vote—Representatives stand up and are counted.

Roll-call vote—The roll-call vote may be requested if one-fifth of a quorum is present. Used to determine which members are present and whether each is voting yes or no.

Electronic Voting— In electronic voting, (used only in the House, mostly for quorum calls), representatives register their votes by using an electronic card to access one of several computer stations on the House floor. They then press one of three buttons: “yea,” “nay,” or “Present” (This last button is for quorum calls).

How a Bill Becomes a Law: From Passage to the President

- Conference committee
- House and Senate vote again
 1. Changes cannot be made
 2. Majority vote needed for passage
- Sent to President



If the House and the Senate have passed different versions of a bill, a conference committee is formed to iron out the differences and come to an acceptable compromise on the wording of the bill. The bill then goes back to the House and the Senate for a vote; no further changes can be made at this time. If the bill passes by majority vote, then:

- The speaker of the House signs it
- The president of the Senate signs it
- The bill gets sent to the President of the United States for his signature

How a Bill Becomes a Law: The President



President George W. Bush signs a law on corporate responsibility

The President's Options

- Sign it
- Veto it
- Pocket veto
- Ignore it
- Overriding a veto

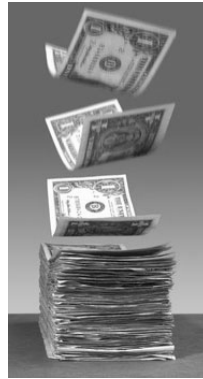
When presented with a bill passed by Congress, the president can do one of four things:

1. He can sign it, thus making it law.
2. He can reject it, an act known as a “veto.” A veto prevents the measure from becoming law and sends it back to Congress for possible revision.
3. He can exercise a “pocket veto.” This can only occur at the end of a congressional session. A pocket veto situation happens like this: Congress sends a bill to the White House for the president to sign but then adjourns within ten days of doing so. If the president doesn’t either sign or veto the bill, it dies.
4. He can choose not to sign it or veto it, in which case it becomes law within ten days.

If the president vetoes a bill, senators and representatives can then revise the measure and send it back to the president or override the veto by a two-thirds majority vote in each house.

Expressed Powers of Congress

- Power to tax
- Power to borrow money
- Commerce power
- Currency power
- Bankruptcy power
- War powers



The following powers of Congress are specifically mentioned in the Constitution:

- Power to tax—Congress can tax the people in order to raise money to “pay the Debts and provide for the common Defense and general Welfare of the United States” (Article I, Section 8, Clause 1). However, Congress cannot impose taxes that benefit a private individual, group, or corporation; it also cannot tax exports.
- Power to borrow money—Congress can “borrow Money on the credit of the United States” (Article I, Section 8, Clause 2). The Constitution does not place limits on the amount Congress can borrow or on the purposes for which the money is borrowed.
- Commerce power—Congress has the authority to regulate both foreign and interstate trade.
- Currency power—Congress can “coin Money [and] regulate the value thereof” (Article I, Section 8, Clause 5). This means it can issue money, determine its value, and declare it to be legal tender.
- Bankruptcy power—Congress can “establish...uniform Laws on the subject of Bankruptcies throughout the United States (Article I, Section 8, Clause 4).
- War powers—Only Congress can declare war. Congress also has the power to “raise and support Armies,” to “provide and maintain a Navy,” to regulate the armed forces, to call out “the Militia” (today, the national Guard), and to “provide for organizing, arming, and disciplining” the National Guard.

Other Expressed Powers

- Naturalization
- Postal power
- Copyright and patent power
- Weights and measures power
- Territorial power
- Judicial power



Candidates for naturalization, early 1900s

Naturalization—Congress makes the laws under which immigrants can become U.S. citizens.

Postal power—Congress establishes post offices and post roads.

Copyright and patent power—Congress issues copyrights to authors and patents to inventors.

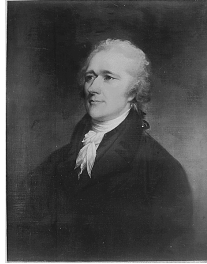
Weights and measures power—Congress sets the standards for weights and measures in the United States.

Territorial power—Congress manages U.S. territories (such as Puerto Rico and Guam) and other federal properties (such as the District of Columbia, national parks, military installations, etc.).

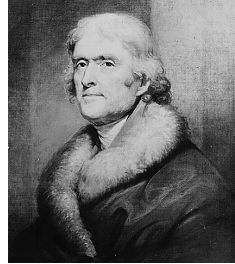
Judicial power—Congress can create federal courts and define and set punishments for federal crimes.

Implied Powers

- Article I: “necessary and proper”
- The “Elastic Clause”
- Strict vs. loose interpretation
- Hamilton vs. Jefferson



Alexander Hamilton



Thomas Jefferson

Article I of the Constitution states that Congress can make any laws that are “necessary and proper” for the government to function effectively. This part of the Constitution is often referred to as the “Elastic Clause” because it has been “stretched” to cover a wide variety of situations. The Elastic Clause often has become a bone of contention between those who advocate a strict interpretation of the Constitution and those who favor a loose interpretation. Strict constructionists believe that the implied powers inherent in the Elastic Clause should only be used when absolutely necessary; loose constructionists believe that implied powers can be invoked for anything that advances the general welfare of the country.

Battles over implied powers occurred almost from the day the Constitution was ratified. The most notable clash came in the 1790s between Secretary of the Treasury Alexander Hamilton and Secretary of State Thomas Jefferson. The two men disagreed on Hamilton’s plan to create a national bank, which he hoped would provide for a uniform currency, stabilize the nation’s weak economy, and encourage economic growth and development. While Hamilton, a loose constructionist, believed the national bank was constitutional under the Elastic Clause, Jefferson held a stricter interpretation of the clause and asserted that the only way to create a national bank was by constitutional amendment. Hamilton prevailed, and the First Bank of the United States was created.

Non-Legislative Powers

- Investigatory Power
- Electoral Power
- Executive Powers
- Impeachment Power



A depiction of the impeachment trial of
Andrew Johnson

Investigatory Power—Congress can investigate any matter related to its legislative powers.

Electoral Power—If a presidential election ends with no candidate having a majority of electoral votes, the House of Representatives will select the president from among the top three vote-getters.

Executive Power—The Senate must confirm all major appointments made and treaties signed by the president.

Impeachment Power—The House of Representatives has the power to impeach (accuse and bring charges) against the president, vice-president, and all “civil officers” of the U.S. government. The Senate actually tries the cases of officials being impeached.