



# Chapter 11

## Lawmakers and Legislatures

### What makes an effective legislator?

#### 11.1 Introduction

Do you have what it takes to be a successful legislator? Consider these questions:

- Do you have a burning desire to serve the people and a willingness to work long hours doing the public's business?
- Are you prepared to apply common sense and sound moral judgment to the issues of the day?
- Do you possess the fortitude to read and digest documents that may be hundreds or even thousands of pages long?
- Do you value compromise?
- Are you brave enough to vote your conscience, even if it means going against the wishes of your party or the voters who elected you?

Even if you answered yes to these questions, lawmaking still may not be the career for you. As with most people who enjoy their work, one of the main goals of lawmakers is to keep their jobs. This means that along with other duties, they must always be thinking about how to stay in office. Political scientist David Mayhew makes this point in *Congress: The Electoral Connection*, his 1974 study of members of Congress:

*It seems fair to characterize the modern Congress as an assembly of professional politicians spinning out political careers. The jobs offer good pay and high prestige. There is no want of applicants for them. Successful pursuit of a career requires continual reelection.*

Members of Congress gather before the Capitol

### Speaking of Politics

#### constituent

A person who lives in an electoral district and is represented by an elected official.

#### pork

Publicly funded projects secured by legislators to benefit their home districts or states. The funds for such projects are said to come from the "pork barrel"—the state or national treasury.

#### standing committee

A permanent committee of legislators from either the House or Senate responsible for specific policy areas, such as foreign affairs or agriculture.

#### joint committee

A permanent committee of legislators from both the House and Senate that deals with matters of common interest, such as economic policy.

#### conference committee

A temporary committee of legislators from both the House and Senate created to work out differences in bills passed by both houses of Congress.

#### appropriations

Funds allocated by a legislature for a stated purpose as part of a budget or spending bill.

#### joint resolution

An official statement issued by both houses of Congress. Once signed by the president, a joint resolution has the force of law.

#### casework

Personal services provided by members of Congress to their constituents, often to help their constituents with problems they are having with the federal bureaucracy.

With Mayhew's observation in mind, think again about what you would need to be a successful legislator.

- You must be "electable"—charming, at ease speaking to crowds, and willing to tailor your views to match the results of public opinion polls.
- You must be able to raise money, and lots of it, to finance your election campaign.
- Once elected, you must become skilled at playing political games.
- When seeking reelection, you must show that you were able to bring taxpayer-funded projects back to your home district or state.

None of this means that you should abandon your idealism. Most politicians seek public office to pursue worthy goals, including making good public policy. Nonetheless, to be a first-rate legislator, you must learn how to enter and survive the rough-and-tumble world of politics.

## 11.2 Legislators and Their Constituents

Most legislators start out in local politics. They may have won election to the city council and then moved from there to the state legislature. Once they have gathered experience, they may try for a seat in the House of Representatives or the Senate. As lawmakers move upward on the legislative path, they serve an ever-widening group of **constituents**, or people in their home districts and states. To attain any of these positions, however, an individual must first meet certain qualifications.

### Formal Qualifications: Age and Citizenship Requirements

The Constitution establishes formal qualifications for members of Congress. Members of both the House and the Senate must be residents of the state in which they are elected. They also need to meet minimum age and citizenship requirements. House members must be at least 25 years old and U.S. citizens for at least seven years. Senators must be at least 30 years old and U.S. citizens for at least nine years.

The formal qualifications for lawmakers at the state and local level are often less stringent. Young adults not long out of high school may qualify for



Paul Ryan (R-WI) was elected to the House in 1998. He became the chair of the House Budget Committee in 2011. In 2012, Ryan was the Republican Vice President nominee in the presidential election. Although he was not elected to that position, he kept the support of his constituents and won an eighth term as a representative.

election to school boards, town councils, or even state legislatures. In 2012, 21-year-old Justin Chenette of Maine became the youngest state legislator in the country. Chenette believes in the importance of youth involvement in politics. "It is important to get involved in the process," he told a reporter. "I want to reaffirm to young people why voting is important."

### Informal Qualifications: Race, Gender, Education, and Occupation

In addition to the formal requirements for office, lawmakers may also need to meet certain informal, or unstated, qualifications. These are essentially the qualities and characteristics that people look for in their public officials.

These informal qualifications have changed somewhat over the years. James Madison and the other framers of the Constitution had in mind a certain set of high-minded and highly educated people to lead the country. Madison described them this way:

*A chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.*

—James Madison, *The Federalist* No. 10, 1787



For some 200 years, that “chosen body of citizens” was largely made up of lawmakers who were white, male, and middle to upper class.

In the 1960s and 1970s, women and members of minority groups began to challenge the idea that all lawmakers should be successful white men. By the late 1960s, a few hundred women had won election to state legislatures and Congress. By 2012, that number had swelled to about 1,840 women serving as state or national lawmakers.

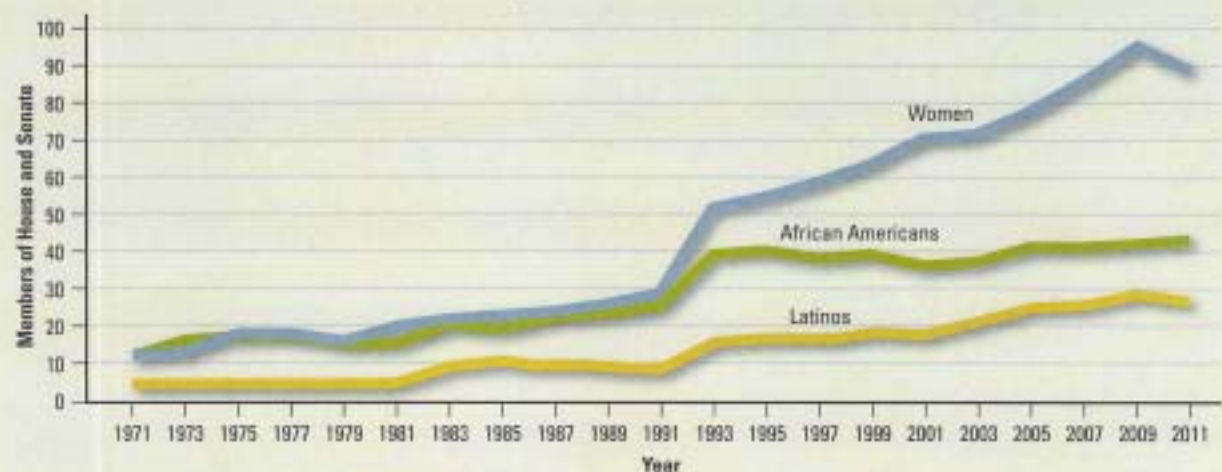
African Americans, Latinos, and members of other ethnic groups also were elected to legislatures in growing numbers. In 1971, for example, a combined total of 21 African Americans and Latinos held seats in Congress. By 2011, that number had risen to 68.

Beyond race and gender, however, at least two other informal qualifications still exist: education and occupation. Most legislators today have a college degree, and many have advanced degrees. The majority also have a background in business or law.

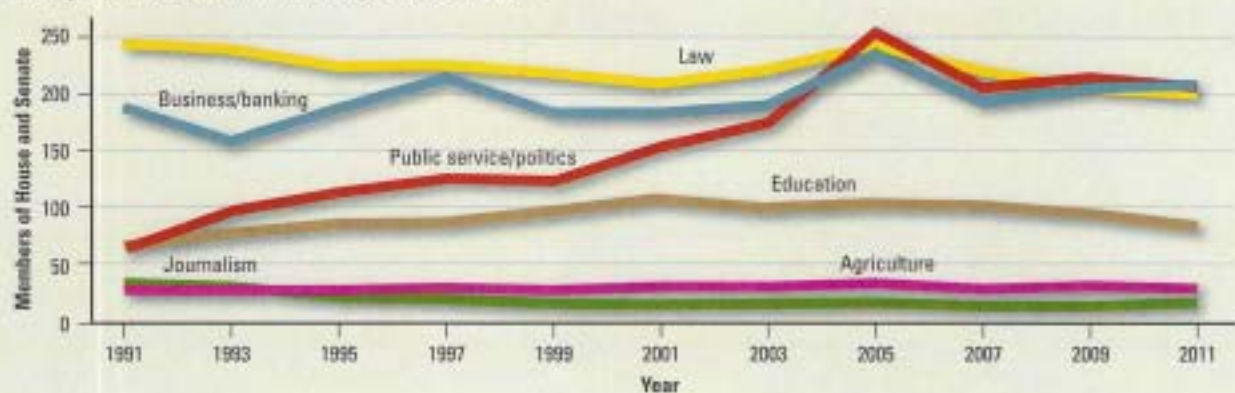
## The Changing Composition of Congress

In the past, Congress was mostly made up of well-educated white males who worked in law or business. Since the 1970s, however, Congress has become more diverse. Moreover, a growing number of representatives and senators now see public service and politics as their occupation.

### Women, African Americans, and Latinos in Congress, 1971–2011



### Occupations of Members of Congress, 1991–2011



Source: Harold W. Stanley and Richard G. Niemi, *Vital Statistics on American Politics 2011–2012*. Los Angeles: CQ Press, 2011.

## Apportionment: Achieving Equal Representation

The U.S. Senate has a total of 100 seats, two for each state. The House of Representatives has 435 seats, with each seat representing one congressional district. The number of seats in the House was fixed by law in 1911 and can be changed by Congress at any time.

House seats are apportioned, or divided, among the states according to each state's population. Here is how apportionment works: Every ten years, the U.S. Census Bureau conducts a census to count the nation's population. The results are used to calculate how House seats should be distributed among the states. If a state's population has boomed, it may gain one or more additional seats. If its population has dropped or stayed the same, it may lose one or more seats. Each state, however, is guaranteed at least one seat in the House. This map shows how the states fared in the apportionment following the 2010 census.

The constitutional principle behind apportionment is equal representation, also referred to as "one person, one vote." In practice, this means that each congressional district should have about the same number of people. As of the 2010 census, the number of people represented by each member of the House averaged about 710,700.

The principle of "one person, one vote" also applies to the apportionment of seats in state legislatures and even local governments. The principle does not apply to the U.S. Senate, however, where each state has an equal voice, regardless of its population. As a result, the nation's least populous state, Wyoming, has as much clout in the Senate as does the most populous state, California. However, the two senators from Wyoming represent just over half a million people, while the two from California represent more than 37 million people.

## Congressional Apportionment and Representation

The map shows how the 435 House seats were apportioned after the 2010 census. Changes in population meant that some states gained seats while others lost seats. The apportionment based on the 2010 census took effect in 2013.

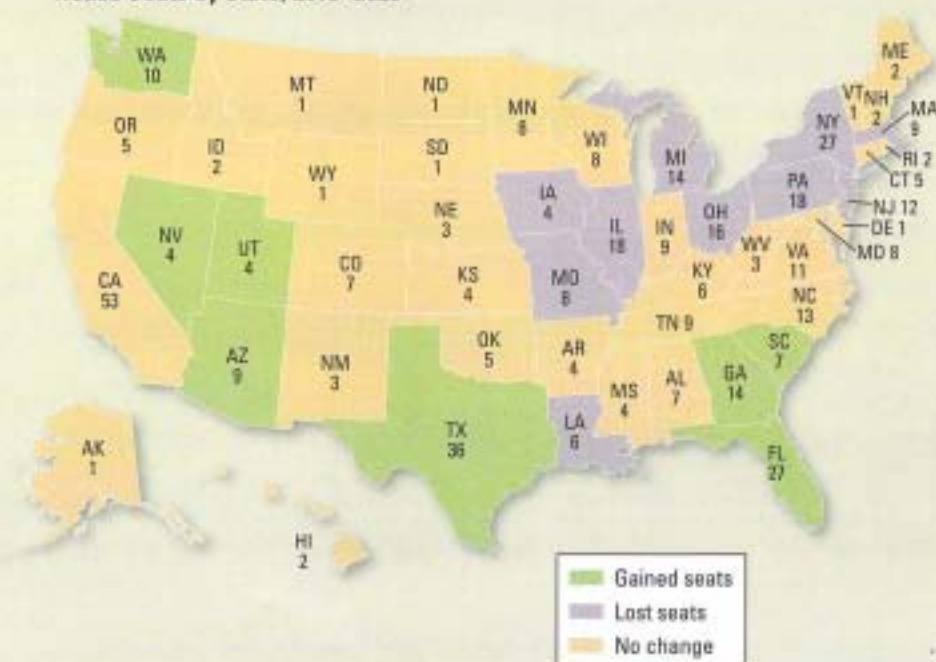
### Gains After 2010 Census

- Arizona +1
- Florida +2
- Georgia +1
- Nevada +1
- South Carolina +1
- Texas +4
- Utah +1
- Washington +1

### Losses After 2010 Census

- Illinois -1
- Iowa -1
- Louisiana -1
- Massachusetts -1
- Michigan -1
- Missouri -1
- New Jersey -1
- New York -2
- Ohio -2
- Pennsylvania -1

### House Seats by State, 2013–2023



Source: U.S. Census Bureau, 2010.



## How Legislators See Their Jobs: Delegates Versus Trustees

Legislators often see themselves as fulfilling one of two distinct roles: that of a delegate or that of a trustee. Lawmakers who view themselves as delegates seek to represent their districts by responding directly to the wishes or needs of their constituents. In effect, they act as they think the people who voted them into office want them to act. This role is often embraced most enthusiastically by first-time lawmakers who are fairly new to the legislative process.

Lawmakers who see themselves as trustees, on the other hand, try to represent their districts by exercising their best independent judgment. Often, these are more experienced lawmakers who recognize that their constituents have conflicting needs that cannot always be met. In making decisions, these lawmakers try to serve the larger interests of their districts, assuming that their constituents trust them to do the right thing.

Most legislators combine these two roles. They may act as a delegate on issues clearly linked to the needs of their home districts. But on more general issues, or on issues over which there is much disagreement, they may take on the role of trustee.

## Getting Elected: Turnover and the Power of Incumbency

Once elected, many legislators stay in office as long as voters keep reelecting them. Other legislators would like to serve longer, but term limits force them to leave office after a certain number of years. Term limits affect only state legislators, however. In 1995, the Supreme Court ruled that the terms of members of Congress cannot be limited except by a constitutional amendment.

Lawmakers who run for office term after term stand a very good chance of being reelected. Since 1945, representatives running for another term in the House have won reelection approximately 90 percent of the time. Around 80 percent of incumbent senators have won their reelection bids. Clearly, incumbents have a number of advantages over their challengers, including the four listed below.

**Name recognition.** Voters are familiar with incumbents. They see incumbents in news coverage, looking authoritative and effective. Voters tend to trust them more than unfamiliar challengers.



Members of Congress try to “bring home the bacon” to their districts by securing federal funding for local projects. Critics often label such projects as wasteful “pork.” Constituents generally welcome the benefits these federally funded projects provide. But as this cartoon implies, such “pork barrel” projects can also be a waste of taxpayer money.

**Office resources.** Incumbents can use the benefits of their office—staff, stationery, mailing privileges, and travel allowances—to keep in touch with voters in their districts.

**Campaign funds.** Individuals and organizations give money in larger amounts to incumbents than to challengers. In the 2012 elections for the House and Senate, for example, incumbents raised roughly \$971 million, while their challengers raised about \$398 million.

**Bragging rights.** Incumbents can point to federally funded projects—from roads and bridges to defense contracts—that they have won for their districts. Such projects are known as **pork**, because the money for them comes from the federal “pork barrel,” or treasury. Legislators who secure large amounts of pork for their home districts are admired for “bringing home the bacon.” Challengers typically lack such bragging rights.

These advantages do not mean that incumbents always win. If voters think that Congress has failed to deal effectively with important issues, they may respond by voting incumbents out of office at the next election.

## 11.3 The Organization of Congress

The framers of the Constitution viewed Congress as “the first branch of government.” In *The Federalist* No. 51, James Madison wrote, “In republican government, the legislative authority necessarily predominates.” For that reason, the Constitution addresses the structure and powers of Congress first, ahead of the other two branches.

### A Bicameral Legislature: The House and Senate

The Constitution establishes Congress as a bicameral legislature, consisting of the House of Representatives and the Senate. Although both chambers serve as lawmaking bodies, they are different in many respects. The lists at the bottom of this diagram highlight some of those differences.

The framers expected the House, with its larger size and more frequent elections, to act as the “people’s body.” It was meant to reflect the more

volatile, democratic tendencies in American society. The Senate, whose members serve longer terms and were originally chosen by state legislatures, was meant to be a more elite chamber that would act as a steadying influence on Congress.

George Washington aptly described the Senate’s role while dining with Thomas Jefferson. Jefferson wondered why the framers had added a second house. Washington asked him, “Why did you pour that coffee into your saucer?”

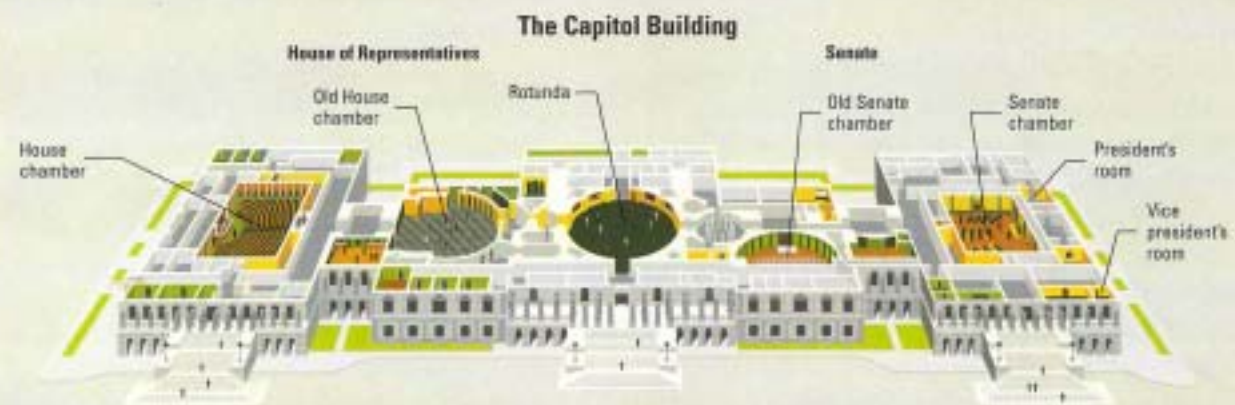
“To cool it,” Jefferson replied.

“Even so,” Washington said, “we pour legislation into the senatorial saucer to cool it.”

In 1913, with the ratification of the Seventeenth Amendment, the Senate became elected directly by voters instead of by state legislatures. Today, unlike the bicameral legislatures in most countries, the two houses of Congress are equal in power. Even so, the houses are clearly different, and the Senate still serves to “cool” legislation coming from the House.

### The Two Chambers of Congress

The Capitol building in Washington, D.C., houses the U.S. Congress. Construction on the Capitol began in 1793, but the building has been substantially remodeled and expanded since then. New wings for the House and Senate were completed in 1868, after the Civil War.



### The House and Senate Compared

House of Representatives	Senate
Larger size: 435 members	Smaller size: 100 members
Shorter terms: 2 years	Longer terms: 6 years
Elected in districts	Elected by states
Quicker to act	Slower to act
Less prestige	More prestige
Less press coverage	More press coverage
Smaller staffs	Larger staffs
Tighter rules	Looser rules
Limited floor debate	Extended floor debate
More influence on budgetary issues	More influence on foreign affairs



## Congressional Leadership

In 2007, Nancy Pelosi (D-CA) became the first woman to serve as speaker of the House, making her the highest ranking female politician of all time. However, when the Republicans gained control of the House in 2011, John Boehner (R-OH) took over that position and Pelosi became the minority leader.



### Key Leadership Positions



### Leadership Roles in the House

Since the mid-1800s, Congress has based its organization on the two major political parties. In each house, the majority party—the one with the most seats—controls the agenda. Its members take the top leadership positions. The minority party, however, can have a significant impact in Congress, in part by choosing able leaders.

There are three leadership roles in the House: the speaker, the majority and minority leaders, and the whips.

**Speaker of the House.** The House speaker has more power and prestige than any other leader in Congress. The speaker is nominated by the majority party but wins the position through a vote of the entire House. The speaker presides over the House, assigns bills to committees, and appoints members to special committees and commissions. The speaker's most important function, however, may be deciding what bills will be debated by the full House and when. As former speaker Thomas P. (Tip) O'Neill said, "The power of the speaker of the House is the power of scheduling."

**Majority and minority leaders.** In the House, the majority and minority leaders are elected by their respective parties. Their duty is to manage legislation on the House floor, the large chamber in the Capitol where House members debate and vote on bills. The majority leader is the majority party's second in command. The minority leader is the minority party's overall leader and main strategist.

**Majority and minority whips.** These assistant floor leaders are responsible for keeping the leadership informed and persuading party members to vote along party lines. The term whip was first used in the British Parliament. In England, a whip is the person who keeps the dogs under control during a fox hunt.

### Leadership Roles in the Senate

Leaders in the Senate have similar roles to those in the House. They are responsible for the functioning of their chamber. They also work to build support for legislation that advances their party's core policies. The leadership positions in the Senate are the president, majority and minority leaders, and whips.



**President of the Senate.** The president of the Senate is the official presiding officer of this body. The Constitution assigns this position to the vice president of the United States. In general, however, the vice president appears on the Senate floor only for ceremonies or to break a tie vote.

**President of the Senate pro tempore.** The president of the Senate pro tempore is the senior senator of the majority party and may preside over Senate sessions when the vice president is not there. The term pro tempore means "for the time being." Normally, however, neither the vice president nor the president pro tempore presides. Most often, other members of the majority party take turns presiding as the Senate conducts its day-to-day business.

**Majority leader.** The majority leader serves as the spokesperson for the party that holds the most seats in the Senate. This leader, however, lacks the speaker of the House's ability to single-handedly make things happen on the floor. The Senate majority leader must work with party members and the minority leader to move legislation to a vote.

**Minority leader.** This leader helps shape minority party policy and devise strategies for stopping majority-sponsored bills opposed by the minority party. The minority leader also works with the Senate majority leader to schedule business on the Senate floor.

**Majority and minority whips.** The main duty of these assistant floor leaders is to stand in for the majority and minority leaders. Their other duties vary, depending on the needs of their party leaders.

### The Congressional Committee System

Individual legislators do not have the time or expertise to thoroughly understand all the bills that come before Congress. Instead, they rely on a division of labor, entrusting most of the work of lawmaking to various committees. Congress has five kinds of committees, some permanent and others temporary.

**Standing committees.** House and Senate **standing committees** are permanent committees that handle most legislative business. Each standing committee has its own broad area of responsibility, such as homeland security or foreign affairs. In addition to

## Permanent Congressional Committees

Standing committees and their subcommittees do much of the legislative work of Congress. Joint committees oversee the operations of the Library of Congress and the Government Printing Office, as well as researching economic and tax policies.

### House Standing Committees

- Agriculture
- Appropriations
- Armed Services
- Budget
- Education and the Workforce
- Energy and Commerce
- Ethics
- Financial Services
- Foreign Affairs
- Homeland Security
- House Administration
- Judiciary
- Natural Resources
- Oversight and Government Reform
- Rules
- Science, Space, and Technology
- Small Business
- Transportation and Infrastructure
- Veterans' Affairs
- Ways and Means

### Joint Committees

- Joint Economic Committee
- Joint Committee on the Library
- Joint Committee on Printing
- Joint Committee on Taxation



Senator Jeff Sessions (R-AL) shown right, talks with Senate Judiciary Committee chair Patrick Leahy (D-VT), shown left, during a committee hearing.

### Senate Standing Committees

- Agriculture, Nutrition, and Forestry
- Appropriations
- Armed Services
- Banking, Housing, and Urban Affairs
- Budget
- Commerce, Science, and Transportation
- Energy and Natural Resources
- Environment and Public Works
- Finance
- Foreign Relations
- Health, Education, Labor, and Pensions
- Homeland Security and Governmental Affairs
- Judiciary
- Rules and Administration
- Small Business and Entrepreneurship
- Veterans' Affairs

Source: [www.senate.gov](http://www.senate.gov) and [www.house.gov](http://www.house.gov).

studying legislation, standing committees have another key duty: they gather information through hearings and investigations. Committee hearings are one way for Congress to monitor the policies of government agencies. Committee members can ask officials, face to face, to explain their agency's actions.

**Subcommittees.** Most standing committees also have several smaller **subcommittees**. The subcommittees do most of the work of reviewing proposed legislation. The vast majority of bills introduced in Congress each year "die" in committee.

**Select or special committees.** Both the House and the Senate sometimes form a **select committee** or **special committee** to investigate specific problems. These committees are usually temporary. Although they do not review legislation, special and select committees may make recommendations to Congress based on their investigations.

**Joint committees.** Congress has a small number of permanent **joint committees** made up of members of both the House and the Senate. Joint committees deal with issues of interest to both chambers. The Joint Committee on the Library, for example, oversees the operations of the Library of Congress. The Library of Congress is the research arm of Congress and is home to the world's largest library. Its collections include millions of books, photographs, documents, recordings, maps, and manuscripts.

**Conference committees.** A **conference committee** is a temporary kind of joint committee. It is formed to iron out differences between two versions of a bill passed by the House and Senate. Both chambers must pass identical versions of a bill for it to become law.

### Staff and Support Agencies

Members of Congress do not face the rigors of committee work alone. If you have ever seen a congressional committee in action, you may have noticed the people sitting behind the committee members. You may have seen them hand a document to a member or whisper in a member's ear. These people are employed as congressional staffers, or staff members. Some work for the committee at large. Others belong to a member's personal staff.

The House and Senate each employ around 1,000 committee staffers to support the work of their various committees. This staff includes clerical workers as well as experts in the subject area of a particular

committee. The number of personal staff a Congress member has varies. Representatives average about 16 staffers apiece, while senators average about 40 staff members each. Personal staff members perform a variety of tasks, from answering constituents' questions to writing speeches and drafting bills.

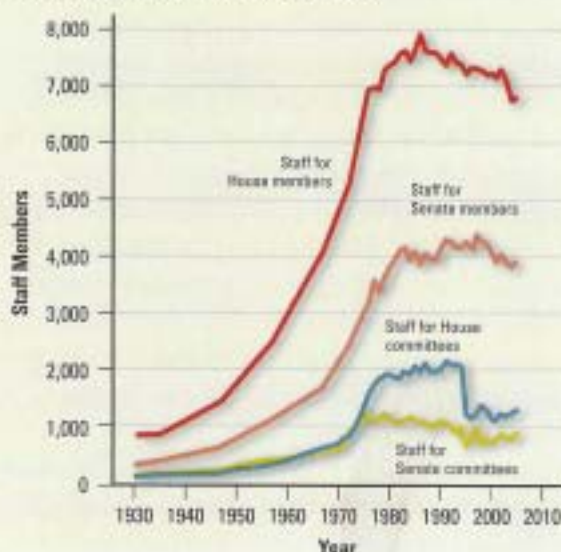
### The Growth of Congressional Staffs

The number of people working on personal and committee staffs has grown over time. Members of Congress rely on staffers to help them do their jobs. But as the cartoon suggests, some critics believe that staffs have grown too large.



©TC/Scott Willis

House and Senate Staff, 1930–2005



Source: Norman J. Orstein, Thomas E. Mann, and Michael J. Malbin, *Vital Statistics on Congress*, 2008, Washington, D.C.: Brookings Institution, 2008.



Founded in 1994, the Congressional Asian Pacific American Caucus (CAPAC) is open to both House and Senate members. CAPAC focuses on helping the Asian American and Pacific Islander community. Here, the members of CAPAC meet with President Obama to discuss ways they can collaborate to move their agenda forward.



In addition to staff, several support agencies provide Congress with the information it needs to do its job. The Congressional Research Service helps by researching policy questions. The General Accountability Office checks the financial accounts of government programs. The Congressional Budget Office provides House and Senate budget committees with data and analyses that aid the budget process. It also provides other committees with cost estimates related to proposed legislation.

### Caucuses and Coalitions

Members of Congress have also formed a number of unofficial groups to pursue particular goals and interests. For example, there are more than 300 informal caucuses in Congress. Often, members of a caucus need not belong to the same party or even the same chamber. The National Women's Political Caucus, for example, is a bipartisan group of women in Congress. Likewise, the Congressional Black Caucus is open to all African American members of Congress. Groups like the Climate Change Caucus and the Congressional Nanotechnology Caucus attract lawmakers who have an interest in specific subjects.

Other unofficial groups have formed within one political party or chamber of Congress. The Blue Dog Coalition, for example, is a group of conservative and moderate House Democrats. The House Tea Party Caucus brings together House Republicans dedicated to advancing a conservative agenda.

## 11.4 The Work of Congress

Members of Congress have two distinct but interrelated jobs. They must represent their constituents in their districts or states, and they must perform their constitutional duties as national legislators. In other words, they must try to serve the voters back home while making laws for the nation as a whole.

### The Powers of Congress

Article I of the Constitution states that Congress shall have "all legislative Powers." The specific powers given to Congress include the authority to

- levy and collect taxes.
- borrow money.
- regulate interstate and foreign commerce.
- coin money.
- declare war.

The Constitution also authorizes Congress to "make all Laws which shall be necessary and proper" for carrying out those powers. Through this open-ended Elastic Clause, the framers gave Congress the ability to stretch its listed powers to deal with future needs that could not be anticipated when the Constitution was written.

The only catch is that these implied powers must be linked to enumerated powers. Sometimes that link is weak. For example, Congress has enacted laws designed to limit air and water pollution based on its power to regulate interstate commerce.

Occasionally, the Supreme Court has held that Congress has stretched the Elastic Clause beyond the breaking point. This happened in the 2000 case *United States v. Morrison*. At issue was whether Congress had exceeded its authority to control interstate commerce when it passed the Violence Against Women Act in 1994. The act gave women who had been abused the right to sue their attackers in federal court.

The Court struck down the act as unconstitutional. Writing for the majority, Chief Justice William Rehnquist argued, "Every law enacted by Congress must be based on one or more of its powers enumerated in the Constitution." In this case, he continued,

*Gender-motivated crimes of violence are not, in any sense of the phrase, economic activity . . . Indeed, if Congress may regulate gender-motivated violence, it would be able to regulate murder or any other type of violence . . . We accordingly reject the argument that Congress may regulate noneconomic, violent criminal conduct based solely on that conduct's . . . effect on interstate commerce.*

—William Rehnquist, *United States v. Morrison*, 2000

### How Congress Checks the Other Branches

Congress was also given powers to check the other two branches of government. These checking powers include the following:

**Oversight.** Congress oversees executive agencies to make sure they carry out the laws it has passed.

**Confirmation.** The Senate must confirm, or approve, key officials appointed to office by the president.

**Impeachment.** The House of Representatives can impeach a federal official, including the president, by voting to accept a formal accusation of wrongdoing against that person. The Senate then conducts a trial of the impeached official and votes on whether to remove him or her from office.

**Ratification.** The Senate must ratify, or approve, all treaties negotiated by the president before they can become law.

**Override.** Congress can vote to override, or reverse, a president's veto of legislation.

**Amendment.** Congress, through a vote of both houses, can propose an amendment to the Constitution. It can use this power to change the Constitution, even if this means reversing a ruling of the Supreme Court.

## The Checking Powers of Congress

Congress has a number of powers that enable it to check the other two branches of government. This is part of the framers' plan for keeping any one branch from becoming too powerful.





## Enacting Laws

The checking powers of Congress also apply within the legislative branch. Both houses of Congress must agree on a bill before it can become law. That means that either house can amend or reject a bill offered by the other house.

The process of crafting bills that both chambers can agree on is complex and time-consuming. The diagram “How a Bill Becomes a Law” shows the basic steps involved in turning a bill into law.

Bills may be introduced in either house of Congress. Upon introduction, they are labeled with initials: H.R. for the House or S. for the Senate. They also receive a number, which represents the order in which the bill was introduced in that chamber. So, for example, the first bill introduced in the House during the 113th Congress in early 2013 was labeled H.R.1. The first bill in the Senate was S.1.

Most new bills are sent to a committee, where they are studied and revised. If the bill survives in committee, it is sent back to the House or Senate floor for debate and a vote. Bills that pass one chamber are sent to the other house to go through the process again.

Often a bill gets amended further when it passes through the other chamber. In that case, the two versions of the bill—the House version and the Senate

version—may go to a conference committee to have their differences reconciled. The House and Senate then vote on the final version of the bill. If it passes, it goes to the president for approval. If the president signs the bill, it becomes law.

This process may seem relatively simple and straightforward, but it is not. Turning a bill into law requires hard work, patience, and compromise. Most bills do not survive. For example, in 2011, more than 5,700 bills were introduced in Congress. Only 90 went on to become law.

## Levying Taxes

Some of the bills that go through Congress are tax bills. The power to tax is one of the most important powers of Congress. Unlike other legislation, however, tax bills can only originate in the House. Article 1, Section 7 of the Constitution says that “all Bills for raising Revenue shall originate in the House of Representatives.”

Originally, government revenue—the money coming into the treasury—came mainly from taxes on goods, such as imported products. Today, the federal government relies largely on income taxes, which are collected by the Internal Revenue Service. Congress makes tax policy and oversees the work of the IRS.

Although taxes may seem a burden, they finance many of the government programs and services that Americans depend on. For example, without federal taxes, there would be no national highway system, no national system of law enforcement, no national funding for public education, and no national defense system.

## The Power of the Purse

In addition to taxation, Congress has another important financial power: the power to spend. Article 1, Section 9 of the Constitution says, “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.”

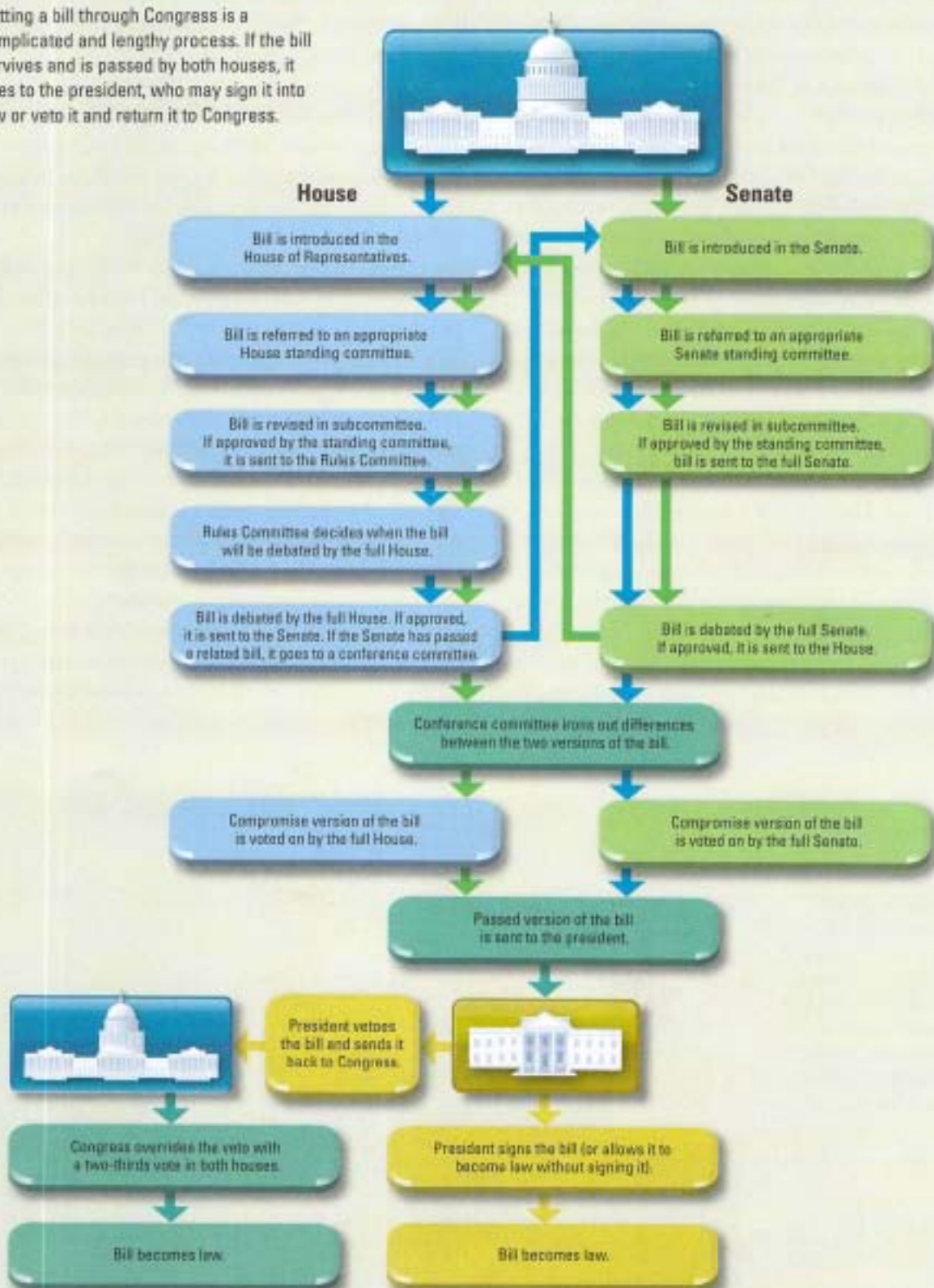
**Appropriations** are public funds allocated for a particular purpose by a legislature. To fund any federal project, the government needs money, and Congress must appropriate this money. Acting in this capacity, Congress is said to have the “power of the purse.”



After Congress passes a bill, one way for the bill to become law is for the president to sign it. For example, in 2008, members of Congress witnessed President George W. Bush sign a bill that regulated emerging and new Internet technologies.

## How a Bill Becomes Law

Getting a bill through Congress is a complicated and lengthy process. If the bill survives and is passed by both houses, it goes to the president, who may sign it into law or veto it and return it to Congress.





## Declaring War

Another key power of Congress granted under the Constitution is the power to declare war. But as commander in chief of the armed forces, the president also has constitutional duties related to military conflict. Congress and the president thus share war-making powers.

This power sharing has sometimes caused tension between the legislative and executive branches. Historically, the president has not hesitated to send troops into combat before obtaining the permission of Congress. U.S. soldiers have been sent into action abroad more than 200 times. Yet Congress has formally declared war only five times. The last such declaration, in 1941, brought the United States into World War II. Since then, Americans have fought in lengthy, undeclared wars in Korea, Vietnam, and, most recently, Iraq.

Congress has sometimes resisted the president's war-making efforts. In 1973, during the Vietnam War, Congress passed the War Powers Act to reassert its authority. This law requires the approval of Congress for any overseas troop deployment lasting longer than 90 days.

In such cases, Congress can stop short of issuing a formal declaration of war. Instead, it can authorize military action by passing a **joint resolution**, an

official statement from both houses of Congress. Like a regular bill, a joint resolution has the power of law once the president signs it. In October 2002, Congress used a joint resolution to authorize the use of military force against Iraq.

## Casework: The Care and Feeding of Constituents

In addition to their legislative duties, members of Congress must find time for **casework**, or helping their constituents solve problems that involve the federal government.

Citizens often need assistance in dealing with the complexities of federal agencies. For example, they may not have received their Social Security checks, or they may be having problems getting a passport in time for foreign travel. Often, legislators are able to use their authority to connect constituents to someone in government who can solve their problems.

Casework involves a great variety of problems. In one example, California congressman David Dreier was asked to help a constituent with a difficult adoption case. The woman had flown to Taiwan to adopt a baby. Once there, she became tangled in bureaucratic red tape and was unable to bring the child home. She contacted Dreier, who then worked with immigration officials to help solve the problem. After nearly two years of hard work by Dreier and his

In late 2002, Congress passed a joint resolution authorizing the invasion of Iraq, which began in March 2003. After nine years of American military operations, U.S. troops departed from Iraq in December 2011. Although Congress has the sole power to declare war under the Constitution, it has not issued a formal declaration of war since World War II.



## Congressional Casework

In addition to their legislative duties, members of Congress must also perform casework. They try to use their positions as legislators to help their constituents solve problems. The flow-chart shows the various ways in which members of Congress work to help people in their districts.

### How Members of Congress Serve Their Districts



staff, his constituent was able to finalize her adoption. "If it weren't for Congressman Dreier," the woman later said, "I wouldn't be a mother today."

Casework is a burden for many legislators, but it is a key part of representative government. Helping constituents is also good politics. Voters often reelect legislators who have paid attention to their needs. Members of Congress know this and have found ways to do casework while fulfilling their legislative duties. They open offices in their districts, for example, and hire staff to answer constituents' questions. They also work on other levels to help their districts. The flowchart above shows some of the ways members of Congress try to serve their districts.

## 11.5 How State Legislatures Compare with Congress

State legislatures have much in common with the U.S. Congress. Like Congress, they make laws and represent the voters in each state. With the exception of Nebraska, all states have bicameral legislatures, made up of an upper and a lower house. These houses are organized along party lines and do much of their business through committees, just like Congress. Nevertheless, state legislatures differ from Congress in a number of ways.

### Shorter Sessions, Smaller Staff, and Lower Pay

In general, state legislators meet for less time, have smaller staffs, and receive lower salaries than members of Congress. State legislatures can be divided into three types: citizen, professional, and hybrid. These types are based mainly on the amount of time their members spend on the job.

*Citizen legislatures.* In citizen legislatures, members spend about half of their time as lawmakers. Citizen legislatures are commonly found in states with small populations.

*Professional legislatures.* As the name suggests, these are legislatures whose members are full-time lawmakers. Professional legislatures are more common in states with larger populations.

*Hybrid legislatures.* These legislatures fall between the previous two types. Their members spend about two-thirds of their time on legislative business.

Of these three types, professional legislatures are the most like Congress. Even so, the workload of lawmakers in professional legislatures pales in comparison with that of members of Congress. Most sessions of Congress run from January into December. Members of Congress spend well more than 300 days a year performing legislative duties. State legislators, even professional ones, work much less. For instance, in New York, legislators meet several times a week from January into June. For the



## State Legislatures

State legislatures are divided into three types, based primarily on how much time legislators spend on the job. State legislatures meet at the state capital in chambers like the one shown here.



Types of State Legislature, 2008



Legislature Statistics, 2008

Type of Legislature	Time Spent on Legislative Activity	Average Salary	Average Staff Size
Professional	80%	\$68,599	9
Hybrid	70%	\$35,326	3
Citizen	54%	\$15,984	1

Source: National Conference of State Legislatures, [www.ncsl.org](http://www.ncsl.org).

rest of the year, they are "on call," coming together only when necessary.

Staff size is another difference. Professional state legislators average around 9 staff assistants each, compared with 16 in the House and 40 in the Senate. Citizen legislators may have just one assistant.

Compensation is also much lower at the state level. In 2012, members of Congress earned \$174,000 annually. Among the states, California paid the highest legislative salary that year, at a little more than \$95,000. But most states paid far less. New Hampshire offered the lowest salary, paying its

lawmakers just \$100 per year. As a result, most state legislators must have other means of support. As one Massachusetts state senator put it, “No one goes into politics to get rich.”

### Turnover and Term Limits

Another key difference between many state legislatures and Congress is the presence of term limits. Unlike Congress, where legislators may serve an unlimited number of terms, many states limit the number of years legislators can remain in office.

The idea of imposing term limits on state officials goes back to the early days of the nation. In 1776, the constitution of Delaware set term limits for the state’s governor. Many other states followed that practice.

The movement to limit state legislators’ time in office came much later. As of 2012, voters in 15 states had imposed term limits of various kinds on their lawmakers. For example, in Arizona, lawmakers are limited to 8 years in each house of the legislature. In Nevada, the limit is 12 years. As a result of term limits, a total of 380 legislators in 14 states were prevented from running for reelection in 2010.

Advocates of term limits say that turnover in a legislature is beneficial. It eliminates career politicians who, they argue, lose touch with their constituency. New faces, they say, bring new ideas. In Michigan, for instance, about half of the lawmakers elected in 2010 were newcomers. Without term limits, most of them would have had a tough time getting elected.

Critics of term limits argue that such limits are undemocratic. By preventing some incumbents from running for reelection, term limits restrict the choices available to voters. They also remove experienced lawmakers from office, which may reduce a legislature’s effectiveness. For example, in 2012, Missouri’s state legislature experienced a high turnover of lawmakers. Many of these lawmakers were “termed out,” including the speaker of the House and others who held leadership positions.

Opponents of term limits claim that such a loss of experience can devastate a legislature. Supporters argue that new legislators bring new energy to government and are more responsive to the will of the people.

## Summary

Congress is the legislative branch of the national government. Its structure and powers are largely defined by the Constitution. As with all legislatures in a representative democracy, Congress is responsible for making laws and serving the people’s needs.

**Legislators and constituents** Most legislators seek to represent the interests of their constituents while also relying on their own independent judgment. In Congress, two senators represent every state. The number of representatives depends on a state’s population.

**Organization of Congress** The House and the Senate are organized by political parties. Much of the work of turning a bill into law takes place in standing committees and subcommittees. Members of Congress rely on staff to help with their lawmaking and constituent duties.

**Powers of Congress** The Constitution gives Congress specific powers, which, over time, have been stretched under the Elastic Clause. In addition, members of Congress use their office to help constituents solve problems involving federal government agencies.

**State legislators** As a rule, state legislators spend less time on the job, receive lower pay, and have fewer staff than their counterparts in Congress. Unlike members of Congress, some state legislators are subject to term limits.



## What makes a state legislature good?

In the United States, voters elect representatives to Congress and their state legislature. For both the federal and state government, representatives act in the interest of their constituents. State legislators make decisions that influence policy within their state.

This article developed for the National Conference of State Legislatures discusses what functions your state legislature is expected to perform. How well your state legislature succeeds at these tasks is subjective and difficult to evaluate. However, you can still try to assess how good your legislature is. After you read this article, answer the questions in "Grade Your Legislature." How does your state measure up?

## The Good Legislature

by Alan Rosenthal

For legislatures to be good, they must carry out the functions we expect of them in our system of representative democracy. The principal ones are balancing power, representing constituencies and making laws. In considering whether legislatures are doing their job . . . we have to examine how well they are performing these three functions.

### Balancing Power

Constitutionally, legislatures are separate, co-equal branches (indeed, the legislature is the first branch of government and the executive the second) that share governmental power. So it follows that legislatures must balance the power of governors and the executive branch. A good legislature, accordingly, has to be relatively independent of the governor. It must insist on participating in the initiation of policy and refuse to rubber-stamp executive proposals . . .

Legislative power may be requisite, but that does not mean that the greater the power imbalance in favor of the legislature, the better that legislature is. More power for the legislature is not necessarily better once an appropriate balance is achieved. In other words, an imbalance in favor of the legislature is no

better than an imbalance in favor of the governor. The legislature must truly be a co-equal branch of government.

Although we can measure the constitutional powers of governors and legislatures, their real power hinges as much on political factors and traditions as on constitutional and statutory ones. If we examine who initiates and enacts legislation and budgets, we should see in a general way how well the legislature is fulfilling its power balancing function.

### Representing Constituencies

One of the major roles of a legislature is representation—representing various constituencies, mainly people in each lawmaker's electoral district, but also organized groups and individuals elsewhere in the state. The question is, how well does the legislature perform its representational tasks?

First, the constitutional system and the legislature ought to provide for substantial political equality, that is, "one person, one vote." This standard, enforced by state and federal courts, is generally met, although the political gerrymandering that accompanies redistricting is often used to benefit one party and incumbents in their re-election efforts.



## Grade Your Legislature

### Balancing Power

1. Does your legislature effectively share power with the governor?
2. Does your legislature initiate and enact its own legislation and make independent decisions about the state budget?

### Representing Constituents

3. Are the numbers of women, African Americans and Hispanics in your legislature reasonably reflective of the population of your state?
4. Do the members of your legislature provide effective constituent service including responses to requests for information, casework, local projects and public expenditures?
5. Do citizens and groups in your state have ready access to information on agendas and proceedings of the legislature?
6. Does your legislature provide effective civic education for the public (of all age levels) about representative democracy, the legislative institution and the lawmaking process?
7. Is your legislature responsive to public demands and needs?

### Making Law

8. Does your legislature allow effective participation and input from citizens and organized groups in lawmaking decisions?
9. Do you have effective legislative leaders who have strategic, problem-solving and consensus-building abilities?
10. Does your legislature address and solve the most important problems in your state?

Second, a variety of groups who previously lacked membership should be present in the ranks of legislators today. Women, African Americans and Hispanics most notably need opportunities to serve as well as to be represented . . .

Third, as part of its representational function, the legislature must provide service to constituencies and constituents. Constituent service is normally the job of individual members who appreciate the importance

of doing a good job in this area if they hope to be re-elected . . .

Fourth, the legislature has to ensure that citizens, as well as groups, have access to members, to committees, and to the general process. The legislature must be open and provide information on agendas and proceedings . . .

Fifth, the legislature also has responsibility for civic education, especially on representative democracy, the legislative institution and the legislative process . . .

Sixth, the legislature has to

be responsive, at least to some degree, to what citizens want, as well as to what the legislature determines they need. [We] have to figure out how legislative enactments—at least on major issues—square with public demands and with public needs.

### Making Law

Although representing others deals with the relations between the legislature and the public, lawmaking is internally focused. It relates to the processes by which laws (and policies) are fashioned.

Lawmaking includes several related legislative activities. The legislative role in formulating, reviewing and adopting a state budget has special significance. The budget is probably the most important bill that a legislature passes. A legislature that performs poorly on the budget is likely to be an ineffective legislature overall.

The legislature's oversight role is also worth considering; that is, how and to what extent does the legislature monitor the application and effect of the laws it has enacted. Finally, we should pay some attention to legislative foresight; that is, how and to what extent the legislature looks ahead in order to develop policies to meet the future needs of the state.

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