Chapter 11
The Congress

What did the Framers Intend?

• The House of Representatives would represent the common people.
• The Senate would represent the aristocracy (elite).
• The Congress would exercise checks and balances on the executive
• The Senate chosen by legislatures

Specific Authorities

• Only the House can initiate revenue bills
• Only the House can impeach
• The Senate approves all presidential appointments
• The Senate approves all treaties
• The Senate tries impeachments.

Powers Held Jointly

• Only the Congress can declare war.
• This power has been greatly eroded
• Presidential War Powers Act (1973) has attempted to address this Constitutional question.
• The Congress can override a presidential veto.

The Constitution

• Enumerated Powers
• Those powers specifically mentioned in Article I, Section 8
• Tax; Spend; To borrow
• Regulate commerce between states (interstate) & international commerce
• Regulate Commerce with the Indian Tribes

**Enumerated Powers**

• to raise, support and maintain an army & navy
• to provide a monetary system
• set up federal courts
• establish post offices
• make rules for the conduct of government.

**More Enumerated Powers**

• Naturalization laws
• Promote progress in science & arts
• Provide for calling forth the Militia; regulating the Militia
• Enforce laws of Union
• Suppress Insurrections
• Repel Invasions

**The Elastic Clause**

• Article I, Section 8 (Last paragraph)
• to make all laws which shall be necessary and proper for carrying into execution all of its other powers.

• 10th Amendment- The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**Remember**

• The Bill of Rights was spawned by the debates over the Constitution as a compromise to those who were opposing it.
• The Federalists promised if passed they’d initiate the desired safeguards as Constitutional Amendments.

**How Congress works**

• The congress is a self-regulating institution.
• All congressmen have immunity.
• They cannot be arrested.
• Cannot even get a traffic or parking ticket.
• If a member of Congress violates the law they are disciplined by their peers.
• Members can be ejected from legislative body.

**Why Immunity?**

• The Framers knew that criminal charges were often placed against dissident legislatures during colonial times.
• The Royal governors of the colonies would be appointed by the King of England.
• Significantly different loyalties existed in colonies between executive & legislatures
• Most colonies had one legislative body elected by landowning men.

**How are the Rules of Congress Made?**

• Political parties in the majority make the rules of the respective houses of Congress.
• All of congress’s work is performed by committees.
• Each committee is divided into several subcommittees.
• Without committee approval bills rarely reach floor for a vote.
Congressional Committees

• For both committees and subcommittees the chairman is extremely important and powerful.
• The chairmen are elected by committee members, with direction from leadership.
• Political parties make committee assignments.
• Seniority of members plays a role, but not like it once did.

Titles and Power

• In the House of Representatives the Speaker both rules the legislative body and the majority party.
• The power of the subordinates is lower by one level by the Speaker’s official function.
• The President Pro Tempore of the Senate is only the most senior senator of the majority party—rarely holding real power.

Senate Officers

• The Vice-President of the United States is The President of the Senate
  – Can vote only when there is a tie.
  – VP presides when present.
• President Pro Tem of the Senate.
  – The senior member of the majority party.
  – Serves when Vice President is not present
  – Often delegates daily role to junior members of majority party.

House Officers

• Speaker of the House.
• 3rd in presidential succession.
• Elected by party peers.
• The leader of the majority party.
• Very powerful in running the House of Representatives.
• Far more powerful than President of Senate.

House Political Functionaries
• The Speaker of the House-- Makes all House committee assignments.
• House Majority leader--2\textsuperscript{nd} in majority party
• Keeps majority party in line.
• Generally in line to be Speaker
• House Minority leader--leader of minority party; would be Speaker if minority becomes majority.

More House Functionaries
• House majority whip
  – 3\textsuperscript{rd} in command in majority party.
  – In training to be majority leader
  – Sometimes leader of regional constituency or political subgroup.
• House minority whip
  – 2\textsuperscript{nd} in command in the minority party

Senate Political Functionaries
• Senate majority leader
  – majority leader makes committee appointments.
  – Elected by party peers.
  – The most powerful senator
  – Leads the majority party
  – Unlike Speaker, no institutional functions.
More Senate Party Functionaries

• Senate minority leader.
• Leader of minority party.
• Senate majority & minority Whips
• 2\textsuperscript{nd} in command
• The Senate’s culture is smaller in number and considered more polite and respectful, hence there exists the belief that it needs fewer enforcers