

Chapter 5. Role and Powers of Congress

Section 1. Role of Congress

-Congress- the legislative branch of the federal government

-3 key roles

-to legislate or to make laws

-oversees the performance of government agencies

- provides services to the people its members represent

1. Making Laws

-Congress is responsible for making the nation's laws.

-The decisions facing members of Congress are not so easy because the forces influencing a member's vote can conflict.

(1) Personal Beliefs

A congressperson's personal beliefs about what promotes the public good significantly influence his or her voting decisions.

(2) Constituents' Interests

-Congressmen's voting decisions also are influenced by the wishes of the people they represent.

-Constituents: the residents of his or her district or state

-A member represents his or her constituents must consider how policy decisions will affect them, not just the country as a whole

-consider the public good over local interests, but expect their congress members to take care of their local interests.

(3) Interest Groups

-Interest groups: people acting together to achieve shared political goals.

-Interest groups provide information on issues, suggest legislation to congressmembers, and promote legislation that is favorable to their groups.

-**Political action committees (PACs)**: separate political branches of interest groups that are formed for the purpose of participating in politics and giving money to candidates. They contribute to members' campaigns through this.

(4) Political Party Loyalty

-Party loyalty on key votes in Congress has increased over the past 20 years.

-strong party leadership in Congress and in congressional election campaigns

- shared more of the same political beliefs and values.

2. Overseeing Agencies

-Congress is responsible for overseeing the performance of government agencies.

-**Congressional oversight**: involves conducting investigations of agency actions and programs

-Investigation often focuses on abuses and scandals in government programs.

-Members of Congress conducted so few investigations b/c passing new programs was more dramatic than finding out how well existing ones were working

-In the past 25 years, congressional investigations have increased greatly.

-tight budgets have reduced the amount of money available for new programs, leading to greater scrutiny of both old and new programs.

-past scandals and abuses have led many citizens to become dissatisfied with the government.

3. Helping Constituents

(1) Individual Requests

-obtaining information or expressing views about legislation, requesting help with finding a government job, or asking for assistance with government services, such as Social Security.

(2) Detecting Patterns

-Congressional staffs look for changes and patterns in constituent requests
-Such patterns may signal a problem with a government program or a change in constituents' general attitudes.

(3) Handling Requests

-The majority of constituent service involves ordinary citizens with ordinary requests. These requests usually are handled by congressional staffs.
-Members of Congress must avoid using the power of their office unethically to influence agencies on behalf of a particularly valued constituent.

Section 2- Houses and Members of Congress

1. House of Representatives

The Constitution's framers intended the House to be closer to the people than would be the Senate- attracts ordinary citizens serving for a brief period.

(1) Size

-According to the population
-Census- official population count, every 10 years
-1789, 65 members -> 1910, 435
-nonvoting delegates: Washington D.C., Guam, the U.S. Virgin Islands, American Samoa, Puerto Rico
-member of Congress represent an increasing number of citizens
1910, 91 million, 209,000-> 1990, 248 million, 570,000

(2) Terms

-2 years

(3) Congressional District

-apportion-distribute
-States with significant population growth may acquire seats from those that lose residents or grow less rapidly.

(4) One Person, One Vote

-Wesberry v. Sanders, 1964- Court established the "one-person, one-vote" principle by banning districts that had grossly unequal population. Each person's vote, or representation in the House, should be equal to every other person's.

(5) Gerrymandering

-gerrymandering: the practice of establishing district lines that favor one political party over another
-Davis v. Bandemer, 1986: if the practice existed for a long time and was truly harmful to a political minority, it violated the Constitution.

Section 3- Powers of Congress

1. Expressed Powers

2. Special powers: Some are held by the Senate, by the House, and by both

(1) Impeaching Officials

-House: impeach

-Senate: trials on **impeachment**, 2/3 of votes

-vice president acting as a judge.

-If it is the president being impeached, the chief justice of the U.S. presides instead

(2) Ratifying Treaties

-Senate: has the power to reject any treaty, or written agreement, between the U.S. and other countries

(3) Approving Appointments

-Senate: has the right to reject all appointments made by the president, Supreme Court justices, ambassadors, and cabinet members.

(4) Deciding Elections

-Congress holds the power to decide presidential elections under certain circumstances.

-House of Representatives must choose the winner from among the three candidates receiving the most votes for the President

-Senate- vice president.

3. Implied Powers

Necessary and Proper, or **Elastic, Clause**

-“to make all laws which shall be necessary and proper for carrying into execution the foregoing (previously mentioned) powers.”

-McCulloch v. Maryland 1819: Bank of the United States

-military academies

-The Elastic Clause has allowed Congress to expand its powers significantly.

4. Limits on Powers

-judicial review

-10th amendment

-taxing exports

-favoring the trade of a particular state

-**ex post facto law:** a law that applies to an action that took place before the law was passed

-**bill of attainder:** a law that punishes a person who has not been convicted in a court of law

-**writ of habeas corpus:** a court order requiring police to bring all persons accused of a crime to court and to show sufficient reason to keep them in jail